

STATE OF RHODE ISLAND

COMMISSIONER OF EDUCATION

STUDENT D. DOE

v.

EXETER-WEST GREENWICH REGIONAL
SCHOOL DEPARTMENT

Decision

Held: Student failed a required course and therefore did not meet district graduation requirements.

June 13, 2014

Introduction

This is an appeal from a decision that a student did not meet district graduation requirements.¹

Background

Student Doe is a senior at Exeter-West Greenwich Senior High School. She failed her 11th-grade, college-preparatory, collaborative English class in the 2012-13 school year.² She did not attend summer school.

Doe successfully completed her 12th-grade college-preparatory, non-collaborative English class in the first semester of the 2013-14 school year.³ Doe failed her chemistry class, however, and needed to retake the class in the second semester. This led to several course-scheduling conflicts which resulted in Doe being assigned to an 11th-grade college-preparatory, non-collaborative English class taught by the same regular-education teacher who was assigned to Doe's 2012-13 11th-grade English class. Doe's mother questioned her daughter's placement in this class. The school told Doe and her mother that the special-education teacher from the previous year's English 11 collaborative team would be available to help Doe. Doe met with the special-education teacher once in March 2014, once in April and five days before the final exam in English 11. The special-education teacher never declined to meet with Doe when asked.

Doe received a 52 average in English 11 for the third quarter.⁴ She was absent 7 days during the quarter. Doe missed several homework assignments and performed poorly on quizzes and tests. She received zeroes on the summer reading essay and the summer reading quiz at the beginning of the 2013-14 school year. The zeroes were recorded on January 29, 2014. Doe testified that she was ill during the summer and was not able to do the assigned reading. She provided medical documentation at the hearing showing treatment for the illness in question in November 2012 and February 2013. Other records for 2013 are said to be unavailable due to staffing changes at the health facility. The School Department reported that there are no medical excuses for Doe on file or in her health record. Doe did not request an extension for the summer-

¹ The appeal was filed on June 6, 2014. A hearing was held on June 11th. The graduation is scheduled for June 14th.

² Collaborative classes are team-taught by regular and special education teachers.

³ Doe has taken other non-collaborative classes during her high-school career.

⁴ The passing grade is 65.

reading assignment. The summer-reading essay and quiz counted for 10% of the third-quarter grade.

Doe received a 77 in English 11 for the fourth quarter. She received a 56 on the final exam, which counts for 20% of the final grade. Her final average for English 11 is 62.84. She was absent another 7 days during the fourth quarter.

Doe does not have a Section 504 plan or an individualized education program (IEP).

Because Doe failed English 11, she does not have enough required academic credits to graduate. She has met all other district graduation requirements.

According to district policy, the graduation ceremony

is a privilege earned through four years of achievement and is awarded to those seniors who have: completed the academic requirements for graduation, are in good disciplinary standing; and have met all outstanding obligations to the school . . . Seniors who have not earned the privilege will not be allowed to participate in the graduation ceremony. [School Department Exhibit 6].

Positions of the Parties

Student Doe's mother contends that it was not appropriate to place Doe in a non-collaborative English 11 class in 2014 after Doe failed the collaborative class in 2013. Had Doe received modified instruction and quizzes and tests, she would have passed English 11 this semester. Doe worked hard the last quarter, sought help from the special-education teacher but fell just short. Her absences from school were not a factor as she had the same number in the third and fourth quarters, but vastly different grades. Doe was too ill to do her summer reading, and she should have been given additional time to do the reading because the English 11 class did not start until the second semester. Doe was set up for failure and if she had been assigned to a collaborative class with the proper modifications, she would have passed English 11 and be on track to graduate.

The School Department contends that this is a straightforward case of insufficient academic credits. Doe was not owed any modifications under a 504 Plan or an IEP. Her English 11 placement in 2014 was purely the result of scheduling limitations. She had passed other non-collaborative courses in the past. Her absences were excessive and she did not take advantage of

extra-credit and tutoring opportunities. Under district policy, she is not entitled to graduate at this time or participate in the graduation ceremony.

Discussion

The graduation policies and requirements for Exeter-West Greenwich Senior High School are clear. There is no dispute here about the substance of those policies and requirements. The dispute in this case is about Doe's 2014 English 11 placement and the type of instruction and testing she received.

The 2014 English 11 class was a non-collaborative class. Doe had previously been assigned and passed non-collaborative classes. The English 12 class she passed in the first semester of the 2013-14 school year was a non-collaborative class.

In response to her mother's concerns, the special-education teacher from Doe's 2013 English 11 collaborative class was made available to her. According to Doe, she met with the special-education teacher three times during the semester. This was Doe's choice, even with a 52 average in the third quarter. The teacher was always cooperative.

Doe does not have a 504 Plan or an IEP providing her with instructional or testing modifications.⁵ No other evidence of any agreed-upon modifications was produced at the hearing. Doe never requested an extension of the summer-reading assignment. It does not appear that the school even knew about Doe's summer illness until it was mentioned at the hearing.

On the basis of the evidence taken at the hearing, there are no grounds to find that the School Department's decision in this matter is arbitrary or unreasonable. Student Doe fell too far behind in her 2014 English 11 class. She accepted zeroes on her summer-reading assignment without mentioning her illness. She did not seek enough help from the collaborative teacher who was made available to her. We have no doubt that this is a tough lesson for Doe and her family. But the expectations were clear and help was offered. This situation is regrettable, but there is no reason in this record why the School Department's graduation policies and requirements should not be followed in this case.

⁵ Nor was there any evidence that a 504 Plan or IEP was ever requested.

Conclusion

Student Doe did not pass a required course and therefore is not eligible to graduate or participate in the graduation ceremony on June 14th. The appeal is denied.⁶

Paul E. Pontarelli
Hearing Officer

Approved:

Deborah A. Gist
Commissioner of Education

June 13, 2014

⁶ We note that the points assigned to the summer-reading assignment bridge the gap between Doe's final grade and a passing grade. Perhaps, given some apparent confusion about the ability to obtain an extension for medical reasons, the parties could revisit this assignment and work out an alternative to summer school for Doe.