

**IOWA STATE BOARD
OF EDUCATION
(Cite as 19 D.o.E. App. Dec. 212)**

In re Joanna Grillas :

Cynthia Grillas, :
Appellant, :

v. : DECISION

Earlham Community School :
District, :
Appellee. :

[Admin. Doc. #4231]

The above-captioned matter was heard telephonically on August 8, 2000, before a hearing panel comprised of Joe DeHart, consultant, Bureau of Planning, Research and Evaluation; Mary Wiberg, consultant, Bureau of Instructional Services; and Susan E. Anderson, J.D., designated administrative law judge, presiding. Appellant, Cynthia Grillas, was present and was unrepresented by counsel. Appellee, Earlham Community School District [hereinafter, “the District”], was present in the persons of Superintendent Timothy Hood and Jim McCracken, high school principal. The District was represented by Attorney Ron Peeler of Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. of Des Moines, Iowa.

An evidentiary hearing was held pursuant to Department rules found at 281 Iowa Administrative Code 6. Authority and jurisdiction for this appeal are found at Iowa Code §290.1(1999). The administrative law judge finds that she and the State Board of Education have jurisdiction over the parties and subject matter of the appeal before them.

Appellant seeks reversal of decisions of the Board of Directors [hereinafter, “the Board”] of the District made on March 8, 2000, denying her request for her daughter to take tests for two additional credits for a class taken at the Des Moines Independent Community School District’s Central Academy [hereinafter, “Central Academy”].

**I.
FINDINGS OF FACT**

Appellant lives in Earlham, Iowa, and is a resident of the Earlham Community School District. Her daughter, Joanna, was a freshman attending Earlham High School during the 1999-2000 school year. She had been identified as a student in the Talented and Gifted program at Earlham. Mrs. Grillas takes a high level of interest in Joanna’s education. During her freshman year, Joanna enrolled in Elements of Chemistry and

Physics at Des Moines Central Academy under a 28E agreement between the Earlham District and the Des Moines District. She successfully completed the year-long course at Central Academy and received two credits on her Earlham transcript, the number of credits which Central Academy grants for the class.

Mrs. Grillas testified that the Elements of Chemistry and Physics course at Central Academy is an accelerated and compacted class in which the students take a year's worth of chemistry (25 chapters) in the first semester, and a year's worth of physics (31 chapters) in the second semester. To her knowledge, Joanna was the first student from Earlham to take the class. At Earlham High School, Chemistry is a year-long course for two credits and Physics is a separate year-long course for another two credits. Earlham uses a different Chemistry textbook from the one used at Central Academy. In the case of Physics, Earlham uses the updated version of the same textbook, which Central Academy uses. Mrs. Grillas wanted a full year of credit (two credits for each course, for a total of four credits) to be shown on Joanna's Earlham high school transcript, so that it wouldn't appear that she had dropped Chemistry and Physics at the semester.

Mrs. Grillas spoke with Principal McCracken to discuss the possibility of Joanna's taking the individual chapter, semester, and final tests for Chemistry and Physics in order to get the additional semesters of credit for each class, which she believes is generally expected of college-bound high school students. Mrs. Grillas testified that Megan Beaman, a home-schooled student in the Earlham District, had taken Biology and Spanish examinations without attending classes at Earlham High School. Mrs. Grillas asked Principal McCracken to consider extending the policy to include motivated, regularly enrolled students like Joanna. Mrs. Grillas feels that, "this would constitute independent study with parental supervision – the basis for most all home schooling." Board Policy 604.6, entitled, *Recognition of Credits*, states, in pertinent part, as follows:

Upon transfer to the Earlham schools, credit toward graduation may be allowed for prior education in a Department of Education accredited public or parochial school. The amount of credit accorded shall be determined by the administration based on qualitative analysis of the credits earned at prior accredited [sic] schools as they pertain to the graduation requirements of the Earlham Community School.

...

Credits for Homeschooled. In order to receive credit toward graduation, a high school student taking classes at home must take and pass a final semester test for each

semester of credit. The test will be administered at the high school and will be the same test given to the students of Earlham High School enrolled in the same course and will be taken at the same time as the other students. Passing will be the same percentage correct as the minimum grade for a D- in the class for which the test is being taken. Only credit will be given for the course – not a grade. If the test is failed, the student could retake the test the next time it is given to the rest of the students.

...

(Emphasis in original.)

This policy, according to Principal McCracken and the Board, was designed for homeschooled students and is not extendable to regularly enrolled students like Joanna. Mrs. Grillas testified that she finds this position “illogical and shortsighted, as well as discriminatory.” Principal McCracken further testified that he thought it would be a falsification of records to allow her to take the tests and receive credit for a year’s course when she’d actually attended only for a semester. On this point, Mrs. Grillas argued that the Central Academy class completed the combined Physics and Chemistry course in half of the time normally allotted for high school chemistry and physics courses. She feels that Joanna should be commended, not penalized, for doing so at the accelerated pace.

