

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

STUDENT M.W.

V.

PAWTUCKET SCHOOL COMMITTEE

Decision

Held: Under valid school district policy,
student is not eligible for summer
school due to excessive absences.

Date: July 14, 2004

Introduction

This matter concerns an appeal from the Pawtucket School Department's refusal to enroll student M.W. in its summer school program.¹

Background

M.W. attended the 11th grade during the 2003-2004 school year. Of a possible 40 course credits, he earned 20. His failed courses included English, Algebra and History. He was absent from school 43 days and tardy 49 times.

The student handbook that was distributed at the beginning of the school year contains a summer school eligibility policy. The policy states, in part, that a student must achieve 88% attendance in a class in order to qualify for summer school.² According to school attendance records, M.W. was absent from school on 23 occasions as of the beginning of Christmas vacation. The records also show that the frequency of M.W.'s absences declined in 2004 until May, when he missed 6 additional days. The evidence in this case further shows that the school notified M.W.'s home by telephone of the days he was late or tardy, that M.W.'s report cards stated the number of days absent for each quarter, and that a listing of M.W.'s school absences was provided to the family in early June 2004.³

Based on the number of school absences, M.W.'s request to take summer school courses in Algebra and History was denied.⁴

Positions of the Parties

Petitioner disputes the number of absences attributed to M.W. and contends that he is likely to drop out of school if he is unable to make up some of the credits he needs to graduate in June 2005.

¹ The appeal in this matter was filed on June 30, 2004. The Commissioner of Education designated the undersigned hearing officer to hear and decide the appeal. A hearing was conducted on July 7, 2004.

² As detailed in the policy, 10 absences are permitted in a semester-long course, and 20 absences in a year-long course. The policy allows for appeals to a summer school eligibility committee if extenuating circumstances are claimed. The committee denied M.W.'s appeal on June 30, 2004.

³ There was no evidence that M.W.'s absences were related to a disability.

⁴ Algebra and History were year-long courses.

The School Committee contends that its summer school eligibility policy is clear and reasonable, that there is no evidence to contradict the number of M.W.'s absences, that M.W.'s absences are clearly excessive, and that M.W. can still graduate in June 2005 if he passes next year's courses and takes advantage of the school's "diploma plus" program which would give him the opportunity to complete the 7 additional credits he needs.

Discussion

Rhode Island General Law 16-2-16 grants school committees the authority to develop and enforce reasonable school attendance rules. Attendance policies commonly prescribe penalties for unexcused absences and excessive absences from class. As we stated in Mr. and Mrs. John Doe v. North Kingstown School Committee, "It is generally acknowledged that attendance, class participation and similar factors are educational factors bearing on a student's achievement."⁵

We find the School Committee's summer school eligibility policy to be a reasonable exercise of its discretion. Class attendance clearly is a measure of a student's effort and a means to advance his or her education. Given the number of M.W.'s absences during the 2003-2004 school year, we conclude that he is not eligible to attend summer school.⁶

Paul E. Pontarelli
Hearing Officer

Approved:

Peter McWalters
Commissioner of Education

Date: July 14, 2004

⁵ June 25, 1996, p. 7.

⁶ We urge M.W. to meet with his guidance counselor to review his course schedule for the 2004-2005 school year, explore the opportunities offered by the "diploma plus" program, and discuss the available academic supports that will assist him in the completion of the credits he needs to graduate in June 2005.