0027-04

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

S.M.

V.

SOUTH KINGSTOWN SCHOOL COMMITTEE

Decision

Held: Disputed grades on report card are supported by evidence; other comments on report card are irrelevant or ambiguous and must be deleted.

Date: October 4, 2004

Introduction

This is an appeal contesting the validity of certain grades and assessments for student Doe in the fourth quarter of the 2002-2003 school year.[1]

Background

The 2002-2003 school year was one of conflict between S.M. and the South Kingstown school district. In S.M.'s view, her son, an elementary-school student, was demeaned, disrespected and treated unfairly by his teacher. Part of the teacher's alleged disrespect was a disregard for Doe's learning style. The teacher found S.M.'s demands to be unreasonable, and often objected to the manner in which S.M. expressed her point of view. Despite numerous interventions by school staff and administrators, and the eventual involvement of the Family Advocacy program,[2] the parties' relationship never stabilized. The situation deteriorated to the point where S.M. removed Doe from school for three weeks in the fourth quarter.

The report card Doe received in June 2003 contains 5 fourth-quarter entries that are being contested by S.M. in this appeal. The items are:

(1) A "Fair minus" grade for "Effort" in Reading
(2) A "Fair" grade for "Respects the Rights of Others" in Social Development
(3) A "Good" grade for "Behavior" in Social Development
(4) The comment "missed 8 of 11 assignments because of missed school fourth quarter" in Science
(5) The drawing of a frown face in the bottom right corner of the report card

A sixth item of contention in this appeal concerns the grading and correcting of Doe's fourth-quarter report on Abraham Lincoln.

Doe's report card shows that Doe received a grade of "Fair" for "Effort" in Reading in the third quarter. The report card also contains a drawing of a frown face in the space between the recording of the total days absent and the statement of promotion to the next grade. The teacher testified that it has been his practice for years on report

[1] The Commissioner of Education designated the undersigned-hearing officer to hear and decide the appeal. A hearing was held on December 12, 2003.
[2] Toward the end of the school year, Family Advocacy workers made daily visits to school to support Doe.

cards to draw smile faces for good attendance and frown faces for poor attendance. Doe received a frown face

> [b]ecause I was saddened by the number of days absent by [Doe] that year. It's a habit of mine and has been for a long time to expect the kids to come to school. If I have a kid who comes to school and if there is a zero, or one, or two, you'll probably see a happy face on the kid's report card. If there are a number of absences that I think are far too many, then I put sad faces. [Transcript, p. 21].

With regard to other frown faces on Doe's schoolwork, the teacher testified that

> I use them if a kid doesn't capitalize like over and over and over again. . . I don't recall using happy faces in correcting stuff. I don't normally use frown or happy faces. I did when I taught second grade. In sixth grade I put a one, two, three, four. If it's a continual one, I might express my displeasure. It's usually not a frown face. It's like an angry face, get your act together. [Transcript, p. 45].

The teacher testified that the face on Doe's report card was representative of his practice of using faces in correcting schoolwork.

As for the Abraham Lincoln report, the actual report is neither graded nor corrected. The teacher's gradebook lists a B+ grade for Doe for the "President's Project." The teacher testified that the project was to be a class presentation, with visual effects. Unlike the other students, Doe prepared a written report, which he read in class as his presentation. Although the report was not the required assignment, the teacher accepted it based on the amount of time and effort Doe put into it. "He didn't really do what I asked him to do," testified the teacher, "it was pretty dry, but it was very informative so I gave him a B+ . . . It wasn't corrected because presentations weren't corrected." [Transcript, p. 19]. The evidence in the record does not show that S.M. was informed of the grade prior to the hearing in this matter. The project grade did count toward the students' overall Social Studies grade.

The record also shows that S.M. and Doe were informed that "missed work in Science would not be held against [Doe] on the report card . . ." [School Committee Exhibit 1].

Positions of the Parties

Appellant contends that (1) Doe's "Effort" grade in Reading should not have declined from the previous quarter because the school did not give her an opportunity to monitor Doe's effort in the fourth quarter and because the teacher's teaching style discouraged Doe from reading; (2) Doe's respect for the rights of others was no less than the level of respect shown by the teacher; (3) Doe's behavior in school was never an issue before and was influenced by the teacher's inappropriate conduct; (4) the teacher stated that Doe's Science grade would not be affected by the missing assignments and the teacher did not respond to S.M.'s initiatives in finding ways to make up the work; (5) during the year the teacher used frown faces to demean Doe but did not use smile faces to encourage him; and (6) the teacher's failure to grade and correct the Abraham Lincoln report trivialized Doe's hard work and destroyed the report's value as a learning tool.

