



State of Rhode Island and Providence Plantations  
**DEPARTMENT OF EDUCATION**  
Shepard Building  
255 Westminster Street  
Providence, Rhode Island 02903-3400

Deborah A. Gist  
Commissioner

June 7, 2012

Richard R. Ackerman, Esquire  
191 Social Street, Suite 620  
Woonsocket, Rhode Island 02895

Dear Mr. Ackerman:

Thank you for your letter of March 15, 2012 in which you, on behalf of the Woonsocket School Committee, request the Commissioner's legal opinion regarding the application of certain provisions of Title 16 of the General Laws of Rhode Island to the Woonsocket school district's current financial situation. As you know, the Commissioner has authority to interpret school law under §16-60-6(9)(viii).

Your request for an advisory opinion states that on March 5, 2012, the Woonsocket Education Department was informed of a \$7.3 million budget deficit for fiscal year 2012. In light of that fact, and recognizing the School Committee's statutory duty to maintain a school budget which does not result in a debt, you pose 5 questions concerning the Committee's duty to reduce expenditures, responsibility to fulfill legal mandates and contractual obligations, authority to implement mid-year teacher layoffs, and right to limit the current school year.

In my view, the Rhode Island Supreme Court has addressed the situation in which the Woonsocket Education Department presently finds itself, and, based on the Court's ruling, the specific questions listed in your request are immaterial.

In its 2009 decision in *School Committee of Cranston v. Bergin-Andrews*, the Court stated that

In light of the language of the Caruolo Act itself, as well as the other pertinent provisions of chapters 2 and 7 of title 16, it is clear that the General Assembly intended school committees to amend their budgets, request waivers, and request additional appropriations from their host municipalities at the first indication of a possible or actual deficit. The General Assembly's intent to encourage *expeditious* action in instances of potential school deficit spending is both practical as a matter of public policy and indisputable as a matter of statutory construction. (emphasis in original), 984 A.2d at 644.

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The Court affirmed the trial justice's interpretation of the Caruolo Act (§ 16-2-21.4)

as requiring that a Caruolo action 'be brought in a timely manner from when a school committee discovers that it cannot operate in a non-deficit position while complying with its mandates and contracts. \* \* \* [A] Caruolo action is intended to aid a school immediately after it determines that it will not be able to meet its mandates without incurring a deficit \* \* \*.' 984 A.2d at 645.

Accordingly, it is my opinion that a school committee, upon determining that its appropriated budget is not sufficient to meet educational mandates and contractual obligations without incurring a deficit for the fiscal year, must promptly take appropriate action under the Caruolo Act.

Please note that advisory opinion letters issued by the Commissioner are not binding in contested cases that may be brought before the Commissioner.

Sincerely,



Deborah A. Gist  
Commissioner of Education