

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

JANE DOE

vs.

EXETER - WEST GREENWICH  
REGIONAL SCHOOL COMMITTEE

DECISION

Held: Student Doe failed to establish her eligibility to graduate from Exeter-West Greenwich Senior High School or that her failure to accumulate sufficient credits for graduation was due to the fault of school officials or otherwise excusable.

June 11, 1993

### Travel of the Case

This matter was appealed to Commissioner Peter McWalters on June 8, 1993. An expedited hearing was requested and the parties appeared for hearing on very short notice so that this matter could be heard and decided prior to graduation ceremonies scheduled for June 13, 1993.

This matter was heard by the undersigned as the designated hearing officer on June 9, 1993. A transcript was made, however due to the length of the hearing and the time constraints involved, this decision is written from the exhibits submitted and the hearing officer's written notes of that hearing. A full transcript will follow.

### Findings of Relevant Facts

- Student Doe is a senior at Exeter-West Greenwich Senior High School
- According to her end-of-year grade report for this academic year, she accumulated one (1.0) credit (in Health/Physical Education) out of the 2.5 credit course load she was taking.
- In order to fulfill applicable graduation requirements Student Doe needed to receive 2.5 credits for her senior year.
- Student Doe did not receive credit for the English course in which she was enrolled. Her overall grade in that course was 58 (numerically) with a letter grade of F. (S.C. Ex. B)
- Student Doe did not receive the .5 credit in a course entitled Creative Writing, which she took during the second semester. Her overall average in that course was 60 (numerically) with a letter grade of D-.
- Student Doe's academic load of only three courses was a result of a parental request, approved by the School Committee, that she have a reduced school schedule.
- Her reduced schedule was approved for medical reasons, based on a note from Student Doe's physician that she suffered from "irritable bowel syndrome," a condition which was "aggravated by stress that she is experiencing at school". Her doctor indicated that her class day should not exceed more than three class periods.
- Student Doe was absent from school a total of 93 days and tardy 18 days in the 1992-93 school year. Sixty-three of these absences occurred subsequent to approval of her reduced school schedule.

- During the 1992-93 school year Student Doe provided medical documentation to substantiate three days absence.
- Student Doe's mother provided three notes during the school year 1992-1993 with regard to absences. Two of the notes accounted for Student Doe's absence for two individual dates, while the third note merely states, on February 9, 1993 that the student "has been absent due to illness".
- Despite requests from her English teacher, who also was her Creative Writing teacher, that she substantiate her frequent absences so that she could be allowed to do make-up work, neither Student Doe, nor her mother, furnished such documentation.
- Student Doe was not allowed to perform make up work for most of the days missed from school.
- For the third quarter, absences and missed work resulted in grades of 21 (in English) and 22 in ( Creative Writing). It is these third quarter grades which account, for the most part, for Student Doe's failures and loss of credit in both of these course.
- In March of 1993, both the school Principal and Student Doe's English teacher notified Student Doe and her mother in writing that the student was in danger of failing and that there was need to supply a doctor's note to substantiate the absences and to permit Student Doe to make up missed assignments.
- No doctor's note was supplied subsequent to the written requests referred to above<sup>1</sup> and Student Doe was not allowed to make up work.
- Sometime toward the end of March, 1993 Student Doe's mother did confer with her English teacher and during that time the teacher stated a) that Student Doe needed to substantiate her absences b) that if the student did the work she was capable of for the remainder of the semester, there would be a chance of her passing her course work.

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<sup>1</sup> Student Doe did submit a "Statement of Disability" from a physician with regard to a back injury to exempt her from participation in the physical activity component of her Health/Physical Education course.

## Decision

Both before and after the request for the reduced school day was made, school officials had a legitimate expectation that Student Doe's attendance would be regular. Her absence on not one of the ninety-three days missed during the school year was attributed by a doctor to her irritable bowel syndrome. Given the number of days absent, especially after the modification to the student's schedule had been given as indicated by the student's doctor, we find the school officials acted reasonably in insisting on a doctor's note as a condition precedent to allowing the necessary make up work.

If, in fact, the reduced school day arrangement was an inadequate accommodation to this student's medical condition, this fact should have been made known by Student Doe and/or her mother. Such knowledge probably would have been conveyed by a doctor's note attributing absences to this medical condition. It may also have triggered a referral and evaluation to determine if the student required special education services.

If there was any doubt in this student's parent's mind about the necessity of providing such documentation<sup>2</sup> it should have been very clear after the principal's March 22, 1993 note (S.C. Ex. A). The English teacher's "warning notice", also sent home in March<sup>3</sup> was notice to the parent of the need to provide such documentation as well. It was clearly made a condition to make-up work.

An ill-advised decision was made to forego providing a medical excuse for the extended absences. These absences, especially for the third quarter, resulted in disastrous grades, which despite the good performance on work completed by this student, resulted in an overall failing average in both courses at issue.

Even if the student and her parent's decision was based in part upon some

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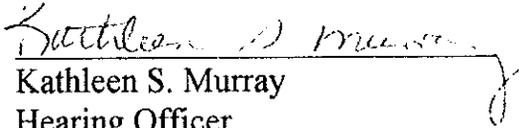
<sup>2</sup> because of either not having received a student handbook or the fact that a current handbook was not distributed to students during this school year.

<sup>3</sup> but not signed and returned by the parent as was directed on the form.

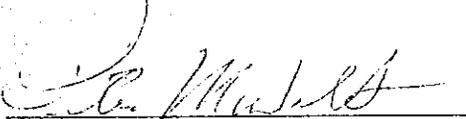
assurance<sup>4</sup> by the English teacher that if she did the work she was capable of for the remainder of the semester she had "a chance of passing" we do not interpret his statement to be a binding commitment to disregard her prior failing grades in computing her overall averages. The risk, or even the impossibility, of obtaining grades high enough to pull up her overall averages in both courses was a risk this student chose to accept. Undoubtedly, the fact that when she applies herself this student is capable of high grades entered into this decision.

On the record created before us, the student, with whom the burden of proof rests, has failed to establish her eligibility to graduate, or a legally sufficient reason to remove from her the obligation to obtain sufficient credits for graduation.

Her appeal is denied and dismissed.

  
Kathleen S. Murray  
Hearing Officer

Approved:

  
Peter McWalters  
Commissioner of Education

Date: June 11, 1993

June 11, 1993  
<sup>4</sup> Student Doe's mother testified that the English teacher assured her, her daughter still had a chance of passing even with her third quarter grades.