

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER
OF
EDUCATION

.....

Gerald S.	:
	:
v.	:
	:
North Kingstown School Committee	:
	:

.....

DECISION

Held: This student, who is one-half credit short of the twenty credits needed for his diploma, was not permitted to undertake an internship even though it had previously been identified by school officials as a way for him to earn sufficient credits to graduate with his class. The circumstances presented in this case are that school officials determined just one month prior to graduation that he was ineligible for the internship program because of an unwritten policy, not previously applied. Under such circumstances, this student should be permitted to participate in graduation ceremonies.

DATE: June 16, 2000

Travel of the Case

This matter was appealed to Commissioner McWalters on June 2, 2000. The undersigned was designated to hear and decide this case on June 12, 2000. Given the busy court calendars of the attorneys representing the parties in this case, expedited hearing could not then be scheduled until June 15, 2000. Since the issue involves the appellant's eligibility to graduate, and graduation from North Kingstown High School is scheduled for the evening of June 16, 2000 the record on which this decision is based consists of the hearing officer's notes of the testimony received and arguments made, as well as the exhibits received at the hearing.

Issue:

Is Gerald S. entitled to attend graduation ceremonies and/or receive his diploma from North Kingstown High School even though he lacks the twenty credits required to graduate ?

Positions of the Parties

The School Committee

Through its counsel, the school department argues that this student's performance has been marginal throughout his attendance at North Kingstown High School, and his failure to accumulate sufficient credits for graduation is the result of his failure to pass several courses over the past four years. Recognizing that this student's graduation in June was in jeopardy, school officials and his teachers have been working with him throughout this year to attempt to place him in a position to graduate with his class. He was permitted to enroll in a computer class at CCRI during the second semester of his senior year, and thereby earned one-half credit toward the credits required for his diploma. He was encouraged to participate in the community service program at the high school, which could have resulted in his earning of additional credit, but he failed to participate in this program in either of the two semesters of his senior year. Although he was aware that he needed to pass all of the courses he was taking his senior year to assure his timely graduation, he failed a first semester course in Current Issues.

Graduation requirements are clearly stated in the Student Handbook given to all students at the high school. In addition, in late February, the parents of this student were again cautioned that their son's June graduation was in jeopardy. Given his failure of a course his senior year, this student and his parents had no justified expectation that he would graduate this June. In keeping with a consistent school policy, if a student has not earned a diploma and met all requirements for graduation, he or she is not allowed to participate in graduation ceremonies. The district sees no basis for an exception to be made in this case.

Gerald S.

We assume that the parent of Gerald S. has been authorized by his son to advance this appeal. Through counsel, it is argued that an agreement was made in early February of this year. The agreement was that if Gerry S. successfully completed a computer course at the Community College of Rhode Island, and if he undertook an internship program under the supervision of a teacher at the high school, he would earn sufficient credits to receive his diploma and graduate with his class this June. These extra credits, together with the credits he would earn if he passed all of his courses for the second semester, would give him the twenty credits needed to receive his diploma. Counsel argues that the handbook does not clearly address the issue of how credits earned at a postsecondary institution will be credited at North Kingstown High School. He argues that Gerald S.'s father was under the impression that, despite some debate on this issue, the computer course at CCRI would receive a full credit, not one half credit, toward the high school diploma. Implicit, if not explicit, is his argument that it is unreasonable to calculate a time equivalency between college and high school coursework. He notes that despite the demands upon this student's time, he earned an "A" in the computer course he took at CCRI. Counsel argues that if one credit is given for the computer course, this student will meet the required number for graduation.

If Gerald S. had been allowed to undertake the internship program, which had been approved in writing, he would also have had the necessary number of credits to graduate. Alternatively, had he been notified in time of his ineligibility to participate in this internship program, he could have sought another way to earn additional credits. Because

of an unclear, unwritten policy, this student was not permitted to undertake the internship when he attempted to schedule it in April of this year. It was not then until later in the semester, at the beginning to middle of May, that a final decision was made that an internship was out of the question. This decision was made by a teacher at the school on the basis of the unwritten policy. Counsel argues that this decision is of questionable validity, given that even the Director of Guidance testified that he is unaware of the existence of such policy.

On behalf of the appellant, counsel argues that he should be awarded one full credit for the one credit computer course he took this semester at CCRI, that he is entitled to receive his diploma and participate in the graduation ceremony scheduled for tomorrow evening.

