

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

GEOFFREY R.

v.

NORTH KINGSTOWN SCHOOL COMMITTEE

Decision

Held: Appeal regarding refusal to issue high school diploma under early graduation policy is denied for being untimely.

DATE: January 9, 2001

Introduction

This is an appeal from the North Kingstown School Committee's refusal to grant Geoffrey R. a diploma at the end of his third year of attendance at North Kingstown High School.¹

For the reasons set forth below, we deny the appeal.

Background

Geoffrey is a Jamestown resident who entered North Kingstown High School as a freshman in September 1997. His mother testified that, by the beginning of his sophomore year, Geoffrey was very unhappy and searching for educational alternatives. Geoffrey discovered the "Concurrent Enrollment/Early Graduation" provision in the High School student handbook. The provision states as follows:

Students who wish to complete graduation requirements early, or who wish to be scheduled for concurrent enrollment may apply in writing to the Principal of the High School. Such application must be accompanied by the written approval of parents or guardian as well as the written recommendation of the guidance counselor. Concurrent enrollment is defined as equivalent time. For example, two semesters of post secondary work equals one North Kingstown High School credit.

The Principal reserves the right to deny any or all such applications for cause. [Joint Exhibit 7(a)].

Geoffrey decided to pursue the early graduation option described above. In October 1998, a meeting was held with the principal and guidance counselor to discuss Geoffrey's graduation at the end of his junior year. According to Geoffrey's mother, there was agreement at the meeting that Geoffrey could graduate early, and his guidance counselor rearranged his schedule for the second semester of his sophomore year to include junior year physical education/health.

In March 1999, the guidance counselor informed Geoffrey's parents that a written request for early graduation was necessary. Geoffrey's father did so in a letter to the guidance counselor. The latter advised the principal by e-mail of the request. The

¹ The Commissioner of Education designated the undersigned hearing officer to hear and decide the appeal. A hearing was held on October 24, 2000.

principal forwarded the printed e-mail message to the head of guidance with a note that he “never agreed to anything.” [Joint Exhibit 2]. The head of guidance sent a memo to the guidance counselor stating, in part, “See Geoff. Let him know we do not do early graduation. We will do concurrent enrollment -- he leaves here senior year and goes to college. . .” [Joint Exhibit 3].

Upon being notified of the High School’s position, the family asked the Jamestown School Department to intervene in the matter. Discussions followed and on April 30, 1999, a document entitled “Approval of Student Request” was completed at the High School.² The topics “Concurrent Enrollment” and “Special Circumstances” were checked off on the form with the following text:

The student is granted permission to take all courses required for graduation in his junior year (99-00). Geoff will spend his senior year doing independent study through travel. He will receive his diploma in June 2001. Along with other possible credit requirements, Geoff will have to complete 2 Englishes, U.S. II, math, science, pe, health. Failure in any course could result in the need for his return to NKHS for 00-01. [Joint Exhibit 4].

Geoffrey’s mother testified that although the family did not agree with the June 2001 diploma date, it did not communicate its disagreement to the High School because it did not want to jeopardize Geoffrey’s ability to take the necessary coursework on an accelerated basis. The family also felt that the High School was not acting cooperatively based on events that occurred after the October 1998 meeting.

Geoffrey’s schedule was modified consistent with the April 30, 1999 document. By the end of his junior year, he had successfully completed all coursework requirements for graduation. After the school year ended, Geoffrey’s parents asked that he be awarded his high school diploma. The superintendent and the School Committee denied the request.

Positions of the Parties

Simply put, Appellant contends that Geoffrey is entitled to a diploma because he has earned it. Because Geoffrey was allowed to complete all graduation requirements in

² The document was signed by the principal, head of guidance, and the guidance counselor.

his three years of attendance, he should immediately be given a diploma. As for the April 30, 1999 document, Appellant claims that it is merely a statement of permission, not an agreement between the parties.

The School Committee contends that the April 30, 1999 document is a binding agreement that bars this appeal. The Committee claims that the agreement is fair, and that it was detrimentally relied upon by the High School when it scheduled courses for Geoffrey that he was not otherwise entitled to take. Given that Geoffrey has completed those courses, the Committee argues that it has been highly prejudiced by Appellant's failure to express their disagreement with the document in a timely fashion.

Discussion

In explaining Appellant's failure to voice its disagreement with the June 2001 diploma date in the April 30, 1999 document, Geoffrey's mother testified that there were serious doubts as to whether the High School was acting in good faith. To the following extent, we understand Appellant's concern. Geoffrey invoked the early graduation provision that appears in the High School student handbook. Apparently, Geoffrey's request was discussed with the appropriate High School officials as if it were a viable option. Later, the head of guidance at the High School took the position that "we do not do early graduation." No explanation of cause for denial was provided. Instead, a concurrent enrollment arrangement was offered. The end result of this interchange was that Geoffrey was denied consideration of an explicit option in the student handbook, and an option he had not requested was offered in its place. For all intents and purposes, the School Committee's early graduation policy was repealed by the High School administration.

It naturally follows that Geoffrey's family was aggrieved by the High School's action when it received the April 30, 1999 document. It therefore was incumbent upon them to express their disagreement with any term of the document in a timely manner. The document clearly addresses concurrent enrollment. It states that Geoffrey "will receive his diploma in June 2001." Yet Appellant remained silent until more than a year later when, after Geoffrey had completed his coursework as provided in the document, it requested that a diploma be issued.

We find that Appellant did not properly preserve its dispute with the High School for purposes of pursuing an appeal with the Commissioner. Because Appellant did not object to the terms of the April 30, 1999 document within a reasonable period of time and, instead, accepted the benefits of the arrangement spelled out in the document, we hold that it is estopped from appealing the matter at this time.

Conclusion

The appeal is barred as being untimely. It is therefore denied.

Paul E. Pontarelli
Hearing Officer

Approved:

Peter McWalters
Commissioner of Education

Date: January 9, 2001