

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER
OF
EDUCATION

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In Re Sarah G.

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DECISION

Held: The issue in this case is whether or not the petitioning student, who is now enrolled at the University of Rhode Island (URI), should be allowed to participate in senior year activities at the Narragansett High School or receive a diploma. It is our decision that this student is to be allowed to submit the credits she has earned at the University of Rhode Island to the Narragansett school committee for consideration as to whether or not she has met all requirements for the award of a Narragansett high school diploma. On an interim basis we will allow this student to participate in senior activities at the Narragansett High School. If this student's record at the University of Rhode Island justifies the award of a Narragansett diploma, this student is to be allowed to participate in the senior prom and graduation exercises. If she does not meet the standards for a diploma, her right to participate in Narragansett senior activities shall terminate. The student may appeal a denial of a diploma if she feels that she has good grounds for such an appeal.

DATE: April 6, 2000

TRAVEL OF THE CASE

This matter first came before the Commissioner some months ago in the form of a request for an interim order directing Narragansett High School to allow the petitioning student to sit for a picture to be included in the Narragansett High School yearbook. The wider issue in the case was whether or not the petitioning student, who is now enrolled at the University of Rhode Island (URI), should be allowed to participate in senior year activities at the Narragansett High School. Time was then an issue because there were certain deadlines associated with submission of yearbook pictures. At the interim order hearing the parties agreed that the student could submit a picture for potential inclusion in the Narragansett High School yearbook. The Commissioner thereupon remanded this matter for consideration by the Narragansett school committee. The Narragansett school committee has decided not to grant this student's request that she be allowed to participate in Narragansett High School senior activities. The matter has again been appealed to the Commissioner. Jurisdiction is present under R.I.G.L.16-39-1 and R.I.G.L.16-39-2.

FINDINGS OF FACT

Narragansett has a policy of allowing some students, with prior approval, to enroll in college during what would normally be the student's senior year in high school. If the student is successful in the first year of college the student earns a Narragansett High School Diploma. A student whose early admission to college has been approved by Narragansett school authorities is considered to be part of the senior class at the Narragansett High School. The student may participate in senior year activities and receive a Narragansett diploma. If prior approval has not been granted school authorities see no reason why such a student should be part of senior year activities at the High School or receive a diploma

The problem in this case is that the student concerned enrolled in the University of Rhode Island without the prior approval of Narragansett school authorities. There is a bit of dispute about the extent to which she attempted to obtain approval from Narragansett about her decision to enroll at the University of Rhode Island. There is no dispute that she did apply for approval and there is no dispute that toward the end of her junior year her application was denied. There is dispute about whether or not this tardy response was the result of bureaucratic delay or whether it was the result of some other more justifiable cause. In any event the student testified that she assumed that her application would be approved as a result of discussions she had with a Narragansett High School guidance counselor. Her parents were also under the impression that approval would be granted in due course. When approval was denied the student and her parents went ahead with enrollment at URI. It is our finding that the student and her parents did expect that permission would be granted by Narragansett High School for this student to enroll at URI. It is also our finding that whether or not Narragansett granted approval this student had every intention of enrolling at URI.

Narragansett denied this student's request for early enrollment in college because she did not have high enough scores on her College Boards and because of some questions concerning her course work. The student contends that if Narragansett had properly handled

her application she would have received, under Narragansett school rules, an opportunity to explain her Board scores and to clarify any questions about course work *before* a decision on her application was made.

The student in this case is decisive, energetic, and intelligent. She does not tolerate obstacles to her progress. While all of this is laudable she would be well advised to consider that these positive traits, when pushed too far, can lead to corner cutting and its attendant repercussions. She intends to make a career in international business. She is determined to gain the requisite linguistic, financial, and accounting skills needed for this career in as short a time as possible. Still she does wish to participate in the senior year activities that occur at the Narragansett High School and to receive a Narragansett High School Diploma--hence this case.

The petitioning student has done well in her courses at URI. She has completed a summer program in Spanish at the University of Salamanca in Spain. Her grades in her courses at URI have been A's and B's. The principal of the Narragansett High School has pointed out that some of her university course work may duplicate, in some measure, work she has already taken at the Narragansett High School.

POSITION OF THE SCHOOL COMMITTEE

The school committee argues that it has the right to establish academic standards for the public schools of Narragansett. R.I.G.L.16-2-16 It submits that it has established a procedure for students to follow if they wish to enter college early. The committee argues that since this student did not meet the Narragansett standard for early college enrollment it would be inappropriate for the committee to subvert its own rules by rewarding this student's non-compliance with permission to participate in senior year activities and with the award of a Narragansett High School diploma. The school committee points out that it has not evaluated this student's course work at the University of Rhode Island to be sure that it does not duplicate some of the Narragansett High School work she has already taken. It has also not been determined whether the URI courses this student has taken match all the subject areas required by the Board of Regents for a high school diploma. For example, the student's physical education activities at URI might not cover the health information required in physical education courses in the public schools.

The school committee points out that while this student has succeed in college despite her failure to meet the Narragansett standard for early college admission, there is no guarantee that other students will fare as well. Allowing any student to attempt early college admission while continuing to participate in Narragansett Senior activities would amount to encouraging other students to pursue a course of action that might well be detrimental to them.

