

Travel of the Case

On or about March 1, 1989 the South Kingstown School Committee denied a request to change the grade one of its high school students had received in a summer school course taken in the Narragansett School System. An appeal from this action was taken under R.I.G.L.16-39-2 to the Commissioner of Education on April 11, 1989. The matter was heard by this Hearing Officer under authorization from the Commissioner on May 8, 1989 and the record closed on May 11, 1989.

Issue

Should the South Kingstown School Committee have granted the appellant's request to have her grandson's summer school grade changed from an "F" to a "D"?

Findings of Relevant Facts

- The appellant is the grandmother and legal guardian of the student in question.
- The student was enrolled at South Kingstown High School when he took approved summer courses in English and Geometry at Narragansett High School during the summer of 1988.
- The student received a grade of "F" in both courses (S.C.Ex. B Summer School Grade Report).
- The student's English grade was based on a numerical score of 62 (S.C. Ex. C)

- In South Kingstown a numerical score of 62 is equivalent to a "D" whereas in Narragansett a 65 is needed for a passing grade of "D".
- South Kingstown does not offer summer school courses.
- When a South Kingstown high school student takes a summer course in another community or at an accredited private school, the South Kingstown School Department customarily receives transcripts or grade reports showing only letter grades (Tr.p.22).
- The School Department generally makes no inquiry as to the numerical basis for the letter grade given in a summer school course by another district, nor has it ever altered the letter grade given if the numerical score would translate into a different letter grade in the South Kingstown School System. (Tr.p.23).
- The practice of accepting the letter grades received from other school districts is to facilitate grade reporting because in each district there are differing number schemes and grade equivalents.

DECISION

South Kingstown's acceptance of the letter grade received by the appellant's grandson in Narragansett was consistent with the custom or practice in the South Kingstown School Department. In denying the appellant's request to change the letter grade because the numerical score would equate to a "D" if the course were taken in South Kingstown, the School Committee sanctioned this practice. In so doing it exercised

its discretion in setting academic policy. Such decision-making functions result from both the broadly delegated powers of school committees under statutes relating to control and management of the public schools (R.I.G.L. 16-2-2, 16-2-9(a), as well as under statutes which specifically reference the school committee's responsibility to make rules and regulations for "the instruction, government and discipline of the public schools" (RIGL 16-2-16).

When called upon to review such decisions under the broad appellate powers he exercises under § 16-39-2, the Commissioner has not limited his review to a determination of whether such judgments on matters of academic policies are arbitrary or capricious. Rather, the Commissioner has enunciated a standard of review which recognizes his de novo authority and his exercise of that authority consistent with the School Committee's exercise of discretionary powers delegated by the Legislature. See the discussion contained in Jane Doe I vs. Johnston School Committee, Decision of the Commissioner, March 11, 1987. While matters of academic policy and judgments of school committee's in developing and applying such policies are not insulated from "de novo" review on appeal to the Commissioner, he will seldom substitute his judgment for that of the school committee in such matters.¹

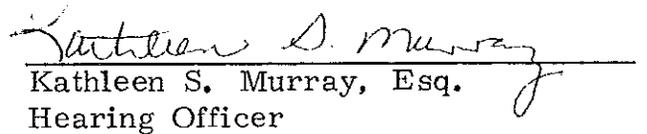
Using this standard of review in analyzing the facts developed on the record before us, we conclude that South Kingstown's policy of accepting letter grades reported by other school systems is reasonable and prob-

1] See our recent discussion of "de novo" in a matter involving review of a school committee's action in its adjudicative capacity, in Jane E. Doe vs. North Kingstown School Committee, decision of the Commissioner, dated June 13, 1989.

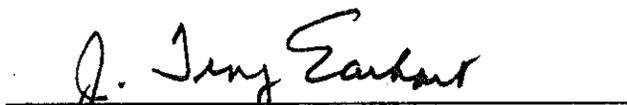
ably an efficient way of integrating grading schemes used by other school systems in Rhode Island and elsewhere. It would appear to facilitate grade reporting and avoid what could be a time-consuming process of attempting to get the underlying information on which each letter grade is based, the numbering scheme used by the other school district, and translating such numerical score into the letter grade equivalent it would have in the South Kingstown School System.

The policy of the School Committee apparently permits of no exceptions, nor did the Committee see fit to create one for the appellant's grandson, whose numerical score would have resulted in a passing grade if that score had been received in an English course in South Kingstown High School. While the application of the policy was unfortunate for this student, it is consistency of application that supports our additional conclusion that the policy is fairly applied in South Kingstown.

For the above reasons, the appeal is denied and dismissed.


Kathleen S. Murray, Esq.
Hearing Officer

Approved: October 10, 1989


J. Troy Earhart
Commissioner of Education