

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF
EDUCATION

.....

Parents of Student W. Doe

v.

**Textron/Chamber of Commerce
Academy**

.....

DECISION

Held: The evidence does not support Student Doe's entitlement to obtain her diploma at this time. She has not met graduation requirements and has not established a basis for an exemption from such requirements, i.e. that her failure was due to the fault of school officials or otherwise legally excusable.

Date: June 14, 2007

Travel of the Case

On June 1, 2007 Mr. and Mrs. Doe filed a request for hearing before the Commissioner on the issue of their daughter's entitlement to receive her diploma at graduation, scheduled for June 4, 2007. The guidance counselor at the Textron/Chamber of Commerce Academy had notified Mr. and Mrs. Doe in a notice dated May 31, 2007 that their daughter would be permitted to participate in the graduation ceremony, but that she would receive a blank diploma. School officials also notified Mr. and Mrs. Doe that upon the successful completion of a summer school program in Anatomy/Physiology, she would receive her diploma. Given that summer school is scheduled to begin on June 25, 2007, hearing and decision in this matter has been expedited.

Hearing took place on June 11, 2007 at which time both of the parties appeared pro se. The hearing officer has relied on her notes from the hearing and the exhibits introduced into evidence for purposes of this decision.

Issue

Is Student Doe entitled to receive her diploma even though she received a failing grade of 63 in Anatomy/Physiology and as a result does not have the two (2) credits in Science that her school requires for issuance of a diploma?

Findings of Relevant Facts:

- Student Doe is a senior who has been enrolled at the Textron/Chamber of Commerce Academy, a charter school, since ninth grade.¹
- During her senior year, Student Doe struggled academically. On April 23, 2007 a notice was sent to her parents² indicating that as of the close of the third quarter, she was failing three courses for the year- English, Algebra II and Anatomy/Physiology.
- On May 31, 2007 the guidance counselor assigned to Student Doe outlined what she had passed thus far, what she had failed and what was needed in order for her to graduate. The May 31, 2007 notice indicated that if Student Doe passed English (she was allowed to re-do her presentation/exhibition on June 1, 2007) she would be allowed to participate in graduation ceremonies on June 4, 2007 and receive a blank diploma. The failing grade she was anticipated to receive in Anatomy/Physiology (63) would then have to be made up in summer school (Student Doe had previously declined the opportunity to do an extra credit assignment to bring up her grade in this

¹ All of the findings are based on the notes made at the time of hearing and the exhibits introduced at that time.

² Mr. and Mrs. Doe testified that they did not receive the April 23, 2007 notice until it was later faxed to them by the guidance counselor on May 30, 2007.

class). Upon her receipt of a passing grade in the summer course, she would then receive her high school diploma.

- Student Doe received a passing grade in English and was allowed to participate in graduation ceremonies on June 4, 2007. School officials are withholding her diploma until she successfully completes the summer course in Anatomy/Physiology.
- The Textron/Chamber of Commerce Academy Student Handbook describes a series of “Academic Interventions” utilized when a student’s academic performance is unacceptable. These include holding a conference with the parents, the student, the guidance counselor and the Head of the School. Textron Ex.B, p.14. Mr. and Mrs. Doe testified that there was no conference held to discuss and resolve outstanding issues with Student Doe’s academic performance.
- Mr. and Mrs. Doe received quarterly report cards and mid-quarter progress reports which reflected the status of Student Doe’s grades throughout the 2006-2007 school year.
- The Student Handbook indicates that all students must earn two credits in science (Biology and an Elective) in order to graduate. Since Student Doe failed Biology in her sophomore year, she was allowed to take Anatomy/Physiology in her senior year as a replacement course.³
- The Head of School has agreed to waive the summer school attendance fee for Student Doe.

Positions of the Parties

Mr. and Mrs. Doe

Mr. and Mrs. Doe initially question their daughter’s placement in Anatomy/Physiology this year. Since she had previously failed Biology, it is their position that she should have retaken that course, and taken it in her junior year. They insist that they were unaware that their daughter needed to pass Anatomy/Physiology in order to graduate until they received the May 31, 2007 fax from her guidance counselor. Although they acknowledge receipt of quarterly report cards and interim progress reports, they thought that their daughter still had a chance to pass this course, especially if she did well on the final exam, which they say she did. During meetings and telephone calls at various times throughout the year, Mrs. Doe testified that school officials focused on the need for Student Doe to receive passing grades in English and in her internship program, but there was no mention of the consequences that would result if she did not pass Anatomy/Physiology. Furthermore, the Student Handbook provides for “Academic Interventions” which should involve the student’s parents. In this case, none of the steps set forth on page 14 of the Handbook were followed. If they had been, Student Doe’s parents would have worked with her to address her failing grades in Anatomy/Physiology.

³ She also took, and passed, environmental science in her junior year.

