

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER
OF
EDUCATION

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David F.

v.

Burrillville School Committee

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DECISION

Held: This student has failed to establish his eligibility to graduate from Burrillville High School or that his failure to accumulate sufficient credits was due to fault of school officials or legally excusable.

DATE: June 9, 2000

Travel of the Case

This matter was appealed to Commissioner McWalters on June 7, 2000 and with the cooperation of counsel for the school district and school officials, assigned for immediate hearing on June 8, 2000. David F.'s mother sought expedited review of the decision made at the district level that her son was ineligible to graduate on June 9, 2000 with other members of the senior class. The undersigned was designated to hear and decide this appeal. A hearing was held on the morning of June 8, 2000 at which time testimony was received and exhibits entered on the record. The record was closed upon receipt of an additional exhibit requested by the hearing officer - a copy of those pages of the school handbook entitled "Program of Studies" which establish in writing the requirements for graduation from Burrillville High School. Decision in this matter is based on the exhibits and the hearing officer's notes of testimony received, given the expedited nature of this appeal.

Findings of Relevant Facts

- ◆ David F. is a senior at Burrillville High School.
- ◆ David had excessive absences from physical education class in the second and third quarter of the 1999-2000 school year. He was medically excused from participation in physical education activities for a period of eight weeks, beginning January 20, 2000. His physical education teacher assigned him written make-up work for those classes which he missed due to his physical inability to participate in gym class. He did not submit these written assignments for the second and third quarters, and as a result, received a failing grade for physical education for school year 1999-2000.
- ◆ David did not receive one/half credit in physical education for school year 1999-2000. He thus earned one and one-half credits out of the two credits in physical education which are required for graduation from Burrillville High School. See Graduation Requirements as outlined in the handbook entitled "Program of Studies 1999-2000".
- ◆ In May of this year, David undertook a .5 credit Independent Study Program which involved mentoring a student with special needs. He has not yet completed all of the activities, or the exam related to this Independent Study Program. See Joint Ex.A.
- ◆ Overall, David F. is .5 credits below the 21 credits required for graduation and has not earned the required 2 credits in physical education, having earned 1.5 credits in this subject area.
- ◆ The Burrillville School Department has a consistent practice, if not an official School Committee policy, of requiring students to complete all graduation requirements in order to attend graduation ceremonies.

DECISION

The position taken on behalf of the appellant was that in May of this school year, David undertook an independent study project, set forth in a written agreement (Joint Exhibit A). The purpose of this Independent Study Program, according to David's mother, was to give him .5 credit to satisfy his credit requirements for physical education, which would presumably be deficient otherwise. The difficulty was that the appellant was unable to prove that David had successfully completed the independent study project. School officials established that work remains to be completed for the .5 credit of independent study to be earned.

Even if it had been established that the activities described in the independent study project had been successfully completed, according to the testimony of witnesses from Burrillville High School, the independent study was not intended to replace the .5 credit David failed to earn in physical education. There was, according to school officials (including the physical education teacher and David's guidance counselor), no agreement that the independent study credit, if earned, would replace credits lacking in physical education. David's mother testified that it was her "understanding" that the independent study project was successfully completed and that it had been agreed that the resulting .5 credit would satisfy the shortage in physical education credits.

Unfortunately, David himself did not appear to testify concerning these important issues, and the weight of the evidence clearly supports the Burrillville school administration's version of the purpose of the independent study and the status of its completion at the time of the hearing. It was not even established that a reasonable state of confusion existed with respect to this student's understanding as to what credits he was lacking or the role that the independent study program was to play in satisfying graduation requirements. Thus, on this record, we find that he is at present ineligible to attend graduation ceremonies.

The decision of school officials to permit David to make up the .5 credit in physical education this summer is supported on the record made at this hearing. It is hoped that he will complete this work and receive his diploma, with the continued support of his family and officials at Burrillville High School.

The appeal is denied.

Kathleen S. Murray, Hearing Officer

APPROVED:

Peter McWalters, Commissioner

June 9, 2000

Date