

Chariho Regional School District v. Rhode Island Council on Elementary and Secondary Education and the Metropolitan Regional Career and Technical School: Reimbursement for Out-Of-District Students Attending The Met School

RHODE ISLAND EDUCATION LAW

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On February 26, 2019, the Rhode Island Superior Court issued a decision to an appeal brought by appellant, Chariho Regional School District (the District). The court affirmed granting partial summary judgement in favor of the Metropolitan Regional Career and Technical School (the Met School) ordering the District to reimburse the Met School for the educational costs of Chariho-resident-students who attended the Met School during the 2012-2013 school year. The court based its decision on the unambiguous language of Section 5.1 of the Regulations of the Board of Regents Governing Career and Technical Education in Rhode Island.

In the administrative hearing before the Commissioner of Education, and again before the Council of Elementary and Secondary Education, the District argued that it was not required to reimburse the Met School because the current regulation contains a clause that states, “[a]ll students have the right to request, from their resident LEA, access to a RIDE-approved career preparation program of their choice.” The District reasoned that it was not obligated to reimburse the Met School because none of the Chariho-resident-students had requested the District’s permission to attend the Met School in the first place. Additionally, the District argued that the Met School’s career and technical education program is insufficient to meet State and Federal regulatory requirements, and it is the Met School’s burden to show otherwise.

Alternatively, the Met School argued that it was entitled to reimbursement for the 2012-2013 school year under R.I.G.L. § 16-7.2-5(b) which provides, “[t]he local share of education funding shall be paid to . . . the Met Center by the district of residence of the student and shall be the local, per pupil cost.” Even more, the Met School argued that § 5.1 establishes a statutory right to choose to attend the Met’s RIDE-approved career and technical program regardless of local school district permission.

As to the District’s argument that the Met School be required to show its program’s validity, the court stated, “[t]he statute’s requirement to pay is not contingent upon a showing by the school that it meets any further requirements.” In addition, the court emphasized the presumption of validity that the Met School’s program has based on its continued approval by the Rhode Island Department of Education since 1996. Accordingly, the court affirmed the

Council of Elementary and Secondary Education’s finding “that the present appeal was not an appropriate avenue for challenging RIDE’s approval of the Met School as a career and technical education program.”

Lastly, regarding the District’s argument that § 5.1 requires resident-district permission to attend the Met School—thus making reimbursement contingent upon prior approval—the Superior Court held, “the language of § 5.1 is clear and unambiguous . . . § 5.1 provides students with the right to attend any career and technical program in the state subject only to the three conditions listed in the regulation.” According to §5.1, the three acceptable conditions to refuse a student his/her choice of career and technical program are: (1) availability of enrollment seats, (2) geographic location, or (3) fair, equitable, and reasonable admission standards. The Superior Court went on to say, “[a]lthough the first sentence provides that ‘[a]ll students shall have the right to request’ access . . . the very next sentence explicitly states that ‘[t]his right of access shall be limited only by the following conditions.’” Therefore, the court held that “a student cannot be denied access to a program for any reason other than those listed in the section, including failure to obtain permission from his or her school district of residence.”

The importance of this recent decision is the clarification it brings to interpreting § 5.1 of the Career and Technical Education regulations. As a result of this decision, the right of a child to choose (with guidance from his/her parents) to attend the Met School, regardless of his/her district of residence, may not be restricted for any other reason besides the three reasons enumerated in the regulation: (1) availability of enrollment seats, (2) geographic location, or (3) fair, equitable, and reasonable admission standards. Additionally, the costs of that child to attend the Met School are to remain the responsibility of the child’s local educational authority, not the responsibility of the Met School and not the responsibility of the parents of the child. Therefore, even if a child chooses to attend the Met School, and the Met School is not within that child’s local school district, the local school district cannot unilaterally act to restrict the child’s access to the Met School, and the local school district must reimburse the Met School for the costs of educating that child, just as though the child were still attending school within the local school district. In other words, out-of-district enrollment in the Met School is not a means for a local school district to avoid its duty to supply the necessary funds to educate children who reside in the district.

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