Mrs. Grillas also argued that Joanna should be allowed to take the tests under Board Policy 602.23, entitled *Performance Testing for Classroom Credit*, which states as follows:

In meeting the needs of the students, the board may grant credit performance testing for course work which is ordinarily included in the school curriculum. Students wishing to receive credit by testing shall have the approval of the superintendent prior to taking the test. Testing for credit may only be utilized prior to offering a course. Once the course has begun students must attend the class and complete the required work for credit.

This policy was adopted by the Board on February 14, 1989 and was reviewed on February 10, 1993. Principal McCracken testified that he believes that although the District has the discretion to use this policy, it has never done so because of the belief that there are educational benefits to attending and participating in the classes themselves that cannot be realized if a student “tests out.” He testified that the Board did not specifically discuss whether Joanna’s individual circumstances should override the general, educational benefits he identified.

The board voted unanimously on March 8, 2000, to deny Mrs. Grillas' requests under the two policies for Joanna to take the tests at Earlham and receive the two additional credits. Mrs. Grillas appealed.

II. CONCLUSIONS OF LAW

The State Board of Education has been directed by the Legislature to render decisions that are "just and equitable" [Iowa Code section 290.3(2001)], and "in the best interest of education" [281 Iowa Administrative Code 6.17(2)]. The test is *reasonableness*. Based upon this mandate, the State Board's standard of review is:

A local school board's decision will not be overturned unless it is
"unreasonable and contrary to the best interest of education."

In re Jesse Bachman, 13 D.o.E. App. Dec. 363, 369 (1996).

The Iowa Code and the Iowa Administrative Code give each local board and its administrators considerable discretion to establish instructional requirements within the uniform school requirements. Iowa Code section 280.14 states, in pertinent part, as follows:

The board or governing authority of each school or school district subject to the provisions of this chapter shall establish and maintain adequate administration, school staffing, personnel assignment policies, teacher qualifications, certification requirements, facilities, equipment, grounds, graduation requirements, *instructional requirements*, instructional materials, maintenance procedures and policies on extracurricular activities.

Id. (Emphasis added.)

Iowa Code section 279.21 states, in pertinent part, as follows:

...

The principal, under the supervision of the superintendent of the school district and pursuant to rules and policies of the board of directors of the school district, shall be responsible for administration and operation of the attendance center to which the principal is assigned.

The principal shall, pursuant to the policies adopted by the board of directors of the school district, be responsible for the planning, management, operation, and *evaluation of the educational program* offered at the attendance center to which the principal is assigned

....

Id. (Emphasis added.)

In addition, 281--Iowa Administrative Code 12, entitled, “General Accreditation Standards,” contains the Department of Education’s rules implementing the Iowa Code. Rule 281 Iowa Administrative Code 12.5(5)(d) states:

Science. Science instruction shall include biological, earth, and physical science, including physics and chemistry. Full units of chemistry and physics shall be taught but may be offered in alternate years. *All science instruction shall incorporate hands-on process skills*; scientific knowledge; the application of the skills and knowledge to students and society; conservation of natural resources; and environmental awareness.

Id. (Emphasis added.)

Rule 281 Iowa Administrative Code 12.5(15) states:

Credit. A student shall receive a credit or a partial credit upon successful completion of a course which meets one of the criteria in subrule 12.5(14). The board *may* award credit on a performance basis through the administration of an examination, provided the examination covers the content ordinarily included in the regular course.

Id. (Emphasis added.)

With regard to Policy 604.6, we conclude that the District was reasonable in its determination that it explicitly applies only to homeschooled students. With regard to Policy 604.23, we conclude that the District was reasonable in its determination that it was not applicable to Joanna’s situation. That policy states that it is available only “prior to offering a course.” In this case, Joanna had already begun the Elements of Chemistry and Physics class at Central Academy prior to requesting permission to take the Earlham tests.

Even if Joanna had not already begun the class, a district may exercise its local control in deciding whether to allow students to “test out” of classes. Furthermore, the Department of Education rules require all science instruction, including physics and chemistry, “incorporate hands-on process skills” which can be experienced only in class. The District was reasonable in exercising its discretion to prefer class attendance and participation before granting credit to its regularly enrolled students. Principal McCracken testified to valid educational purposes for requiring regularly enrolled students to participate in class. *In re Victoria Smith*, 18 D.o.E. App. Dec. 10, 13 (1999). There was no evidence that the District had allowed other regularly enrolled students to “test out” of its courses. Because the District reasonably applied its policies to similarly situated students in an even-handed manner, there is no basis for reversal.

All motions or objections not previously ruled upon are hereby denied and overruled.

III. DECISION

For the foregoing reasons, the decisions of the Board of Directors of the Earlham Community School District made on March 8, 2000, denying Mrs. Grillas’ requests on behalf of Joanna Grillas, are hereby recommended for affirmance. There are no costs of this appeal to be assigned.

DATE

SUSAN E. ANDERSON, J.D.
ADMINISTRATIVE LAW JUDGE

It is so ordered.

DATE

CORINE HADLEY, PRESIDENT
STATE BOARD OF EDUCATION