

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

017-16  
COMMISSIONER OF  
EDUCATION

J.M.

v.

North Kingstown School Committee

### DECISION

Held: The Appellant has not proven by a preponderance of the evidence that the action of the North Kingstown School Department was unreasonable, arbitrary or capricious, or that it violated any provision of state or federal education law. However, implementation of a permanent ban on the Appellant's communicating directly with her child's teachers has not been shown to be necessary, based on this record. A permanent ban would prevent teachers working with her child in future school years from having regular, two-way meaningful communication with Mrs. Doe. Such action would also inhibit the creation of a positive and active relationship between teacher and parent to support this child's learning. Direct parent/teacher communication will be permitted during school year 2016-2017 unless and until such communications are determined by district personnel to be unduly burdensome.

DATE: June 30, 2016

## **Travel of the Case:**

On March 20, 2016 J.M. filed a request for a hearing with Commissioner Ken Wagner. The decision she sought to overturn was a February 1, 2016 notice communicated to her by counsel for the North Kingstown school district that individual classroom teachers would no longer be responding to her e-mails and requesting that she stop sending e-mails to her daughter's teachers. The February 1, 2016 letter also advised her that if she were requesting new information or had new questions Ruthanne Logan (the Principal of her daughter's school) would respond every two (2) weeks. It was suggested that J.M. send an e-mail every two (2) weeks to the Principal, who would then respond. In the event of an emergency, the district would respond as soon as possible.

J.M.'s letter of appeal indicated that it had been recommended to her that she present her case to the North Kingstown School Committee at its next meeting (scheduled for April 12, 2016). The record does not indicate whether or not the School Committee has considered or acted upon the Appellant's case.

The matter was assigned to the undersigned and a hearing was conducted on April 11, 2016. The district was represented by its legal counsel and J.M. appeared *pro se*. The record in this case closed on April 28, 2016, upon receipt of the transcript by the hearing officer.

## **Findings of Relevant Facts:**

- Prior to February 1, 2016, Principal Ruthanne Logan received frequent complaints from the math and writing teachers of J.M.'s daughter that they were "overwhelmed with the quantity of e-mails they were receiving" from J.M. They also complained and that they were having difficulty explaining their answers to her satisfaction and that responding to her e-mails had become burdensome, consuming too much of their professional time. Tr. pp. 38-46.
- Following her receipt of these complaints, Principal Logan made a decision that she would become a liaison between J.M. and her daughter's teachers, functioning as an intermediary

for communication purposes. She testified that she communicates with J.M. on a regular basis, three to four times per month, on average. She then communicates with J.M.'s math and English teachers, replies to J.M. and provides the requested information. Tr. pp. 37-38.

- A letter dated February 1, 2016 was sent to J.M. by legal counsel for the district, notifying her that individual teachers would not be responding to her e-mails, but that the Principal would respond to requests for new information or respond to new questions every two (2) weeks. The letter states that the reason J.M. will not be communicating directly with her daughter's teachers is her "excessive e-mails" that were "detrimental to the process and detrimental to (her) child's success..." in school. App. Ex. A.
- The February 1, 2016 letter makes clear that emergency situations are not covered by the system set forth in the letter. App. Ex. A.
- J.M. sent numerous e-mails to several of her daughter's teachers, Principal Logan and other district personnel over the course of the 2015-2016 school year. App. Ex. B.
- In addition to requesting information, J.M.'s e-mails request teachers to address a number of academic issues, including a perceived discrepancy between her standardized test scores and classroom performance, a disparity between her daughter's reading and writing skills, her placement/progress in an advanced math class during the 2015-2016 school year and a 504 team's determination that her daughter was not eligible for "a 504" at this time. The e-mails are often repetitive and, in some instances, implicitly question the professional integrity of the teachers. App. Ex. A-H. J.M. has explicitly commented on the existence of "fraud" in the school system at meetings to determine her daughter's eligibility for a 504 Plan. Tr. pp. 44-45, 47-48, 60.<sup>1</sup>

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<sup>1</sup> N.M. disagrees with the determination that her daughter is not eligible for a 504 Plan. Tr. pp.10-11; 142-143; 150-151. She evidently has not yet filed an appeal from this determination. Tr. p.11, 33-34.

## **Positions of the Parties:**

### **The Appellant:**

Mrs. M. feels that the decision of the district to prohibit her direct communication with her daughter's teachers is based on retaliation. She testified that a situation existed in 2012 with respect to another of her children and she was required to take on an advocacy role. Then, and now, the district responded by prohibiting her ongoing questions to teachers and requests for documentation that she views as necessary for her to advocate on her child's behalf.

Her position is that her daughter has a disability that entitles her to a 504 Plan and additional aids and supports in her educational program. She is struggling in seventh grade and, despite certain informal accommodations, she would benefit from the additional help a 504 Plan would provide. The Appellant's advocacy is aimed at ensuring that her daughter gets the educational supports that she needs to be successful academically. In this instance, her advocacy for her daughter is providing the district with an ongoing reason to restrict her communication with her child's teachers.

The Appellant argues that her e-mails were designed to obtain the information that she absolutely needs to be an informed partner in her child's education, as the No Child Left Behind Act (NCLB)<sup>2</sup> envisions. Research also supports the importance of parental involvement to a student's academic success. In a public school, the parent is entitled to participate fully in the educational process. All e-mails- questions with respect to a grade in a writing assignment, progress on her daughter's written work aligning with Common Core standards, pressing for a reason for her failing grade in math despite her "adequate aptitude" for placement in an advanced math class- all center on necessary information for her to function as an informed partner in her child's education.

