

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

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J. DOE

v.

NORTH KINGSTOWN SCHOOL DEPARTMENT  
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**Decision**

Held: Student is not entitled to a diploma at this time, but because of school's poor communication with his parent regarding his graduation status, he may participate in the graduation ceremony.

Date: June 10, 2011

## **Introduction**

This is an appeal of a determination by the North Kingstown School Department that student Doe did not complete the district's high-school graduation requirements.<sup>1</sup>

## **Background**

Student Doe is a 17-year-old senior at North Kingstown High School. He has an individualized education program (IEP) which states that he “needs explicit instruction in reading and writing in order to successfully complete content/academic class assignments.” [School Department Exhibit 2]. The IEP provides Doe with one-and-a-half hours of resource support every other day for assistance in reading and writing. The IEP modifications include extended time for reading and writing assignments, as needed. It also states that the “length and time for writing (i.e. Senior Project) will be determined with input from academic class teacher(s).”

The graduation requirements in issue are the senior exhibition and the e-portfolio. These requirements apply to all students. A major part of the senior exhibition is the senior paper. Consistent with his IEP, the length of Doe's paper was modified, and Doe was given more time to work on the paper with his English and resource teachers after the paper's initial submission.

The initial submission was in the first week of December 2010. When scores were released in late January 2011, Doe's paper was rated not proficient. Students receiving this rating were given until February 18, 2011 to rewrite the paper. On February 2, 2011, the High School sent letters to the parents of students who received not-proficient ratings. Doe's mother testified that she did not receive a letter regarding her son's senior paper. Students were given memos describing the steps in the rewrite process.

The High School conducted four workshops to assist students with their rewrites. Doe did not attend any of the workshops. He testified that the workshops conflicted with his driver's education schedule, and he did not believe he could miss a driver's education

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<sup>1</sup> The Commissioner of Education designated the undersigned hearing officer to hear and decide the appeal. The appeal was filed on June 8, 2011 and heard the same day. The graduation is June 10, 2011. We appreciate the cooperation and availability extended by the School Department in this matter.

class. During the week of February 18th, a senior project coordinator spoke to Doe and offered suggestions for his rewrite. On February 18th, the coordinator visited Doe's resource class to collect his paper, but Doe had not made any corrections to his paper. The coordinator worked with Doe to develop a rewrite plan. Unlike other students, Doe's rewrite deadline was extended through the February vacation.

Doe did not submit his paper when school resumed after vacation. At the end of the week, another coordinator visited Doe in his history class and learned that he did not have a revised paper. Doe was told that he could rewrite his paper in summer school. On April 5th, Doe asked a coordinator if his senior paper could pass. He again was told he could work on the paper in summer school.

On April 11th, Doe's mother e-mailed the High School to report that she had learned from her son that his senior paper was rated not proficient. She questioned how this could happen to a student with an IEP and a resource class, and what was needed for her son "to walk across that stage with his graduating class." [Petitioner's Exhibit 2]. Doe and his mother met with High School staff on April 13th. After reviewing the matter, the staff once again stated that Doe would have to complete the senior paper in summer school.

At the hearing, Doe testified that his paper needed spelling and citation work. He testified that his resource teacher helped him correct the spelling, but that he has still not found proper citations for his work.

The e-portfolio requirement involves the collection of 14 proficient assignments spanning grades 9 through 12, a summative reflection, and a concluding presentation by the student. For the class of 2011, opportunities to present were offered in May 2010 and on three more occasions during the 2010-11 school year. The last opportunity to present was scheduled for June 2, 2011. The gathering of assignments and writing the reflection were addressed in e-mails from Doe's resource teacher to Doe's mother, and from an e-portfolio coordinator to Doe himself on May 26th and May 27th. Doe testified, however, that the coordinator told him the following week that there was a problem with a 9th-grade assignment he had selected, and that even if he were to make a presentation on June 2nd, his e-portfolio could not be rated proficient. Doe did not make a presentation on June 2nd. He got in touch with his mother who e-mailed the superintendent and

principal at 3:42 p.m. that day asking for a phone call because “[Doe] just contacted me a short time ago telling me that he was told he can not present today and will not be graduating!” [Petitioner’s Exhibit 3].

It is the district’s policy that only students receiving diplomas may participate in graduation exercises.

