

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION /

MICHAEL AND CHRISTIE B

vs.

EXETER-WEST GREENWICH REGIONAL
SCHOOL DISTRICT COMMITTEE

DECISION

Held: School Committee was without authority to exclude home-educated children from interscholastic sports since it had delegated all decisions as to eligibility to the Interscholastic League.

November 25, 1991

Travel of the Case

On September 3, 1991 Christie and Michael B appealed to Interim Commissioner Janice M. Baker from a decision of the Exeter-West Greenwich School School Committee. Mr. and Mrs. B had applied to the School Committee for approval of their home instruction program for their two children, C (grade 8) and M (Grade 5). While the School Committee granted approval to the home education program, it denied the B's additional request that their children participate in extracurricular and sports activities of the school system.

This case was heard by the undersigned Hearing Officer on September 25, 1991 and the record received on October 4, 1991.

Jurisdiction to hear and decide this appeal lies under G.L.R.I.16-39-2.

Findings of Relevant Facts

- C and M are currently educated at home in a program of home instruction approved by the Regional School Committee. (Stipulation of the parties, Tr.pp.19-20).
- At the time the School Committee considered the home instruction application of the B's, it denied their request to permit the children to participate in certain extracurricular activities and interscholastic sports.¹
- Mr. Walter Gibson, Superintendent of Schools, testified that he recommended that the School Committee permit participation by the B children. (Tr.p.25)
- Superintendent Gibson advised the Committee at its August 26, 1991 meeting that the interscholastic league (rules) contained no prohibition against

1) The B initial request was for both extracurricular activities and sports, and although Mr. B and Mr. Gibson testified that the request was subsequently limited to sports participation, the minutes of the September 3, 1991 School Committee meeting (Appellants Ex.D) indicate that the action taken by the Committee related to both extracurricular and sports activities.

permitting home-educated children to participate in interscholastic sports and that there is precedent for participation by home-schooled children. (Appellants' Ex.D.; Tr.p.25)

- The Rules and Regulations of the Rhode Island Interscholastic League (1991-1993 edition) contain Article 3 "Eligibility" and state that the Rules apply to Varsity and Junior Varsity Competition.

DECISION

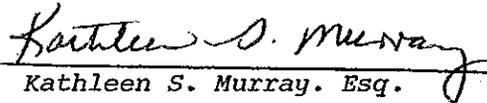
Although the School Committee's September 3, 1991 vote did include a rejection of the appellants' request that their children be permitted to participate in extracurricular activities, the appellants have not raised this issue before us. Neither the letter of appeal (Appellants' Ex.B) nor Mr. B's testimony or arguments at the hearing raises for our consideration the propriety of the Committee's decision in this regard. We have considered only the decision and vote of the School Committee of September 3, 1991 as it pertains to the children's participation in interscholastic sports.

In Hebert v. Ventetuolo 480 A.2d 403 (R.I.1984) the Rhode Island Supreme Court validated as a lawful delegation by the Cranston School Committee the power to promulgate rules governing participation in interscholastic sports in the public schools in the City of Cranston. The Court found that such rules, when reasonable, become binding upon those participating in the Rhode Island Interscholastic League. (Hebert at 407) In this case, the power to determine the eligibility of these home-educated children to participate in interscholastic sports has been delegated to the Interscholastic League. Whether the fact that the children do not attend the public schools is a bar to their participation and representation of Exeter-West Greenwich public schools is up to the members of the Interscholastic League to determine, in applying and interpreting the rules. We would note that Part One, Article 3 provides that "all questions of eligibility are to be submitted in writing to the Executive Director . . .for consideration by the Committee". Once the Interscholastic League has formally acted on the eligibility of the B children, this decision becomes binding on the School Committee.

The record on appeal indicates no formal ruling has yet been requested or received in this matter. The School Committee will undoubtedly place before the Interscholastic League its arguments as to why students being educated at home should not be allowed to participate in interscholastic sports, and argue that

its position is supported by a fair and reasonable interpretation of the Interscholastic League rules. The School Committee has, however, delegated the decision in this regard to the Interscholastic League. It was without the authority to exclude the appellants' children from participation when it passed on this issue at the September 3, 1991 meeting.

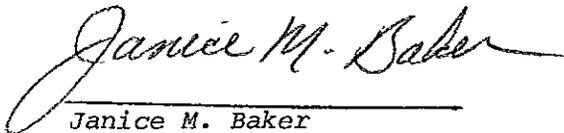
For the foregoing reasons the appeal is sustained, and the parties should proceed to obtain a formal ruling pursuant to the Rules and Regulations of the Rhode Island Interscholastic League.



Kathleen S. Murray, Esq.

Hearing Officer

Approved:



Janice M. Baker

Interim Commissioner

November 25, 1991