

0024-99

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER
OF
EDUCATION

In the Matter of Amanda D.

DECISION

Held: The student in this case is appealing a decision of her School Committee, in which she was denied admission into the National Honor Society. The appeal is denied and dismissed.

DATE: September 29, 1999

Statement of the Case

The student in this case has been denied admission into the National Honor Society. Her school district has declined to submit her name for admission because it does not believe that she has qualified for this honor.

Findings of Fact

1. The school district had established a grade point index of 3.5 on a 4.0 scale as the qualifying academic standard for admission into the National Honor Society.
2. In 1995 the school system went to 5.0 scale in which a grade point index of 3.7 was needed to qualify for admission into the National Honor Society. This change was implemented in 1996. The purpose of this change was to give added academic weight to certain advanced placement courses. The change was needed to encourage students to take such courses.
3. Students were informed of this change each fall at the beginning of the school year. This information was given orally at a meeting. There is a dispute in the record about whether the local office of the National Honor Society ever sent out written notice of the change. We tend to doubt that this notice was sent although there is no doubt that such a notice was prepared.
4. The school hand book was changed to reflect the new 5.0 grading standard; but – through the error of the principal, which he candidly admits – the qualifying standard for admission to the honor society mistakenly continued to read 3.5 in the school handbook.
5. If computed on a 4.0 scale, this student's grade point index would be 3.2 – well short of the qualifying standard under the old rule.

6. If computed under a 5.0 scale, the grade point index falls just short of the 3.7 needed to qualify under a 5.0 scale.

Argument of the Petitioner

The arguments of the petitioning student are well set forth in a letter submitted by her parent to the school committee on April 15, 1999:

1. National Honor Society's G.P.A. changed since 1996 from a 3.5 to a 3.7 without approval of the School Committee or revision to the Student/Parent Handbook. Note: Each year, as a parent, I have signed a contract letter, as well as my daughter, as a student, stating we have reviewed the Handbook and will abide by the rules set forth. Unfortunately, administration does not have to sign the same contract indicating they cannot change the rules!
2. According to the National Honor Society Charter, it states at least one-year notice should be given before changes are made to the policy to allow students to increase their G.P.A. if necessary. Also, all changes to criteria and procedure need to be brought to the student's attention.

Argument of the school Committee

The school committee argues that this student does not qualify for admission to the honor society either under the old 4.0 scale or the new 5.0 scale. The school committee regrets the principal's error but it does not believe that a clerical error should be allowed to potentiate into an award of an honor which has not been earned.

Discussion

It seems to us that this case is analogous to a track meet where all those who run a mile in less than four minutes are entitled to a special award and a mention in the record books. By a mistake of the officials, the race is run on a one kilometer track (0.6 miles)

rather than on a full mile course. Everyone who ran the race now claims that they are entitled to receive a four minute mile award. After all, the mistake was not theirs, they thought it was a mile course, the message board said it was a mile course, and they ran the race accordingly.

This argument does not impress us. For an honor to have meaning it must be earned. In this case no academic official ever thought for a moment that a 3.2 average on a 4.0 scale or a 3.6 average on a 5.0 scale merited membership in the National Honor Society. We simply do not believe that an academic honor can be awarded on the basis of a clerical error.

We think it would have been better policy for the school committee to have voted on the standards for admission to the National Honor Society, but we cannot say a legal error was made by leaving the decision to professional school staff. Richardson v. Fentress County School Board 840 S.W.2d 940 (Tenn. App. 1992) We also can find no detrimental reliance in this case, assuming that such reliance would have some legal significance. We must presume that as a candidate for the National Honor Society this student was committed to displaying “outstanding scholarship” and that she at all times was putting her best efforts into her studies. Her academic efforts were not shaped by the mistaken 3.5 qualification standard mistakenly placed in the handbook. We think that the purpose of a student handbook is to give parents and students reasonable information about school policy and activities. We do not see a handbook as a contractual document between students and the school. The relationship between a public school student and a public school is not based on contract. It would be a troubling thought to imagine the

complexity of a school handbook if it were to come to be viewed as contract setting forth all the rights and duties owed between the “contracting parties.”

This case might have been different if the student had met the 3.5 standard under the 4.0 scale. At least then she could argue that at some point in time her grades would have entitled her to an award. The problem here is the student does not qualify for the award under either the old or the new standard. Her argument is that we should take the grade she earned under the 5.0 scale and apply them to a 4.0 scale to give her an award for a level of scholarship which does not meet either the old or the new academic standard. This we are unwilling to do.

Conclusion

The appeal is denied and dismissed.

Forrest L. Avila, Hearing Officer

APPROVED:

Peter McWalters, Commissioner

DATE: September 29, 1999