

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANGATIONS

COMMISSIONER OF
EDUCATION

Student I.

v.

Warwick School Committee

DECISION

Held: This matter arises from a decision by school officials not to expunge a grade from a student's academic record. The student does not need the credits from this course to earn her diploma. It is clear to us that this student was more or less accidentally tracked into a course for which she was unprepared. Because of these circumstances we order that this student's grades in *Advanced Placement Honors Calculus* are to be expunged from her record.

DATE: January 19, 2006

Jurisdiction and Travel of the Case.

Jurisdiction is present in this matter under R.I.G.L.16-39-1, R.I.G.L.16-39-2, and R.I.G.L.16-39-3.2. This matter arises from a decision by school officials not to expunge a grade from a student's academic record.

Issue

Should the student's grade in *Advanced Placement Honors Calculus* be expunged from her academic record?

Positions of the Parties

The Parents

The parents contend that their daughter never should have been placed in *Advanced Placement Honors Calculus*, and that when their daughter had immediate difficulties with the course they should have been clearly notified of this fact so that their daughter would have had a opportunity to leave the class before her academic standing was damaged.

The School District

The school district contends that student elected to participate in *Advanced Placement Honors Calculus*, that her grade in the course was correctly computed, and that her academic record should appropriately reflect her low performance in this course

Findings of Fact

1. The petitioners in this case are the parents of a minor daughter who attends a Rhode Island public high school.
2. The student in this case has been quite successful her in high school career. She has a high class standing and she is seeking admission to colleges with very competitive admission standards. She is an intelligent, hardworking, and conscientious student. She has received a grade of D in her *Advanced Placement Honors Calculus course*. This D grade will adversely affect her academic standing.
3. In her junior year this student enrolled in an *Elementary Functions Honors* course. She had much difficulty with this course, and after her parents discussed the matter with a guidance counselor she was allowed to drop this course and enroll in a regular *Elementary Functions* course. Her schedule had to be

- reconfigured to accommodate this change, and so she dropped a literature course, and enrolled in an Honors Computer Science course. This computer course was in essence a course in Java programming. At the time she was advised that since she had dropped her *Elementary Functions Honors* course she would not be eligible to take *Advanced Placement Honors Calculus* in her senior year.
4. This student earned a grade of B+ in the *Regular Elementary Functions* class. She earned a grade of A in her computer class. This student had met all mathematics graduation requirements. She did not need *Advanced Placement Honors Calculus* to earn her diploma.
 5. A few weeks after the discussions concerning the *Elementary Functions Honors* course it was noticed by school authorities that this student was enrolled in a Physics I Honors course. She was advised that since in her sophomore year she had received only a B in a regular Chemistry course she was not eligible for Honors Physics. This was because Honors Physics had as a prerequisite an A average in a science course, along with the recommendation of the science teacher who had given the prerequisite course.
 6. Since this student was earning an A in the *Physics Honors* class, and since the *Physics Honors* course teacher strongly recommended that she stay in the class, she was allowed to continue in this class. Still, her parents were required to write a letter indicating that they accepted responsibility for the decision to keep this student in *Honors Physics I*.¹
 7. At the end of this student's junior year a senior schedule was prepared for her that included *Statistics and Probability*. As it turned out this *Statistics and Probability* course, which had been recommended by her math teacher, conflicted with other parts of her class schedule. Thought was given to having her enroll in *Algebra III*, but the consensus at the time was that this course was a bit of a step back for her. A *Biochemistry Honors* class was ruled out as being a bit too time consuming.
 8. The "just right" course would have been a *Regular Calculus* course (or perhaps Honors Calculus-non AP²), and it was hoped at the time that enough students would sign up for such a class so that it could be offered. For purely schedule making purposes it was decided to record this student as enrolling in the *Advanced Placement Honors Calculus* course as a nominal fill-in placement, pending the creation of a regular calculus class. Everyone knew and accepted at the time this nominal placement was recorded that *Advanced Placement Honors Calculus* was not an appropriate placement for this student. In the words of her guidance counselor it was a "holding pattern."³ As matters turned out no regular calculus course ever came into being.

¹ Exhibit 2.