The School Committee contends that (1) Doe was resistant to reading books during the daily independent reading period in class, a situation that worsened in the fourth quarter; (2) Doe kicked a chair out from under a student and flicked rubber bands at another student during the fourth quarter; (3) Doe's overall behavior was good, but not excellent, in the fourth quarter due to the previously-mentioned incidents and his refusal to read at reading time; (4) it is a fact that Doe missed 8 of 11 Science assignments in the fourth quarter; (5) the frown face is consistent with the teacher's longstanding practice of putting smile or frown faces on the attendance section of report cards when children have a very low or very high number of absences; and (6) as described in footnote 4, Doe's Abraham Lincoln report was accepted as a president's project, given a grade of B+ but not corrected because it was treated as a class presentation.

Discussion

In a decision issued less than a month ago,[3] we spoke of the general mission of schools to meet the needs of all students. We stated that "[t]eachers need to be

[3] R.P. v. Narragansett School Committee, September 16, 2004.

continuously ready to make modifications for students who are experiencing difficulties in any aspect of their educational program."[4] In the context of a Section 504-eligibility issue, we ordered the parties to meet to review evaluations of the student and develop modifications to her education program that will provide the necessary supports in the classroom. We felt this order was necessary in light of the inconsistent communication between the family and the school and the importance of initial interventions in addressing a student's learning difficulties.

Given the different learning styles of students, it is critical that parents and teachers work together to remove obstacles to learning. Productive parent-teacher relationships require effective communication, something that the parties never achieved during the 2002-2003 school year. Instead, an adversarial relationship developed between the parties and, as a result, student Doe had a very difficult year.

The appeal in this case asks us to review three of Doe's fourth-quarter report card grades. Appellant's arguments concerning these grades are rooted in the poor communication and dissatisfaction that plagued the 2002-2003 school year. It is difficult for us to rationalize a change in grades based on what might have occurred had the parties not been mired in their adverserial relationship. We find that the record does not provide a basis for changing any of these three grades.

We find that the comment accompanying Doe's Science grade, i.e., that he "missed 8 of 11 assignments because of missed school fourth quarter," is not relevant to his Science grade and therefore must be deleted from his report card. While the comment is factual, it has no bearing on Doe's grade in light of uncontroverted evidence that it was agreed that the missed Science assignments would not affect his report card grade. Commentary on a report card must be shown to be inaccurate or irrelevant in order to be deleted. While a statement concerning missed assignments may be relevant in other contexts, we find it is not relevant on a report card when the facts show that the missed work has not been factored into the grade.

We find the frown face to be another example of the poor communication between the parties. Looking at the report card itself, it is difficult to tell from the placement of the frown face whether it relates to the number of days absent or to Doe's

[4] Ibid., p. 4.

promotion to the next grade. Commentary on a report card must be clear on its face. Its meaning cannot be dependent upon extrinsic information. Furthermore, the frown face itself is subject to different interpretations. One of those interpretations is an expression of hostility, which is never appropriate on a report card.[5] We find the meaning of the frown face to be ambiguous. Given the history behind this young student's report card and the possible interpretations of the frown face, we find that the frown face must be deleted.[6]

It is apparent that the "President's Project" was a major endeavor for students. As with any major project, it needed to be assessed by the teacher.[7] Because it counted toward the quarterly grade, the project grade needed to be communicated to students and parents in a timely manner. We find that this did not happen, another casualty of the communication failure.[8]

Conclusion

The appeal is denied in part and sustained in part. We order that the comment to Doe's fourth quarter Science grade and the frown face be deleted from Doe's report card.

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Paul E. Pontarelli
Hearing Officer

Approved:

_____
Peter McWalters
Commissioner of Education

Date: October 4, 2004

[5] This interpretation is consistent with the teacher's testimony that in the past he has drawn an "angry face" to convey his displeasure with the student.
[6] In so finding, we are not saying that the teacher could not have written a clear comment on the report card conveying his disappointment with Doe's attendance record.
[7] By "assessment," we mean a determination of the project's strengths and weaknesses that is communicated to the student.
[8] We do recognize the teacher's flexibility and spirit of accommodation in deciding to accept Doe's written report as a project.