

STATE OF RHODE ISLAND  
COMMISSIONER OF EDUCATION

R. DOE, by his parent, Ms. Doe

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

*Petitioner*

v.

RIDE No. 22-059K

WARWICK SCHOOL COMMITTEE,

*Respondent*

**DECISION AND ORDER**

**Held:** Petitioner's challenge to school district's policy and procedure for calculating the grade point average of students enrolled in the high school Jazz Band and Chorale classes is denied because there was insufficient evidence of inequity in either the method of calculation or associated notice provided to students.

May 8<sup>TH</sup>, 2023

## **I. INTRODUCTION**

On or about December 19, 2022, Petitioner, Ms. Doe, the parent of a student currently enrolled in the Warwick Public Schools' ("Warwick") high school Jazz Band program, filed a petition with the Commissioner of the Department of Elementary and Secondary Education ("Commissioner" and "RIDE," respectively) challenging Warwick's policy for calculating the grade point average ("GPA") of students enrolled in the District's high school Jazz Band and/or Chorale programs and requesting a change in policy as well as retroactive recalculation of the GPA for all students enrolled in Chorale and Jazz Band.

On or about January 20, 2023, Warwick filed the administrative equivalent of a Motion for Summary Judgment and accompanying memorandum of law arguing: (1) Petitioner's claims were moot; (2) Petitioner failed to join indispensable parties; and (3) Petitioner's claims did not trigger a violation of federal or state laws, regulations, or policies. Petitioner filed a Response to the Motion for Summary Judgment on February 3, 2023. The undersigned Hearing Officer held that Petitioner's claim challenging Warwick's prior policy for calculating the GPA of all students enrolled in Chorale and/or Jazz Band was moot in light of Warwick's undisputed change in policy at the start of the 2022-2023 school year, as detailed below, but that Petitioner's general allegation that Warwick "does not calculate GPA for all students in the same way" remained a justiciable controversy. As to Warwick's remaining assertions, the undersigned Hearing Officer reserved ruling and an in-person evidentiary hearing was scheduled.

## **II. JURISDICTION, STANDARD OF REVIEW, AND BURDEN OF PROOF**

The Commissioner has jurisdiction over this appeal pursuant to R.I. Gen. Laws § 16-39-1 and § 16-39-2. However, the Commissioner has previously noted: "While the commissioner has more authority than a court does to review an academic decision, in most cases review of a local grading decision is limited to determining whether the academic decision was arbitrary, contrary

to state-wide academic policy, incorrectly computed, or made in bad faith.” *Student S. Doe v. Warwick School Department*, RIDE No. 09-004 (March 13, 2009) (internal citations omitted).

### III. MATERIAL FACTS

The material facts are not in dispute, and the following recitation was deduced from the testimony and documentary evidence submitted at the hearing before the undersigned Hearing Officer on March 13, 2023.

1. Warwick offers Chorale and Jazz Band to all high school students as elective, after-school classes.
2. Students seeking enrollment into either of these courses must audition, and transportation is not provided by the District.
3. Petitioner’s son is currently enrolled in Jazz Band at Toll Gate High School.
4. In previous years, Warwick included Chorale and Jazz Band as additional, regular education course credits when calculating the GPA for all enrolled students.
5. Testimony from Petitioner and various Warwick administrators and teachers acknowledge that this calculation method may positively or negatively impact Chorale and Jazz Band students’ GPAs depending on the grade received.
6. Both Petitioner and Ms. Roe, Technology Integration Specialist at Pilgrim High School and the parent of a Jazz Band student at Toll Gate High School, testified that neither they nor their students were ever informed that taking Jazz Band or Chorale could affect their GPA.
7. The Director of Instrumental Music and Jazz Band teacher at Warwick (“Jazz Band teacher”) and Chorale teacher at Warwick (“Chorale teacher”) each submitted separate affidavits stating that they have “a conversation with all of [their respective] students in January, before

we begin course selection, to make them aware that their grade” in Jazz Band or Chorale could affect their GPA.<sup>1</sup>

8. The Warwick Superintendent (“Superintendent”), Warwick Assistant Superintendent and Director of Secondary Education (“Assistant Superintendent”)<sup>2</sup>, and the Toll Gate High School Principal each testified that they believed all students enrolled in Chorale and/or Jazz Band are aware that taking either of these classes may affect their GPA.
9. In or around October 2022, the Warwick administration received complaints from Petitioner and Ms. Roe regarding Warwick’s policy of including Chorale and Jazz Band as additional course credits when calculating student GPAs.
10. Thus, effective at the start of the 2022-2023 school year, Warwick began implementing “a different grading system” allowing all students enrolled, or seeking enrollment, in Chorale and Jazz Band to “take these classes for a college prep credit, an honors credit . . . or a pass/fail grade.”
11. The Warwick Director of Curriculum, Instruction, Assessment, and RTI (“Director of Curriculum”) memorialized this grading policy change in a letter dated October 21, 2022 (“October 21, 2022 Letter”). This letter, addressed to “Warwick families,” explained, “The reasoning behind the pass/fail is to give students the option to not have the class affect the overall grade point average if this is a concern.” Families were further advised, “If you would like to have your student change the way that this course is graded, please have your student reach out to his/her guidance counselor immediately to make this change.”

