

IOWA STATE DEPARTMENT  
OF PUBLIC INSTRUCTION

(Cite as 2 D.P.I. App. Dec. 96)

In re Michelle Langmaid :  
:  
Michelle Langmaid, Appellant :  
:  
v. :  
:  
Newton Community School District, :  
Appellee :

\* \* \* \* \*

DECISION

In re Glenna Anthony :  
:  
Glenna Anthony, Appellant :  
:  
v. :  
:  
Newton Community School District, :  
Appellee :

[Admin. Docs. 525 & 526]

The above entitled matters were heard on January 21, 1980, before a hearing panel consisting of Dr. Robert Benton, state superintendent and presiding officer; Dr. LeRoy Jensen, associate superintendent, school administration; and Mr. A. John Martin, director, instruction and curriculum division. The hearing was held pursuant to Chapter 290, The Code 1979, and Chapter 670--51, Iowa Administrative Code. Due to the similarity of issues to be resolved and the facts, appeals filed separately by each of the Appellants were joined, without objection, for hearing and decision. Michelle Langmaid and Glenna Anthony were present and presented their viewpoints. The Newton Community School District (hereinafter District) was represented by Attorney James R. Swanger. The Appellants appealed a decision of the District Board of Directors limiting the acceptance of credits earned at a merged area school to be applied toward District graduation requirements.

I.  
Findings of Fact

The Hearing Panel finds that it and the State Board of Public Instruction have jurisdiction over the parties and subject matter.

Michelle Langmaid ceased attending the District's high school in November, 1978, during the first semester of her junior year. She did not plan to return to the District's school when, in February, 1979, she enrolled in the Adult High School Diploma Program at the Ankeny Campus of the Des Moines Area Community College (hereinafter DMACC). (The DMACC Adult Program consists of courses of programmed instruction with no established attendance policies. DMACC allows credits earned in its high school program to be applied toward its own diploma or through the local school.) In the fall of 1979, she

changed her mind and approached the District about the possibility of re-enrolling in the District and having the credits in the courses which she earned at DMACC apply toward the District's graduation requirements. Ms. Langmaid had successfully completed 24½ credits when she left the District's school in 1978. She has completed five credits at DMACC and at the time of the hearing was working toward three more. With successful completion of the currently enrolled courses at DMACC, she would have a total of 32½ credits to apply toward graduation in the District. She planned to enroll for six credits at the District high school in the second semester of the 1979-80 school year. Successful completion of those six courses would bring her total credits to 38½. The District requires the completion of 37 credits for graduation. She felt that if she was allowed to take six credits the second semester of the 1979-80 school year and the District accepted all her credits from DMACC, that she could graduate with her high school classmates.

After early conversations with a District high school counselor, Ms. Langmaid believed that she would have no problem transferring all her DMACC credits and planned to graduate from the District's high school. She and the counselor worked on a schedule of classwork in the District, and she assumed that her schedule would be approved if the classes were not previously filled.

Ms. Langmaid later went to talk with the counselor regarding a change in the classes she had previously scheduled. The counselor was engaged elsewhere, and she talked with a second school counselor. The second counselor questioned the transfer of nine credits from DMACC. The matter was referred to the high school principal who said that under District policy all nine credits taken at DMACC could not be applied toward graduation.

Glenna Anthony is in a somewhat similar situation. She ceased attending the District's high school in December, 1978. At the time she had earned 25 credits toward graduation. She also subsequently enrolled in the DMACC High School Program. At the time of the hearing, she had completed work on one credit at DMACC and was working on three others. Even if the District accepted all her DMACC credits toward graduation, she would not be qualified to graduate this year due to insufficient total credits. The record does not show that a tentative second semester schedule had been developed for her in the District.

After discussing the matter with various District officials, Michelle and Glenna requested District Board consideration of the matter. Michelle and Glenna met with the District Board on November 26, 1979, at the Board's regular meeting. The District's high school principal and another school staff member had visited the DMACC program and were present to explain what they had learned regarding the program. The District policy most relevant to this issue reads as follows:

7.3.1 If a student finds it necessary to drop out of school for a short period of time, Adult Education credit courses may be substituted for regular day school credit courses, allowing the student to graduate with his class. The GED tests shall not be used for this purpose. However, if the student should re-enter day school at a later date the student would not be allowed to substitute additional adult credit courses until the student is classified as a second semester senior.

District Superintendent William Halverson informed the District Board that during his previous five-year tenure in the District, the policy was applied only to students enrolled in adult courses the second semester of their senior year. A maximum of two credits was allowed in those previous situations. He further indicated in his presentation to the District Board that he felt that the option of adult education credits should be allowed only under emergency situations, such as when a student is one or two credits short of meeting graduation requirements.

The Superintendent presented representative policies of several other districts in central Iowa. He indicated his feelings that allowing some students to attend DMACC and be free of the District's attendance policy and perhaps having a "softer curriculum" would not be fair to the student who completed their entire program at Newton High School. He also stated that allowing the Appellants to transfer in credits could have a financial impact upon the District.

