

October 22, 2014

Dear Members of the Barrington School Committee:

On behalf of the ACLU of Rhode Island and the R.I. Disability Law Center, we are writing to express our support for Molly Coffey's appeal of the Barrington School Department's decision denying her a high school diploma. Having reviewed the progression of this dispute, we are deeply disturbed by the School Department's resistance to granting Molly a diploma. The inconsistent and seemingly ad hoc rationales for this decision only highlight the school department's own apparent failure to abide by state graduation procedures, and create a troubling impression of retaliatory motivation.

As the School Committee is aware, earlier this year Molly became a figurative poster child for those opposed to the Rhode Island Department of Education's controversial "high stakes testing" graduation requirement. In the waning days of this year's General Assembly session, Molly's plight drew the attention of legislative leaders. Her score on the math portion of the NECAP test and the school department's failure to grant her a waiver from the NECAP requirement concretely demonstrated the arbitrariness of RIDE's high stakes testing regulations.

In particular, Molly was deemed to "fail" the math portion of the NECAP test even though she had obtained a higher score than many other students across the state who qualified for a diploma under RIDE's so-called "progress towards proficiency" test score standard. Moreover, the school department's failure to grant Molly a waiver from the NECAP test requirement, while hundreds of students in other school districts were granted waivers in similar circumstances, confirmed just how flawed and arbitrary the state's waiver process was as well. Molly's situation, and the school district's response to it, put a face to these glaring inequities before the legislators.

The General Assembly's passage of the law in June imposing a moratorium on high stakes testing should have been cause for great celebration in the Coffey household. Instead, since then, school officials have given Molly a shifting and confusing array of reasons why they claim she still does not qualify for a diploma, none of which withstand scrutiny. In fact, these reasons – which now have nothing to do with math, but instead appear to be that she did not score well enough on a World History final exam in her *sophomore year* and an English exam in her *junior year* – have all the earmarks of straw-grasping.

The memo submitted to the school committee by Molly's attorney makes abundantly clear the lack of a legitimate basis for the school district's actions, and

highlights the school department's own violation of RIDE's regulations governing notification to students of the requirements for graduation and school district obligations to provide appropriate academic support. There is thus no need for us to separately address those points in detail other than to note the following:

* It is undisputed that Molly obtained all the class credits that were required in order to graduate.

* An email in March of this year from the director of pupil personnel services and a letter in May from the school superintendent pointed only to Molly's math score on the NECAP as the obstacle to earning a diploma.

* The waiver rejection Molly received in May, after her final NECAP scores were received, made no note of other alleged exam failures; in fact, under school district policy, her waiver eligibility should not have even been considered if she had failed to meet other criteria for graduation.

* The Barrington school committee's June 4th letter rejecting Molly's initial appeal of the waiver denial referred only to RIDE regulations and her failure to demonstrate partial proficiency (or progress towards proficiency) on her state assessment.

Considering the inconsistent and misleading explanations now being offered by the school district – ones at odds with those provided before the moratorium law was passed – we cannot help but wonder if the continued obstinacy over Molly's diploma is a direct response to her key role in getting the NECAP requirement overturned. (We note in passing that of the only nine votes cast against the moratorium legislation, two came from Barrington's delegation.)

Molly deserves, and is entitled to, a diploma. The passage of the moratorium law should have been the end of the matter. Since it wasn't, this hearing should now be the end of the matter. If for no other reason, basic fairness demands it. We urge that her appeal be sustained.

Sincerely,

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