

0018-98

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

JANE B.B.DOE
V.
WARWICK SCHOOL COMMITTEE

Held: Student Doe failed to show that she has met graduation requirements or that she should be allowed to participate in graduation exercises despite this fact.

DATE: June 10, 1998

Travel of the Case

Student Doe's mother filed an appeal with Commissioner Peter McWalters upon being notified on June 8, 1998 that her child would not be graduating on June 11, 1998. The matter was assigned to the undersigned hearing officer on June 9, 1998 and a hearing was held on June 10, 1998. Because of time limitations, the record on which this decision is based consists of the hearing officer's notes and the exhibits submitted at the time of the hearing.

Issue:

Has Student Doe met the graduation requirements at Pilgrim High School? If not, should she be allowed to participate in graduation exercises on June 11, 1998?

Findings of Relevant Facts

- On June 8, 1998 Student Doe received a final grade of 61 (E) in English III, a course she was repeating in her senior year because she had failed it in her junior year at Pilgrim High School.
- As part of her course work in English III, Student Doe was required to participate in the presentation of a group project, the date of which was set for June 8, 1998. On that date, Student Doe did not come to class and her group's presentation was rescheduled for June 9, 1998. Later that day she did pass in her group's collaborative paper which she testified she had had difficulty finishing on time because of problems with her computer's printer.
- On June 9, 1998 Student Doe's group made its presentation to the class. Although she requested opportunity to participate in the group's presentation, her teacher denied this request.
- The reasons Student Doe was not permitted to participate in the class presentation by her group was that she was a senior and senior grades were overdue. Also, her teacher testified that Student Doe needed to realize that there were consequences resulting from her failure to attend class on the prior day when the presentation was scheduled, and to have the collaborative paper finished and available for the group's use at that time (Student Doe was responsible for typing the collaborative paper). Her teacher also noted that Student Doe should have called prior to the class to notify her of her intended absence and the reasons therefor. Student Doe's group received 19 out of a possible 25 points for the group presentation.

- Student Doe was required to pass English III in order to meet graduation requirements at Pilgrim High School.
- The Warwick School Department has a long term and consistent policy of refusing to allow students who have not met all graduation requirements to participate in graduation exercises.
- Consistent with this policy, the principal refused Student Doe's request that she be permitted to participate in graduation ceremonies and to complete credit requirements in the weeks following graduation.

Position of the Parties

Student Doe

Student Doe and her parents concede that her performance in English III, as well as her other courses, was borderline throughout the year. They argue, however, that she could have passed this course, and graduate with her class, if her teacher had permitted her to join in her group's presentation of its final project on Tuesday, June 9, 1998. The total points awarded to the group would have been higher, with a resulting potentially higher grade for Student Doe in the fourth quarter. This in turn would have brought up the failing grades she earned in the first, second and third quarters of this year to the point where she would have reached a passing grade of 65.

Student Doe's parents also raise the issue that specific notice of her ineligibility to graduate was not given to them until Monday, June 8, 1998. Until that time, they assumed that she would be graduating with her class.

Even though she may not meet all requirements to graduate, Student Doe's parents request that she be permitted to attend graduation ceremonies. They propose that she receive a "blank" diploma, a procedure they argue is used in some other districts in Rhode Island. This would eliminate the unfairness occasioned by depriving their daughter of the opportunity to graduate as scheduled on June 11, 1998.

School Committee

Counsel argues that Student Doe clearly has not met graduation requirements. He points out that this situation did not develop at the last minute, but was because of consistent failing grades earned over the course of the year. Although the parents' position is that they were not informed their daughter was in danger of not graduating, counsel notes that deficiency notices were sent home by her English teacher as well as more general warning notices from the guidance counselor throughout the year. In any event, the parents should have been on notice because of their receipt of their daughter's report cards for the first three quarters of the academic year.

Since she has not met graduation requirements, she is not entitled to attend graduation by virtue of an unwritten school district policy that only those who have met all course requirements may participate. This policy was upheld by the Commissioner in a 1994 decision entitled John B.A. Doe. V. Warwick School Committee, decision dated June 10, 1994. The decision of the principal to uphold this policy is, it is argued, appropriate and in furtherance of sound educational philosophy.

Decision

We can understand the disappointment caused by the decision of school officials to exclude Student Doe from participating in the graduation ceremony scheduled for June 11, 1998. However, on the record it has been clearly established that she has not met graduation requirements. We also find no basis in the record on which the school department should be estopped from imposing its course work requirements in this case.

While we may not have made the same decision as Student Doe's English III teacher as to her participation in the group's final project presentation on Tuesday, June

9th, we cannot say that this decision was arbitrary, capricious or unfair. This decision must be put in the context that a contract had been signed between teacher and Student Doe in January of 1998 and Student Doe had not even lived up to the commitments she made in that agreement. If she had, her cumulative grade, at the end of the third quarter would have been raised to “at least 65%”. In any event, even if she had been allowed to participate, the effect of her participation on the project grade is speculative and any substantial effect on her overall grade is doubtful.

Even attributing the group’s effort and grade in the presentation to Student Doe, i.e. crediting her with a final project grade of 71, Student Doe still would receive a cumulative grade for the year of 61, four points shy of a passing grade. This grade includes her final exam grade of 54.

Warwick’s policy of restricting graduation attendance to those who have fulfilled all graduation requirements has been upheld by the Commissioner¹. John B.A. Doe v. Warwick School Committee. There is no unfairness in enforcing this policy to prohibit her participation. Unfairness would be occasioned by waiving the policy to permit her attendance without a good and substantial reason for doing so. No such reason has been demonstrated on this record.

The appeal is denied.

¹ Because the policy is unwritten, we are unaware if it contains any exceptions which might be warranted, i.e. illness of a student with no opportunity for make up work, etc.

Kathleen S. Murray, Hearing Officer

Approved:

Peter McWalters, Commissioner

DATE: June 10, 1998