

**IOWA STATE BOARD
OF EDUCATION
(Cite as 16 D.o.E. App. Dec. 65)**

<i>In re Kristen Vander Linden</i>	:	
Ruth Vander Linden, Appellant,	:	
	:	
v.	:	
	:	DECISION
PCM Community School District, Appellee.	:	
	:	[Adm. Doc. #3984]

The above-captioned matter was heard on May 28, 1998, before a hearing panel comprising Dennis Brown, consultant, Bureau of Administration/School Improvement Services; Klark Jessen, consultant, Office of the Director; and Ann Marie Brick, J.D., legal consultant and designated administrative law judge, presiding. The Appellant, Ms. Ruth Vander Linden, was present along with her daughter, Kristen. The Appellee, PCM Community School District [hereinafter, "the District"], was present in the persons of Dr. Oran Teut, superintendent; Ron Young, high school principal; Jerry Slegh, Board president. Both parties appeared *pro se*.

An evidentiary 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 §290.1(1997). Appellant filed an affidavit seeking review of a March 30, 1998, decision by the Board of Directors [hereinafter, "the Board"] of the District denying her request that Kristen be allowed to graduate from PCM at the end of the summer (August 1998).

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**

Kristen Vander Linden is currently a junior at PCM High School where she is an honor roll student. According to her mother, Ruth Vander Linden, Kristen only needs two more credits to meet the 44-credit graduation requirement.¹ At

¹ Beginning with the class of 2000, each student will be required to earn 48 credits to graduate. At the present time, PCM offers three different diplomas: a "regular diploma" requires 44 credits; a "merit diploma" requires 46 credits; and an "honor diploma" requires 51 credits. [Handbook, Exh. C, at 5.]

the appeal hearing, Mr. Young, the high school principal, pointed out that Kristen actually needs three more credits to graduate, not two. She needs two semesters of physical education (one credit total); one semester of government (one credit); and another semester of government or economics (one credit). These credits are set by the State. See, 281 IAC 12.5(5).

Kristen testified that she has attended Prairie City, which became PCM, since kindergarten. This spring, she has gotten tired of school. She decided that since she was so close to completion of her graduation requirements, she would like to graduate at the end of the summer. That way, she would attend AIB to begin her business courses in the fall of 1998. She said she has already taken all the business courses that PCM has to offer.

Kristen and her mother visited with some folks at the Des Moines Area Community College (DMACC) at the Newton Campus. They were told that Kristen could take the required government class and one elective to complete her graduation requirements this summer. Classes begin on June 15.

PCM has an early graduation policy. [Exh. B.] Mr. Slegh, the Board president, testified regarding the rationale underlying the present policy. Mr. Slegh has been a member of the District's Board for ten years. He stated that the Board invests a lot of time in its policy development and that the graduation policy is no exception. The PCM Board has a standing policy committee that meets monthly during the school year. In developing policy, the committee starts with the Iowa Association of School Board's (IASB) "policy primer". The standard IASB policy is then tailored to the needs of the local community.

PCM's graduation policy was developed several years ago. Mr. Slegh testified that the policy allows an eligible student to graduate one semester early if the student's request is filed by December 1 of the preceding school year. The policy is published in the student handbook. [Exh. C, p. 6.] Each homeroom teacher at the beginning of every school year reviews the handbook. Both Principal Young and Mr. Slegh testified that the December 1 deadline is necessary to insure that the student can schedule all of the required courses during the second semester of their junior year and the first semester of their senior year. This enables the student to complete the required social studies requirement and one P.E. course at the end of their first semester, senior year. The school board waives the second semester P.E. requirement that is normally taken during the second semester of the senior year. Mr. Slegh testified that the Board has waived the deadline for applying for early graduation, but only three or four times, and only under the following conditions:

- a. the waivers occurred prior to 1997 when the deadline was October 1 instead of December 1 as it is currently;
- b. the deadline had only been missed by a few days or weeks as opposed to a few months, as in this case; and
- c. the students were not seeking graduation one year early, as is the case here, but were graduating one semester early. This means that only one semester of P.E. had to be waived instead of two semesters as Appellant requested.

Mr. Slegh testified that the Board does not like to waive its policies. If there is a need for waivers, as was the case under the October 1 deadline, the policy committee reviews the policy for change. After waiving the early graduation deadline under the October 1 date, the policy was revised in 1997 to allow a later deadline to December 1. [Exh. B.] No waivers have been granted since the extension of the deadline.

Superintendent Teut testified that Appellant first contacted him some time around March 18, 1998. He stated in order to accommodate Mrs. Vander Linden, he put her early graduation request on the March 30 Board agenda. The minutes of this meeting reflect that the following action was taken:

Moved, ...[and] seconded *to not*² grant a student's request for early graduation as this would waive Board policy because (1) the student missed the December 1 filing deadline, and (2) the student's intent was to waive her whole senior year, not just one semester. Motion carried 4-2. ...

[Min. 3/30/98.]

