



State of Rhode Island and Providence Plantations
RHODE ISLAND BOARD OF EDUCATION
COUNCIL ON POSTSECONDARY EDUCATION

560 Jefferson Boulevard
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Enclosure 7(g)
December 2, 2015

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To: Members of the Council on Postsecondary Education

From: Commissioner Jim Purcell, Ed.D.

Date: November 23, 2015

Subject: Discussion and approval of the referral to the Commissioner of Postsecondary Education of the *Petition in the Nature of a Complaint to the Council on Postsecondary Education*, filed by three named students against Rhode Island College.

Last month, Council Chair Foulkes received a letter from Robinson & Clapham, Attorneys at Law and an accompanying *Petition in the Nature of a Complaint to the Council on Postsecondary Education* that was filed on behalf of three named students against Rhode Island College. (These students' names have been omitted here due to concerns regarding the confidentiality requirements of the federal Family Educational Rights and Privacy Act and its accompanying regulations ("FERPA") as well as other applicable state and/or federal confidentiality requirements.)

This Complaint takes issue with the way the HESI Exit Examination (E²) is used in, and the amount that it counts towards, a nursing student's final grade in the "Transition to Professional Nursing Practice" course (N375) in RIC's nursing program. (Two of the named students were allegedly dismissed from the RIC nursing program due to their HESI Exit Examination scores, and the other named student was allegedly required to retake the N375 course in the Fall.) It is also alleged that two of the named students did not receive an accommodation regarding this examination based upon their disabilities and their accommodation plans at the college.

The Complaint further alleges that RIC's use of the HESI Exit Examination in this manner "worked a significant change to the graduation requirements for students in the basic baccalaureate nursing program...", and that this change should have been approved by either the Board of Education or the Council on Postsecondary Education.

As such, this *Petition in the Nature of a Complaint to the Council on Postsecondary Education* may in fact present issues that are outside of the Council's statutory jurisdiction, and fall within the jurisdiction of the college and its President.

Therefore, I recommend:

THAT

The Council on Postsecondary Education refer the "Petition in the Nature of a Complaint to the Council on Postsecondary Education" filed by three named students against Rhode Island College to the Commissioner on Postsecondary Education, so that he may review the issues presented, including the issue of the Council's jurisdiction over this matter, and provide a recommendation to the Council for its action at a future meeting.