

State of Rhode Island
and
Providence Plantations

Commissioner of Education

Student K.E. Doe

v.

North Kingstown School Committee

DECISION

Held: This student has not yet fulfilled the requirements for graduation from North Kingstown High School. 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 11, 2009

Travel of the Case:

Student Doe's mother filed a request for hearing with Commissioner Peter McWalters on June 10, 2009. She appealed the decision of the Superintendent of the North Kingstown School Department that her daughter would not be allowed to participate in graduation ceremonies, which are scheduled for June 13, 2009. A hearing was convened on the morning of June 11, 2009, after the undersigned was designated to hear and decide this case. Upon a determination that Student Doe was over eighteen (18) years of age and was not present, the hearing officer requested Student Doe's attendance. Student Doe thereupon came to the hearing and designated her mother to present her case. The North Kingstown School Committee was represented by its legal counsel.

Testimony and documentary evidence was presented by the School Committee regarding the status of Student Doe's eligibility to receive her diploma. At the time of presentation of the case on her daughter's behalf Mrs. Doe indicated that she did not dispute that her daughter was ineligible to receive her diploma, since she had not completed the district's graduation requirements. She submitted that district policy was not clear and that no member of the staff of the School Department had provided her with an answer to the question as to why the district had a policy of limiting graduation ceremonies to students who were eligible to receive their diploma. The issue was narrowed at that time to the following:

ISSUE

Does the North Kingstown School Committee have a valid policy of limiting participation in graduation ceremonies to students who have met graduation requirements and are eligible to receive their diploma? If so, is there a valid reason why Student Doe should be exempted from the application of this policy?

Given the time constraints in issuing this decision, our factual findings and discussion will be necessarily condensed.

Findings of Fact:

- After completing her junior year at North Kingstown High School, Student K.E. Doe enrolled in a “concurrent enrollment” program at Johnson & Wales University. This was with her mother’s approval, as required by the North Kingstown Course of Study Manual. (S.C.Ex.4).
- The aforementioned manual, as well as other documentation she received at that time, informed Student Doe that “with successful completion of college courses that meet the requirements for the diploma, the student can graduate with his/her class”. S.C. Ex. 4, p.12.
- The Course of Study Manual also noted “Parents and students are cautioned about the risk involved in this plan. If the student does not complete the college courses, the student will not earn a high school diploma”. S.D.Ex. 4, p.12.
- The Course of Study Manual describes four (4) credits in English as required to earn a diploma from North Kingstown High School, noting that “Full year courses that meet daily grant one credit”. When she enrolled in the concurrent enrollment program at Johnson & Wales during the 2008-2009 school year, Student Doe was advised that she would need a “full year” of English, consisting of two college English courses. She agreed to this in the “Early Enrollment Program Agreement Form”. (testimony of her guidance counselor; S.D.Ex.2.
- Student Doe completed one English course in the first term of three terms at Johnson & Wales University in 2008-2009. She received a “NC” and was allowed to withdraw from the English courses she took (Intro to Literary Genres”) in both the winter and spring terms. S.D.Ex. 5.
- On or about May 13, 2009 Student Doe contacted her high school guidance counselor to express concern that she had failed to obtain credit for the second English course at Johnson & Wales and that as a result, she would not be eligible to graduate. (testimony of Student Doe’s guidance counselor).

- On or about May 20, 2009 Student Doe’s guidance counselor agreed to help her try to satisfy North Kingstown’s graduation requirements by taking an online, University of Nebraska course in English. Despite the assistance of her guidance counselor, Student Doe has not been able to complete the requirements to receive credit for this online course. (testimony of Student Doe’s guidance counselor); S.D.Ex.7; Student Doe Ex. B.
- The North Kingstown School Department has a policy, consistently enforced, of not allowing students to participate in graduation ceremonies unless they are eligible to receive their high school diploma. This policy has existed for at least seventeen (17) years. (testimony of the Principal).

DECISION

In Rhode Island, some school committees¹ allow a senior who has not yet met graduation requirements to participate in graduation exercises. Other Rhode Island school committees have a policy of not allowing any student who is ineligible to graduate to attend the ceremony. The Commissioner has held that either of these policies, if consistently applied, is allowable. See **Student W.L.Doe v. Lincoln School Committee**, June 10, 2005 decision of the Commissioner. In this case there is unrebutted evidence that North Kingstown has a consistent and evenly-enforced policy of restricting graduation ceremonies to students who will receive a diploma. We cannot agree with Student Doe’s contention that North Kingstown’s policy is implicit, not explicit, and that she may not have had sufficient notice of it. We are not prepared to say that school committees must state explicitly in writing that “graduation” ceremonies are restricted to those who are “graduating.” In any event, we find the School Committee’s written policy to be sufficiently clear that receipt of the diploma and “graduation” go hand in hand. In addition, the language in the Course Manual provided to Student Doe is explicit that “With

¹ At this point, based on the appeals that have been presented to the Commissioner on the issue of participation in graduation ceremonies, we would suspect that most, if not all, districts in our state require students to be eligible for the diploma in order to participate in graduation ceremonies.

successful completion of college courses that meet the requirements for a diploma, the student can graduate with his/her class” (page 12). This notifies the student who accepts the challenge of concurrent enrollment that if they are not successful, they will not graduate with their class.

Regrettably, Student Doe was unable to complete the second English course required in order for her to accrue four (4) English credits while at Johnson & Wales. She also has not yet completed the online course that district officials have agreed will alternatively qualify her for her diploma from North Kingstown High School. Although there was some testimony that her accommodation plan at Johnson & Wales was not complied with, there was insufficient evidence of this in the limited testimony provided by Student Doe. There is therefore no factual basis on which to find that there was any violation of her rights to accommodations under Section 504. There has been no basis established in this record on which to require, or justify, an exception to the School Committee’s graduation policy.

For the foregoing reasons, Student Doe’s appeal is denied and dismissed. She is encouraged to complete the course work for receipt of her diploma and move forward with her future plans.

Kathleen S. Murray

APPROVED:

Peter McWalters, Commissioner

Date