

0020-00

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER
OF
EDUCATION

In the Matter of J. S.

DECISION

Held: This hearing involves a student with a disability who, lacking sufficient credits to qualify for graduation, has been denied by school district policy the opportunity to participate in school graduation exercises and receive a blank diploma. As no violation of Section 504 has been proven, the decision of the local school district is affirmed.

DATE: June 9, 2000

TRAVEL OF THE CASE

This hearing involves a student who has been denied the opportunity to participate in school graduation exercises. His local school district has a policy of not allowing students lacking sufficient credits to graduate to participate in graduation exercises and receive a blank diploma, pending completion of summer school.¹ Graduation exercises are scheduled for tomorrow so we write in haste. Jurisdiction is present under R.I.G.L. 16-39-1 and R.I.G.L.16-39-2

FINDINGS OF FACT

The student in this case has Obsessive Compulsive Disorder. This condition can have a very restricting influence on a student's life. The evidence shows that OCD is a difficult problem for this student for which he is receiving medical treatment. This student has a 504 plan that contains a set of accommodations intended to help this student cope with his OCD problem. Because of his OCD he has particular difficulty in completing homework assignments. This difficulty is the result of his OCD and not primarily the result of a student's normal desire not to do home work, though there may be a bit of this desire present in this case. This student is intelligent, cooperative and well behaved. He has tested at a high level on the Scholastic Aptitude Test (SAT). He attendance record is very good. Still there is no doubt that this student lacks sufficient credits to qualify for graduation.

The student, through his mother, argues that if the school district had been more diligent in implementing the accommodations contained in this student's 504 plan, this student might be in a position to graduate today. The parent is seeking an order allowing her son to participate in graduation exercises and receive a blank diploma. The student will then attend summer school to make up his needed credits.

In answer the school district contends that, in fact, it has gone to great lengths to help this student cope with his disability. Of course more can always be done, but this is not the test for compliance with 504. By testimony and by records the school district has shown to our satisfaction that it has been trying to meet the needs of this student and that it has been diligent in this effort. It has, in fact, made appropriate accommodations for this student. In fact the student himself wrote to his fellow students:

Now that your final year has arrived it is time for me to give you a little lesson. Senior year will be the best year of your young life. Dances, cars, dates and friends will be everything. You only have the rest of this year to go, good job! But don't let that be an excuse either. I know this from experience because for the last eight months of my senior year I have slacked-off and said: "Don't worry, senior year doesn't matter." And now in my senior year's last two months I am scrambling to graduate. It's not that I'm stupid, (I received a 1250 on my SAT's), it's just that I sat in class and did nothing and my homework average, it doesn't even exist. So please take my words to heart and listen to Mr.----and all of the

¹ We allowed a policy of this nature in John B.K. Doe, Commissioner of Education, June 8, 1995.

other wonderful teachers and you'll do just fine. May you succeeded in all that you do and have fun!

We find that this student has met the standard for extemporaneous, informal, prose composition---but he has failed to show any violation of section 504.

CONCLUSION

The decision of the local school district is affirmed.

Forrest L. Avila, Hearing Officer

APPROVED:

Peter McWalters, Commissioner

DATE: June 9, 2000