

STATE OF RHODE ISLAND
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
OFFICE OF THE COMMISSIONER

*In re the October 9, 2025 Request for an
Advisory Opinion/Declaratory Order
Pursuant to R.I. Gen. Laws § 42-35-8 by
Warwick Public Schools.*

D.O. 25-01A

1. The Request for the Declaratory Order

On October 9, 2025, the Executive Director of Finance for the Warwick Public Schools (“WPS”) wrote the Commissioner and asked whether WPS should submit an “unbalanced budget” to satisfy the requirement under R.I. Gen. Laws § 16-2-9.4(d) that all local education agencies “submit a ‘budget-only’ file that conforms with [uniform chart of accounts (“UCOA”)] requirements to the department of elementary and secondary education within 30 days of the city/town adoption of the budget,” and if the answer is yes, WPS questions whether the Budget Commission for Warwick Public Schools (the “Commission”) needs to submit a written request prior to filing?

2. Declaratory Orders and Appeals

R.I. Gen. Laws § 42-35-8 provides that “[a] person may petition an agency for a declaratory order that interprets or applies a statute administered by the agency or states whether, or in what manner, a rule, guidance document, or order issued by the agency applies to the petitioner” and “[n]ot later than sixty (60) days after receipt of a petition under subsection (a), an agency shall issue a declaratory order in response to the petition, decline to issue the order, or schedule the matter for further consideration.” § 42-35-8(a), (c); *see generally* Regulations Governing Declaratory Order Petitions (the “D.O. Regs.”), 200-RICR-30-15-2, *et. seq.*

In addition, R.I. Gen. Laws § 42-35-8(d) provides that “[i]f an agency declines to issue a declaratory order requested under subsection (a), it shall notify, promptly, the petitioner of its decision. The decision must be in a record and must include a brief statement of the reasons for declining.”

3. Discussion

R.I. Gen. Laws § 16-2-9.4(d) provides that:

Commencing July 1, 2017, and on a continuing basis thereafter, each local education agency shall submit a ‘budget-only’ file that conforms with UCOA requirements to the department of elementary and secondary education within 30 days of the city/town adoption of the budget.

Id. According to WPS, the Commission “adopted an FY26 budget on September 3, 2025 in the amount of \$201,442,834.28,” which allegedly represents a \$2.1M increase from last year’s

budget. However, WPS reports that after review by the City Council on September 22, the Commission concluded that an additional \$2.1M was needed to balance the budget, adding that the Commission “cited a concern” relative to maintenance of effort (“MOE”) (thereby referring to the requirement under R.I. Gen. Laws §16-7-23(a) that school committee budgets: (a) “provide for an amount from all sources sufficient to support the basic program and all other approved programs shared by the state;” and (b) “contribute local funds to its school committee in an amount not less than its local contribution for schools in the previous fiscal year except to the extent permitted by §§ 16-7-23.1 and 16-7-23.2.”).¹

The Commission has been vested by the Legislature with the power to, *inter alia*, “[a]mend, formulate, and execute the annual school budget.” R.I. Gen. Laws § 45-9.1-4(b)(1). Moreover, the Legislature provided that, “[n]otwithstanding any general or special law to the contrary,” the provisions of the chapter of the General Laws concerning the Commission:

shall supersede and shall control over any conflicting or inconsistent provisions of the Warwick city charter or ordinances, other laws, including general laws, special laws, or local laws, or of any rule or regulation of the state or the city including, but not limited to, title 16 and any state rule or regulation promulgated thereunder.

R.I. Gen. Laws § 45-9.1-7.

It is unclear from the information provided by WPS whether or not the Commission has actually concluded that an additional \$2.1M is necessary to avoid a violation of the MOE mandate, or for that matter, whether an amended budget has been submitted to the City Council. However, if no such submission has been made or is anticipated and the budget approved by the City Council on September 3 is final, a ‘budget-only’ file that conforms with UCOA requirements should be submitted by WPS to RIDE forthwith. It would then be up to the Commission to take whatever action it deems appropriate under the circumstances pursuant to the substantial authority it has been granted under R.I. Gen. Laws § 45-9.1-4. *See also* R.I. Gen. Laws § 45-9.1-8 (“This chapter, being necessary for the welfare of the state, the city of Warwick, and their inhabitants, shall be liberally construed in order to effectuate its purposes.”).

4. Conclusion

If final, and if no supplemental budget has been submitted to the City Council or anticipated, a ‘budget-only’ file that conforms with UCOA requirements should be submitted to RIDE by WPS forthwith. There is no need for the Commission to file any request in connection with the filing mandated under R.I. Gen. Laws § 16-2-9.4(d).

¹ Section 16-7-23.1 relates to high local contribution and high per pupil expenditure communities, and § 16-7-23.2 pertains to the appropriation of funds used to eliminate or reduce a deficit not included in the MOE calculation.

Please be advised R.I. Gen. Laws § 42-35-8(d) provides that this decision “is subject to judicial review for abuse of discretion.”

Entered as a final agency Order this 24th day of October, 2025.


Angélica Infante-Green,
Commissioner