

IOWA STATE DEPARTMENT
OF PUBLIC INSTRUCTION

(Cite as 1 D.P.I. App. Dec. 128)

In re Laurie Stodgell	:	
	:	
Laurie & Mrs. Stodgell	:	
Appellants	:	
	:	DECISION
v.	:	
	:	
New London Community School District	:	
Appellee	:	[Admin. Doc. 381]

The above entitled matter came for hearing before a hearing panel consisting of Dr. Robert Benton, state superintendent and presiding officer; Dr. James Mitchell, deputy state superintendent and Dr. LeRoy Jensen, associate state superintendent, on January 25, 1977, at approximately 1:00 p.m. Laurie Stodgell and Mr. and Mrs. John Stodgell were present and were represented by Mr. Noble Boyd. The New London Community School District (hereinafter District) was represented by attorney Don Bell. Francis Hartung, district superintendent and Charles Lorber, high school principal, were present. The hearing was held pursuant to Chapter 290, The Code 1975, and Departmental Rules Chapter 670--51, Iowa Administrative Code.

On December 20, 1976, Mrs. Stodgell filed an appeal from a December 13 decision of the District Board of Directors upholding a district administrator's decision that her daughter-in-law would not receive school credit in several classes because she had exceeded the days absent limit of the school's policy on absences. On December 27, 1976, Laurie Stodgell, the daughter-in-law of Mrs. Stodgell filed an appeal on the same matter. The two appeals were joined for hearing and decision without objection by 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 the subject matter in this appeal.

The District has a policy on attendance which was originally developed as the result of a request of teachers in the District that the Board of Directors take action to stem the trend toward excessive absenteeism in the high school, especially among seniors. Several teachers worked with the Principal and a few Board members on the development of the policy. No student or parent representatives were involved in the policy development. The District operated under the policy during the 1975-1976 school year. During

the summer of 1976 the policy was reviewed and amended. The policy does not distinguish between excused and unexcused absences. The revised policy was a part of the Student Handbook which was "accepted" by the Board as shown in minutes approved on September 13, 1976, and considered by all concerned to be Board policy. The Student Handbook was provided or was available to all students. The policy on attendance appears on page three and reads as follows:

ATTENDANCE

You are urged to maintain the best possible attendance record. When absent, work must be made up. When you are absent, the school should be called as soon as possible after school begins in the morning. If you do not call, we will. YOU ARE EXPECTED TO BE IN SCHOOL AND IT IS THE RESPONSIBILITY OF THE ADMINISTRATION TO SEE THAT YOU ARE. Tardiness will be handled by the individual teachers involved.

Limitation of Days of Absenteeism: If a student is absent for more than twelve (12) days per semester in a given class, the student is subject to loss of credit in that subject for the semester. Any extenuating circumstances will be taken into account by the teacher and principal in rendering a decision when needed.

Advance Make-up: In cases where you know you will be absent (field trip, band trip, etc), see your individual teachers for work missed as previously.

Mr. Lorber testified that when students exceeded twelve absences in a class, he would discuss the matter with the teacher involved to determine whether an "extenuating circumstance" existed under the rule. If none existed, no exception was made for the student, and no credit was given. He further testified that the only prior findings of extenuating circumstances were for students with chicken pox and a student whose visits to a psychiatrist exceeded the twelve absence policy. It was his opinion that the rule had resulted in fewer absences.

Laurie Stodgell is a seventeen-year-old senior in the District. She is also married and the mother of two children. She has regularly received average and above average grades throughout her high school career. At the end of the first quarter of the 1976-1977 school year, she received letter grades of B in typing II and novel and B+ in office practice and American government.

Some time in the middle of October, 1976, Laurie was notified that she was in danger of losing her school credits for the semester in several of the subjects in which she was enrolled. She was warned that she was in danger of losing the credits for violation of the District policy regarding excessive absenteeism. In the next few weeks she received several additional written and oral warnings from the principal that her credits in several subjects were in jeopardy.