² Transcript page 141

³ Transcript page 145

9. We recognize that as a “technical matter” that this student had earned an A in her computer programming course and that this A grade *may* have “technically” (as one witness put it) qualified this student to enroll in Advanced Placement Honors Calculus, but we find that, in fact, the parties recording her placement in *Advanced Placement Honors Calculus* knew that she was not prepared for this course, and that there was no real intent to enroll her in *Advanced Placement Honors Calculus*. Indeed, the school handbook states that completion of *Elementary Functions Honors* is the prerequisite *Advanced Placement Honors Calculus*⁴. We also credit the parents’ testimony in this case that in December of 2005, at a discussion with school officials concerning this case, the officials “actually laughed and said that that course would not have prepared her for Calculus.”⁵
10. This case may partially result from the fact that the school officials initially involved in this matter have either retired or moved on to other positions. This has left the new officials involved with the need to deal with a situation that they did not create and with which they had no initial familiarity.
11. The teacher of *Advanced Placement Honors Calculus* testified in this matter. She impressed us as an able, articulate, and conscientious teacher who makes every effort to help her students succeed. She is so conscientious that she arranged for students who had taken *Elementary Functions Honors*, and who were going to enroll in her *Advanced Placement Honors Calculus* course, to obtain a calculus book for use over the summer, along with a paper outlining calculus work to be completed before the start of the school year.
12. Of course, since the student in this case was not enrolled in *Elementary Functions Honors* she received neither the book nor the summer work.⁶ When the hoped-for regular calculus course failed to materialize she therefore arrived at *Advanced Placement Honors Calculus* not only without the prerequisite *Elementary Functions Honors* course, but also without the background obtained through completion of the required summer preparation material. The teacher did allow this student to make up the summer work. The parents in this case retained a tutor to help this student catch up to the class.
13. The student’s grades in *Advanced Placement Honors Calculus* between September 25, 2005 and November 17, 2005 (the first quarter) were 83, 75, 62, 49, 55, 50, 72, 73, 66, and 77.⁷ In our view these grades obviously do not reflect success in a course with the label *Advanced Placement Honors Calculus*. In spite of these very deficient grades no deficiency slip was sent home. This fact left the parents wondering if perhaps the teacher was “marking on the curve.” The school district argues that if an exacting reading is given to the school committee’s

⁴ Exhibit 4.

⁵ Transcript, page 62.

⁶ Transcript page 126.

⁷ Exhibit 6.

policy on the issuance of deficiency slips there was no need to issue a deficiency slip in this matter since the student's work was not "falling off." In pertinent part the policy states: "Warnings are issued for failing grades, C or D in honors courses when work is falling off, or when the teacher deems it necessary." A glance at the grades in this case shows that they were, in fact, "falling off". If the district is arguing that since the grades were uniformly bad these grades could not be said to have been "falling off" our response would have to be that such a narrow reading of the applicable policy would be contradictory to the very purposes of the policy, and so we therefore must conclude that a deficiency slip should have been issued in this case.

14. The parents testified in this matter that they did not immediately seek to remove their daughter from the *Advanced Placement Honors Calculus* because they were confident that with only 12 students in the class they would receive clear indications from the teacher if she felt that their daughter was not able to perform effectively in the course.⁸ We credit this testimony of the parents concerning their state of mind concerning their daughter's performance in *Advanced Placement Honors Calculus*.
15. On December 1 2005 a meeting with school officials, the student's teacher, and the student's parents was held. School officials were willing to allow this student to transfer into an Algebra III course at mid year but they were not willing to omit from this student's record the deficient grades she had accrued in *Advanced Placement Honors Calculus*. We credit the testimony of the parent that all participants at this December 1 meeting agreed that this student did not belong in *Advanced Placement Honors Calculus*.
16. A document entitled *High School Program of Studies and Course Offerings* issued by the relevant school district states concerning *Advanced Placement Honors Calculus* states:

CALCULUS 1 HONORS A.P. (A.B. Version)(MA97)
Course Prerequisite: Elementary Functions Honors
Prerequisite: Previous "Honors" standing or students who meet honors criteria

This course follows the syllabus of the College Board's Advanced Placement Calculus AB course. Upon successfully completing the AP exam, the student may be eligible for credit at colleges and universities participating in the AP Program. A registration fee is required.

⁸ Page 36

Conclusions of Law

In pertinent part the General Laws of Rhode Island state:

§ 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

Discussion

We do not see this case as a grading case but rather as a classification case under R.I.G.L.16-2-16. In the present matter the school committee had established certain prerequisites for a course and these prerequisites were not complied with. The school committee had also established certain policies concerning the issuance of deficiencies slips, and these requirements were also not complied with. While we would never read a course description booklet as a procrustean document not subject to reasonable administrative interpretations and waivers, we are reluctant to allow the substance of such a document to be overruled without a showing of a good reason for the document not to have been complied with. More importantly, it appears clear to us that this student was, because of a bit of unintentional administrative inertia, more or less accidentally tracked into a course for which she was unprepared. This inertia may have resulted from the retirement or transfer of a number of school officials. Under these circumstances “justice to [an] individual” student requires that we order that this student’s grades in *Advanced Placement Honors Calculus* to be expunged from her record.⁹

Conclusion

This student’s grades in *Advanced Placement Honors Calculus* are to be expunged from her record.

APPROVED:

Forrest L. Avila, Hearing Officer

Peter McWalters, Commissioner

January 19, 2006
Date

⁹ *Appeal of Cottrell*, 10 R.I. 615. (1873) See: *Pawtucket School Committee v. State Board*, 103 R.I. 359 (1968)