

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF  
EDUCATION

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**IN THE MATTER OF KATIE L.**  
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**INTERIM ORDER**

**Jurisdiction of the Commissioner**

This matter is before us on a request for an Interim Protective Order. R.I.G.L. 16-39-3.2. The Commissioner also has jurisdiction over this matter under R.I.G.L. 16-39-1, R.I.G.L. 16-39-2, and R.I.G.L. 42-87-5. The standard of review is *de novo*. *Appeal of Cottrell*, 10 R.I. 615 (1873)

**Findings of Fact**

Katie is a nineteen-year-old young woman who has a diagnosis of mild to moderate mental retardation. Katie has progressed through the Warwick School System with the class of 1999 since she was eight years old. The progress which Katie has made is not only a tribute to her own work but also to state and federal policies which mandate the inclusion of children with disabilities into the public school system. Of course Katie's teachers are to be commended too, since in helping Katie to progress through the school system they have complied with the traditional duties of Rhode Island teachers:

Teachers shall class their pupils according to attainment, irrespective of social position or wealth, and apportion them such lessons as may seem best adapted to their

capacities, and shall give them all necessary instruction,  
without distinction or partiality.  
(Rhode Island School Manual, 1851)

In the present case Katie's teachers have apportioned her lessons which were adapted to her capacities; and their efforts, and the efforts of her family, have been rewarded by her progress through the Warwick School System. At the hearing on this matter the student was able to take the proper oath and give clear testimony about her case. The Superintendent of the Warwick Public Schools – an administrator in whom we have particular confidence – expressed his pride in Katie's achievements.

### **The Issue**

Katie's class is about to graduate. Warwick has a policy of not allowing those students who lack the needed credits for graduation to don a cap and gown, get up on the stage and receive a blank diploma. We have ruled that Warwick can have such a policy and we reaffirm that decision today. This, however, does not address the issue presented by Katie. Katie's advocates argue that her inclusion in school has been an achievement which is entitled to acknowledgement and recognition. We think they are right. In fact, the Warwick School System agrees with this argument and is prepared to go to great lengths to acknowledge Katie's achievement as long as this acknowledgement does not involve Katie wearing a cap and gown, since the Warwick School System believes that only graduates are allowed to wear a cap and gown. On this matter of academic protocol we think Warwick is wrong.

### **Caps and Gowns**

In Europe, where the tradition developed, caps and gowns were worn not only by graduates but also by students. Graduation might be marked by some amendment or garnishment to the costume, but the cap and gown, in themselves, are not synonymous with graduation. In some schools in the United Kingdom undergraduates wear an academic gown to this day. The gown is simply a symbol of inclusion within the community of students and scholars – and Katie is part of this community.

Katie in no way argues that she should receive a diploma. She has not earned this yet, though she hopes to do so down the road. She would like to wear her cap and gown and go onto the stage with her class and receive some acknowledgement of her achievement in participating in the life and learning that prevails in the Warwick School System. We believe that Katie can be and should be accommodated on this point. This accommodation can be made without, in our judgement, diminishing academic standing in Warwick either actively or symbolically. We also believe that this decision comports with the requirements of the Individuals with Disabilities Education Act; See attached opinion letter.

### **Decision**

There is no reason why Katie cannot be allowed to wear her cap and gown at the academic convocation which will take place in Warwick on Monday. Part of the purpose of this convocation will be to acknowledge the graduation of the members of the class of 1999; another purpose of this convocation will be to grant other awards to those who have earned them. In our judgement Katie has earned a certificate of recognition for her

participation in the class of 1999. It must be remembered that for Katie, inclusion and participation is an achievement which brings honor and satisfaction because it has been hard won. Katie's family, teachers, fellow students, as well as local school officials, know this to be true. For other students participation and inclusion does not merit any sort of an award. There is, therefore, no reason for them to be summoned to the stage in a cap and gown to earn an award which they did not merit. Warwick is therefore free to continue to deny participation in graduation exercises to students who have not earned the requisite number of Carnegie units to graduate. Katie's presence on the stage is not to graduate but to honor her achievement in being a classmate and a student. This is an honor which Katie has earned. We hope and expect that some day she will earn the right to graduate from high school in another ceremony.

**Conclusion**

Katie is to be allowed to wear her cap and gown with the other members of her class and to mount the stage with them. She is to be awarded a certificate of participation. It would be appropriate for the presenter to note that she is receiving a certificate of participation and to express the wish and expectation that Katie will, in due time, earn a high school diploma.

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Forrest L. Avila, Hearing Officer

**APPROVED:**

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Peter McWalters, Commissioner

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June 11, 1999

DATE