

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

----- :
MICHAEL L. :
 :
 :
vs. :
 :
 :
WEST WARWICK :
SCHOOL COMMITTEE :
----- :

D E C I S I O N

May 24, 1991

This matter was heard on February 8, 1991. The hearing was held upon appeal to the Commissioner of Education of Mr. and Mrs. Joseph L. from an action of the West Warwick School Committee.

The Commissioner has jurisdiction to hear the appeal under the provisions of R.I.G.L. §16-39-2. The matter was heard by the undersigned Hearing Officer upon appointment by the Commissioner.

Due notice was given to the parties of the time and place of the hearing. The Plaintiff appeared pro se and the School Committee was represented by counsel. Witnesses were sworn, testimony taken and evidence presented. The hearing was conducted de novo.

Issue

Mr. and Mrs. L. allege that the School Committee has erred in suspending their son from school for the balance of the 1990-91 school year, and in not providing tutoring to the level promised. They question the action, further, in terms of not allowing him to attend school as he is not 16 years of age.

Facts in the Case

Upon testimony and examination we find the following:

1. All procedures were followed in keeping with law and regulation as regards to the initial suspension, due notice, hearing and notification of disposition of the case.
2. The School Committee did find Michael L. guilty of bearing a firearm or instrument which may be considered potentially dangerous, and that he had possession of that weapon on school property.
3. Michael was suspended for the balance of the school year and provided tutoring in accordance with law and regulations.

Decision

We find, de novo, that Michael L did violate school rules as charged by the school administration and School Committee. Those rules were adopted according to law and regulation and noticed and posted appropriately. There is no dispute about the facts of the incident.

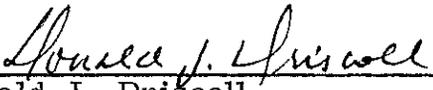
We find that the suspension of Michael L for the balance of the 1990-91 school year is appropriate and affirm that action per §16-2-17.

We note that the School Committee will provide tutoring for Michael according to regulation and affirm that decision also. We retain jurisdiction on that issue and will discharge same upon certification by the Superintendent of Schools of the service provision of eighty-eight (88) hours of tutoring at its conclusion.

On the issue of school attendance by children until the age of sixteen (16) we find that the School Committee has provided, through its action, educational services which meet the law and regulations in this case.

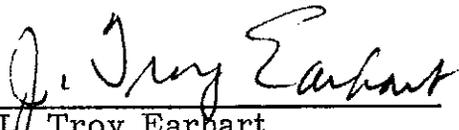
Rhode Island law and regulation give broad powers to school committees of the several towns and cities of the State, to exercise care and control of schools. In the instant case we find no reason to question that the School Committee has acted in any way contrary to law and regulation. To the contrary, the School Committee has acted responsibly to preserve the health and safety of pupils in their community and to advance one of the purposes of the education process; i.e., the teaching of civility and proper human interaction.

Accordingly, the appeal is denied.



Donald J. Driscoll
Hearing Officer

Approved:



J. Troy Earhart
Commissioner of Education

May 24, 1991