POSITION OF THE STUDENT

The student contends that if her application for early admission had been handled properly at the outset it might well have been granted. She further argues that her calculated risk to start college has, in practice, worked out well. Her grades are good, she will shortly

matriculate for her sophomore year, and she is well on her way to earning a degree from the University of Rhode Island. She argues that if she has completed a year's work of credit at Rhode Island's University, a Rhode Island school committee is hardly in a position to argue that her work does not merit a high school diploma. She argues that there is no real basis, other than wish to honor the mandates of bureaucratic regularity, for the school committee's denial of her request to participate in senior activities and to receive a Narragansett High School Diploma.

CONCLUSIONS OF LAW

The Narragansett school committee has broad authority to set the academic standards that are to prevail in the public schools that it operates:

16-2-16. Rules and Regulation--Curriculum--The school committee shall make and cause to be put up in each schoolhouse rules and regulations for the attendance and classification of the pupils, for the introduction and use of textbooks, and works of reference, and for the instruction, government, and discipline of the public schools, and shall prescribe the studies to be pursued therein, under the direction of the department of elementary and secondary education.

While the Commissioner exercises **de novo** review authority over the academic decisions of school committees this authority must be exercised with due regard to the emphasis which this statute assigns to school committee authority. It is the school committee that makes the initial decision about whether or not a student is to graduate and whether or not a student is to be allowed to participate in senior year activities. *Pawtucket School Committee v. Pawtucket Teachers Alliance*, 610 A.2d 1104 (R.I.1992); *Feit v. Providence School Board*, Commissioner of Education, February 25, 1992; *Jane B.E.Doe*, Commissioner of Education, August 27, 1988.

It has been said that "...a commissioner would seldom reverse a decision of a committee unless he was satisfied that the public good or justice to individuals required it." *Appeal of Cottrell*, 10 R.I. 615 (1873) See: *Pawtucket School Committee v. State Board*, 103 R.I. 3659 (1968)

We are sure that the Narragansett school committee was entirely within its rights to establish standards for allowing students to earn a Narragansett high school diploma by gaining early admission to college. We see nothing impermissible with a school committee establishing standards for participation in such a program. No contention is made that the particular standards which have been established by the Narragansett school committee are arbitrary or contrary to any academic policy of state wide importance. In fact the standards appear to be completely reasonable.

In the end we think this is a case where a student made a decision to forego her senior year in high school to enroll ahead of time in college. She did this against the policy of the Narragansett school committee governing early admission to college. We recognize that

Narragansett was somewhat dilatory in making this student aware of the fact that her application for early enrollment was being disapproved. By waiting to the last minute to make this decision Narragansett has given this student a shadow of justification for claiming that her plans for college enrollment were so far advanced that it made little sense for her to retreat from these plans simply because her high school was not prepared to cooperate with them. When the University of Rhode Island allowed her to begin college work this fact undermined the persuasive force of the official Narragansett school department's disapproval of her early enrollment plans.

CONCLUSION

This is a **de novo** hearing before the Commissioner under R.I.G.L. 16-39-1 and R.I.G.L.16-39-2. We believe that the school committee is correct when it argues that it has the right and responsibility to make the initial decision as to whether or not a student has completed all Board of Regents and local requirements for the award of a high school diploma. There is no certainty that the courses this student has taken at the University of Rhode Island are in the same subjects that are required for a Narragansett High school diploma. There is also an issue about whether or not some of the course work she has taken at URI might not duplicate, in some measure, courses she has taken in Narragansett. We think, as we have already stated, that the Narragansett school committee must make the initial decision as to whether or not this student is entitled to a Narragansett high school diploma.

We also recognize force in the school committee's argument that this student, by disregarding required school procedure, has forfeited her right to be considered for the award of a high school diploma. The respect we have for the University of Rhode Island prevents us from following this argument to its logical conclusion of barring this student from consideration for an award of a high school diploma. It is our decision that this student is to be allowed to submit the credits she has earned at the University of Rhode Island to the Narragansett school committee for consideration as to whether or not she has met all requirements for the award of a Narragansett high school diploma. This submission is to be made as soon as this semester's grades are available from the University of Rhode Island. The school committee may delegate to the superintendent the authority to make this review.

On an interim basis we will allow this student to participate in senior activities at the Narragansett High School. In allowing this we are taking into account the fact that this student has never presented any disciplinary problems for the Narragansett school system. If this student's record at the University of Rhode Island justifies the award of a Narragansett diploma, this student is to be allowed to participate in the senior prom and graduation exercises. If she does not meet the standards for a diploma, her right to participate in Narragansett senior activities shall terminate. The student may appeal a denial of a diploma if she feels that she has good grounds for such an appeal.

We will request, through the Board of Regents for Elementary and Secondary Education, that the Board of Governors for High Education review the early admission policy at the University of Rhode Island so that events of this nature may be avoided in the future

Forrest L. Avila, Hearing Officer

APPROVED:

Peter McWalters, Commissioner

DATE: April 6, 2000