

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

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In The Matter Of: ;
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;
English As a Second Language ;
Services at St. Aloysius School ;
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INTERIM ORDER

April 10, 1989

INTERIM ORDER

The two students involved in this case are living at St. Aloysius Home in Smithfield. They require the services of an English as a Second Language (ESL) teacher. (See attached report). Since the record does not establish otherwise we presume that these students are not covered by the state and federal laws which regulate the provision of special education to handicapped students. We also presume that nothing in their care or treatment needs prevents them from leaving the grounds of St. Aloysius Home. See: In Re Children Residing at St. Aloysius Home, Rhode Island Supreme Court, No. 87-166-M.P., March 28, 1989.

While the needs of these students are not encompassed by special education regulations, they are encompassed by G.L.16-54-2, which reads as follows:

§16-54-2. Duty of the school committee. -- In any city or town where there is a child who is eligible to attend elementary or secondary schools, and whose English proficiency is limited to such a degree that it impedes his/her academic progress, the school committee of the city or town shall provide those special services and programs which satisfy the needs of the child with limited-English proficiency, in such programs and services as approved by the department of elementary and secondary education in accordance with rules and regulations promulgated by the board of regents for elementary and secondary education.

It is, therefore, plain that these students are entitled to receive the needed services required by law and regulation from the Smithfield
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School System.

1] We note that if because of their "care and treatment requirements" these students could not leave St. Aloysius Home, then the needs of these students would probably have to be met by the Department for Children and Their Families (DCF). G.L.16-24-13. In re Children Residing at St. Aloysius Home Rhode Island Supreme Court, No. 87-166-M.P.

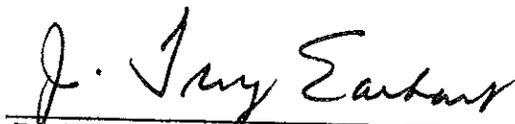
At the hearing on this matter it was made to appear that the required services are not available in the Smithfield School System but that such services are available in Pawtucket or Central Falls. We, therefore, direct Smithfield to obtain the required services from Pawtucket or Central Falls and to arrange transportation for these students.

We hereby schedule this matter for a hearing on the merits on April 24, 1989 at 10:00 a.m. We will also hear any reimbursement issues at that time.



Forrest L. Avila, Esq.
Hearing Officer

Approved:



J. Troy Earhart
Commissioner

Attachment:

April 10, 1989

ATTACHMENT A

In The Matter Of:

English as a Second Language Services For Two Students At St. Aloysius School:

Based on the language dominance and proficiency test information made available to me, it is evident that both Student A and Student B require the services of an English as a Second Language Teacher.

Student B has acquired a communicative level of proficiency in English; however, he has not yet acquired a cognitive academic language proficiency which would enable him to function in the academic areas at a level commensurate to his English-dominant peer group.

It is recommended that Student B receive on a daily basis at least one period of English as a Second Language with a major emphasis on reading and writing skills development.

Student A has also acquired a very basic communicative level of proficiency in English; however, he needs a much more intensive English as a Second Language program. Even though a native language assessment was never completed, due to the student's unwillingness to be tested in either Portuguese or Cape Verdean Crioulo, it is apparent from Student A's poor performance in school that he is at least four grades below his chronological grade level. Student A definitely needs an intensive sequenced approach to English as a Second Language.

It is recommended that St. Aloysius either hire an English as a Second Language Teacher to work with the two students or tuition the students to a local school district with an English as a Second Language program.

Pawtucket and Central Falls are two school districts that offer English as a Second Language programs (Kindergarten through Grade 12) and, especially in Pawtucket, there are a number of Portuguese/Cape Verdean bilingual professionals who could possibly offer additional support.

March 22, 1989