

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF
EDUCATION

Richard L.

v.

Johnston School Department

DECISION

Held: This student is one credit short of the three science credits required for graduation from Johnston High School. Because the record does not contain factual support for the reason this student's request to drop college chemistry was denied by school officials, his failure to pass this course should not result in the loss of his opportunity to attend graduation ceremonies. He must, however, obtain the necessary science credit prior to receiving his diploma.

DATE: June 12, 2001

Travel of the Case

This is a graduation issue which was appealed directly to the Commissioner on June 7, 2001. It was assigned to the undersigned for hearing and decision on June 8, 2001. Hearing was expedited and scheduled by agreement for June 11, 2001. Since graduation is scheduled for June 13, 2001 the transcript of the June 11, 2001 hearing is unavailable and the decision is based on the hearing officer's notes and the exhibits introduced at that time.

Issue

Is Richard L. entitled to attend graduation ceremonies and/or receive his diploma from Johnston High School even though he is one science credit short of the number required to graduate?

Positions of the Parties:

The petitioner asserts that although he has failed to obtain a passing grade in college chemistry and thus meet the Johnston graduation requirement that he obtain three science credits, he should nonetheless receive his diploma and be permitted to graduate with his class tomorrow night. He takes the position that he has met all other graduation requirements except for the third science credit. His shortage of science credits should not be held against him, he argues, because he did what he could to drop this science course and substitute it with another, less demanding course, as soon as he realized his mistake in signing up for college chemistry in the first place. He notes that his academic record indicates ongoing difficulty in math and science courses at Johnston High School. He failed biology during his freshman year and passed this course when he repeated it in his junior year with a grade of 76. He also failed the first college-level math course he took in his junior year, receiving a grade of F in college geometry. Previously in his freshman and sophomore years, he had taken, and passed, only basic math courses. Despite this academic history, he was advised by his counselor to sign up for college chemistry for his senior year. He questions the soundness of this advice, given his demonstrated academic weakness in science and math and the need for him to obtain a third science credit this year in order to graduate.

The petitioner determined that college chemistry was not a course he wished to take at the very outset of his senior year, and with the support of his parents, he made efforts to drop this course and take another level of chemistry or another science course entirely. His request to change courses was denied by the vice principal of the school. He argues that it was this decision that placed his graduation in jeopardy. When he failed two out of the first three quarters of college chemistry, he met with school officials in late March and a support plan was developed to devise strategies to help him obtain a passing grade. The petitioner states that his course failure at that time was not due to lack of effort on his part, but that the course material assumed competency in previously-

taught concepts he had been unable to master. The support plan was not something he embraced because it was implemented too late in the school year. He testified that extra help from his instructor at that time would not help because he had not been able to understand his teaching “style” throughout the school year. In addition, the petitioner claims that his teacher reassured him throughout the year, and even up until two weeks ago, to “keep doing what he was doing” and he would pass the course.

The School Department:

Counsel for the school department takes the position that this student failed because he did not complete his homework, study for tests, or even cooperate in the support plan which was developed by school officials after the third quarter failing grade was received. Although it is acknowledged that the issue of whether this student was appropriately placed in a college chemistry class was raised, the district takes the position that his records were thoroughly reviewed by the chair of the science department and the teacher, who determined that his placement was correct. Since it had been determined that he had been properly placed in college chemistry, the school department asserts that its denial of the student’s request to drop the course was an appropriate decision. It is also noted, that if the petitioner’s request to drop chemistry had been granted, he would have limited his opportunities to apply to those colleges which required two laboratory sciences of its applicants for admission. Counsel also notes that the petitioner and his parents could have appealed the science placement decision to a higher level, but did not do so and now challenge that decision only in the context of his subsequent failure of the course.

The district points out that at-risk seniors are identified and monitored at Johnston High School. Richard L. was identified as an at risk student since he had prior course failures, and received notices regarding the doubtful nature of his graduation this June throughout the year. His parents were sent these notices, in addition to the routine report cards sent at the end of each quarter. The school provided fair notice of the situation, and attempted to help Richard obtain a final passing grade with the support plan developed on March 27, 2001. Despite these efforts, it is regrettable that he did not succeed in college chemistry and has failed to meet the district’s graduation requirements. Without meeting these requirements, Richard is ineligible to attend graduation ceremonies. He is able to make up this science credit in summer school, or perhaps in a shortened, individually-tailored program offered by the Superintendent.

