

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

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JANE F. DOE

vs.

A RHODE ISLAND  
SCHOOL COMMITTEE  
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D E C I S I O N

June 16, 1989

In the case at hand the petitioning student is seeking permission to participate in graduation ceremonies although she is one course short of the credit needed for graduation. She concedes that she is not entitled to receive a diploma at the ceremony and that she will have to make-up the coursework at summer school in order to get her diploma. She argues, however, that a local school district rule allows participation in graduation exercises by a "student who has not fulfilled the graduation requirements" if the School Committee grants a "special exception. . .under extenuating circumstances"<sup>1</sup>. The student contends that her present medical condition warrants a finding of "extenuating circumstances" and that the School Committee abused its discretion under its own rule when it failed to grant her a "special exception". (There is no need to detail this student's medical problems in this decision since they are not disputed and since they are covered in the exhibits submitted at the hearing).

The School Committee has a rule which reads as follows:

Any student who has not fulfilled the graduation requirements of the High School will not participate in graduation exercises unless granted special exception by the School Committee under extenuating circumstances.  
(Emphasis added).

We have to decide whether the School Committee abused its discretion in enforcing this rule by failing to find in this case "extenuating circumstances" which would allow this student to participate in graduation exercises.

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<sup>1</sup>]We do not decide a case today where a school committee has a rule which does not permit participation in graduation ceremonies under any circumstances when a student has not completed the required coursework.

No one can dispute the fact that this student is presently suffering from a debilitating and painful medical problem which has involved hospital admissions and surgery, and which has impacted on her ability to do school work. Indeed, it would seem that this illness should have resulted in a special education referral ("other health impaired"). We also note without deciding, our doubt as to whether the level of tutoring which this student received comported with the requirements of 504 of the Rehabilitation Act.

In deciding this case we will use an "abuse of discretion" standard of review rather than a "de novo" standard. In the case at hand, the medical problems of this student are clear. She has displayed great willingness to pursue her studies in spite of the medical difficulties which she is presently suffering from. She is described as being a "good person" who has "never caused any problems in class". In sum, we are not able to discern any reason why this student would not qualify for the "special exception" which is available under the applicable local regulation. Indeed, there does not appear to be any doubt that she is entitled to a "special exception" for medical reasons. We, therefore, must find that the School District abused its discretion by not granting the "special exception" which has been requested.

Conclusion

Jurisdiction to decide this case is present under G. L. 16-39-1, G. L. 16-39-2, and G. L. 16-39-3.2 (Special Education Regulations).

This student is to be allowed to participate in graduation day activities and ceremonies.

*for* Keith P. Heller *Deputy Comm.*

J. Troy Earhart  
Commissioner of Education

Approved: June 16, 1989

Forrest L. Avila

Forrest L. Avila, Esq.  
Hearing Officer