

**IOWA STATE BOARD
OF EDUCATION
(Cite as 17 D.o.E. App. Dec. 301)**

<i>In re Ryan King</i>	:	
Ryan King,	:	
Appellant,	:	DECISION
v.	:	
Fredericksburg Community	:	
School District, Appellee.	:	[Adm. Doc. #4148]

The above-captioned matter was heard telephonically on September 28, 1999, before a hearing panel comprising Klark Jessen and Ron Parker, consultants, Office of the Director; and Ann Marie Brick, J.D., legal consultant and designated administrative law judge, presiding. The Appellant, Ryan King, was present telephonically and was represented by Attorney Richard Stochl, of Elwood, O'Donohoe, O'Connor & Stochl, New Hampton, Iowa. Appellee, Fredericksburg Community School District [hereinafter, "the District"], was present telephonically and represented by in the person of Attorney John S. Tremaine, of Sumner, Iowa.

A stipulated hearing was held pursuant to Departmental Rules found at 281--Iowa Administrative Code 6. Authority and jurisdiction for this appeal are found at Iowa Code section 290.1(1999).

Appellant filed an affidavit seeking reversal of a May 6, 1999, decision of the Board of Directors [hereinafter, "the Board"] of the District, denying him a graduation diploma from the Fredericksburg Community School District.

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.

**I.
FINDINGS OF FACT**

Appellant, Ryan King, was a senior at Fredericksburg High School during the spring semester of the 1998-1999 school year. He was expelled on May 6, 1999, as a result of incidents that had occurred on April 21 and 22 of 1999. The Board's written decision states in pertinent part:

Given all of the foregoing finds [sic] of fact, Ryan King is hereby expelled from the Fredericksburg Community School District for the balance of the 1998-1999 school year. We direct Superintendent Billings and Principal

Hotz to do everything possible to assist Ryan King in obtaining his high school diploma from any place but Fredericksburg Community School as soon as possible. This would include the Alternative School in New Hampton.

The alternative school in New Hampton, Iowa, refused to enroll Ryan because of its policy not to accept students who have been expelled from other schools. For the same reason, Ryan was unsuccessful in his efforts to obtain a diploma from other schools. He was finally able to obtain his G.E.D. and is currently attending college classes at Waldorf College. Ryan is planning to pursue a postgraduate degree and for that reason and for work-search purposes, he does not want his resume to reflect the G.E.D. degree. He wants instead to be able to list that he has received a diploma from a high school.

During the telephonic hearing on the appeal in this matter, the parties, through their counsel, stipulated to the following facts:

1. Although the appropriateness of the expulsion was disputed by the parties, the expulsion itself is uncontested for purposes of this appeal.
2. At the time Ryan was expelled, he was enrolled in two required courses, an English course and a government course.
3. Passing the English course and passing the government course were the only remaining requirements for graduation that Ryan had to complete at the time of his expulsion.
4. At the time of his expulsion, Ryan's grades in the two required courses were a high "B" and an "A."
5. Final examinations in each of the two courses were the only remaining events that could affect Ryan's grade in each of the courses.
6. Ryan's expulsion prevented him from taking the final examinations in the two courses.
7. Even if Ryan had taken the two final examinations and had received 0 points on each of them, he still would have passed the two required courses.
8. The District has allowed other students in their final semester of their senior year to skip final examinations in courses where they had already earned the required points to receive a passing grade even if the final examinations were not taken.

9. Therefore, other students have received diplomas from the Fredericksburg Community School District even though they did not take the final examinations in required courses during the last semester.
10. The parties stipulated that the only issue in this appeal is a purely legal one, stated as follows:

What is the effect of an expulsion on a district's right to grant a diploma to a student who has completed the district's graduation requirements or who has at least completed the district's graduation requirements to the extent that Ryan had?

11. Ryan did not participate in graduation exercises and is not contending in this appeal that he should have been allowed to do so. He is appealing only the District's refusal to issue him a diploma.