Textron/Chamber of Commerce Academy

The head of the school acknowledged that communication with parents on the issue of Student Doe's failures in Anatomy/Physiology could have been better, but he pointed out that the quarterly report cards and progress reports gave the parents timely notice that her grades in this subject were at issue. The selection of Anatomy/Physiology to meet the credit requirements in Science was in response to Student Doe's expressed interest in entering the nursing field⁴. She had already taken, and failed Biology. Given her grade of 63 in Anatomy/Physiology, the fact she is one credit short of the two required Science credits, she is clearly ineligible to receive her diploma at this time. Upon her completion of summer school to make up this credit, she will receive her diploma.

There is no basis for a waiver of graduation requirements, nor does the head of the school have authority to waive requirements put in place by the board of directors. However, because the process set forth in the Handbook for "Academic Interventions" was not followed, and the importance of passing Anatomy/Physiology may not have been clearly communicated to Mr. and Mrs. Doe, the head of the school permitted Student Doe to participate in the graduation ceremony and, in addition, has agreed to waive the fee for summer school attendance. This is an appropriate response to Mr. and Mrs. Doe's concerns, he submits.

DECISION

Because Student Doe's parents question the accuracy of the calculation of her final grade in Anatomy/Physiology, especially given that she received a grade of 91 on her final exam in this subject, it was agreed at the hearing that the head of the school would provide the details and calculations on how her final grade was determined by her Science teacher.

Mr. and Mrs. Doe now question the appropriateness of placing their daughter in Anatomy/Physiology this year, rather than having her repeat Biology. If they felt that repeating Biology in her senior would be to her advantage, this was an issue to be raised at the outset of the year when they became aware of what their daughter's course selections were. Mention was made by the guidance counselor that the course in Anatomy/Physiology was aligned with Student Doe's expressed career goal.⁵ If this was not the case, or the parents had a preference for her to repeat Biology, the time to raise this issue was at the beginning of the school year, not after final grades are tallied.

Although it is evident from the testimony that there were numerous issues with respect to Student Doe's grades in English, her internship, and Anatomy/Physiology throughout the 2006-2007 school year, it would appear from Mrs. Doe's testimony that her failing grades in Anatomy/Physiology were never a focus of discussion with school staff until the very end of the year. It is also true that the process of "Academic Interventions"

⁴ An interest she apparently had not expressed to her parents.

⁵ Although notes of the hearing officer are unclear on this point, there was also a limitation on course offerings which resulted from the small size of the faculty, such that all courses were not offered every year.

set forth on page 14 of the Student Handbook was not followed, i.e. there is no evidence that after a conference with Student Doe, her parents, and school staff she was placed on an Academic Contract for this course. This situation resulted in a failure to focus⁶ on her grade in Anatomy/Physiology and the likelihood that she would not attain sufficient credits in Science until her guidance counselor actually prepared a summary of her graduation status on May 31, 2007. It was this situation that prompted the head of the school to permit Student Doe to participate in the graduation ceremony even though she would receive a blank diploma.⁷ The school has also agreed to waive the fee for Student Doe to take a summer course in order to obtain the science credit she still needs.

On the basis of this record, we find that the steps already taken by the head of the school have sufficiently addressed any shortcomings brought about by the school's failure to follow its protocol for "Academic Interventions" with respect to Anatomy/Physiology. We are constrained to point out that the requirements established for graduation from the Textron/Chamber of Commerce Academy are set forth in the Student Handbook. This information, together with the knowledge that their daughter had passed only one science course out of the two which were required, should have alerted the parents that it was critical for her to pass Anatomy/Physiology in her senior year. Report cards and progress reports provided the parents with notice that she was failing this course, even if it did not become a subject of discussion when the parents met with school staff to discuss other equally pressing issues. There is no evidence that the after-school tutorials described in the Handbook as being available to students in need were not made available to Student Doe to help her improve her grade in this subject. In light of all the evidence in this case, we must conclude that the school's decision to permit Student Doe to participate in the graduation ceremony and to permit her to make up the course in summer school (at no cost) fully addresses the arguments made by Mr. and Mrs. Doe. Her entitlement to receive her high school diploma has not been established.

For the foregoing reasons, the appeal is denied and dismissed.⁸

Kathleen S. Murray, Hearing Officer

APPROVED:

Peter McWalters, Commissioner

June 14, 2007

Date

⁶ According to Mr. and Mrs. Doe, other school staff shared their surprise in learning from the guidance counselor that Student Doe needed to pass Anatomy/Physiology in order to graduate

⁷ The customary practice in Rhode Island is to restrict graduation ceremonies to those who have earned their diploma.

⁸ We should note that for whatever reason, this dispute was not first presented to the Board of Directors of this charter school. The failure to exhaust administrative remedies is a matter usually raised in a motion to dismiss. Since we have heard and addressed the merits of this dispute, there would be little sense in a remand to the Board of Directors of the Textron/Chamber of Commerce Academy.