DECISION

Given time constraints, this decision is far more brief than it should be. We are well aware 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. We find that this is one of the

rare cases in which a student who has not met graduation requirements should nonetheless be permitted to attend graduation ceremonies. We will go on to explain, but certainly not in the depth that such a departure from the rule warrants.

In this case we find that the record contains no factual support for the decision to deny this student's request that he be permitted to drop college chemistry pursuant to the process described in the Student Handbook (Petitioner's Ex. A.). What is contained in the record are facts which would have made a decision to continue this student in college chemistry questionable. The decision was designed to present him with academic challenge during his senior year. It was viewed at the outset by the student and his family as a mistake - one which they made their best efforts to correct through the process set forth in the handbook. The process for changes in course selection did not proceed as outlined in the Student Handbook at page 10. The "drop-add" process did not conclude within the time frame set forth at page 10 of the Handbook. Richard's mother testified that she initiated the request in a timely manner in September, but several meetings on the request that were scheduled were then cancelled by school officials. Implicit in the Petitioner's argument is that they sought to have the Principal review the matter as one of the "rare cases" in which a student should be permitted to change a course previously selected. See page 10 of the Student Handbook. The argument is that a review of his academic record would have indicated to the principal that Richard had made a mistake in choosing this course. Instead of determining if Richard L.'s was in fact one of the "rare cases" deserving of her approval, the principal delegated the decision on the request to drop the course to the vice-principal who relied on the recommendation of the department chair and the teacher of the course. As a result of this process, the principal undertook no independent review of the request of Richard L. to drop college chemistry and replace it with a less demanding science course. She herself made no determination if this was indeed one of the "rare cases" warranting her approval of a course change. Thus, from a procedural standpoint, the decision to deny the student's and parents' request for a course change did not follow the handbook guidelines.¹

While we do not intend to second guess the academic judgement of those with the credentials to make educational decisions, the decision of the vice principal to deny the requested course change has not been supported in the record before us. Since the principal did not make the decision, she was unaware of the exact factual basis for the decision, what records and testing had been referred to, and why the student's and parents strong opinions that a mistake had been made were discounted. Although the principal's June 6, 2001 letter to Richard's mother states that the course change request had been examined and that a "consensus" had been reached by guidance staff, the department chair and the teacher that Richard had the ability and background to pass the course, testimony at the hearing was inconsistent. Richard testified that his guidance counselor advocated for permission for him to drop college chemistry and substitute another science course to meet the science requirement. Evidently her input, as well as that of the parents

¹ Our notes do not reflect the precise date on which the mother initiated the schedule change process, but in the June 6, 2001 letter from the Principal to Mrs. L. summarizing the facts of this matter, timeliness was not the issue, but rather a difference of opinion on whether Richard had the ability and background to complete the course.

and student, was not accorded much weight in this decision. The transcripts submitted into evidence indicate that Richard had demonstrated very poor performance in laboratory science and mathematics while at Johnston High School. Such record, along with the evidence that his undertaking this course went against the recommendation of his guidance counselor, calls into doubt the soundness of the decision to deny his request to drop this course. The decision and any conclusions on which it was based is without factual basis in the hastily-created record we have before us. While we do not find that the resulting situation warrants Richard L.'s exemption from the science requirement at Johnston High School, it does cause us to order that he be allowed to attend graduation ceremonies tomorrow night, June 13, 2001. He will receive a blank diploma at that time.

We expect that he will receive his diploma upon completion of his science credit requirement. The superintendent has indicated that there may be a condensed process for this to occur, given that the petitioner is contemplating moving out of state with his family. We leave it up to the parties to explore this opportunity further.

APPROVED BY:

Kathleen S. Murray, Hearing Officer

Peter McWalters, Commissioner

June 12, 2001
DATE