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May 24, 2010

VIA EMAIL

Mr. Richard Carpender, Chair
Portsmouth School Committee
Portsmouth School Department
29 Middle Road
Portsmouth, RI 02871

Dear Mr. Carpender:

I represent Jonathan Harris, Edward Lopes, Detcha Malone, Michael Daly and additional Elmhurst Elementary School parents who oppose the April 13, 2010 decision of the Portsmouth School Committee to close the Elmhurst Elementary School.

Pursuant to R.I. Admin. Code § 21-2-41:1.14, entitled "Closing Schools," "A district *must* notify RIDE in writing six months prior to the sale, lease, demolition, or other removal from service of any school facility in the district's jurisdiction. The notification *must* include the district's plan for accommodating any displaced school programs or services and a plan for accommodating district students within remaining school buildings as a result of this sale, lease or removal from service."

Despite requests from my clients, I have not received a copy of the mandated notice. With this in mind, my clients are planning on seeking relief in Newport County Superior Court to obtain a declaration that the procedure by which the School Committee intends to execute its plan violates carefully prescribed regulations enacted by the Rhode Island Department of Education ("RIDE") concerning the process that a school department must follow before closing a school.

The agenda for the School Committee meeting this Tuesday, May 25, 2010 includes approving contracts to facilitate the closure of the school at the end of this academic year. At this time, I am requesting that the School Committee continue the matters pertaining to approving these contracts. If the School Committee awards the contracts tomorrow evening, the Town may be incurring contractual obligations that may not be fulfilled. This may subject the Town to unnecessary contractual liabilities and financial burdens that my clients, as tax payers, could be forced to finance without legal recourse. Please let me know before the end of business today whether the Agenda items concerning approval of these contracts will be continued from May 25th to a future meeting.

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From my conversation with Andrew Henneous last week, I understand that the School Committee has not formally engaged legal counsel regarding this matter. Although counsel has not been engaged as of today, I am requesting a response today on whether the School Committee will continue the matters pertaining to approving contracts to facilitate school closure. In addition, I am requesting confirmation on whether the district notified RIDE pursuant to the above mentioned Regulation.

My clients are attempting to minimize the costs of this dispute. With this in mind, if we can narrow the issues that are truly in dispute, we can save the parties and the court a lot of time and effort.

Thank you for your attention to this matter.

Sincerely,

Christopher E. Hultquist

CEH/cma

cc: via email:
Sylvia Wedge, Vice Chair
Michael Buddemeyer
Cynthia Perrotti
Marilyn King
Marjorie Levesque
Angela Volpicelli
Sylvia Wedge, Vice Chair