



William M. Davies, Jr. Career & Technical High School

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Educating a Technical Workforce for Rhode Island

Victoria A. Gailliard-Garrick, Director

BOARD OF REGENTS FOR
ELEMENTARY AND SECONDARY EDUCATION

May 21, 2009

Mr. Peter McWalters
Commissioner of Education
Rhode Island Department of Education
255 Westminster Street
Providence, RI 02903-3400

OFFICE OF THE
COMMISSIONER

Dear Commissioner,

Enclosed you will find an executive summary outlining the William M. Davies, Jr. Career and Technical High School's request for a variance in the current special education regulations that mandates the requirement of a full time school psychologist position.

In accordance with the protocols for the granting of a variance, the following has occurred. Davies Career and Technical High School has drafted the enclosed variance request, and this will act as a twenty-day notice to your office. Copies are being sent to the Davies Board of Trustees and all interested parties effected by this variance. The next Board of Trustees meeting is tentatively scheduled for June 18th, at which time the variance will be presented for open discussion to any interested parties.

Please contact me if you have any questions.

Sincerely,

Victoria Gailliard-Garrick

Victoria Gailliard-Garrick
Director

Fred A. Slemmon

Fred A. Slemmon
Supervisor of Diverse Learners

cc: David Abbott, Esq.
Deputy Commissioner
RI Department of Education

Vincent F Ragosta, Jr., Esq.
Attorney at Law
Davies Career and Technical High School

William Foley
President
Davies Career and Technical High School

Jerome P. Egan
Asst. Exec Director/Uniserv
Davies Teachers' Association

Joseph Kiselica
School Psychologist
Davies Career and Technical High School

EXECUTIVE SUMMARY

VARIANCE REQUEST TO RHODE ISLAND DEPARTMENT OF EDUCATION (“RIDE”) REGARDING SCHOOL PSYCHOLOGIST SERVICES AT WILLIAM M. DAVIES, JR. CAREER AND TECHNICAL HIGH SCHOOL (“DAVIES”)

INTRODUCTION: This executive summary of Davies’ variance request to RIDE is prepared and published in accordance with RIDE’s *“Protocol for Granting Variances to Regulations of the Board of Regents or Regulations of the Commissioner”*. Current RIDE regulations require a local educational agency to employ a school psychologist for every 500 students. Davies’ student population is between 740 and 820. Davies’ need for psychological testing is very limited. In fact, during the 2008-2009 school year, Davies has not performed any psychological testing. The approximate yearly total compensation costs for Davies’ full-time School Psychologist is \$125,000.00. Accordingly, Davies seeks an alternative method of compliance with RIDE’s regulations, specifically, by subcontracting psychological testing of students on an as needed basis. This would result in the layoff of the School Psychologist. It is anticipated that such a cost-effective, alternative method of compliance with the intent of RIDE’s regulation (s) pertaining to psychological testing shall continue to assure equal educational opportunity, be consistent with best educational practices, or would lead to the attainment of at least equal or better student outcomes than could occur with the literal application or enforcement of the regulations.

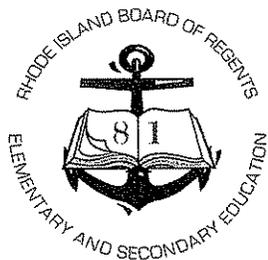
HISTORY: Davies has provided cognitive testing for students who were referred and/or received special education services. Students who came to Davies previously receiving special education services were routinely retested every 2 to 3 years. Students who were referred for special education services were routinely tested as a means of assessing their eligibility for services. Davies has employed a full time school psychologist to fill this role. The need for testing has diminished greatly, so much so that the current School Psychologist has performed very little testing, and has been assigned to perform tasks such as student counseling, monitoring inappropriate student behaviors, and cafeteria monitoring. These duties are a duplication of the guidance counselors, social workers, and administrators, and therefore, not an effective utilization of the skills of a school psychologist.