II. CONCLUSIONS OF LAW

In appeals to the State Board under Iowa Code chapter 290, the State Board has been directed by the Legislature to render a decision that is “just and equitable” and “in the best interest of education”. See Iowa Code section 290.3(1997); 281 Iowa Administrative Code 6.11(2). The test is *reasonableness*. Based upon this mandate, a more precise description of the State Board’s standard of review is this:

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).

A high school diploma suggests that the student has met the minimal academic requirements of a broad-based secondary education curriculum. Rapp, J., *Education Law*, Vol. III, section 8.06[6][b], Matthew Bender (1999). Earning a diploma is a significant achievement, which “evidences a student's educational achievement and confirms fulfillment of the institution's standards. On a practical level, it may mean eligibility for a specialized occupation or license. Also, of course, greater job opportunities are opened to an educated individual.” Rapp, J., *Education Law*, Vol. III, section 8.06[6][c], Matthew Bender (1999).

The Iowa Supreme Court has stated in *Valentine v. Independent Sch. Dist. of Casey*, 191 Iowa 1100, 183 N.W. 434 (1921) that once a school board has prescribed an approved course of study and provides that its diploma should be conferred upon those who satisfactorily complete said course of study, “a legal duty is enjoined upon the board under its own rule to issue a diploma to any pupil who has met the requirements and who

has been passed by said board for the honors of graduation." *Id.* at 437. *See, e.g., Palmer College of Chiropractic v. Iowa Dist. Court for Scott Co.*, 412 N.W. 2d 617 (Iowa 1987).

The State Board cited the *Valentine* case in its appeal decision of *In re Clenna Shepherd*, 3 D.P.I. App. Dec. 73 (1982), where it recognized that: "While there is no statutory requirement that school districts grant diplomas, the Iowa Supreme Court has ruled that when students meet the requirements for graduation as established by a local board of directors, the student is entitled to proof of such fact in the form of a diploma. *Valentine v. Independent Sch. Dist. of Casey*, 191 Iowa 1100, 183 N.W. 434 (1921)." *Id.* at 75.

Local school authorities have wide discretion in determining the specific requirements for graduation. So long as the local graduation policy is reasonable and does not illegally discriminate against a protected group, such as racial minorities or disabled persons, a local graduation policy is practically beyond legal challenge. Thus, if a school graduation policy requires the completion of 32 credits and 8 semesters of attendance, that is what every student must complete in order to graduate. Students who complete only 31 credits and 8 semesters of attendance and those who complete 32 credits and only 7 semesters of attendance, are not entitled to graduate. They have not met the board's graduation requirements. *In re Clenna Shepherd, supra*, at 75. *But see, State Ex Rel. Saqeser v. Ledbetter*, 559 S.W. 2d 230, 234 (Mo. 1977) (where high school student had satisfied all academic requirements for graduation, but had been expelled for a semester, it was *unreasonable* for the board to deny him a diploma because he did not meet the eight semester requirement).

A high school diploma is a valuable commodity. It is awarded by the district to certify that a student has met the standards for graduation set by local board policy. Employers often consider the possession of a high school diploma a prerequisite for hiring.

Because Ryan has completed the requirements set forth by the Fredericksburg Community School District for graduation, and because the Board has issued diplomas to other students who did not take the final examinations in required courses, we conclude that the Board's decision in this case is contrary to its established policy and is unreasonable.

Furthermore, we would caution the Board about going beyond the limits of its stated academic requirements which must be fulfilled by each student before receiving a diploma. Extending the requirements to include non-academic matters such as the quality of a student's character or behavior would put the Board in the position of having to evenhandedly apply that subjective standard to every students' high school career before he or she could receive a diploma. Such a subjective standard might invite abuse of the Board's discretion.

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

**III.
DECISION**

For the foregoing reasons, the decision of the Board of Directors of the Fredericksburg Community School District made on May 6, 1999, to deny a diploma from the Fredericksburg District to Ryan King, is hereby recommended for reversal. There are no costs of this appeal to be assigned.

DATE

It is so ordered.

ANN MARIE BRICK, J.D.
ADMINISTRATIVE LAW JUDGE

DATE

CORINE HADLEY, PRESIDENT
STATE BOARD OF EDUCATION