At the conclusion of the discussion, the District Board voted four to three "not to grant more than two (2) credits toward a diploma. . . from the area school in Ankeny" to the Appellants.

There were attempts in the record to determine whether the DMACC Adult Education Program was accredited by the regional accrediting agency. The record does not adequately establish that fact. Whether or not the Program is accredited does not appear to be directly relevant.

## II. Conclusions of Law

Due to the obvious importance of this appeal to the Appellants involved, the Hearing Panel has reviewed and discussed this appeal in some detail. A significant portion of that deliberation revolved around District Policy 602.7.3.1. From our reading of that policy, its terms attempt to cover two distinct situations:

1. For a student finding it necessary to drop out of school for a short period of time, adult education courses may be substituted for regular school credits when so doing will allow the student to graduate with his or her class; and,
2. For a second semester senior, adult education courses would be allowed for credit.

From the record, we have established that only the latter of the two has been applied in recent years. Although there is nothing in the policy itself to indicate the number of credits available, second semester students who have found themselves short only one or two credits for graduation have traditionally been allowed to apply adult education credits toward graduation. However, it appears to us from the facts presented that the District Board has inadvertantly applied the latter portion of its policy to the Appellants when their circumstances should have dictated application of the first. What the District has done in the past in regard to the second situation anticipated in its policy would appear to have little relevance to the situation in which the Appellants find themselves, and has, in fact, clouded the issue.

The Appellants were not second semester seniors short one or two credits which they wished to make up by "additional adult credit courses." They were students who found it "necessary to drop out of school for a short period of time" and wanted to apply adult education courses toward graduation so that they could "graduate with [their] class." Clearly, they fall into the category of students intended to be covered by the first portion of Policy 602.7.3.1, not the latter.\*

---

\*From the record before the Hearing Panel, it appears that only Michelle Langmaid will have enough credits to allow her to graduate with her class and is the only one of the Appellants which can accurately claim application of the District Policy to her circumstance. It does not appear that Glenna Anthony's current situation calls for the application of either portion of Policy 602.7.3.1.

The view that the District Board inadvertently applied the second portion of its policy to the Appellants is further substantiated by the action of the Board when it voted to allow the application of only two adult education credits toward the graduation of the Appellants. Under the first portion of Policy 602.7.3.1, a condition of its application is that the credits granted would allow the student to graduate with the student's class. Since the approval of only two credits toward graduation would not allow either of the Appellants to graduate with her class, it cannot seriously be argued that the District Board was applying the first portion of the policy to the Appellants.

We conclude that the District Board was clearly applying the last portion of the policy to the Appellants. From our perspective, which is one of hindsight, such an application to the Appellants' circumstances was erroneous.

We want to make it very clear that we do not wish, by this decision, to dilute the authority of school boards. Boards of directors of school districts are clearly mandated by Section 280.14 of the Code, 1979, and Departmental Rule 670--3.3(12), Iowa Administrative Code, to establish graduation requirements. Once properly established, the terms of those policies are nearly beyond outside challenge. The State Board of Public Instruction has previously shown by its actions in numerous appeals that it is very reluctant to disturb such quasi-legislative decisions of local boards of directors. That, however, is not the issue here. The issue here is that once a board establishes policy which governs how students and the public will be treated in a particular circumstance, the board is duty-bound to govern according to the terms of its own policy. Here, the District Board has established by policy the handling of circumstances applicable to at least one of the Appellants, and has inadvertently failed to correctly adhere to its own policy.

We make no judgment here as to the desirability of applying adult education credits toward graduation. If the District Board feels that the application of credit from adult education programs should not be applied toward graduation or should at least be limited, it would be appropriate to review its existing policy with possible amendments in mind. Indeed, it would be appropriate to review all district policies on a regular basis.

The Appellee has filed a motion to strike from the record information filed by the Appellants in the form of a brief following hearing. That motion is hereby sustained.

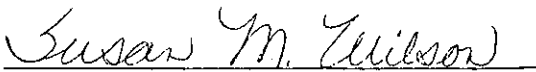
All motions and objections not previously ruled upon are hereby overruled.

### III. Decision

The decision of the Newton Community School District Board of Directors in this matter is hereby overruled. Appropriate costs under Chapter 290, if any, are hereby assigned to the Appellee.

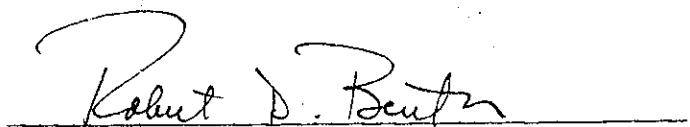
April 18, 1980

DATE

  
SUSAN M. WILSON, PRESIDENT  
STATE BOARD OF PUBLIC INSTRUCTION

March 26, 1980

DATE

  
ROBERT D. BENTON, Ed.D.  
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION  
AND  
PRESIDING OFFICER