CURRENTLY: Since January 2007, the special education evaluation team looks at multi-measures of student performance. These measures include but are not limited to cognitive testing, NECAP, GRADE, Stanford Diagnostic Reading & Math Tests (required for entrance to Davies), Direct On-Line Reading Assessment (Title I Approved & Nationally Normed), classroom performance, and response-to-interventions. This shift

centers on the current instructional needs of a previously properly identified student versus the need to routinely up-date an evaluation. In addition, keeping in mind the entrance requirements to Davies, new referrals have reflected poor academic performance, therefore assessments center around what can be done in the classroom to improve that performance. As a result, since January 2007 cognitive testing has only been requested for five students by the special education evaluation team (of which our full time School Psychologist is a member).

PROPOSED MODEL OF SERVICE: Currently, the speech pathologist, occupational therapist, and psychiatric services are all contracted through an outside vendor (Meeting Street). We propose that our outside vendor can competently and adequately assume all of the duties of the School Psychologist on an as needed basis. This alternate method of compliance will allow Davies to maintain the level of current services provided by our full time School Psychologist at a fraction of the cost. In addition, using an outside vendor will allow Davies to realign resources to better meet the instructional needs of our students.

TEXT OF VARIANCE: The William M. Davies, Jr. Career and Technical High School is authorized by the Rhode Island Department of Education to provide psychological testing of students by engaging a certified and qualified school psychologist as an independent contractor to perform such testing services as, from time to time, may be necessary and proper in accordance with governing regulations and standards.



State of Rhode Island and Providence Plantations
DEPARTMENT OF EDUCATION
Shepard Building
255 Westminster Street
Providence, Rhode Island 02903-3400

Peter McWalters
Commissioner

June 17, 2009

Victoria Gailliard-Garrick, Director
William M. Davies, Jr. Career & Technical High School
50 Jenckes Hill Road
Lincoln, RI 02865

RE: Variance Request – Staffing of School Psychologist

Dear Ms. Gailliard-Garrick:

This letter is in response to your variance request dated May 21, 2009.

The current state special education regulations do not contain staffing ratios for school staff. It is the responsibility of the district to maintain the staff necessary to meet the needs of students.¹ Please follow all guidance and instruction on completing the Consolidated Resource Plan to ensure that your staffing plan meets the requirements of the regulations.

If you have any questions concerning this issue please do not hesitate to contact Kevin Nerney at 222-8340.

Sincerely,

Kenneth G. Swanson, Director
Office for Diverse Learners

¹ Please see RI Special Education Regulation § 300.157 (attached)

300.157 Personnel Requirements.

(a) *Staffing.* It is the responsibility of the public agency to assess the needs of students with disabilities, assign personnel in accordance with those needs, and evaluate the delivery of services to determine whether the agency's program conforms to the requirements of these regulations and the Individuals with Disabilities Act (IDEA).

(b) *Special Education Administrators.* Every public agency shall employ a sufficient number of special education administrators necessary to carry out the requirements of these regulations and the IDEA. Any public agency may enter into an agreement with one or more other public agencies to employ the required number of special education administrators in operation of a regional special education program.

(c) *Other Personnel.* Every public agency shall employ a sufficient number of professionals, paraprofessionals, and assistants to meet all of the evaluation and placement timelines, as well as each student's individual service needs identified through the evaluation, and resulting in the individualized education program (IEP). Caseloads shall be assigned by the public agency in a prudent and equitable manner, based on the time required to properly serve the needs of the students with disabilities involved, as determined by the evaluation process and resulting in the IEP.

(d) *Reporting.* Every public agency shall provide RIDE with the agency's policy to determine the number and types of personnel required under this section, and a description of the public process the agency used to develop its policy. Every public agency shall report annually to RIDE the agency's plan, pursuant to said policy, to comply with this regulation, including the number of full-time equivalent positions of special education administrators, special education teachers, school psychologist, speech/language pathologists, school social workers, and physical and occupational therapists, respectively, it uses to meet the needs of students with disabilities.

(e) The Commissioner of Education may establish a class size maximum and/or staffing ratios for any group(s) of personnel, class, school, or district, if the commissioner determines that:

- (1) The plan submitted by the district under paragraph (d) is insufficient to fulfill the requirements of this section,
- (2) The district has failed to comply with the terms of the plan submitted by the district under paragraph (d), or
- (3) Student performance within or throughout the district warrants intervention as dictated through R.I.G.L. 16-7.1-5.

(f) Any decision made under this section by the commissioner may be appealed under R.I.G.L. 16-39-3.