

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

WEST WARWICK SCHOOL COMMITTEE

V.

TOWN OF WEST WARWICK

Decision

March 18, 1992

Held: Town of West Warwick must appropriate the additional sum of \$977,877 to enable the school committee to operate town schools in accordance with applicable laws and regulations, and meet its contractual obligations for fiscal year 1991-1992.

Travel of the Case

On October 15, 1991, the voters of the Town of West Warwick voted against the appropriation of additional sums of money to support the town's public schools. The West Warwick School Committee has appealed to the Commissioner and takes the position that the appropriation made in May of 1991 at the Town Financial Meeting in support of a school budget of \$19,779,397 is insufficient, in that the actual minimum budget required to operate schools is \$21,096,830. Superintendent Thomas E. Sweeney filed a letter of appeal with Commissioner Peter McWalters on January 17, 1992.¹

The matter was heard on March 4, 1992, a date agreed upon by counsel for both parties. Evidence was taken in the form of testimony and documents received; final argument was also presented at that time. The record in this matter closed on March 9, 1992 upon receipt of the transcript. Formal request was made by the School Committee for an expedited decision, based on the fact that at the present level of funding by the town, the School Committee could not operate schools for the full one-hundred and eighty (180) days required by R.I.G.L. 16-2-2.

Jurisdiction to hear this appeal lies under R.I.G.L. 16-39-1.

¹The letter of appeal of Superintendent Thomas E. Sweeney, Jr. is mistakenly dated January 17, 1991.

Findings of Relevant Facts

- o The appropriation for West Warwick schools for fiscal year 1991-92 is not sufficient for the School Committee to operate town schools in compliance with applicable laws and regulations.²
- o The appropriation for fiscal year 1991-1992 is insufficient for the West Warwick School Committee to meet its contractual obligations during fiscal year 1991-1992.
- o The amount presented by the West Warwick School Committee at the special town meeting of October 15, 1991, a revised budget request in the amount of \$21,096,830, reflected the amount reasonably anticipated to be required to operate town schools in accordance with state and federal laws and regulations, and to meet the contractual obligations of the School Committee.
- o Minimal budget adjustments have occurred as the fiscal year 1991-1992 has progressed which have not substantially affected the amounts projected to be required in the October 15, 1991 school budget request.
- o An additional appropriation of \$977,877 is necessary to fund the school budget and to enable the School Committee to meet its financial obligations for the remainder of the fiscal year.

²All findings of fact are based on the testimony of Superintendent Sweeney, (Tr. pp. 4-70), who was the only witness to testify at the hearing.

Decision

The testimony of Superintendent Sweeney stands uncontradicted in the record before us. He testified that every dollar of the \$21,096,830 school budget is necessary for the West Warwick schools to be operated in conformity with applicable laws and regulations. Superintendent Sweeney testified that contractual obligations (substantially reduced through renegotiation of existing collective bargaining agreements) could not be met with the funding provided under the current appropriation for town schools. As further evidence of the need for additional funding for schools, Mr. Sweeney pointed out that despite the steady rise in student enrollment and this year's consequent opening of a new elementary school, the funds sought by the School Committee represented only a \$29,000 increase over the school budget for fiscal year 1990-91. In his opinion, the additional appropriation for town schools would enable West Warwick to fulfill regulatory mandates at "almost a minimum level" (Tr. p.54-55).

On the issue of funding mandated programs at "almost a minimum level," the hearing officer inquired of Superintendent Sweeney specifically with regard to the largest non-contractual item of expenditure, interscholastic athletics.

In a prior decision³ we had speculated that:

it is quite possible that the student activities program traditionally offered in West Warwick is so extensive that it exceeds regulatory requirements. (Members of the West Warwick High School Interscholastic League, supra, p.6)

Despite several questions posed by the hearing officer regarding the possibility of curtailing the student activities program consistent with Basic Education Program requirements, Superintendent Sweeney stood firm in his position that the program, and in particular the interscholastic sports component, could not be trimmed.⁴ On the basis of this record, then, we cannot conclude otherwise. Any conclusions as to overexpenditures in other mandated program areas would likewise be unsupported in this record.

³ See Members of the West Warwick High School Interscholastic Athletic Teams, et al v. Rhode Island Department of Elementary and Secondary Education, November 15, 1991 decision of the Commissioner.

⁴ Transcript pp. 62-70

The School Committee has established its budgetary and actual financial requirements for the 1991-1992 fiscal year and directly tied those requirements to contractual obligations and the provision of services mandated by law.⁵ Under Exeter-West Greenwich Regional School District v. Exeter-West Greenwich Teachers' Association, 489.A2d 1010 (R.I. 1985) the Town of West Warwick is obligated to fund these requirements. Consistent with the ruling in Exeter-West Greenwich, the town is ordered to appropriate the additional sum of \$977,877 for town schools for fiscal year 1991-1992.

Kathleen A. Murray
Hearing Officer

Date:

3/24/92

Approved:

Peter M. Mulatta
Commissioner

⁵We would note that regulations promulgated under legislative authority and upon proper procedure have the force and effect of law. Lerner v. Gill 463A2d 1352 (RI 1983)