



State of Rhode Island and Providence Plantations
BOARD OF EDUCATION
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Enclosure 9e
February 10, 2014

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TO: Members of the RI Board of Education

FROM: Karin Forbes, Appeals Committee Chair

RE: Appeals Committee Recommendation

The Appeals Committee of the Rhode Island Board of Education met on January 31, 2014 to hear oral argument on the appeal of the Commissioner's decision of Stephanie Pamula v. Rhode Island Department of Elementary and Secondary Education.

Attached is a copy of the recommended decision of the Appeals Committee.

Stephanie Pamula v. Rhode Island Department of Elementary and Secondary Education

RECOMMENDATION: THAT, in the matter of Stephanie Pamula v. Rhode Island Department of Elementary and Secondary Education, the Decision of the Commissioner is affirmed, as presented.

STATE OF RHODE ISLAND

BOARD OF EDUCATION

STEPHANIE PAMULA

vs.

**RHODE ISLAND DEPARTMENT
OF ELEMENTARY AND SECONDARY
EDUCATION**

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DECISION

This is an appeal by Stephanie Pamula (Petitioner) from the decision of the Commissioner, dated July 30, 2013, whereby the Commissioner denied and dismissed the Petitioner’s appeal because the Petitioner failed to show that she was entitled to life certification.

The facts in this case date back to March of 1997 when the Petitioner submitted an application for a life teaching certificate in Art to the Rhode Island Department of Secondary and Elementary Education (“RIDE”). On January 21, 2005 she requested that RIDE review her application after submitting a graduate transcript and the required fee. Approximately one year later, on January 3, 2006, the Petitioner was notified that she had not completed the necessary graduate course credits to qualify for a life certificate. Ms. Pamula was given the opportunity to submit additional graduate work to show that she had fulfilled an additional six (6) credits in art to qualify for a life certificate.

On March 28, 2008, Stephanie Pamula filed an appeal of the denial and requested a hearing before the Commissioner on the determination of her qualification for a life certificate. During the pendency of the hearing, Petitioner submitted four (4) letters to RIDE on July 7, 2008 to attempt to show that she had completed the necessary coursework. After review of the additional documentation, by letter dated January 16, 2009, RIDE informed Ms. Pamula that she was not able to show the equivalent of six (6) graduate credits in the necessary art coursework.

After discussion among the parties' attorneys, Dean Eldridge of Rhode Island College submitted a letter supporting Ms. Pamula's position that she had completed graduate course work equivalent to the missing credits. However, RIDE concluded that Dean Eldridge did not manage the program in question and therefore the Petitioner had not satisfied the requirements of a life certificate.

After continued denial of Petitioner's application, a hearing was held before Hearing Officer Kathleen S. Murray on November 20, 2012. After that hearing concluded, the parties were issued a proposed decision of the Hearing Officer on May 14, 2013. RIDE filed exceptions to that proposed decision along with supporting memorandum.

In a written decision dated July 30, 2013, the Commissioner issued findings of fact and conclusions of law. The Commissioner declined to accept the proposed decision of the Hearing Officer, ultimately determining that the Petitioner's appeal failed to establish that she met the requirements for issuance of a life certificate. The Petitioner's appeal was denied and dismissed.

The Petitioner then filed an appeal to this Board for reinstatement of the Hearing Officer's proposed decision. The Board reviewed the briefs and considered the well-presented arguments of both parties at oral argument. We find that the decision of the Commissioner is consistent with Rhode Island Law. The *Regulations of the R.I. Department of Elementary and Secondary Education and Rhode Island Board of Regents*, specifically Title A §A-4-3, as authorized by Rhode Island General Laws §16-39-1 et. seq. only allows for RIDE Hearing Officers to prepare "written recommended decisions" for approval by the Commissioner. Draft decisions from Hearing Officer are not binding on the Commissioner. The decision is in no way "patently arbitrary, discriminatory, or unfair" which is the standard of Review for Appeals brought to the Board of Education. Altman v. School Committee of the Town of Scituate, 115 (R.I.) 399, 405 (1975).

For the reasons stated herein, the decision of the Commissioner is affirmed.

Rhode Island Board of Education

Eva-Marie Mancuso, Chair

_____, 2013

The above is the decision recommended by the Appeals Committee after due consideration of the record, memoranda filed on behalf of the parties and oral arguments made at the hearing of the appeal on January 31, 2014.

Karin Forbes, Appeals Committee Chair

_____, 2013