One Board member moved to approve the request if the student would graduate only one semester early, but the motion died for lack of a second. [Id.] Mrs. Vander Linden testified at the appeal hearing, however, that she had not considered early graduation by one semester and was not prepared to accept that alternative even if it had become available to her.

At the appeal hearing, Superintendent Teut disputed Appellant's claim that Kristen could take a required government course through DMACC. He offered the DMACC summer schedule into evidence to show that such a course was not

² Mrs. Vander Linden objected to the negative form of the motion as contrary to parliamentary procedure. While it is better to state motions in the affirmative, it does not invalidate the motion if it is stated in the negative. However, this is governed the by-laws of procedures of the local body. See, §38 *Dilatory and Improper Motions*, *Roberts Rules of Order*, 1970 copyright, p. 291.

being offered this summer. [Exh. A.] It was at this point that Appellant clarified that she intended to register for the government course offered through DMACC as a correspondence course. The required government course *is* available through correspondence, but only according to the following policy:

CORRESPONDENCE CLASSES

After students have completed their sophomore year, at their own expense, they may earn a maximum of two correspondence credits that would satisfy high school graduation requirements. A class required for graduation may be taken by correspondence if the student has already failed that class. All correspondence classes need to be approved by the guidance counselor prior to enrollment.

[Exh. C at p. 4 (emphasis added).]

Since Kristen has not failed the class, she does not qualify to take it as a “make up” class through correspondence. In addition, prior approval by the guidance counselor is required before registration for the course. Kristen does not meet either of these conditions.

Kristen testified that this policy is unfair because it “helps kids with problems catch up but does not help kids like me that want to get ahead”.³ Principal Young disputed that such a policy handicapped students such as Kristen. He also disputed the fact that Kristen had “taken all the business courses available at PCM”. He stated that she has taken all of the business keyboarding courses offered, but has not taken Accounting I, Accounting II, Marketing, or Business Law.

II. CONCLUSIONS OF LAW

The issue presented by this appeal is whether the District Board acted reasonably in denying Appellant’s late request for early graduation. Under the State Board’s Standard of Review, 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).

³ We want to direct Appellant’s attention to the provisions of the Post Secondary Enrollment Act (Iowa Code chapter 261C), which is referenced in the student handbook at page 14. Students in grades 11 through 12 are eligible to take college-level courses for both high school and postsecondary credit, at no cost to the student.

In reviewing the facts of this appeal under the above-enunciated standards, we find that the District Board acted reasonably in denying Appellant's request for early graduation. A school board has the authority and responsibility to establish graduation requirements. The accreditation standards issued by the State Board provide that "[e]ach board providing a program through grade twelve shall adopt a policy establishing the requirements students must meet for high school graduation. This policy shall make provision for early graduation and shall be consistent with these standards and the Iowa Code". 281—IAC 12.3(7). The **Student Issues Manual** provided to districts by IASB states that

[g]raduation requirements should be established in board policy and disseminated to students annually. School districts differ on the number of credits needed to graduate and on how credits are counted and measured. The common categories for graduation requirements are language arts, science, mathematics, social studies, physical education, and electives. The electives will make up the difference between the required courses and the total number of graduation requirements.

IASB, **Student Issues Manual**, p. 34, copyright 1997.

The accreditation standards contained in chapter 12 of the Administrative Rules of the Department of Education, establish the minimum requirements that schools need to "offer and teach" in order to receive accreditation. However, the number of courses the student is required to take in order to graduate with a diploma from the district is determined by board policy. In reviewing the facts of this appeal under the above-enunciated standards, we find that the District Board acted reasonably in denying Appellant's request for early graduation.

First of all, a student anticipating early graduation must complete the application contained in the student handbook and present it to the high school principal by December 1 of the student's junior year. [Exh. C, p.6.] It is undisputed that Appellant failed to comply with this timeline. Because of that, it was too late to arrange Kristen's schedule in such a way that the required coursework could be accommodated before the second semester of her senior year. Consequently, there was no way that early graduation could be accommodated prior to Kristen's senior year. For one thing, Kristen needed more than the "two credits" which she intended to obtain over the summer.

Secondly, Kristen was mistaken about the application of the correspondence course policy to her situation. The required government course was not available to her at DMACC over the summer. She was not a student that had

already failed that class and she had not received prior approval from the guidance counselor before discussing the availability of the course with DMACC. Both of these conditions were required for her to take the correspondence courses.

We believe that Appellant failed to carry the burden of showing that the District Board's action in denying Kristen's application for early graduation was unreasonable and contrary to the best interest of education. Bachman, supra. On the contrary, we believe the District's evidence supported the educational rationale for its policy and the attendant December 1 deadline.

All 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 PCM Community School District, made on March 30, 1998, denying Kristen Vander Linden's early graduation request, is hereby recommended for affirmance. There are no costs of this appeal to be assigned.

DATE

ANN MARIE BRICK, J.D.
ADMINISTRATIVE LAW JUDGE

IT IS SO ORDERED.

DATE

CORINE HADLEY, PRESIDENT
STATE BOARD OF EDUCATION