DECISION

Given time constraints, this decision is far more brief than it should be. It is our assumption that school districts in Rhode Island seldom permit a student who has not earned sufficient credits to participate in graduation ceremonies. We know that the Commissioner has rarely exercised his authority in hearing appeals de novo under R.I.G.L. 16-39-1 and 16-39-2 to permit a student to do so. However, the circumstances of this case are such that but for the confusion that exists as to the existence of a policy on eligibility for student internships, Gerry S. would have undertaken an internship this spring and thereby had the opportunity to graduate with his class. There evidently is no written policy, or even a clear and consistent practice, which supported the high school's decision to remove the internship from his second semester program.

In early February, the director of guidance¹, the guidance counselor, Gerry S. and his father, all agreed in good faith that Gerry would take both the computer course and the internship program. These two undertakings were key to his being able to graduate in June. The understanding of all involved in early February was that with these additional academic activities, and if Gerry obtained a passing grade in all of his coursework at the high school, he would earn the necessary credits.

¹ The director of guidance signed on behalf of the school principal. See School Committee Ex. C.

We do not view the February agreement, which outlined those courses and activities which this student was to take in order to earn sufficient credits for his diploma, as a contract. This was an argument intimated by counsel for the student during the testimony at the hearing. However the information contained on the agreement, entitled “Course Enrollment Form,” School Committee Ex.C., clearly describes how it was anticipated that Gerry would accumulate sufficient credits for graduation. The representation to him and his parent that an internship program was a viable option was again confirmed in a notice sent to Gerry’s parents in late February.² The facts contained in this record demonstrate that until late April, early May, it was assumed that the one half credit that would otherwise prevent this student from graduating would be earned in a seventy-five hour internship, to be supervised by a faculty member at the high school. Given the fact that he would otherwise be unable to graduate in June, we infer from the totality of circumstances here that Gerry S., as well as his parents, relied on this information.

Despite the written approval for the internship in February and the crucial importance successful completion of an internship program had to this student’s graduation status, the school then decided Gerry was ineligible to do an internship, relying on an unwritten, ill-defined policy. This action was taken at a point in time at which no other options were available for this student to fulfill graduation requirements. We do not mean to imply that this action was attributable to anything more than a lack of communication among school staff as to what policies exist with respect to eligibility of students to participate in credit-earning internships. The fact remains that at the time of hearing, neither the guidance counselor nor the director of guidance had ever seen the policy which prevented Gerry from undertaking the planned internship in April of his second semester. These witnesses were clearly unfamiliar with the policy, and the director of guidance was unaware of any other occasion on which the policy had been applied. Under these circumstances, given the obvious reliance that the student and his parents placed on the initial information provided to them, verbally and in writing, with respect to the internship

² See School Committee Ex.D. We would note that this late-February notice appears to state that the CCRI computer course would receive a full, not one-half, credit at the high school. This conflicts with S.C.Ex.C

and the potential for the one-half credit, the school department is equitably estopped from requiring this student to meet all academic requirements as a condition of his participation in graduation ceremonies. We order that he be allowed to participate and receive a blank diploma.

Implicit in this ruling is our finding that this student earned only .5 credit in successfully completing the computer course at CCRI, not the full credit as he has argued. Despite some initial confusion in this regard, the testimony of the guidance counselor was that she clearly communicated to both the student and his father the fact that the course would equate to one-half credit toward graduation requirements. The record is insufficient for us to conclude that awarding a different amount of credit for a college course is unreasonable, arbitrary or capricious. We find, therefore, that this student has earned a total of 19.5 credits towards the 20 that are required for receipt of the North Kingstown diploma. We hope that the school officials who have worked so closely and diligently with him will continue to see that he earns the remaining credit for receipt of his diploma. We direct, but do not require, that school officials reconsider this student's eligibility to earn this additional .5 credit through an approved internship completed during the upcoming summer. His current academic status has changed, and even if a policy exists, its application to him now may have a different outcome. Given the testimony regarding his ineligibility to attend summer school, and the difficulty of enrolling in a summer course at CCRI at this time, the parties may find that completion of an approved summer internship is the most viable option.

The appeal is sustained in part and denied in part.

Kathleen S. Murray, Hearing Officer

APPROVED:

Peter McWalters, Commissioner

June 16, 2000

Date

and may have contributed to Gerry's father's confusion as to how much credit the computer course would receive at North Kingstown High School.