The record shows that Laurie was absent from school six and one-half days in the 1973-1974 school year, eighty-three days in the 1974-1975 school year, fifty-six and one-half days in the 1975-1976 school year, and that by the end of November of the first semester of the current school year that she accumulated thirteen absences, each in American government, office practice and typing II and fourteen absences in novel. A doctor's statement shows that Laurie has been under a doctor's care for bronchial asthma

for some time and that one of her children has received treatment for respiratory infections. School records show that most, but not all, of her absences were recorded as being due to her illness or illnesses of her children.

On December 1, 1976, she was informed by Mr. Lorber that her credits were being removed for excessive absences in four classes and was informed that she need not continue to attend those classes. In a conversation with Mr. Lorber on December 2, she was informed that she could appear before the Board of Directors and that she could continue to attend physical education classes, because her credit had not been dropped in that class.

Laurie appeared before the Board on December 13. After deliberation on the matter, the Board decided to not grant Laurie an exemption to the policy and the decision of the principal was upheld. The Board reached its decision after proper and sufficient consideration and was not arbitrary or capricious in its action.

The Board later allowed Laurie to attend three of four classes in order to be better prepared for the second semester, but no credit was granted. She is currently enrolled in seven classes a day and is taking two correspondence courses in an effort to complete the credits needed for graduation with her class in the spring of 1977.

II. Conclusions of Law

The Appellants in this matter did not challenge the authority of the Board to make rules and regulations under Iowa statutes, nor did they base their appeals upon a challenge of the authority to make the particular rule involved in the matter, nor did they challenge the particular rule involved. Their appeals focused narrowly upon the single issue of whether or not the facts in the matter involved "extenuating circumstances" which should have caused the Principal and the Board to waive the twelve-day absence rule for loss of Laurie's credits. The following is taken from Laurie's affidavit of appeal:

We think this ruling is unfair and that there are extenuating circumstances that should be considered in this case and hope this ruling can be changed.

A similar statement appears in Mrs. Stodgell's appeal, and the Stodgell's representative phrased the issue: "Were extenuating circumstances present? We think they were."

The question then is a narrow one: Whether the Board's decision to uphold the Principal's decision of not considering Laurie's circumstances sufficiently extenuating as to exempt her from the twelve absence rule was improper or unjustified. We think not. The school is to be applauded for its attempt to solve the very difficult problem of excessive absenteeism. The record clearly shows that a number of students have run afoul of the policy and that exemptions are very rare. Several students and their families had to alter plans for out-of-town trips because such trips might place the student's school credits in jeopardy. The Board upheld the Principal's determination, made after consultation with the teachers involved, that Laurie's circumstances were not sufficiently extenuating under the policy. She had been repeatedly warned of the terms of the rule and the fact that she was perilously close to being removed from class without credit. Although Laurie, in spite of her many absences, had achieved respectable grades, those warnings went unheeded and she was not given credit in four classes. We here uphold the Board's decision

While there was no direct attack upon the school's twelve absence policy, we do wish to call a few matters to the Board's attention. The policy appears in a student handbook which was "approved" by the Board and does not appear elsewhere. In today's legal and educational setting, it is very important to have board policies enacted through formal resolution and kept together in an organized manner for all to see and know. The same applies to administrative rules implementing board policies.

School policies of the nature involved in this matter appear to be quite prevalent in the state. We hope that this and all school boards with similar policies and rules reconsider all the potential educational and legal ramifications and complexities involved. For instance, such rules must meet tests of reasonableness as related to their educational setting, procedural due process requirements and proper delegation of board authority. It would be well for the New London Board and for all boards with similar policies and rules to review such rules regularly and to include students and parents in those reviews.

III.
Decision

The decision of the Board of Directors of the New London Community School District in this matter is hereby affirmed. Appropriate costs, if any, under Chapter 290, are hereby assigned to the Appellants.

Feb 18 - 1977
DATE

Georgia A. Sievers
GEORGIA A. SIEVERS, VICE-PRESIDENT
STATE BOARD OF PUBLIC INSTRUCTION

February 10, 1977
DATE

Robert D. Benton
ROBERT D. BENTON, Ed.D.
STATE SUPERINTENDENT AND
PRESIDING OFFICER