

# Legal Issues Regarding Graduation

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Inevitably, a high school principal must confront a senior who expects to graduate but cannot because of insufficient credits or a disciplinary action. Last-minute decisions as to who will graduate and who may participate in graduation exercises can result in difficult circumstances, particularly where out-of-town relatives are enroute and the food for the open house has been ordered!

**Diploma.** A student who has successfully completed all district graduation requirements has a constitutional right to a high school diploma. In *State of Missouri v McLeod*, 605 SW2d 160 (Mo App, 1980), a court ordered a school district to grant a diploma to a student who completed the requisite number of semesters and would have obtained the requisite number of credits *but for* the district's failure to inform the student of the option of earning on-the-job training credits.

Likewise, a court ordered a school, district to grant a diploma to a student who completed the requisite number of credits, but had not completed eight semesters of high school. *State of Missouri v Ledbetter*, 559 SW2d 230 (Mo App, 1977). Generally, a court will order a school district to grant a diploma only if the school's policies are found to be arbitrary, inequitable, or unreasonable.

If graduation policies are reasonable and administered fairly, a school may deny a diploma to a student who has not met the school's requirements for graduation. For example, a school that required a minimum number of credits to graduate properly refused to grant a diploma to a student who received credits from another institution where the value of credits at the two schools was not comparable. *Department of institutions v Bushnel*, 579 P2d 1168 (Colo, 1979).

A school district can also withhold a student's diploma when a student has met all the credit requirements but has

failed a proficiency examination required for graduation. *Edgewood Indep Sch Dist v Paiz*, 856 SW2d 269 (Tex App, 1993); *Williams v Austin Indep Sch Dist*, 796 F Supp 251 (WD Tex, 1992).

Similarly, a school district may refuse to grant a diploma to a student who fails to meet a community service requirement. In *Steirer v Bethlehem Area Sch Dist*, 987 F2d 989 (CA 3, 1993), a federal court upheld such a graduation requirement finding that it did not violate students' constitutional rights.

School officials may not deny a student an earned diploma as a disciplinary sanction. Once the student has earned a diploma, the student holds a right to it, and the student's conduct cannot circumvent that right. For example, a student expelled for a drug offense on the day of graduation, but after completing his last final exam, was entitled to receive his diploma. *Shuman v Cumberland Valley Sch Dist Bd of Dir*, 536 A2d 490 (Pa Cmwlth, 1988).

**Graduation Ceremony.** Unlike receipt of a diploma, participation in the graduation ceremony is a privilege not a right. *Swany v San Ramon Valley Unified Sch Dist*, 720 F Supp 764 (ND Cal, 1989). Although the ceremony is an important event, participation or non-participation does not alter the significance or value of the diploma.

The graduation ceremony is like any other extracurricular activity to which school policies apply. Students should understand that as the end of the school year approaches, an administrator's disciplinary options diminish to the point that revoking graduation privileges may be the only remaining option. Disciplinary decisions prohibiting participation in graduation activities must be administered in a fair and non-arbitrary manner. *Clark v Board of Educ*, 367 NE2d 69

(Ohio, 1977). One court, however,

has ruled that administrators cannot revoke graduation privileges when more appropriate disciplinary actions are available. *Ladson v Board of Educ*, 323 NYS2d 545 (NY, 1971).

A school district may also establish rules for conduct at the graduation ceremony. **Lisa L. Swem** For example, a school may enforce a dress code outlining appropriate graduation attire and may prohibit students who violate the dress code from participating in the ceremony. *Fowler v Williamson*, 448 F Supp 497 (VTD NC, 1978).

**Summary.** Principals are encouraged to clearly communicate all expectations regarding graduation to students.

- Notify seniors at the beginning of school, and throughout the year, of graduation requirements - both academic and disciplinary.
- Seniors who are "at risk" of not graduating should be identified at the beginning of the school year and closely monitored. Written notices of deficiencies should be periodically provided.
- As "senioritis" and other springtime maladies increase, meet with all seniors and review graduation requirements, emphasizing attendance and discipline concerns. Written reinforcement to parents is also prudent.
- Inform graduating seniors and their parents that end-of-the-year misconduct may result in loss of the privilege to participate in graduation exercises.
- Clearly state all expectations (and consequences) regarding conduct at graduation exercises.



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