

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF  
EDUCATION

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**In the Matter of Student R.R.** :  
:  
v. :  
:  
**Warwick School Committee** :  
:  
.....

**DECISION**

Held: In this case a student is contesting a grading decision. The grade contested in this case was not arbitrary, contrary to statewide academic policy, incorrectly computed, or made in bad faith. In fact the student's grade has been computed with great leniency to give him a chance to graduate with his class. It therefore must stand. The appeal is denied and dismissed.

DATE: May 19, 2004

## **Travel of the Case**

This matter is before the Commissioner under R.I.G.L. 16-39-1, R.I.G.L. 16-39-2, and R.I.G.L. 16-39-3.2. In this case a student is contesting a grading decision. As a normal rule the student's local school committee would hear this case in the first instance. The school committee, however, has no meeting scheduled in which it could take timely action. In any event the respondent school committee has not requested that this matter be remanded to it.

## **Standard of Review**

While the Commissioner has more authority than a court does to review an academic decision, in most cases review of a local grading decision is limited to determining whether the contested grading decision was arbitrary, contrary to state-wide academic policy, incorrectly computed, or made in bad faith.<sup>1</sup>

## **Position of the Student**

In this case a High School English teacher has assigned the petitioning student a grade that makes the student ineligible to play baseball.<sup>2</sup> The student contends that the teacher erred in assigning him this grade and that the school should have given him more tutoring to help him cope with a foot injury that kept him out of school for three weeks.<sup>3</sup>

## **Position of the School and the Teacher**

The school and the teacher in this case submit that the teacher has gone not only the extra mile, but the extra five or six miles, to help this senior student not only graduate from high school, but also to play baseball. Despite this generosity, as scorned as it is by the student, there is a point beyond which grading decisions cannot be compromised without putting academic integrity at risk. The school and the teacher have reached this point and they will move no further.

## **Findings of Fact**

1. The student was injured in a school basketball game in December of 2003. He was out of school for three weeks as a result of an operation that was needed to correct this injury.<sup>4</sup> One of these weeks of absence included an exam week during which no instruction was given.<sup>5</sup>

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<sup>1</sup> *Feit vs. Providence School Board*, Commissioner of Education, February 25, 1992. *Jane B.B. Doe v. Warwick School Committee*, Commissioner of Education, June 10, 1998. We also note here that this is not a case in which a grade has been lowered as a disciplinary measure. Grade reductions premised on disciplinary issues have received a measure of heightened scrutiny from the Commissioner. This case, however, involves purely academic matters.

<sup>2</sup> The student's parent stated at the hearing, "Actually, I am appealing my son's ineligibility to play baseball due to grades. He is a half point away from passing his, to play baseball" Tr. Page 3-4

<sup>3</sup> Tr. Page 33.

<sup>4</sup> Tr. Page 14. Potentially the student could have been out for up to eight weeks, but he elected to return to school earlier to keep from falling behind.

<sup>5</sup> Tr. Page 10. Tr. Page 49

2. The parent was informed before the student's operation that the school had a policy of providing tutoring if a student, as a result of a medical condition, missed three weeks (15 school days) of classes.<sup>6</sup> The student was given some schoolwork to complete during his period of absence, but more work could have been sent home.<sup>7</sup>
3. When in three weeks the student returned to school, the student's parent was informed that the student was not eligible for tutoring because the student had missed only 10 days of class rather than the 15 days of class absence needed to trigger the provision of tutoring. This was because, as noted above, one of the weeks of absence was for an exam week, rather than an instructional week.
4. The student was given incompletes in all his second quarter courses, and he was given two weeks to make up the work he had missed.<sup>8</sup>
5. After the student made up his Second Quarter work he received a grade of C minus in English.<sup>9</sup> He had two Second Quarter failures, one in SAT Prep, and one in Math.<sup>10</sup> (It was not until this Third Quarter that the student's grade in English dipped below passing.)
6. Because of these two failures the student became ineligible to play spring sports. He was told, however, that if he brought up his grades by the end of the third quarter he might become eligible to play baseball. At the very least the principal would ask the coach to consider allowing this student to play baseball.<sup>11</sup>
7. The student has accrued about 23 days of unexcused absences during this school year.<sup>12</sup>
8. During his high school years, teachers, the guidance department, and administrators have frequently met with this student and his parent to try to encourage him to stay on track for graduation.<sup>13</sup>
9. During the third quarter of the 2003-2004 school year the student failed to turn in three major assignments in his English class.<sup>14</sup> These assignments were compositions and they have not yet been submitted.<sup>15</sup>
10. The student is frequently unprepared for his English class. The student received three zeros for being unprepared for class. The teacher elected not to count these zeros against him.<sup>16</sup> His performance went down in the Third Quarter.<sup>17</sup>

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<sup>6</sup> Tr. Page 24.

<sup>7</sup> Tr. Page 41. Tr. Page 49.

<sup>8</sup> Tr. Page 26. Tr. Page 43.

<sup>9</sup> Student's transcript. And Tr. Page 22

<sup>10</sup> Student's transcript.

<sup>11</sup> Tr. Page 31.

<sup>12</sup> Tr. Page 16

<sup>13</sup> Tr. Page 23.

<sup>14</sup> Tr. Page 27.

<sup>15</sup> Tr. Page 15.

11. The teacher elected not to hold the student's failure to submit a paper on the *Lord of the Flies* against him because there were too many "discrepancies [due] to illness or the injury.
12. In fact the teacher has made every reasonable effort to calculate this student's grade in a way that would keep this student eligible for graduation. If the student's grade were to be computed according to regular, instead of lenient, grading standards it would be closer to a grade of 53 rather than 64.5.<sup>18</sup>

### Discussion

The grade contested in this case was not arbitrary, contrary to statewide academic policy, incorrectly computed, or made in bad faith. It therefore must stand.<sup>19</sup> There is no computation error in this case that runs to the detriment of this student. In fact the student's grade has been computed with great leniency to give him a chance to graduate with his class. Furthermore, we can find no evidence in the record to convince us that the student's difficulties in Third Quarter English were caused by any failure to appropriately accommodate his temporary disability during the Second Quarter of the school year. There is simply no evidence to indicate any tie in between the student's poor showing in Third Quarter English and missing two weeks of classroom instruction in the Second Quarter of the school year.

### Conclusion

The appeal is denied and dismissed.

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Forrest L. Avila, Hearing Officer

APPROVED:

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Peter McWalters, Commissioner

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May 19, 2004  
Date

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<sup>16</sup> Tr. Page 60

<sup>17</sup> Tr. Page 55 and 56.

<sup>18</sup> Tr. Page 61

<sup>19</sup> *Feit vs. Providence School Board*, Commissioner of Education, February 25, 1992. *Jane B.B. Doe v. Warwick School Committee*, Commissioner of Education, June 10, 1998. We also note here that this is not a case in which a grade has been lowered as a disciplinary measure. Grade reductions premised on disciplinary issues have received a measure of heightened scrutiny from the Commissioner. This case however involves purely academic matters.