

Introduction

This matter concerns an appeal from the Woonsocket School Committee's refusal to promote student Doe to the 8th grade and its denial of permission to attend summer school.¹

We deny the appeal, subject to the conditions discussed below.

Background

Student Doe was a 7th grade student at the Woonsocket Middle School during the 1994-95 school year. She was absent from school for 74 days that school year. Her 4th quarter grades show that she passed English and art, but failed social studies, mathematics, science and physical education.

Student Doe, who recently turned 13, was not promoted to the 8th grade at the end of the 1994-95 school year nor was she allowed to attend summer school. The School Committee has a policy that a student with more than 30 absences, regardless of their reason, is not eligible for promotion. Exceptions to this policy exist where there are extenuating circumstances or where absences in excess of 30 can be waived.² In addition, it is the School Committee's policy that a student cannot attend summer school if he or she has more than 30 absences for the school year.

The 3-week summer school session was approximately half over as of the date of the hearing. No other summer school session was

1 This appeal was referred to the undersigned hearing officer by the Commissioner of Education. A hearing was held on July 18, 1995. The record in this matter closed on July 28, 1995.

2 The existence of extenuating circumstances may result in the promotion of a student with absences slightly in excess of 30, and absences may be waived if the student was involved in a school-related activity, such as a field trip.

scheduled.

Contentions of the Parties

Appellant is student Doe's mother. She contends that 64 of her daughter's absences were related to various medical problems, including chronic bronchitis, gastritis, strep throat, and a rash³ from an allergic reaction to something in the school building. Appellant claims that her daughter has demonstrated that she can perform her classwork, but that her frequent absences from school prevent her from doing so. Appellant states that her daughter was sent home from school on a regular basis during the school year on account of the loud and persistent cough that accompanies her chronic bronchitis. She asserts that her daughter's teachers denied her requests to make accommodations for her condition.⁴ Appellant asks that her daughter be promoted to the 8th grade on a trial basis.

The School Committee contends that its policies with regard to promotion and summer school eligibility are reasonable and that they were applied fairly given the circumstances of this case. It also maintains that, student Doe's attendance aside, her grades do not entitle her to be promoted to the 8th grade.

Discussion

We find that student Doe's academic performance for the 1994-95 school year, as documented by her 4th quarter grades, does not warrant her promotion to the 8th grade. Given her failing grades, we find it

3 The other 10 absences were due to suspensions that student Doe received during the school year.

4 Appellant testified that she asked school officials to keep a classroom window slightly open for her daughter and to allow her to bring a humidifier to school.

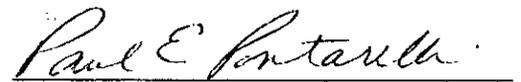
unnecessary to address the application of the attendance policy to
the question of her promotion.⁵ We further find on the facts of
this case that we are unable to provide any relief to Appellant
with regard to the summer school issue.

We do find, however, that Appellant's testimony in this matter
raises a question as to whether her daughter has an impairment which
entitles her to aid and services under Section 504 of the Rehabilita-
tion Act of 1973. We therefore direct the School Department to
review this matter with Appellant and determine what assistance can
be provided to improve student Doe's school attendance.

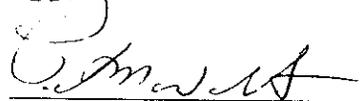
Conclusion

The School Committee did not act arbitrarily by refusing to
promote student Doe to the 8th grade or by denying her permission
to attend summer school.

The appeal is therefore denied, but we direct the School Depart-
ment to meet with Appellant and review student Doe's health problems
consistent with Section 504 of the Rehabilitation Act of 1973.


Paul E. Pontarelli
Hearing Officer

Approved:


Peter McWalters
Commissioner of Education

Date: September 5, 1995

5 In Bento vs. Tiverton School Committee, July 3, 1980, the
Commissioner stated that the imposition of an academic
sanction in response to student behavior "must always be
closely scrutinized" and that "academic sanctions (like the
imposition of a low or zero grade) may only be used in a
relatively limited range of cases." [p. 5, footnote 12].