

THE STATE BOARD  
OF PUBLIC INSTRUCTION

(Cite as 2 D.P.I. App. Dec. 311)

In re Clenna Shepherd	:	
	:	
Clenna Shepherd, Appellant	:	DECISION
	:	
v.	:	
	:	
Dallas Center-Grimes Community School District, Appellee	:	[Admin. Doc. 592]

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The above entitled matter was heard before a hearing panel in Dallas Center, Iowa, on July 2, 1981. The Hearing Panel consisted of Dr. Robert D. Benton, state superintendent and presiding officer; Mrs. Carol Bradley, chief, special education instructional services section; and Dr. Orrin Nearhoof, director, teacher education and certification division. 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. The hearing was held pursuant to Chapter 290, The Code 1981 and Chapter 670-51, Iowa Administrative Code.

Mrs. Shepherd appealed a decision of the District Board of Directors rendered on May 19, 1981, which refused to grant Mrs. Shepherd a high school diploma for the year 1967.

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 issue presented in this appeal is simple and straight forward, only the facts are illusive. Mrs. Shepherd is appealing a District Board decision rendered on May 19, 1981, refusing to grant her the high school diploma which she contends should have been awarded to her in 1967. It is not disputed that Mrs. Shepherd attended the District's high school in the 1962-63, 1963-64, 1964-65, 1965-66, and 1966-67 school years. The dispute centers about the credits toward graduation, if any, earned by Mrs. Shepherd in the 1965-66 school year. She claims that she earned credits in four academic courses in the fall semester of the 1965-66 school year, a year in which she dropped out of school due to health reasons.

The District's permanent record for Mrs. Shepherd, then Clenna Maxine Roan, is contradictory on its face as to whether or not Mrs. Shepherd was in attendance during the 1965-66 school year. It does not show any attendance for Mrs. Shepherd or courses taken in 1965-66, but it does show the composite score on the Iowa Test of Educational Development (hereinafter ITED) taken in 1965 while in the twelfth grade. According to the permanent record, Mrs. Shepherd was a junior in the spring of 1965 and did not attend

school in the fall of 1965. How she could have taken the ITED as a senior in 1965 when the District's record does not show that she was a senior in 1965 is confusing and is the likely result of clerical error. Other problems with the permanent record will be discussed later.

The record before the Hearing Panel shows that Mrs. Shepherd's photograph appears in the 1966 edition of the school yearbook as a graduating senior, and the composite 1966 graduating class picture contains her photograph.

Mrs. Shepherd claims that in her first senior semester of 1965-66, she was enrolled in American government, English, art, and home economics. This has been verified by letters from the teachers of three of the classes, a classmate, and by the then high school principal. However, she also claims to have received passing grades in each of those classes and that is not verified on the record before this Hearing Panel. Only the former English teacher has stated that Mrs. Shepherd completed the entire semester and received a passing grade. The other teachers' and principal's statements entered into the record do not state whether or not Mrs. Shepherd received a passing grade in the other subjects.

It is important to note that when Mrs. Shepherd re-enrolled in the high school in the fall of 1966-67, she was again enrolled in American government, art, and home economics. (She testified that she took an English course by correspondence course, but no verification exists in the record.) It does not appear likely to this Hearing Panel that Mrs. Shepherd would have been required to re-enroll in courses in the fall of the 1966-67 school year, if she had successfully completed those courses in the fall of the 1965-66 school year. We also find it noteworthy that Mrs. Shepherd has in her personal records a "Report to Parents" showing semester grades received for each of seven of the eight semesters she claims to have received grades in courses. The only missing "Report to Parents" is the semester at issue here.

Mrs. Shepherd's report card for the first semester of the 1966-67 school year indicates that the District then required 32 credits for graduation and that she had accumulated 24 credits prior to the 1966-67 school year. The 24 credits added to the three credits earned the first semester of that year totals 27. That is five short of the stated requirement of 32. Whether credit was awarded for extra-curricular activities and physical education is not on the record before the Hearing Panel.

