

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF
EDUCATION

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Coventry High School Students

v.

Coventry School Committee

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DECISION

Held: The Coventry School Committee’s attendance policy mandates that 10 points shall be deducted from a student’s quarterly grade in any course in which the student accrues four unexcused absences during a quarter. This case concerns eleven students at Coventry High School who each had 10 points deducted from their quarterly averages, in accordance with this attendance policy. Based on the record of this case, we have concluded that the school committee’s attendance policy is a reasonable exercise of the school committee’s discretion. We therefore do not believe that we would be justified in overturning the deductions imposed in this situation. The appeals are therefore denied and dismissed.

DATE: August 20, 2008

Jurisdiction and Travel of the Case

The Coventry school committee has adopted an attendance policy which mandates that 10 points must be deducted from a student's quarterly grade in any course in which a student accrues four unexcused absences during a quarter. This case concerns eleven students at Coventry High School who had 10 points deducted from their quarterly averages because each had accrued 4 unexcused absences during the quarter.

Although a technical argument has been made that this matter should be remanded for further hearings before the Coventry school committee, it appears to be uncontradicted that the chair of the school committee has indicated that such further review would not change the result reached at the local level. We will therefore not remand this matter. Arguments have also been made that the appeals in this matter were not timely filed. We think however that these appeals were filed within the reasonable period of time. This matter is therefore properly before the Commissioner. Jurisdiction is present under R.I.G.L.16-39-1 and R.I.G.L. 16-39-2.

Positions of the Parties

The School Committee

The school committee contends that its attendance policy is a valid exercise of its discretion and that the point deductions imposed were proper.

The Parents

The parents contend that school districts attendance policy is too harsh and that it is being applied in this case in an improper way.

Findings of Fact

1. The students in this matter are members of a club football team called the Coventry Rams. This football team is not affiliated with the public schools of Coventry. The Coventry Rams were invited to participate in a national championship game in Florida.
2. In order to participate in this championship game the students in this case sought an excusal from the attendance policy of their school district.
3. The absence policy of the Coventry High School states: "If a student is absent (unexcused) from a class or classes in excess of three (3) times per quarter, the teacher will lower the student's quarterly grade by ten points."¹ This policy is only in effect at the Coventry High School.

¹ Coventry Student Handbook, page 8. Exhibit 1.

4. The trip to Florida would cause the students to miss five days of school.
5. The class schedule at Coventry High School is a bit unusual. Most classes meet three times a week. The class assigned to the last period of the school day is an exception to this rule. It meets four times a week. The upshot of this schedule is that a student can miss an entire week of classes without incurring more than three unexcused absences in any class, except with regard to the class that meets four times a week.
6. What happened in this case was that the school district decided to waive enforcement of its unexcused absence policy with regard to the class that met four times a week. This meant that students who went to Florida could miss a week of class while “only” incurring three unexcused absences in any of their respective classes. Obviously, this was potentially a Faustian bargain because these three unexcused absences would leave a student with no margin of error with regard to any further unexcused absences during the quarter. In fact, if a student already had an unexcused absence on his record, the acceptance of this bargain would be extraordinarily unwise since its acceptance would irredeemably place him into the category of those who would incur a 10 point penalty for having 4 unexcused absences. This seems to be a point that many parties to this case overlooked.
7. Prior to the trip the principal of the Coventry High school addressed a letter to the parents of those students who were going to Florida. In pertinent part this letter stated: “Since the trip [to Florida] is not a school sponsored trip, the absences for the week...are unexcused absences.” ... “Three class unexcused absences is the maximum amount allowed without receiving any point deductions.” ... “Please keep in mind that if your child receives additional unexcused absences for the second quarter, they will have exceeded the attendance policy limits. In addition, please remember that all doctor’s appointments are excused and parents are allowed to send four parent notes for illness each quarter without penalty. I ask that you refer to page 8 in our student handbook for the attendance policy and send all notes to the appropriate assistant principal within 3 days of the absence. Quarter 2 ends on January 19, 2007.”²
8. Some of the petitioning students in this case had a prior unexcused absence on their records for the second quarter before they went on the trip to Florida. The upshot of this situation was that when these students returned from the trip, they found they had, “been written down in five subjects ten points each.”³ When the parents attempted to file an excusal note for these prior absences out-of-time, these excuses were rejected by school authorities.⁴

² Exhibit 3.

³ Transcript page 17.

⁴ Exhibit 2.

9. Review of the school committee's attendance policy was sought. Ultimately the school committee reaffirmed the attendance policy without material change. There is a plain indication on the record that once the policy had been reaffirmed any individual appeal to the committee would be futile.
10. The administration of this policy is not simple. First a computer check determines whether a student has accrued four or more absences. If four absences are present a report is given to a principal who reviews the student's record to decide whether the absences at issue were unexcused. If the absences were unexcused, a report goes to the student's teacher who makes the appropriate point deduction. There can be an occasional error in this process, but if an error is made corrective actions are taken.
11. All parties had notice of the school district's attendance policy.

Conclusions of Law

School committees may adopt policies which require that a certain number of points be deducted from a student's average if a student fails to attend a class. Such policies are allowable, but they must be very carefully drafted. Deductions must not be disproportionate, have the effect of discouraging effort, or have the effect of forcing students out of school. Attendance policies must be clear and understandable to both students and staff.⁵ Staff must have a clear understanding of how the policy is to be applied.

The policy at hand diminishes a quarterly grade by 10 points. This is not an insubstantial penalty. To the other side of the balance however we must add the fact that penalty relates to a *quarterly* grade, rather than to a *final* course grade. Furthermore, a student must have incurred four unexcused absences during the quarter before any jeopardy attaches. Since there are 45 days in a quarter, missing four days of class for no good reason is a matter of some significance. In addition, parents have the right to excuse student sick days by submitting a simple note to school authorities within three days after the absence of the student. All in all, it should not be hard for a student to avoid the penalty and, if the penalty is incurred, it is a quarterly grade, rather than a final grade which is being diminished. In sum, we do not believe that the school committee's unexcused absence policy falls outside of the range of reasonableness.

⁵ *Donna F. Burrillville School Committee, January, 10, 2000*

Discussion

In our view there are two issues in this case. Is the school district’s unexcused absences policy permissible as written? Assuming that this policy is valid, should those students who went off to Florida with a prior unexcused absence on their records be excused from the consequences of this decision?

We have already concluded that the school committee’s attendance policy is a reasonable exercise of the school committee’s discretion. We also have to rule on the question of what penalty should be imposed in the cases of those students who already had at least one unexcused absence on their record *before* they went to play football in Florida. We think that out of exuberance at the thought of playing in a championship game, students and parents did not stop to reflect on the possibility that *prior* unexcused absences could come back to haunt a student and put the student into the four unexcused absences penalty range. Perhaps school authorities could also have given some thought to this possibility. Still, everyone knew that Coventry had a “four unexcused absences” and “you lose 10 points on your quarterly grade” policy. We therefore do not believe that we would be justified in overturning the deductions imposed in this situation.

Conclusion

The appeals are denied and dismissed.

Forrest L. Avila, Hearing Officer

APPROVED:

Peter McWalters, Commissioner

August 20, 2008
Date