

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF ELEMENTARY
AND SECONDARY EDUCATION

JOHN B. S DOE

V.

THE NORTH KINGSTOWN SCHOOL DEPARTMENT

DECISION

Held: Student Doe has not met the requirements for graduation from North Kingstown High School, nor has he demonstrated that some legal basis exists for exempting him from such requirements.

BACKGROUND:

This matter was appealed to Commissioner Peter McWalters on June 5, 1996. Since the issue raised was Student Doe's eligibility to graduate and to attend graduation ceremonies scheduled for June 7, 1996, hearing was expedited. The undersigned was designated to hear this appeal and a hearing was convened on June 6, 1996. Given the unavailability of the transcript at this time, this decision is based on notes taken at the hearing, as well as the exhibits entered into evidence at that time.

POSITION OF PARTIES

School Committee:

Members of the North Kingstown School Department testified that graduation requirements specified at page 23 of the Student Handbook include two (2) units in mathematics. Student Doe has only 1 unit in mathematics and, this year, is failing Algebra I¹ with a grade average of 52. (S.C. Ex. 2) Three weeks ago, a meeting with this student's mother, the Superintendent and other school officials was held to address the issue of his eligibility to graduate. As a result of that meeting, his math class was changed to Resource Algebra, and his Individualized Education Program amended to incorporate this change. In addition, Student Doe agreed to attend every day for the remainder of the school term, and his teacher was to report to his mother on a weekly basis. It was hoped that with these changes, Student Doe would be able to raise his grade to pass Algebra I for the year and receive course credit. These efforts were not successful and, as a result, Student Doe has not received the credit in mathematics that he needs to graduate.

¹ A course he is repeating.

School officials have agreed that a grade of 60² will be recorded for this student so that he might be eligible to take Algebra I in summer school, receive credit, and be awarded his high school diploma. They will not agree to his attendance at graduation ceremonies because he has not met graduation requirements. The handbook clearly states at page 24 that completion of all academic requirements is a prerequisite to attendance at graduation.

STUDENT DOE

Student Doe's mother takes the position that her son is not required to complete Algebra I with a passing grade because his current IEP³ provides that academic requirements for graduation consist of "English Only", as noted on the copy of the IEP she testified she received through the mail. Her second argument is that even if he were required to get a passing grade in Algebra I, through teacher error his grade has been miscalculated and work he has submitted⁴ has not been acknowledged or given credit.

Additionally, her position is that upon meeting with school officials three weeks ago she understood that a) if her son were absent it would not be "held against him" and b) his teacher would report to her on a weekly basis regarding her son's progress. She testified that she did not receive the weekly contact from her son's teacher and that the five (5) absences in this three week period were necessitated by her son's severe allergies and asthma. Student John Doe also testified that on at least two occasions during the last three weeks he was dismissed early because he wasn't feeling well. Mrs. Doe argues that the five (5) absences in the last three weeks are nonetheless being "held against" her son. Under the totality of these circumstances, she submits he should at least be permitted to attend graduation ceremonies and complete his mathematics requirement in summer school.

² Rather than his actual grade

³ In effect from June, 1995 through graduation

⁴ Especially work dropped off during this last week

DECISION

Based on the evidence submitted at the hearing, we find that student Doe's IEP does not exempt him from completing two units of mathematics in order to graduate from North Kingstown High School. The copy of the IEP maintained in his records at the school, the testimony of the resource teacher (who was a participant at the IEP meeting), the fact that Student Doe was enrolled in Algebra I from the beginning of this school year, and the testimony that Student Doe does not have a disability which affects math, are persuasive on this factual issue. While the mother does have in her possession an IEP which notes, essentially, that to obtain his high school diploma, Student Doe need complete "ENGLISH ONLY" - her's is the only copy with such notation, which is in different handwriting from the rest of the IEP. The drafter of the document and team participant testified she did not make, agree to, or even discuss such a modification in graduation requirements. Student Doe's mother had no explanation as to why such an exemption from the mathematics requirement would have been part of his IEP. She also presented no testimony as to why such a modification would have been appropriate, given the nature and extent of her son's disability.

The evidence also established that Student Doe has not completed his course work, and has not achieved a passing grade overall in the course work he has completed. Since his absences throughout the year including those occurring during the last three weeks, are not the basis for denying him eligibility to obtain course credit, we find that extensive absences from school have not been "held against" him,⁵ as argued by his mother.

In summary, Student Doe has not established his entitlement to graduate or attend graduation ceremonies.

⁵ Even though the Student Handbook would apparently permit school officials to utilize such ground.

Given Student Doe's ongoing difficulty in completing math requirements and his numerous absences this school year, we direct that the multi-disciplinary team convene immediately to look at the issue of whether Student Doe's disabilities are such that his IEP needs to be amended to provide for additional support services and/or modifications to his school program, including the issue of any modifications in course, grading or graduation requirements.

The appeal is denied.

6/7/96
Date:

Kathleen S. Murray
Kathleen S. Murray
Hearing Officer

Approved:

Jenice M. Baker, Deputy Commissioner for
Peter McWalters
Commissioner