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<sup>2</sup> NCLB was reauthorized as the "Every Student Succeeds Act" and continues in place requirements, and opportunities, for parent, family, and community engagement.

The Appellant argues that her e-mails were not, in fact, excessive. To begin with, there were not that many and most of her questions were directed to the math and writing teachers. Although some of her communications may appear repetitive, if one looks closely, in many instances a follow up e-mail was necessitated by an incomplete or evasive answer. While the tone of her e-mails may not always have been positive and at some points teachers' statements/ analyses were challenged, this is the nature of parental involvement. It is sometimes critical in nature, focuses on areas of disagreement, and can be controversial at times.

Simply put, the Appellant argues that she has a right to e-mail her daughter's teachers and have them respond and the district has no right to curtail these communications.

#### **North Kingstown:**

Counsel for North Kingstown argues that the system of communication for responding to the Appellant's e-mails (other than in an emergency) is based on necessity. The decision that individual teachers would no longer be responding to J.M.'s e-mails was made by the building Principal because e-mails had become "excessive" over the course of the school year. They were increasingly critical of the teachers and became disruptive to the teachers' work day. In order for these teachers to devote their time to teaching and meeting the needs of all students, Principal Logan has become a go-between on all parent-teacher communications. Mrs. Logan will continue to answer the Appellant's questions to the best of her ability, and after consulting with the teachers if this is necessary. This system of communication has been demonstrated on this record to be a necessary measure and a reasonable response. It will be in place "until further notice."

## DECISION

Although partners in the educational process do not necessarily share the same background or professional expertise, they do share the same objective- the academic success of the student and the overall welfare of the child. We agree with the Appellant that communications from a parent acting as a partner in his or her child's education may not always be positive, that they may be critical and questioning and sometimes may focus on ongoing differences of opinion. It is understandable that teachers may sometimes feel challenged in responding to parents' questions, but this is the type of discourse that often results in improved communication, greater understanding and a stronger partnership. This is not the case here. Unfortunately, the record in this case demonstrates that J.M.'s ongoing communications with at least two of her daughter's teachers created a sense (on the teachers' part) that they were being "attacked"<sup>3</sup> at meetings and "harassed" by unrelenting e-mails covering the same subject matter over and over again. These are subjective assessments of the effect of J.M.'s communications with teachers but they are not without objective justification, based on the record in this case.

Our review of the Appellant's e-mails indicates that communications from J.M. increasingly became less about receiving helpful information and more about ongoing differences of opinion on various issues. There appears to be an underlying theme to most of these communications, i.e. that district staff were overlooking factors that support her daughter's eligibility for a 504 Plan. It is difficult to make a determination, based on this record, that the number of e-mail communications, in and of themselves, had become "excessive," as they have been characterized to be. Principal Logan testified that she made a determination that e-mails from J.M. were excessive and placed an undue burden upon teachers on or about February 1, 2016. Principal Logan has the professional expertise and the administrative responsibility to make this call as she must ensure that teachers have sufficient time to focus on teaching and learning. We accept her

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<sup>3</sup> One of the witnesses for the district testified that teachers felt "attacked" at meetings because of J.M.'s continued questions on similar topics.. Tr. p.60

professional opinion that e-mails from the Appellant had become “excessive” and disruptive to teachers. Communications clearly had passed the point of producing information that was new or that would facilitate the Appellant’s understanding of the issues at hand. The Principal’s decision to become an intermediary on e-mail communications from the Appellant has been shown to be a reasonable response to the situation that developed in school year 2015-2016. The Appellant has not proven that such action was arbitrary or capricious, or that it violates an education law or regulation.

The district takes the position, however, that direct e-mails are prohibited “until further notice.” This system of communication cannot be permanent. It would replace the type of parent-teacher communication that is required by the Rhode Island Basic Education Program Regulations. §G-14-2.2 (b) describes one of the parent engagement “standards” as follows:

**Communication: Communication between home and school  
is regular, two-way and meaningful;**

An indefinite, potentially permanent, ban on the Appellant’s communications with her child’s teachers (and their communications with her) has not been shown to be necessary at this point. If restricted communication were to continue automatically, future teachers would have difficulty fulfilling the requirement that they collaborate with J.M, communicating in a way that shares all information necessary to become meaningful partners in her child’s education.<sup>4</sup> The Professional Teaching Standards also require teachers to work collaboratively with families and to develop relationships with students and their families to support learning.<sup>5</sup> A permanent ban would not enable teachers in the upcoming school year to establish a positive and active relationship with J.M. so that, if possible, they could become partners in the educational process. It is possible that the

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<sup>4</sup> See the Regulations Governing the Certification of Educators in Rhode Island, as amended April 8, 2013 3.3 Rhode Island Code of Professional Responsibility Section 4 “Responsibility to Parents, Families, and the Community.”

<sup>5</sup> See 3.1 Rhode Island Professional Teaching Standards Section 7.

Appellant will focus her communications to teachers in school year 2016-2017 so that they will be productive not become unduly burdensome to teachers and others members of the school staff.

In light of the above, we deny and dismiss the Appellant's appeal in part. We find that the Appellant must be permitted to communicate directly with her daughter's teachers in the 2016-2017 school year, and they with her, unless and until such time as the school administration determines that her communications have become excessive and/or unduly burdensome to teachers and/or other members of the school staff. Once placed on notice that communications, e-mail or otherwise, have become excessive and/or unduly burdensome, the system put in place as of February 1, 2016 or a similar system, may be reinstated at the district's discretion.

For the Commissioner,

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Kathleen S. Murray,  
Hearing Officer

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Commissioner

Date: June 30 2016