

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF
EDUCATION

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In the Matter of Maria M.

v.

Davies Career - Technical High School

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DECISION

Held: This is an appeal of a parent who questions the education her son received at the Davies Career - Technical High School. It is the policy of the Davies School to require students to meet certain academic prerequisites before they are allowed to enroll in college preparatory courses. Furthermore this policy is not administered in an exclusionary way. As this case shows, part of the academic policy of the Davies School is to remediate the students' academic deficiencies so that they will be able to enroll—and succeed—in college preparatory work if that is their goal. There is nothing in such a policy that is contrary to any statewide academic policy or which constitutes arbitrary or bad faith decision-making. This appeal is, therefore, denied and dismissed.

DATE: January 28, 2005

Travel of the Case and Jurisdiction

This is an appeal of a parent who questions the education her son received at the Davies Vocational Technical High School. Jurisdiction is present under R.I.G.L.16-39-1, R.I.G.L. 16-39-2, and the Vocational-Technical Education Regulations of the Board of Regents.¹

Position of the Parties

The Parent

The parent contends that her son, who now attends East Providence High School, should have been enrolled in a college preparatory program at the Davies School when he entered the Davies School in the 9th grade. She argues that Davies owes her son two years of compensatory education because Davies did not find him to be eligible for college preparatory courses until he was about to enter his junior year.

Davies School

Davies School contends that it evaluated this student when he enrolled in the school for the 9th grade. At that time he, under established academic standards at Davies School, was found not to be eligible to enroll in college preparatory courses. Instead, this student was enrolled in courses that would allow him to remediate his academic deficiencies and to aspire to enrollment in college preparatory courses when he was ready for them. Davies submits that, in fact, the student successfully remediated his academic deficiencies and became eligible to enroll in college preparatory courses in his junior year.

Findings of Fact

1. When the petitioning student was admitted to Davies School his math and reading scores were below grade level.² Since this was the case, he was not eligible, under Davies policy, to enroll in college preparatory courses, including Algebra I.³
2. Instead the student, in addition to other classes, was enrolled in a reading class and in integrated mathematics. While integrated mathematics includes some algebra concepts, it is not equivalent to Algebra I. In particular, Integrated Mathematics does not provide the requisite mathematics instruction to allow a student to enroll in college preparatory chemistry or biology at Davies.
3. By his second year at Davies the student had greatly improved his academic performance. This improvement included scoring at a much higher level on standardized English and Mathematics tests.

¹Vocational-Technical Education Regulations Section III (1)

² Davies exhibits 1, 2, and 3.

³ Testimony of Davies guidance counselor.

4. Based upon his improved academic standing, teachers and officials at Davies concluded that in his junior year he could be admitted into college preparatory science classes, and that he would be allowed to concurrently enroll in Algebra I.
5. Before the start of his junior year the student, in consultation with his parent, decided to enroll in East Providence High School.
6. A Davies school official discussed this decision with the student's mother during the summer, but the decision to enroll the student in the East Providence High School remained the same.
7. The student has done well at East Providence High school and has earned good grades there.

Conclusions of Law

Davies School is operated by a Board of Trustees. This Board has the same authority as any other Rhode Island school committee. [R.I.G.L.16-45-6 (2)] Therefore under the applicable law the Davies School has the right to establish academic standards and to decide on the placement of students:

§ 16-2-16 Rules and regulations – Curriculum. – The school committee shall make and cause to be put up in each schoolhouse rules and regulations for the attendance and classification of the pupils, for the introduction and use of textbooks and works of reference, and for the instruction, government, and discipline of the public schools, and shall prescribe the studies to be pursued in the schools, under the direction of the department of elementary and secondary education.

While the Commissioner has more authority than a court does to review student grading and placement decisions, in most cases review of a local grading or placement decision is limited to determining whether the academic decision was arbitrary, contrary to state-wide academic policy, incorrectly computed, or made in bad faith.⁴

In the present case we certainly cannot fault the policy of the Davies School to require students to meet certain academic prerequisites before they are allowed to enroll in college preparatory courses. Furthermore this policy is not administered in an exclusionary way. As this case shows, part of the academic policy of the Davies School is to remediate the students' academic deficiencies so that they will be able to enroll—and succeed—in college preparatory work if that is their goal. There is nothing in such a policy that is

⁴ *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.

contrary to any statewide academic policy or which constitutes arbitrary or bad faith decision-making.

Conclusion

The appeal must be, and is, denied and dismissed.

APPROVED:

Forrest L. Avila, Hearing Officer

Peter McWalters, Commissioner

January 28, 2005
DATE