

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF
EDUCATION

Student M.A. Doe

v.

North Kingstown School Committee

DECISION

Held: This student has not yet fulfilled the requirements for graduation from North Kingstown High School nor has she established a basis for an exemption from such requirements, i.e. that her failure was due to the fault of school officials or legally excusable. The district has a well-established and consistently-observed policy of restricting participation in graduation ceremonies to those students receiving diplomas, and the appellant has not demonstrated a good reason why the policy should not be applied in her case.

DATE: June 16, 2005

Travel of the Case

On June 10, 2005 Student Doe's mother appealed directly to the Commissioner for a hearing on the issue of her daughter's entitlement to attend graduation ceremonies for North Kingstown High School. The matter was assigned to the undersigned for hearing and decision at that time, and with the cooperation of all parties an expedited hearing was held on June 14, 2005. Since the graduation is scheduled for June 17, 2005 and the transcript is unavailable, the decision is based on the hearing officer's notes and the exhibits introduced at the hearing.

ISSUE

Is Student Doe entitled to attend graduation ceremonies even though she has not yet completed requirements for her diploma from North Kingstown High School?

Findings of Relevant Facts:¹

- Student Doe was enrolled as a senior at North Kingstown High School during school year 2004-2005.
- Prior to this school year, she was a solid and productive student, but during the last school year her attendance was poor and she was frequently tardy to school.
- Student Doe's academic performance was borderline during her entire senior year and early on she was identified as being "at risk" of not graduating with her class because of failing grades.
- At a March 10, 2005 meeting of school staff, Student Doe and her family, a "Senior Course Contract" was discussed and signed. The purpose of the contract was to identify the steps that needed to be taken to enable Student Doe to graduate in June.
- School officials recommended at that time that Student Doe cut back on the number of hours she was working during the school week, if possible.
- At the same time, Student Doe was permitted to drop the Physics course she was failing and substitute a course in Floriculture so that she could meet her science requirements.
- It was noted at the time of the March 10, 2005 meeting that Student Doe would have to turn in all her assignments on time in order to pass English, a course required for her to graduate.
- Student Doe's final grade in English IV is a fifty (50)², a failing grade.
- The grade in English is based in part on Student Doe's failure to complete and turn in at least four (4) outstanding "literary circle" assignments.

¹ The customary citations to the record are omitted in this case since the record for this decision consists of the hearing officer's notes and the exhibits introduced at the hearing.

² Her actual numerical average was forty-four (44) but Student Doe's English teacher raised the grade to 50 so that Student Doe would be eligible to attend summer school and thereby complete the requirements for her high school diploma by the end of the summer.

Positions of the Parties

Student Doe

Through her mother, Student Doe argues that school officials did not do enough to help her meet graduation requirements. When Student Doe's mother requested a 504 plan to address her daughter's academic difficulties, school officials were not responsive. During this school year, Student Doe was under considerable stress because of a death in the family. In addition, because she was often tardy and given detention for tardiness, Student Doe was "placed" under even more stress. Student Doe's mother argues that there were days when her daughter was sent home from school, either because of parking issues or her eligibility to use the senior parking lot. This, she argues, contributed to her poor attendance throughout the year and undoubtedly impacted on her academic performance. Finally, Student Doe's twin sister is graduating with her class, and it will be very difficult for both girls, and the family, if they do not graduate together.

North Kingstown School Committee

At the outset, counsel for the School Committee argues that the Commissioner's consideration of this case is premature, because Student Doe's mother has not yet requested a hearing before the School Committee. He argues that the matter should be remanded to the School Committee for its consideration of this administrative decision.

On the merits, counsel for the School Committee takes the position that clear and consistently-enforced school policy restricts graduation attendance to students who have met all graduation requirements. Since she has not obtained four credits in English, Student Doe has clearly failed to meet requirements for graduation from North Kingstown High School. In contrast to Student Doe's mother's view of the situation, the school department submits that it made extraordinary efforts to keep this student on track for a June graduation. Her efforts were simply not directed to completing the work she needed to do in order to graduate.

DECISION

Whenever possible, the Commissioner accords local school committees the prerogative to hear and, hopefully, resolve educational disputes which arise at the local level. However, in some cases, particularly graduation disputes, there is little time for decision-making before the issues become moot. There is often no time for a remand for School Committee consideration of the issues. This is one of those cases in which a remand to the North Kingstown School Committee would not provide it with sufficient time to assemble and hear the matter.³ We will, therefore, provide an expedited decision in this matter.

³ Upon receipt of notice of this appeal to the Commissioner, had the School Committee requested to defer hearing to permit it time to hear Student Doe's mother's request, we would certainly have accommodated that request.

While it is very unfortunate that school officials were not successful in achieving a June graduation for Student Doe, this record clearly demonstrates that they did everything they could to accomplish this. The record shows that she has failed to meet graduation requirements, and that her failure to do so is not due to any fault or neglect by the North Kingstown High School staff. In fact, the inference created, especially by evidence of numerous unexcused absences and tardies over the course of the year, is that Student Doe simply did not put much effort into her school work. Although the family may have had some trying circumstances, none of the facts mentioned by Student Doe's mother provide a good reason for exempting her from graduation requirements. Although there was some mention of a "condition" from which Student Doe suffered, no evidence of a medical condition or disability was presented on the record.⁴ During the school year this Student devoted a substantial amount of time to a part-time job and training to become an emergency medical technician. While these endeavors are to her credit, it explains what may have been the reason for her lack of attention to her school work and why, in spite of her sound academic ability, she failed to meet graduation requirements. The fact that her twin will be graduating in Friday's ceremony does not provide a good reason to exempt her from the rule that attendance at graduation ceremonies is contingent on eligibility for the diploma. Student Doe is encouraged to complete the required English credit this summer so that she can receive her diploma in August 2005.

The appeal is denied.

For the Commissioner,

Kathleen S. Murray, Hearing Officer

APPROVED:

Peter McWalters, Commissioner

June 16, 2005
Date

⁴ A vague note was submitted to school officials describing a "condition" but the note did not explain or elaborate on what type of condition or how this may have interfered with her ability to do her school work.