

IOWA STATE BOARD OF  
PUBLIC INSTRUCTION

In re Clenna Shepherd	:	
	:	
Clenna Shepherd, Appellant	:	DECISION
v.	:	
	:	
Dallas Center-Grimes Community School District, Appellee	:	[Admin. Doc. 617]

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The above entitled matter was heard on July 12, 1982, before a hearing panel consisting of Dr. Robert Benton, state superintendent and presiding officer; Dr. Carol Bradley chief, special education instructional services section; and Dr. Orrin Nearhoof, director, teacher education and certification division. The hearing was held pursuant to Chapter 290, The Code 1981, and Departmental Rules, Chapter 670--51, Iowa Administrative Code. Mrs. Clenna Shepherd was present and gave testimony and made oral argument on her own behalf. The Dallas Center-Grimes Community School District (hereinafter District) was represented by Attorney Peter A. Keller.

Mrs. Shepherd has appealed a decision the District Board of Directors made on December 15, 1981, regarding her request to receive a diploma recognizing her graduation from the District's high school and a second decision of the District Board in the same matter made on June 9, 1982. Both appeals were timely filed and were joined together for the purpose of hearing and decision without objection of the parties.

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.

The basic facts of this matter have been before the State Board previously in an earlier appeal filed by Mrs. Shepherd. The State Board decision in that appeal is entitled, In re Clenna Shepherd, 2 D.P.I. App! Dec. 311.

Mrs. Shepherd attended the District's high school between 1962 and 1967. Early in her senior year, during the 1965-66 school year, she acquired health problems and had erratic attendance. She dropped out of school at or near the end of the first semester of that school year. Mrs. Shepherd's permanent school record kept by the District did not show on its face that she had completed any course work for the 1965-66 school year and did not, thereby, earn any credits toward graduation. However, the record kept by the school was in a "deplorable state," and was contradictory on its face with regard to some items. The permanent record was, therefore, of limited use in constructing a true picture of Mrs. Shepherd's position regarding her allegations that she met the District's graduation requirements in the late 1960s.

The record showed that Mrs. Shepherd re-entered the District high school in the fall semester of the 1966-67 school year and earned three academic credits toward graduation. A report card issued to her at the end of that semester verifies the three

credits earned. That report card also shows the total number of credits needed to graduate at that time was 32 and that at the beginning of the fall semester Mrs. Shepherd was eight short of the number required for graduation. This latter point is important because in a comparison with the permanent record, it shows rather clearly that credit for extracurricular activities, such as band, and credit for physical education did not count as credit applied toward the District's 32 credit graduation requirements.

It is agreed by all concerned that the District's records showed that Mrs. Shepherd had earned 24 of the necessary 32 credits by the end of her junior year and another three credits during the 1966-67 school year. Part of what had been at issue in the previous hearing was whether Mrs. Shepherd should receive credit for three courses she alleged she completed in the 1966-67 school year. The State Board ruled in Mrs. Shepherd's first appeal that she did not have sufficient evidence to substantiate successful completion of those courses.

Subsequent to the previous hearing, Mrs. Shepherd gathered additional evidence on her behalf and appeared at a meeting of the District Board on August 18, 1981, and requested additional consideration of her request for a diploma. The Board minutes show the following with regard to her request:

After listening to Mrs. Shepherd speak, no board member wished to bring this up for discussion again, so the Boards [sic] original decision on this matter will stand.

On December 15, 1981, Mrs. Shepherd again appeared before the District Board and again requested consideration of her request for a diploma. The Board minutes from that meeting show the following with regard to Mrs. Shepherd's request:

It is the position of the Board that Mrs. Shepherd will have to meet graduation requirements as they are now in order for her to receive her high school diploma.

On December 31, 1981, Mrs. Shepherd filed an appeal of that decision on the ground that she was entitled to a diploma because she met the District graduation requirements in effect in 1967. She requested that a hearing on the appeal be delayed.

Sometime in the spring of 1982, the District Board and Mrs. Shepherd agreed to submit the factual issues of the dispute to a fact-finder. Larry Harrington, high school principal from Boone, Iowa, agreed to serve as the fact-finder. On May 10, 1982, Mr. Harrington met with Mrs. Shepherd and District officials, received information and arguments and generally discussed the issues.