---

<sup>1</sup> The Jazz Band teacher and Chorale teacher were unavailable to testify in-person at the hearing. The parties agreed prior to the hearing that these teachers be allowed to submit affidavits in lieu of attending.

<sup>2</sup> The Assistant Superintendent appeared over Zoom as agreed upon by the parties prior to the hearing.

12. The Jazz Band teacher and Chorale teacher each stated in their respective affidavits that, upon becoming aware of this new grading policy in Fall of 2022, they “updated the students that beginning school year 2022-2023 we would additionally be offering” Honors Jazz Band, as well as Jazz Band and Chorale “with a Pass/Fail option in which case their grade would no longer affect their GPA.”
13. Both teachers testified to having this conversation with their students and “believe that they are all very well aware of how their GPA was calculated and impacted by electing to take” Chorale or Jazz Band, and the Jazz Band teacher specifically stated that he had this conversation with “Petitioner’s son.”
14. The Superintendent, Assistant Superintendent, Director of Curriculum, and the Toll Gate High School Principal each testified to their understanding that all Chorale and Jazz Band students were informed of the new grading system by their teachers and/or guidance counselors prior to the end of the Fall 2022 semester in order to ensure that these students had the opportunity to elect one of the three grading options before the end of the Fall 2022 semester and before selecting their classes for the Spring 2023 semester.
15. Petitioner’s son has “taken advantage of” these different grading options.

#### **IV. POSITIONS OF THE PARTIES**

##### **1. Petitioner**

Petitioner first argues that, despite Warwick’s amended grading policy, there is a remaining equity issue because students enrolled in these courses, who are required to attend after-school classes and provide their own transportation, have an extra course included in their final GPA calculation. Thus, even though Warwick changed how Chorale and Jazz Band may be offered, the District still does not calculate GPA in the same manner for all students.

Petitioner next argues that Warwick parents and students were never made aware that their students' participation in Chorale or Jazz Band could impact their GPA, and, additionally, that families were not made aware of the updated grading system by Warwick administration. She further alleges that Warwick families were ill-informed because: (a) the October 21, 2022 Letter was never sent to, or received by, Warwick parents and students; (b) the 2022-2023 Warwick Senior High School Program of Studies ("Program of Studies") does not state all of the grading options available to Chorale and Jazz Band students; and (c) the Program of Studies does not advise that enrollment in Chorale and/or Jazz Band may impact a student's GPA.

## **2. Warwick**

Warwick acknowledges that GPAs are not calculated in the exact same manner for all students but argues that GPAs are calculated fairly for all students, including those students enrolled in Chorale and/or Jazz Band. Warwick contends that these students were all advised by their teachers before enrolling in either course how their GPAs would be calculated and how their GPAs may be impacted by enrolling in these courses, including Petitioner's son who has been aware of this grading policy "for years."

Instead, Warwick argues that Petitioner and Ms. Roe are attempting to change the way GPA is calculated for all Chorale and Jazz Band students in an effort to ensure that their students receive a higher class rank. This intent is evidenced by the fact that, at Petitioner's request, Warwick amended the grading options available to students in Chorale and Jazz Band; however, when this change did not improve the class rank for either Petitioner's son or Ms. Roe's daughter, Petitioner continued requesting additional relief.

## V. DECISION<sup>3</sup>

There are no current state laws, regulations, or policies providing for the manner in which a local educational agency (“LEA”) must calculate student GPAs. Instead, LEAs are granted broad discretion to decide and implement local academic grading policies that are best suited to serve the needs of its student population.<sup>4</sup> Thus, absent a finding that an LEA’s local academic grading policy, including the method for calculating GPA, is inequitable, exclusionary, “arbitrary, contrary to state-wide academic policy, incorrectly computed, or made in bad faith,” it is the policy of this Commissioner to refrain from intervention and to instead affirm the local academic grading policy. *See Student S. Doe*, RIDE No. 09-004; *In the Matter of Maria M. v. Davies Career-Technical High School*, RIDE No. 0008-05 (January 28, 2005).

