

THE STATE OF NEW HAMPSHIRE
STATE BOARD OF EDUCATION

Student/Keene School District
SB-FY-10-02-007

RECOMMENDATION OF THE HEARING OFFICER

I. INTRODUCTION

On February 15, 2010, the Department received this appeal by the parents ("Parents") of Hannah B. ("Student") challenging the Keene School District's denial of their request to allow Student to drop the Mass Media course during the latter part of the Student's senior year. A prehearing conference in this case was held on March 17, 2010 at the Hearings Office on Regional Drive in Concord. The Parents had the burden of proof, and presented first.

The hearing was held on April 7, 2010. Parents appeared *pro se* and as advocates on Student's behalf. Alan Chmiel, Keene High School Principal, conducted the case for the District and called two other witnesses: Kimberly Baker, Director of Guidance, and Jeremy VanDerKern, Keene High School English teacher and also the teacher for the Mass Media course. Both parties submitted written exhibits and summaries of their respective positions. Following the hearing, the District, without objection from the Parents, submitted two letters – one from Superintendent William Gurney, and the other from Peggy McAllister, Executive Director, New Hampshire Association of School Principals.

The issue for hearing is whether the District's decision not to permit Student to drop the Mass Media course was proper, and whether Student should be allowed to drop the course.

III. FACTUAL BACKGROUND

For the 2009-2010 school year, the District's policy relative to course changes was revised. Prior to the change, students were allowed to add and drop courses after the start of the school year, creating significant planning difficulties. Section 3.9 of the District's policy manual, entitled Course and Schedule Changes, provides that schedule changes may not be initiated by students, and that changes will not be made except under certain limited circumstances, including a teacher initiating a change for the benefit of the student, or an emergency situation exists. Section 3.10, entitled Course Withdrawal, provides that a student may be granted permission to withdraw from a course "[w]hen an administrator determines that a schedule change should be made for the benefit of a student..."

Student is a senior in the honors program, has maintained high honors, has a job and has been accepted to college to pursue her chosen field. At the end of the 2008-2009 school year, Student selected her courses. ¹ When the master schedule was released in the spring of 2009,

¹ Although every effort is made to accommodate students' course selection and preferred schedule, this is not always possible.

two selected required honors courses had been scheduled together during the second semester. Student did, at some point, discuss this with her guidance counselor. During the fall semester, Student became concerned about the second semester work load, and began requesting permission to drop Mass Media (an elective, full-year course) at the end of the first semester. Parents understood that Student would be allowed to do so; however, when second semester began, they learned that this was not the case.

After efforts to resolve the matter with school staff were unsuccessful, Parents filed the instant appeal.

III. DISCUSSION

Parents' position is that Section 3.10 of the Policy Manual should be read in isolation, such that the school administration should allow Student to withdraw from Mass Media because it is to her benefit to do so.

The District's position is that the two policy provisions must be read together and sequentially. The District contends that Student's circumstances do not fit within one of the enumerated exceptions that would permit her to drop the course

Parents acknowledge that they were aware of the new policy and understood it; significantly, there is no challenge to the policy itself, its legitimacy or any of its provisions. Parents maintain that Student would benefit psychologically because it would free her up to focus on other classes she considers to be a priority, and to enjoy the remainder of her senior year. Parents stated that Student is losing sleep worrying about her heavy course load. Both parties testified that the conflict itself contributed at least in part to Student's stress level. Mr. VanDerKern, the Mass Media instructor, testified that he carefully screens students who apply to take his course, that he fully considered Student's request to drop the course but did not find any basis to do so. Mr. VanDerKern testified that he is extremely flexible and receptive to students' needs regarding their general course load.

After carefully reviewing the evidence and testimony, it must be concluded that the school has developed a clear written policy governing course change, notice of which was provided in a timely manner. In applying these policy provisions, due consideration was given to Parents' request. Accordingly, there is no legal basis for overturning the District's decision.

IV. RECOMMENDATION

For the reasons stated above, the undersigned recommends that the State Board uphold the Keene School District's decision.

Signed,
Amy B. Davidson

Amy B. Davidson, Hearing Officer

Date: April 17, 2010