

IOWA STATE DEPARTMENT  
OF PUBLIC INSTRUCTION

(Cite as 2 D.P.I. App. Dec. 167)

In re Sherry Bennink	:	
	:	
Clarence Bennink, Appellant	:	DECISION
v.	:	
Eddyville Community School District, Appellee	:	[Admin. Doc. 560]

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The above entitled matter was heard on August 6, 1980, by a hearing panel consisting of Dr. James Mitchell, deputy state superintendent and presiding officer; Mr. Gayle Obrecht, director, administration and finance division; and Mr. A. John Martin, director, instruction and curriculum division. Dr. Mitchell served as presiding officer pursuant to Section 257.22, The Code 1979. Clarence Bennink was present and presented evidence and argument on his own behalf. The Eddyville Community School District, (hereinafter District) was represented by Superintendent James Ryan. The Hearing was held pursuant to Chapter 290, The Code 1979, and Departmental Rules, Chapter 670--51, Iowa Administrative Code.

The Appellant is appealing a decision of the Eddyville Community School District Board of Directors denying his daughter, Sherry, early graduation.

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.

District Board policy No. 605.4, adopted July 8, 1979, assigns responsibility for the establishment of graduation requirements to the District Superintendent and professional staff. As a matter of practice, the Superintendent and professional staff have presented their recommendation to the District Board of Directors for adoption. In compliance with District policy and practice, the District Board of Directors, on July 8, 1975, approved the District's graduation requirements which were in effect at all times relevant to the issue presented here. Those approved graduation requirements read in relevant part as follows:

To be graduated from Eddyville Senior High School, an individual must have earned 32 credits, or 16 units and eight semesters of attendance. The following requirements must be met in grades 9-12.

Superintendent Ryan testified that the District's philosophy regarding the eight semester rule was that more student growth is to be achieved in the District's High School by participating in its entire program over a period of time than merely through the accumulation of credits toward graduation. The District Board of Directors does

not promote early graduation because it believes that students generally will benefit socially and grow in maturity by remaining in the District's school through the full eight semesters. The 32 credits are considered a minimum and many District students exceed the minimum.

In order to better benefit its students, the District moved its required offering of American Government from the senior to the junior year and made arrangements with Indian Hills Community College for its resident-enrolled students to attend courses of instruction at the College to earn credit toward high school graduation. The District pays those students' tuition.

In past years, the District Board of Directors has waived the eight semester attendance requirement for about seven students who showed overriding exceptional reason favoring early graduation. Some received waivers to enable them to enter military service who had difficult home environments or whose advanced training schools had timely openings. Others were due to economic needs or change in residence outside the District with plans to further the student's education. All students granted such waivers had completed the required number of credits and at least seven semesters of high school in the District.

In a letter dated October 2, 1979, Sherry Bennink, a junior in the District's High School, wrote to the District Board of Directors requesting permission to graduate at the end of her junior year. She also requested that the eight semester requirement in the District policy be waived in her circumstance. She gave as her primary reason her plans to marry, but indicated that should those plans change, she would seek employment or further her education. Both of Sherry's parents cosigned the letter.

At its regular meeting on October 8, the District Board of Directors discussed Sherry's request to waive the eight semester attendance requirement. After consideration, the Board voted unanimously to deny Sherry's request.

On May 19, 1980, Mr. & Mrs. Bennink appeared before the District Board of Directors at a regular meeting to again request that Sherry be allowed to graduate at the end of her junior year. A motion to deny the request carried five votes to one. Mr. & Mrs. Bennink filed a timely appeal with the State Board of Public Instruction.

In the spring of 1980, another student, a junior girl, was refused early graduation. Her expressed reason for the request was to enable her to complete missionary work for her church. She had attended six semesters.

## II.

### Conclusions of Law

Before the District Board of Directors and before the Hearing Panel, the Appellant presented basically the same arguments in support of his position. He felt that his daughter was discriminated against because other students were allowed a waiver of the eight semester rule; that the eight semester rule is no longer effective because the previous waivers had, in effect, established a new rule; that the District infringed upon his rights as a parent to determine whether a fourth year of high school would be beneficial to his daughter; and that the rule was not practical or reasonable.

After considerable discussion and consideration of each of the arguments made by the Appellant, the Hearing Panel finds that the Appellant has not established the validity of his arguments on the record. There was no showing that Sherry was improperly discriminated against; that the rule is no longer effective because previous waivers

had, in effect, established a new rule; that the Appellant's rights as a parent were infringed upon; or that the rule was unreasonable.

The laws of Iowa in Section 280.14, The Code 1979, clearly mandate the responsibility for establishment of graduation requirements in the local board of directors of each school district. This legislative mandate is mirrored in the rules of this Department found at 670--3.3(12), Iowa Administrative Code.

In light of such clear legal authority, the Appellant has the heavy burden of showing the District Board of Director's decision to be arbitrary, unreasonable, capricious or a violation of civil rights. Since the Appellant has not carried this burden, we must find in favor of the Appellee

III.  
Decision

The decision of the Eddyville Community School District Board of Directors in this matter is hereby affirmed.

September 12, 1980  
DATE

August 15, 1980  
DATE

Susan M. Wilson  
SUSAN M. WILSON, PRESIDENT  
STATE BOARD OF PUBLIC INSTRUCTION

James E. Mitchell  
JAMES E. MITCHELL  
DEPUTY STATE SUPERINTENDENT  
AND  
PRESIDING OFFICER