Warwick’s practice of including Chorale and Jazz Band when calculating an enrolled student’s GPA is not inequitable. Chorale and Jazz Band are defined as elective, regular education courses that high school students take in addition to their standard course schedule. Students are not required to enroll in either course and are well-advised by their teachers and guidance counselors that enrollment in Chorale and/or Jazz Band could impact their GPA depending on the final grade received. Thus, counting these additional course credits towards a Chorale or Jazz Band student’s final GPA is neither arbitrary nor inequitable.

---

<sup>3</sup> As noted herein, the remaining assertions in Warwick’s motion for summary judgment are denied.

<sup>4</sup> This discretion is established in R.I. Gen. Laws § 16-2-16, which confers upon local school committees the authority to:

[P]ut up in each schoolhouse rules and regulations for the attendance and classification of the pupils, for the introduction and use of textbooks and works of reference, and for the instruction, government, discipline of the public schools, and shall prescribe the studies to be pursued in the schools, under the direction of the department of elementary and secondary education.

R.I. Gen Laws § 16-2-9(a) similarly provides: “[T]he entire care, control, and management of all public school interests of the several cities and towns shall be vested in the school committees of the several cities and towns. School committees shall have . . . the following powers and duties: . . . (2) To develop education policies to meet the needs of the community. . . . (20) To establish policies governing curriculum, courses of instruction, and text books.”

Regardless, there is no dispute that Warwick, at Petitioner's request, began implementing a new policy at the start of the 2022-2023 school year that allows students the option of taking Chorale and/or Jazz Band for regular credit, honors credit, or a pass/fail grade. As students are provided with multiple grading options and allowed to take these classes pursuant to the option that would most benefit them, it is apparent that Chorale and Jazz Band students are not being penalized or otherwise treated unfairly with regards to how their GPAs are calculated. Indeed, this updated grading policy only further incentivizes students to participate in these courses, as students now have the option to take these courses for a higher value honors credit, in which case a student's class grade could potentially raise his or her GPA, or take these courses for a pass/fail grade, in which case a student's class grade would not have any impact on his or her GPA.

Petitioner's notice arguments must also fail. Despite her allegations, it is evident that every year students were provided with actual notice of the potential impacts that taking Chorale and/or Jazz Band could have on their GPA. Both the Jazz Band teacher and Chorale teacher testified that they advise all their respective students in January, prior to course selection, that their grade in these courses could affect their GPA. Several members of the Warwick administration also confirmed that these students are well aware of how their GPAs are calculated and how their enrollment in these courses may affect their GPA.

Further, Chorale and Jazz Band students were notified of the new grading policy at the start of the Fall 2022 semester by their respective music teachers, as both teachers testified that they notified all their respective students "that beginning school year 2022-2023," Warwick would be offering these courses for college prep credit, honors credit, or a pass/fail grade. The Chorale and Jazz Band teachers each further testified that they ensured all their students were "very well aware of how their GPA was calculated and impacted by electing" to take Chorale

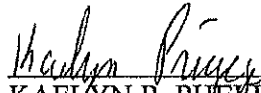


and/or Jazz Band. Additional testimony from members of the Warwick administration further demonstrated that all students were informed of the options set forth in the October 21, 2022 Letter by their teachers and/or guidance counselors. Notably, it is evident that Petitioner's son was aware of both the potential impact that his final grade in Jazz Band would have on his GPA and the new grading options given the Jazz Band teacher's testimony and the undisputed fact that he utilized one of the new grading options for the 2022-2023 school year.<sup>5</sup>

As there is insufficient evidence that Warwick's policy for calculating the GPA of students enrolled in Chorale and/or Jazz Band, or notice thereof, was inequitable, contrary to state-wide academic policy, or otherwise "constitutes arbitrary or bad faith decision-making," the Commissioner must affirm this local academic grading policy. *See In the Matter of Maria M.*, RIDE No. 0008-05.

#### VI. ORDER

For all of the above reasons, the petition is hereby denied and dismissed.

  
\_\_\_\_\_  
KAELYN R. PHELPS PRIGGE, ESQ.,  
as Hearing Officer for the Commissioner

  
\_\_\_\_\_  
ANGÉLICA INFANTE-GREEN,  
Commissioner

Date: May 8<sup>th</sup>, 2023

---

<sup>5</sup> As to Petitioner's remaining notice allegations, irrespective of whether the October 21, 2022 Letter was sent or whether the Program of Studies advises as to the potential impacts of enrollment in Chorale or Jazz Band or the available grading options, the above uncontested evidence confirms that students received actual notification of how their GPA was calculated, how enrollment in Chorale or Jazz Band may impact their GPA, and all the grading options available to them from their music teachers.