The permanent record kept by the District on Mrs. Shepherd for the years 1962-1967 is in a deplorable state. It shows that from 1962-1965 Mrs. Shepherd was enrolled in and received passing grades for 12 academic courses of two semesters each. It also shows that she was enrolled in and received passing grades in band and physical education for six semesters each. The school year "1965-66" which appeared in one column had been written over in ink to change the year to "1966-67." That column shows that Mrs. Shepherd was enrolled in and received passing grades in three academic subjects the first semester of that year. At the bottom of the column, now labeled "1966-67," are the following notations: "Quit Sept. 11; Enrolled Sept. 23; Drop Dec. 13."

The problem with the notations in the 1966-67 column is that those notes have applicability to the 1965-66 school year when Mrs. Shepherd was plagued by poor health and was forced to drop out of school and are not really applicable to the 1966-67 school year. Most of the original data in the 1966-67 column has been covered over by felt tip pen, obliterating the original data in the column. That column also shows that Mrs. Shepherd was present 54 days and absent 31 days. That would have likely have been her attendance record for the 1965-66 school year rather than for the 1966-67 school

year. The column now labeled "1966-67" apparently contains information from both the 1965-66 and 1966-67 school years without distinguishing each.

According to the permanent record, the number of credits (units) received for the successful completion of each of the first semester 1966-67 academic courses was one. The number of credits granted for each of the successfully completed two-semester courses in the three previous school years on the record had been two, but someone had obliterated the "2" with a "1," made by a black felt tip pen. The result on the face of the record being that Mrs. Shepherd received one credit for each successfully completed one-semester course in 1966-67, and one credit for each two-semester course she completed in the preceding years.

To make the issue even more confusing, the 2/5 credit originally granted for each two semesters of band and physical education was left unchanged. One could logically assume that if District policy for recording or granting credits for academic courses had changed, as evidenced by the changing of credits for two semester academic courses from "2" to "1," a corresponding change would have been appropriate in the partial credits given for band and physical education.

In Summary, the District's permanent record for Mrs. Shepherd was more confusing than helpful in attempting to determine the factual basis of her claim. The current District's administrators were not employed in the District at the time Mrs. Shepherd's permanent record was made and could shed no light on the reasons for the irregularities found in the record.

As stated earlier, the complete facts in this appeal are illusive and after study of the record and deliberation, the most likely accounting of the events which this Hearing Panel can develop is that Mrs. Shepherd, due to ill health, dropped out of school in December 1965 without completing or receiving credit for the four courses in which she was enrolled. Depending on how the band and physical education credits were computed, at the time Mrs. Shepherd dropped from school for the second and last time at the end of the fall semester of the 1966-67 school year, and how the attendance record is interpreted, she had accumulated between 14 and 29 2/5 credits toward graduation. All logical methods of interpretation and computation from the existing record before the Hearing Panel fall short of the 1967 graduation requirements of 32 credits.

## II.

### Conclusions of Law

It is commonly understood that in appeals of this nature, the Appellant has the burden of proving his or her allegations. See *In re Douglas B.*, 1 D.P.I. App. Dec. 274. While there is much evidence in the record before this Hearing Panel which is unclear or inconsistent and which at some future time may be clarified or explained, the Hearing Panel finds, on the basis of the record currently before it, that the Appellant has not successfully carried the burden of proof in this appeal.

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

III.  
Decision

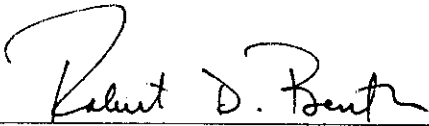
The decision of the District Board in this matter is hereby affirmed. Appropriate costs under Chapter 290, if any, are hereby assigned to the Appellant.

July 16, 1981

DATE

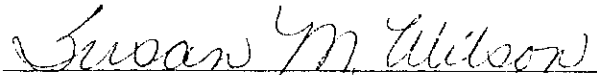
July 23, 1981

DATE



ROBERT D. BENTON, Ed.D.

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION  
AND  
PRESIDING OFFICER



SUSAN M. WILSON, PRESIDENT

STATE BOARD OF PUBLIC INSTRUCTION