

East Providence School Dept. v. Rhode Island Board of Educ. RI Superior Court Decision

RHODE ISLAND EDUCATION LAW

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On April 13, 2018, the Rhode Island Superior Court issued an opinion regarding an appeal from a decision of the Rhode Island Board of Education that required the East Providence School Department to pay out-of-district tuition.

Doe is a high school student who lived with her parents in East Providence. From 2009 to 2013, Doe attended the Jacqueline M. Walsh School for the Performing and Visual Arts studying music, specifically, the violin, which the East Providence High School did not offer. During her freshman and sophomore years, 2009 to 2011, Doe's parents paid out-of-district tuition at the Walsh School. However, in May 2011 the Rhode Island Department of Education (RIDE) designated the Walsh School's visual arts, dance, music, and theater programs as "approved career and technical programs of study." Due to RIDE's designation, Doe's parents requested that the East Providence School Department pay Doe's tuition for her upcoming 2011-2012 academic year.

The School Department denied this request, arguing that it had no obligation to pay because the Walsh School was not one of the ten schools identified as an "area vocational-technical center" by the 1990 Regulations of the Board of Regents Governing the Management and Operation of Area Vocational-Technical Centers in Rhode Island. As a result of this denial, Doe's parents paid the 2011-2012 tuition. On July 1, 2012, RIDE updated the 1990 Regulations, removing the provision that specifically identified the ten schools. After this removal, the School Department paid Doe's tuition for the 2012-2013 academic year. Doe appealed to RIDE for the denial of her request for tuition to be paid for the 2011-2012 academic year. Both the Commissioner and the Board of Education found that the School Department was required to pay Doe's tuition for the 2011-2012 academic year. Upon review, the Superior Court affirmed this finding.

Chapter 45 of Title 16 of the Rhode Island General Laws defines "vocational education" as "a state approved educational program below the baccalaureate level taught by a properly certified teacher, designed to: (1) Prepare individuals for gainful employment in recognized and/or emerging clusters of related occupations; (2) Assist individuals in making informed occupational choices; and (3) Upgrade individuals already in an occupational field." Sec. 16-45-1.1(b). The Rhode Island General Assembly granted the Board of Regents the authority "to establish and maintain regional schools for vocational and technological training and instruction." Sec. 16-45-1. In 1990, the Board of Regents promulgated regulations that provided a description of programs that qualified as "[a]rea vocational-technical centers and satellite programs," as well as a list

identifying ten qualified programs. As regional vocational programs were granted State approval under § 16-45-1, they were not included on the list of qualified programs that was reflected in the 1990 Regulations.

In this matter, it is undisputed that once a school, such as the Walsh School, becomes a state approved career and technical program, “all youths and adults who choose to attend the school must have access to do so.” § 16-45-1.1(d)(1)(i). Additionally, based on statutory interpretation, the Superior Court reasoned that the clear and unambiguous language of § 16-45-1.1 could not be read as limiting state approved programs to only those programs identified in the 1990 Regulations. Therefore, since the list of qualified schools in the 1990 Regulations was not exclusive, and the Walsh School was a state approved career and technical program, Doe had a right to attend the school and have her tuition paid for during the 2011-2012 academic year. For these reasons, the Superior Court affirmed the Board of Education’s decision requiring that the School Department pay the cost of Doe’s tuition.

This case signals that students have school choice options beyond their district schools. Students have the right to attend a state approved career and technical program of study, even if it is located outside their city of residence. School departments are required to pay tuition for RIDE-approved career preparation programs, in conformity with RIDE’s updated regulations.¹ Additionally, this case reiterates the long-held view of the Rhode Island Supreme Court that “when the language of a statute is clear and unambiguous, a court must interpret the statute literally and must give the words of the statute their plain and ordinary meanings.”

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¹ “All students shall have the right to request, from their resident L[ocal] E[ducation] A[gency], access to a RIDE-approved career preparation program of their choice. This right of access shall be limited only by the following three conditions: (1) Availability of enrollment seats (2) Geographic location (3) Fair, equitable and reasonable admission standards”