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*Pawtucket School Committee
PO Box 388
286 Main Street
Pawtucket, RI 02862
401-729-6300*

September 16, 2009

Deborah A. Gist, Commissioner
Rhode Island Department of
Elementary and Secondary Education
Shepard Building
255 Westminster Street
Providence, RI 02903-3400

BOARD OF REGENTS FOR
ELEMENTARY AND SECONDARY EDUCATION

SEP 17 2009

OFFICE OF THE
COMMISSIONER

Dear Commissioner Gist:

The Pawtucket School Committee has determined that the total expenditures required to operate the Pawtucket schools for the next fiscal year is \$102,699,400. This amount is net of \$3.9 million resulting from anticipated retirements and unpaid leaves that can be expected to occur during the year.

The Pawtucket City Council has appropriated \$94,654,120 to the School Department in their FY2010 budget. Consequently, the very real potential exists for the District to experience an \$8,045,280 shortfall.

In short, the School Committee has been advised by the Business Administrator that the School Department cannot adequately operate the School District with the approved budget and be in compliance with existing law. Consequently, the Pawtucket School Committee resolved, on September 15, 2009, to direct me to request exemptions, alternatives and/or waivers from you. These requests are being made pursuant to R.I.G.L. §16-2-21.4.

The Pawtucket School Committee would request your consideration of the following waivers and alternatives that we must make to meet the requirements of R.I.G.L. §16-2-21.4, but waivers and alternatives that we individually and as a Committee consider objectionable:

1. Permission to provide school transportation only to the most vulnerable children, i.e. special education, kindergarteners, etc. based on case by case decisions. The potential savings for this limited waiver would be \$1,269,801.

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2. Request that you add \$6,775,479 to your supplementary R.I.D.E. Budget for Pawtucket's total Special Education Outplacement cost. We ask that you support this action which would provide a basis for Pawtucket's Legislative Delegation to fight for these funds when the Supplemental Budget reaches the Legislature. We believe that this action your part is consistent with R.I.D.E.'s treatment of deficits in the Central Falls School Budget.

In addition, we would ask that you notify us if you or your staff have any suggestions for cost saving ideas that can be implemented immediately.

Please address any questions you may have regarding the above directly to me. I shall forward them to Dr. Hans W. Dellith, Superintendent and the School Committee as required. We look forward to your response.

Sincerely,



David A. Coughlin
Chairman, Pawtucket School Committee

cc: Mayor James E. Doyle
Pawtucket City Council
Pawtucket School Committee
Dr. Hans W. Dellith
Stephen M. Robinson



State of Rhode Island and Providence Plantations
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
255 Westminster Street
Providence, Rhode Island 02903-3400

Deborah A. Gist
Commissioner

October 5, 2009

Mr. David A. Coughlin
Chairman,
Pawtucket School Committee
PO Box 388
286 Main Street
Pawtucket, Rhode Island 02862

Dear Chairman Coughlin,

Thank you for your letter of September 16, 2009 in which you request certain waivers or variances to help Pawtucket maintain a balanced budget. (R.I.G.L.16-2-21.4). In your first request you ask:

Permission to provide school transportation only to the most vulnerable children, i.e. special education, kindergarteners, etc. based on case by case decisions. The potential savings for this limited waiver would be \$1,269,801.

Concerning this first request, I must inform you that school transportation is mandated by a statute of our General Assembly:

R.I.G.L. 16-21-1 Transportation of public and private school pupils. – (a) The school committee of any town or city shall provide suitable transportation to and from school for pupils attending public and private schools of elementary and high school grades, except private schools that are operated for profit, who reside so far from the public or private school which the pupil attends as to make the pupil's regular attendance at school impractical and for any pupil whose regular attendance would otherwise be impracticable on account of physical disability or infirmity.

The scope of this statutory obligation has been defined by a decision of the Rhode Island Supreme Court. (*Brown v. Elston*, 445 A. 2^d 279 (R.I.1982)). I, of course, have no authority to waive statutes of the General Assembly or to overrule the Rhode Island Supreme Court. Your first waiver request must therefore be denied since this waiver request greatly exceeds my waiver jurisdiction.

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Your second waiver request is not a waiver request at all, but rather a request for an additional \$6,775,479.00 in state funding. Such funding requests must be submitted to the General Assembly by Pawtucket's own legislative delegation.

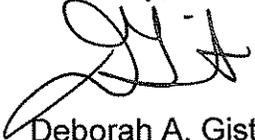
You also request suggestions for other possible regulatory waivers that might assist Pawtucket in balancing its budget. In response to this request I must observe that, as you know, the Commissioner cannot waive:

- State law
- Federal law
- Federal regulations
- State regulations relating to special education and health and safety
- Collective bargaining agreements
- Public Utility charges

Given these limitations, school committees and the Commissioner's Office have had difficulty in identifying regulatory waivers that would produce any real savings. In sum, it is apparent that the waiver mechanism can provide little in the way of practical relief to Pawtucket's present budgetary difficulties.

If you wish to further discuss this matter, please feel free to contact my office.

Sincerely,



Deborah A. Gist
Commissioner