

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF
EDUCATION

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Student L.
v.
Tiverton School Committee
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DECISION

Held: This is an appeal from a decision of the Tiverton school committee not to promote this first grade student to second grade. While the record in this case shows that careful and diligent efforts were made to help this student make better academic progress, this student was nevertheless not academically prepared to enter the second grade. We therefore affirm the decision not to promote this student to second grade. The appeal is denied and dismissed

DATE: August 26, 2005

Travel of the Case and Jurisdiction

This is an appeal from a decision of the Tiverton school committee not to promote this first grade student to second grade.¹ Jurisdiction in this case is present under R.I.G.L.16-39-1 and R.I.G.L.16-39-2.

Positions of the Parties

The Parents

The parents in this case contend that their son should be advanced to the second grade. They submit that if he is not promoted to second grade his self-esteem will be lessened and his progress in later life may be hampered. They contend that the academic remediation they have provided to their son should suffice to allow him to advance to second grade. They also contend that the school district should have done more to help their son to make academic progress and that grade retention for a student is not good academic policy.²

The School Committee

The School Committee contends that this student has been provided with appropriate instructional services and that his academic difficulties have been addressed on an individual basis. The student's teacher consulted with other teachers to obtain their professional input on how best to meet this student's academic needs. Consultation with the parents also took place. Appropriate administrative staff were involved in the decision making progress. Careful individualized assessments were made of this student's progress, and the information thus obtained was used to meet this student's educational needs. The committee submits that while the retention of this student may cause some minor problems now, his promotion to a grade level for which he is not now ready may well cause significant immediate and long term academic difficulties for this student.

¹ Exhibits 3, 5 and 7.

² E.g. Exhibit 13(for identification,) "Retention vs. Social Promotion: Schools Search for Alternatives."
(Taken as argument)

Findings of Fact

1. Extensive consultation with the parents took place concerning this student's academic difficulties.³ The student's teacher, guidance counselor, and administrative staff all consulted with the parents.
2. A professional team concluded that this student had not met, "the minimum requirements for promotion."⁴
3. While the parents by way of argument have submitted various Internet articles that to one degree or another are critical of grade retention policies, these articles themselves show that grade retention is held by many school districts to be an appropriate academic tool.⁵ We are not aware of any Rhode Island academic policy that prohibits the grade retention of a student.
4. The record in this case shows that this student was not making sufficient academic progress.⁶
5. We credit the testimony of this student's teacher that she made efforts to individualize instruction for this student, and that she worked closely with this student and his parents.
6. We recognize that this student's grandmother, a retired reading teacher from the Tiverton school system, has been helping this student. We find however that this help has not yet sufficed to bring this student up to grade level.

Conclusions of Law

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 academic decision was arbitrary, contrary to state-wide academic policy, incorrectly computed, or made in bad faith.⁷

³ E.g. Exhibit 1.

⁴ Exhibit 2

⁵ E.g. Exhibit 13(for identification)," Retention vs. Social Promotion: Schools Search for Alternatives."
(Taken as argument)

⁶ E.g. Exhibits A, B, and C.

⁷ *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.

Discussion

The record in this case shows that careful and diligent efforts were made to help this student make better academic progress. His teacher individualized his class instruction to the extent possible and consulted with other professionals to find alternative ways to help this student meet appropriate instructional standards. Careful track was kept of his academic performance and opportunities for remediation were provided. The testing material submitted at the hearing in this matter showed that this student had not reached the academic level that would have prepared him to enter the second grade.

Based upon the record before us we cannot find that the academic decision not to promote this student to the second grade was arbitrary, or contrary to statewide academic policy, or based upon an incorrect computation, or made in bad faith.⁸ We therefore affirm the decision not to promote this student to second grade.

Conclusion

The appeal is denied and dismissed

Forrest L. Avila, Hearing Officer

APPROVED:

Peter McWalters, Commissioner

August 26, 2005
Date

⁸ *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.