

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

ROY A. COSTA, JR.
v.
DEPARTMENT OF EDUCATION

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DECISION

January 10, 1992

Held: Appellant shall be issued a 5-year professional elementary principal's certificate subject to certain conditions.

Introduction

This matter concerns an appeal to the Commissioner of Education by Roy A. Costa, Jr., from "the failure of the Department to take the appropriate action to declare [Appellant] eligible for a principal certificate." (April 15, 1991 letter of Appellant's counsel to the Commissioner).¹

Subject to the conditions set forth below, we hold that Appellant is entitled to a 5-year professional elementary principal's certificate.

Background

In 1973 the Rhode Island Department of Education issued Appellant a provisional teaching certificate in the areas of elementary grades and classes for the mentally retarded. Since 1973 Appellant has been employed in an out-of-state school district. Appellant's Rhode Island teaching certificate expired in 1979.

In June 1987 Appellant contacted the Department of Education to renew his Rhode Island teaching certificate. In August 1987 the Department of Education issued Appellant a provisional elementary teaching certificate and a provisional elementary special education teaching certificate. On January 1, 1988, new requirements for the Rhode Island elementary principal's certificate went into effect. The new requirements increased the qualifications needed for the provisional elementary principal's certificate.

As noted above, this appeal raises the issue of Appellant's entitlement to an elementary principal's certificate.

¹ This matter was heard on August 2 and 27, 1991. The record in this proceeding closed on October 21, 1991.

Positions of the Parties

Appellant contends that in June 1987 he met all the requirements for the provisional elementary principal's certificate, but that based on information received from the Department, he did not provide the necessary documentation of his prior teaching experience before January 1, 1988. Accordingly, Appellant argues that the increased number of semester hours of graduate level course work set forth in the requirements for the provisional certificate which took effect on January 1, 1988 should not apply to him, and that he should be issued at this time "the certificate for which he was eligible in June of 1987." (Appellant's post-hearing brief, p. 4).

The Department asserts that it must apply the current certification requirements to Appellant's request for an elementary principal's certificate. The Department contends that it did not provide Appellant with the information forming the basis of this appeal, but that if it did, the information could not have been reasonably relied upon. The Department further argues that the evidence presented by Appellant does not support a finding of estoppel against a governmental agency.

Discussion

It is undisputed that, but for the ministerial act of providing the Department with documentation of his prior teaching experience, Appellant met all the substantive requirements for a provisional elementary principal's certificate in July 1987. It is clear that the requirements for the elementary principal's certificate which took effect on January 1, 1988 changed the types

of elementary principal's certificates available and the qualifications required for the provisional certificate. The changes included the addition of a 5-year professional certificate, and an increase in the required number of semester hours of graduate level course work from 15 to 24 for the provisional certificate. ²

It is also clear that a genuine dispute exists concerning whether or not Appellant received particular information from the Department in June 1987. We do not find it necessary to resolve that dispute because we believe our disposition of this matter effectively provides Appellant with the relief he requested and ensures that the certification responsibilities of the Department are fulfilled.

Decision

It is our decision that Appellant shall be issued a 5-year professional elementary principal's certificate subject to the conditions set forth below. This is the certificate Appellant would currently possess had he been issued a provisional elementary principal's certificate prior to January 1, 1988. ³ The conditions are as follows: (1) If Appellant uses the certificate and thereby triggers the 9-semester hour course requirement for renewal of the certificate, all 9 semester hours must be graduate course work in the content areas specified in the

2 The previous elementary principal's certificate requirements provided for a 3-year provisional and a life-professional certificate.

3 Pursuant to the implementation procedures for elementary and secondary principals adopted by the Board of Regents at the time the new certificate requirements were approved, provisional principal's certificates were exchanged, as of January 1, 1991, for 5-year professional certificates.

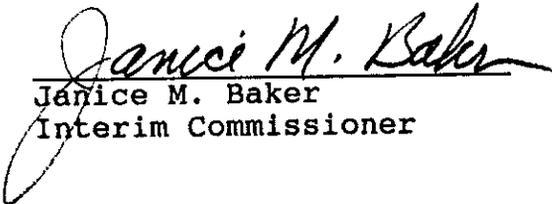
current requirements; and (2) If Appellant undertakes to complete the 30 semester hours of graduate level course work beyond a master's degree required for a life-professional elementary principal's certificate, all 30 semester hours of graduate level course work must be in the content areas specified in the current requirements.

In conclusion, the appeal is sustained subject to the two conditions set forth above. Appellant shall be issued a 5-year professional elementary principal's certificate in accordance with this decision.



Paul E. Pontarelli
Hearing Officer

Approved:



Janice M. Baker
Interim Commissioner

January 10, 1992