

EAST GREENWICH PUBLIC SCHOOLS

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Superintendent of Schools

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October 25, 2018

Dr. Kenneth Wagner
Commissioner
Rhode Island Department of Elementary and Secondary Education
255 Westminster Street
Providence, Rhode Island 02903

Re: Waiver/Variance Request for East Greenwich Public Schools

Dear Commissioner Wagner:

On June 6, 2018, the East Greenwich Town Council adopted an FY 2019 budget that included a school department appropriation of \$35,077,092 by a vote of 4-1. On June 19, 2018, the East Greenwich School Committee voted to amend its original request to the Town Council for a final, revised FY 2019 budget of \$38,936,603. As such, the East Greenwich School Committee (the "Committee") is in the unenviable position of seeking variances delineated in this correspondence before seeking a supplemental appropriation from the Town Council. The Committee is cognizant of the Rhode Island Department of Education's ("RIDE") reticence to grant such waivers as evidenced by recent decisions promulgated by the Commissioner's office. However, we are seeking these variances based upon the School District's current inability to deliver the Basic Education Program ("BEP") because of the Town Council's inadequate appropriation of funds to the schools.

Anticipating another projected deficit for the fiscal year 2019 and by virtue of the East Greenwich Town Council failing to adequately fund the School Department's budget, the Committee hired the law firm of Henneous Carroll Lombardo, LLC to undertake an educational performance audit of the District. The audit report is attached for your review. As detailed in this report, the auditing team found that the failure of the Town to adequately fund the School Department has led to, and will continue to lead to, the deterioration of the quality public school system that the Town currently enjoys. A strong public school system is one of the primary attributes that young families look for when deciding where to live; contributing to higher property values and tax revenues. In particular, in marketing materials for East Greenwich, the

strong academic reputation of the schools within the Town is often cited as a selling point for families. As demonstrated by data and observations throughout the education performance audit report, the District is not currently in compliance with RIDE's BEP and will be unable to maintain a strong public school system with high quality school buildings, strong academic programs and dedicated staff and faculty under its current funding structure.

The analysis reveals that the District is deficient in meeting its minimum legal obligations for the fiscal year 2019 and projects an overall, structural deficit of \$1,222,000. The cause of the deficit is attributable to higher than projected increases in enrollment across the District, buildings and schools that are overcapacity, some as much as 50%, and a recent history by the Town Council of underfunding the District's operations, including its rejection of the Committee's proposed budget of a 4% increase in its appropriation for fiscal year 2019. It should be noted that during the present budget cycle, the East Greenwich School District has actively sought to reduce the deficit through personnel cuts, realignment, the consolidation of financial and human resource functions with the municipality, consolidation of the District's central offices to the Town Hall, and deferring maintenance of its facilities, an action that the Committee feels is imprudent as it will undoubtedly lead to higher projected capital needs of its already stressed infrastructure.

As such, please accept this correspondence as the East Greenwich Public Schools' request "to seek alternatives for the district to comply with state regulations and/or provide waivers to state regulations and, in particular those which are more restrictive than federal regulations that allow the school committee to operate with a balanced budget." R.I. Gen Laws §16-2-21.4. Although the Committee considered other variances beyond those set forth below, it found any choice to be untenable, but nonetheless seeks variances that are the least disruptive and detrimental to the students and their families, and the classroom learning environment.

The only corrective action plan that is viable without further eroding the BEP mandate is to seek waivers from the Commissioner of Education. As such, the East Greenwich School Committee respectfully submits this request for three (3) variances and waiver relief from the following state laws and/or RIDE regulatory requirements:

- 1. School Bus Monitors**
District Budgeted Cost (\$216,720)
- 2. Authority to Charge for General Education Transportation**
1550 Participants x \$100.00 per year (\$155,000)
District Projected Revenue as a Result of Both Variances (\$371,720)

The East Greenwich Schools seek a waiver of the following requirement as cited below:
§ 16-21-1 Transportation of public and private school pupils

(a) The school committee of any town or city shall provide suitable transportation, that may include, but is not limited to, pupil transportation vehicles as defined in § 31-22.1-1, to and from school for pupils attending public and private schools of elementary and high school grades, except private schools that are operated for profit, who reside so far from the public or private school that the pupil attends as to make the pupil's regular attendance at school impractical and for any pupil whose regular attendance would otherwise be impracticable on account of physical disability or infirmity.

(1) The school committee of any town or city using a pupil transportation vehicle as defined in § 31-22.1-1 shall comply with the requirements of subsection (b) of this section, notwithstanding the provisions of § 31-22.1-3(6).

(b) For transportation provided to children enrolled in grades kindergarten through five (5), school bus monitors, other than the school bus driver, shall be required on all school-bound and home-bound routes. Variances to the requirement for a school bus monitor may be granted by the commissioner of elementary and secondary education if he or she finds that an alternative plan provides substantially equivalent safety for children. For the purposes of this section a "school bus monitor" means any person sixteen (16) years of age or older.

It should be noted that school districts in neighboring states, such as Massachusetts, charge a fee of \$500 per student per year for general transportation. Notwithstanding the assessment of such fees for a vital service, that jurisdiction does not run afoul of FAPE. Here, the modest relief sought is not designed to eliminate the service but to raise a limited amount of revenue without creating an unsustainable financial burden to families in order to offset the costs of providing such services that do not touch the academic curriculum.

3. Authority to Charge for Athletic Participation

500 High School Participants x \$50.00 Per Sport	(\$25,000)
200 Middle School Participants x \$35.00 Per Sport	(\$7,000)
District Projected Revenue as a Result of Variance	(32,000)

Basic Education Program, Rhode Island Department of Education (Promulgated 7/1/2010)

G-14-3.4 Physical Activity and Nutrition Services Research shows that students are better able to learn when they are engaged in regular physical activity and receive adequate and proper nutrition. Therefore, each LEA shall:


- Provide a variety of physical activity opportunities to students in grades 6 through 12, such as stretch breaks, dance programs or classes, intramural athletics, interscholastic athletics, or other activities;

The East Greenwich Schools seeks a waiver of the above-referenced requirement in order to have the authority to charge fees for participation in interscholastic athletics not unlike similar practices in Massachusetts, based upon the same rationale set forth above.

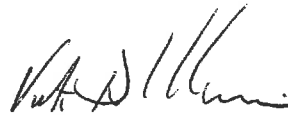
Moreover, although the District is not seeking to waive the requirements of providing these mandatory and self-enriching activities per the BEP, it seeks to charge a minimal fee as a means of raising additional revenue and offsetting District costs to provide such programs.

The total cost of variance relief sought by the East Greenwich Public Schools for the FY 2019 budget is \$403,720. We respectfully ask your office to consider all of the aforementioned requests for relief for each budgeted item so that we can properly align the district's entire instructional program to the Basic Education Program. By seeking waivers, we are making a good faith effort to offset a future request for an additional appropriation from the Town of East Greenwich.

Respectfully submitted,



Carolyn Mark
Chair, East Greenwich School Committee



Victor D. Mercurio, Ed.D.
Superintendent