### **Positions of the Parties**

Doe’s mother contends that her son’s current predicament is the result of a lack of communication from school staff. She asserts that she was not contacted by the High School from December 2, 2010 until April 11, 2011 with regard to the problems with Doe’s senior paper. By the time she initiated the April 11th contact, the paper’s deadline had passed and a graduation requirement could not be met. Had she been contacted earlier, she would have taken affirmative steps to ensure that Doe successfully rewrote the paper. Instead, she relied on her son’s assurances that the paper was being completed. As for the e-portfolio, the importance of the June 2nd opportunity and the timing of the problem with a 9th grade assignment previously thought to be proficient made it imperative that the school contact her immediately so that the situation could be reviewed. Instead, she had to learn of the complication from her son after the chance to make a presentation had passed. Because Doe has an IEP and recognized difficulties with writing assignments, the school needed to keep the parent current with regard to any issues concerning these graduation requirements.

The School Department contends that Doe was given many opportunities to fulfill these requirements, that he did not take advantage of the help that was offered, and that his IEP was followed. Doe’s senior paper is still not completed, and he chose to forego his last opportunity to make an e-portfolio presentation on June 2nd. There is no basis to excuse him from graduation requirements that apply to all students.

### **Discussion**

There is ample evidence in this case that in applying the two graduation requirements in issue, school staff provided Doe with the types of modifications,

opportunities and supports that are contemplated by his IEP. The record also supports the School Department's contentions that Doe bypassed many opportunities to obtain assistance in writing his senior paper and completing his e-portfolio. Left on his own, Doe made some unwise decisions.

On the other hand, Doe is not yet 18 years old. A parent needs to be involved in important decisions that significantly affect his education. Parental involvement in educational decisionmaking cannot occur without effective communication between the parent and the school.

Effective communication is addressed in the Board of Regents regulations concerning proficiency-based graduation requirements. Section L-6-3.7(a) of the regulations requires schools to provide "full and effective notice" of graduation requirements to students and families. Subsection (c) of that section states that

In the event that a student is in jeopardy of not earning a diploma, the LEA must maintain a record of multiple and timely individual notices to the student and his/her family that include: (1) clear notification of the student's academic status; and (2) the opportunity to meet and discuss the student's academic program, support, and planned interventions; and (3) regular updates of student performance and progress. All such communications must be provided in a format accessible to families and students. LEA failure to provide student and family notifications in the manner set forth in these regulations may be addressed through locally managed appeals processes but shall not be presumed to result in the awarding of a diploma.

Putting aside the dispute concerning the mailing of the February 2, 2011 letter to Doe's mother, the record shows that she was not contacted when Doe failed to submit a revised senior paper on February 18th, nor was she contacted when Doe missed the due date that was extended through February vacation. By the time Doe informed his mother of the non-proficient paper in April, the deadline had passed.<sup>2</sup> When the April 13th meeting concluded with school officials adhering to their decision that the paper would have to be completed in summer school, the die was cast. Doe would not be able to graduate in June. We question whether this affected Doe's thinking on June 2nd when he decided not to make the e-portfolio presentation. The evidence shows that some type of

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<sup>2</sup> We also wish to note that the senior paper was a writing project, a primary area of focus in Doe's IEP, and that informed parental involvement is required in the development and monitoring of IEPs.

confusion about the legitimacy of Doe's assignments arose shortly before the scheduled June 2nd presentation. Again, it was Doe, not the school, who contacted his mother about this problem. And again, the contact was too late.

Based on the above, we are unable to find that timely and effective communication took place with regard to Doe's precarious graduation status. We have not lost sight of two facts, however. First, Doe still has not completed his senior paper. Second, the e-portfolio presentation is a significant graduation requirement. Considering all the circumstances, we cannot order that Doe be granted a diploma, but we do order that he be allowed to participate in the graduation ceremony and be given the opportunity, with effective notice to his mother, to complete the necessary requirements this summer.

### **Conclusion**

Student Doe is not entitled to a high-school diploma at this time, but given the circumstances concerning his failure to complete graduation requirements, we order that he be allowed to participate in the graduation ceremony on June 10, 2011. Doe shall be given the opportunity to complete the requirements this summer, and his mother shall be fully informed of this process.

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Paul E. Pontarelli  
Hearing Officer

Approved:

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Deborah A. Gist  
Commissioner of Education

Date: June 10, 2011