On May 20, Mr. Harrington released his report. He recommended that Mrs. Shepherd be given credit for successful completion of three courses which were not reflected in the original school record, but which were established through sworn statements and records supplied by teachers, and that she be given one credit toward graduation for band and physical education. That would bring Mrs. Shepherd's total credits to be applied toward graduation to 31. Since that falls one short of the 32 required for graduation at the time, Mr. Harrington suggested that Mrs. Shepherd be allowed to prove that she successfully completed a correspondence course in American Literature which she alleged she completed and, in the absence of such proof, that she be allowed to enroll at an approved correspondence course in the area of English and upon successful completion of one additional credit, be issued a high school diploma.

The fact-finder's report was presented to the District Board and discussed at its regular meeting on June 9, 1982. The Board apparently accepted, as did the fact-finder, Mrs. Shepherd's contention that she successfully completed three courses for credit in the fall of 1965-66. However, the Board still finds, as did the fact-finder, that Mrs. Shepherd did not have the prerequisite number of credits to receive a diploma in 1967. Because it feels she did not meet the requirements for a diploma at that time, the majority on the Board feels, contrary to the fact-finder's recommendation, that she should be required to meet the current District requirements for graduation. In reviewing Mrs. Shepherd's reconstructed school record and comparing it to the current District requirements for graduation, the Board found that she was shy three credits, one in speech and two in mathematics. A motion to grant Mrs. Shepherd a high school diploma upon successful completion and subsequent earning of one credit in high school speech and two credits in mathematics courses in which she had not previously received credit carried by a vote of three to one.

On June 17, 1982, Mrs. Shepherd filed an appeal of the June 9 District Board decision to require her to complete three additional credits toward graduation. She requested that the appeal be joined with her earlier appeal for resolution.

The Hearing Panel finds that it agrees with the fact-finder's conclusions that Mrs. Shepherd's permanent school record should reflect a total of thirty academic credits toward graduation. It does not agree with the recommendation that one credit should be awarded for band and physical education. While local school boards have considerable discretion in awarding credit toward graduation for band and physical education, we feel that the report card for the first semester of the 1966-67 school year indicates rather strongly that the District counted only academic credits toward graduation at that time.

Either way, Mrs. Shepherd did not have the required number of credits for a diploma in 1967.

## II.

### Conclusions of Law

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. Ind. Sch. Dis.*, 191 Ia. 1100, 183 N.W. 434 (1921). Clearly, had Mrs. Shepherd been successful in showing that she met the requirements for graduation in 1967, she would have been eligible to receive a diploma from the District as evidence of completion of those requirements. In the absence of a showing that the 1967 graduation requirements were met, we think the District Board has the right to determine whether Mrs. Shepherd must meet the requirements in effect in 1967, or those currently in effect. Section 280.14, The Code 1981, provides local boards of directors a great deal of discretion in establishing graduation requirements.

The Board has determined that Mrs. Shepherd must meet the current graduation requirements which will require her to complete one semester of speech and two semesters of mathematics. We have not been shown sufficient reason in fact or law to overturn that result.

Mrs. Shepherd raised two tangential issues at the hearing to which the District Board raised objection. The first dealt with the District practice or policy that the Board President refrain from voting on motions except in case of ties. While Section 279.1 expressly states the school board president "shall be entitled to vote as a member," it is clear on the votes at issue here that a vote cast by the District Board President would not have changed the result. The Board's objection on the ground of relevancy is sustained.

The other issue raised by Mrs. Shepherd and objected to by the District was Mrs. Shepherd's allegation that District officials discussed her education records in open Board meetings and released information from her education records to the news media. If Mrs. Shepherd's allegations are factual, and the Board minutes in the record indicate that there may be some basis for her allegations, the District Board would be well advised to review its policies and practices regarding discussion and dissemination of information contained in student records in light of its legal requirements under the Family Educational Rights and Privacy Act, as amended. See 20 U.S.C. § 1232g. Even the State's statutes regarding open meetings and open public records provide exceptions to the general rule favoring open public consideration of issues and records when student education records are concerned. See § 28A.5(a) and § 68A.7(1). Be that as it may, each of those laws provide appropriate remedies which are not relative to these proceedings. The objection of the District to the issue of confidentiality of records on the basis of relevancy is hereby sustained.


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

III.  
Decision

The decision of the Dallas Center-Grimes School District Board of Directors in this matter is hereby affirmed. Appropriate costs under Chapter 290, if any, are hereby assigned to the Appellant.

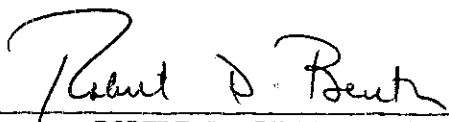
August 13, 1982

DATE

  
KAREN K. GOODENOW, PRESIDENT  
STATE BOARD OF PUBLIC INSTRUCTION

July 30, 1982

DATE

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