

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

MR. & MRS. KEITH G.

vs.

CHARIHO REGIONAL SCHOOL
DISTRICT COMMITTEE

DECISION

May 26, 1988

This matter was heard on January 28 and February 17, 1988 upon appeal to the Commissioner of Education under the provisions of §16-39-2 of the General Laws of Rhode Island. Mr. and Mrs. Keith G. made the appeal on behalf of their daughter, K, a 12th grade student at Chariho Regional High School. The appeal was from a decision of the Chariho Regional School District School Committee.

Issue of the Case

Did the School Committee of the Chariho Regional High School District violate the rights of K when it adopted a policy for determining class rank in May of 1986 and applied such change in policy retroactively to the classes of 1987, 1988 and 1989?

Facts of the Case

1. K is a senior at Chariho Regional High School scheduled to graduate in June 1988.
2. K matriculated at Chariho Regional High School in Grade 9 in September of 1984.
3. There was a handbook published for all students and parents dated 1984 which had a Class Rank section and a Weighted Class Rank system explanation.
4. There were studies of the Class Rank system made by the professional staff in 1986 and recommendations were made to change the system of determining class rank.

¹The first hearing was recessed from 1/28/88 and a change of location was ordered, to Chariho Regional High School, since it was determined that there were class interests in this case. All students and parents of the classes of 1988, 1989 and 1990 were notified of the purpose of the hearing, afforded access to the record and notified of a method for participation.

5. The School Committee adopted a change in the Class Rank system on April 21, 1986 (1st reading) and on May 19, 1986 (2nd reading).
6. The policy change was made effective ". . . for current grades 9, 10, 11, classes of June 1989, June 1988 and June 1987, effective May 20, 1986 and for all high school grades thereafter, effective September 1986." (Emphasis added).
7. After a School Committee hearing for the G's, the Committee reviewed the matter on December 21, 1987, and reaffirmed the basic policy but made certain changes in computation for the class of 1988.

Position of the Parties

The Hearing Officer notes much testimony was given concerning computation comparisons of students, etc. All of that testimony is irrelevant in the instant case since the issue in the case is retroactive application of the policy. Further, there was testimony that the change was made in order to improve the student course selection activity.

The Plaintiffs

The G's were afforded appropriate administrative reviews and a hearing before the School Committee. No contention of improper process has been made by either party. At first the G's appeared pro se and this lent a confusion to the process which prevented an immediate focus in the controversy. The Hearing Officer has attempted

to distill with parties the essence of the case and that is reduced to the issue stated below.

Did the School Committee of the Chariho Regional High School District violate the rights of K when it adopted a policy for determining class rank in May of 1986 and applied such change in policy retroactively to the classes of 1987, 1988 and 1989?

The G's argue that by changing the Class Rank System in the middle of their daughter's high school career, her class rank has been unfairly altered. They argue that the changes for 1987, 1988 and 1989 classes are defective in that K entered under one set of expectations and that those expectations should continue through her four years in school.

The Committee

The Committee argues ". . . that the only issue before the Hearing Officer is whether or not the method used to calculate class standing by the Chariho School Committee in some way violates the rights of this appellant.

We respectfully submit that if the School Committee adopted a change which had a substantial adverse effect upon a large number of students, an argument could be made that such a change was arbitrary and ultra vires." (Emphasis added).

The Committee argues that it did change the Class Rank system but that it applied the system to all students in the Class of 1988 equally and that, therefore, there was no adverse effect on the grievant.

Conclusion

The School Committee did violate the rights of K

when it changed the Class Rank system and applied it retroactively to
the Class of 1988.²

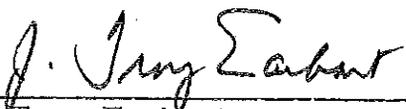
A close reading of the Handbook of 1984 (indeed, all of the Handbooks in evidence) supports parent/pupil planning and cooperation with the school. In this case, the plaintiffs, parents and child, planned K course of study with the guidance staff based upon the school policy and rules of September 1984. Part of their planning was a recognition of class rank as an important part of the end result for them of K high school education. Therefore, we see this as a case where we must apply the doctrine of estoppel since the petitioners relied upon the representing of the School District in making decisions. Schiavulli v. School Committee of North Providence, 334 A.2d 416, 114, R.I. 443.

The School Committee is ordered to recompute the Class Rank for the Class of June 1988 at Chariho High School using the exact method of computation utilized (referred to in the 1984 Handbook) prior to the School Committee's action of May 1986.

²It is noted that the student currently ranked number one may have relied on the new system for computing rank-in-class. The School Committee may, therefore, wish to recognize both students by assigning the number one rank-in-class to both students. The co-designation of top students is a common practice when a tie results in computing rank-in-class.



Donald J. Driscoll
Hearing Officer

Approved: 

J. Troy Earhart
Commissioner of Education

May 26, 1988