

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

JOHN C.D. DOE

VS.

EAST PROVIDENCE SCHOOL COMMITTEE

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DECISION

Held: Student is entitled
to a passing final
grade in his general
science course.

DATE: JUNE 12, 1997

Introduction

This appeal concerns a student's failing final grade in his 12th-grade general science class.¹

Background

Student Doe is a senior at East Providence High School. He received a failing grade in general science which will prevent him from graduating on schedule. The record shows that, earlier in the fourth quarter, student Doe received a deficiency notice in his general science class. It is undisputed that shortly thereafter student Doe asked his general science teacher "what it would take to pass the course." According to student Doe, the teacher told him that if he received good grades on his project and the final examination, the teacher would give him some extra points because he was a senior. According to the teacher, he told student Doe that "to have a chance of passing, he was going to have to do extremely well in everything from then on out." It is undisputed that the subject of extra-credit work did not come up in the conversation. It is also undisputed that the teacher told student Doe he needed an 88 average for the fourth quarter to pass for the year.

The evidence shows that student Doe had a 64 average in general science through the third quarter. His fourth quarter grade was to consist of 9 separate items. At the time of the conversation discussed above, student Doe had completed 4 of these

1 The appeal dated June 10, 1997 was assigned to the undersigned hearing officer for hearing and decision. The appeal was heard on June 11, 1997.

items and had a 67 average for the quarter. Student Doe received a grade of 100 on his project, and 90 on the final examination (which counted as two of the 9 items). His overall average for the last 5 items of the quarter was 81.

Student Doe received a final grade of 68 in general science, two points shy of passing. Another student in the class had a 68.5 average, but passed with a final grade of 70 after the teacher rounded the grade to 69, and gave the student an additional point for her effort in the class.

Discussion

We begin by noting that it is the teacher who establishes the grading policy and academic standards for any particular class. The grading policy and standards are ultimately subject to the supervision of the school committee. In the matter at hand, when student Doe asked "what it would take to pass the course," the teacher replied that student Doe would have to do "extremely well" for the remainder of the quarter "to have a chance of passing." The teacher did not impose any additional requirements or offer any assignments beyond the work otherwise expected of student Doe.

It is clear to us that the teacher intended to use some discretion in assigning a final grade for student Doe dependent upon student Doe's performance for the remainder of the quarter. We find this intent based on the teacher's response to student Doe's inquiry and in the fact that it was mathematically

impossible for Doe to obtain an 88 average for the fourth quarter² as of the time of the conversation. We find further evidence of this intent in the fact that the teacher did in fact depart from his 9-item grading formulation to adjust another student's final average.

The question therefore before us is whether student Doe's performance for the remainder of the quarter warranted the needed adjustment in his average to obtain a passing final grade. Absent any explanation or objective criteria from the teacher as to what he meant by "extremely well," we find that student Doe's academic performance in the class improved to the point where he was entitled to the 2 discretionary points he needed to obtain a passing average.

We base this finding on the marked improvement in student Doe's average in the past several weeks, and his excellent grades on the project and the final examination. In our view, this conclusion is consistent with the message sent by the teacher in the conversation in early May, that is, if student Doe's performance improved, he would not determine his final grade³ strictly "by the numbers."

2 Had student Doe received grades of 100 on all remaining 5 items, he would have ended the quarter with an 85.3 average.

3 Numbers, as we have pointed out, that were impossible to achieve in order to compute to a passing grade.

Conclusion

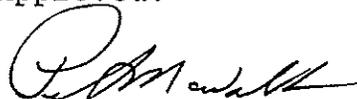
The appeal is sustained.

We order the administration of the high school to adjust student Doe's final grade in general science to a 70 and that he be permitted to graduate with his class provided he has met all other graduation requirements.



Paul E. Pontarelli
Hearing Officer

Approved:



Peter McWalters
Commissioner of Education

Date: June 12, 1997