

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

MICHAEL B

v.

EXETER/WEST GREENWICH
REGIONAL SCHOOL DISTRICT

DECISION

April 23, 1992

Held: Principal acts as agent of a private association, and not the school committee, in refusing to certify eligibility of child to compete on interscholastic athletic team.

Travel of the case

This appeal follows upon the heels of our prior decision in Bousquet v. Exeter/West Greenwich, decision of the Commissioner dated November 25, 1991. In that case we ruled that the school committee was without authority to exclude the appellant's son, a home-schooled child, from participation on an interscholastic sports team. We found that the school committee, in authorizing the school principal to become a member of the non-profit association, had delegated all decision-making, including decisions as to eligibility, to the Interscholastic League.

The School Committee did not appeal this ruling, but nonetheless voted down a motion subsequently made by Superintendent Walter Gibson to add C B's name to an eligibility list for the wrestling team of Exeter/West Greenwich Regional Junior High School¹. On January 14, 1992, Principal Lewis Klaiman notified the appellant that "C is still ineligible to participate in sports due to the school committee ruling of August, 1991."²

Apparently in anticipation of this communication from the principal, the appellant had filed a letter of appeal with Interim Commissioner Janice Baker. The matter was then referred to the undersigned hearing officer for hearing and decision. The

¹ Testimony of Superintendent Gibson Tr.p.17

² Appellant's Ex. 6 Letter of Mr. Klaiman dated January 14, 1992.

record in the case closed upon receipt of the transcript of the March 2, 1992 hearing on April 1, 1992.

Jurisdiction to hear the appeal lies under R.I.G.L. 16-39-2.

FINDINGS OF RELEVANT FACTS³

- o The Principals' Committee on Junior High School Athletics, a voluntary association of principals of participating junior high/middle schools, supervises and controls the athletic programs, contests, etc. of participating junior high/middle schools in the state of Rhode Island. (see Appellant's Ex.11).
- o As with its high school counterpart, the Rhode Island Interscholastic League, the Principals' Committee on Junior High School Athletics (hereafter PCJHA) is delegated all decision-making authority with respect to such matters as eligibility of students (see Article I, sections 19 and 20, Article II, entitled "Eligibility" section 18).
- o On December 5, 1991, the chairman of the PCJHA, Robert M. Wallace, responded to Superintendent Walter Gibson's request for a ruling on C _____'s eligibility as follows:

³ By agreement of the parties, and at the request of the hearing officer, the record of the prior hearing dated September 25, 1991 is incorporated in the record here. We, therefore, incorporate into our findings of fact the findings made in our November 25, 1991 decision.

students of member schools in approved home education programs are not prohibited from programs sponsored by the PCJHA. Indeed, there is precedent in the past for such participation (see Appellants's Ex.2)

- o Mr. Wallace went on to state that before he could participate, C's name had to appear on an eligibility list submitted by the principal, certifying that he met all the eligibility regulations as found in the PCJHA handbook of Rules and Regulations. (Appellants Ex.2, December 5, 1991 letter from Mr. Wallace to Superintendent Gibson.)
- o On or about December 10, 1991, Superintendent Gibson placed the matter of C's eligibility on the school committee's agenda and asked for a motion to change their previous decision. (Tr.P.17) which had declared C ineligible.
- o Superintendent Gibson testified that the reason he went back to the school committee was that "since they had specifically voted that C was ineligible, I felt a motion was necessary to indicate that he was in fact to be put on the eligibility list, and a motion was not forthcoming. (Tr.P.17)
- o Principal Klaiman did not add C's name to the eligibility list for wrestling, citing as his reason "the School Committee ruling of August, 1991". (Appellant's Ex.6)

DECISION

Consistent with our prior ruling in this matter,⁴ just as the School Committee had no authority to declare the appellant's son ineligible for interscholastic sports competition in August of 1991 it had no authority to consider the matter anew at its December 10, 1991 meeting. To the extent that one would interpret the failure to approve a motion at that meeting as a vote or action of the school committee this action is a nullity.

It is our judgement that the Rules and Regulations governing PCJHA participation are operative and that the criteria for eligibility, and the application of those criteria are within the exclusive realm of the PCJHA. As we stated in our prior decision, this delegation of the School Committee's authority in matters regarding interscholastic sports is complete. A comparable delegation was made to the Rhode Island Interscholastic League by the Cranston School Committee and upheld as valid in Hebert v. Ventetuolo, 480 A2d 403 (RI 1984). If the Exeter/West Greenwich School Committee was of the opinion that its delegation to the PCJHA was distinguishable by the facts of this case in some way, it would have so argued at the hearing before us. By not appealing from our prior decision the School Committee has accepted it and is bound by it.

Given the legal analysis above, the principal of the junior high, who is the member of the PCJHA, is mistaken in his reliance

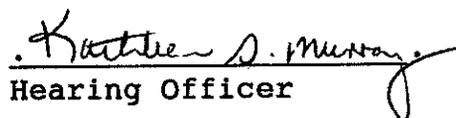
⁴ A copy of our prior decision in this matter is attached hereto as Appendix A.

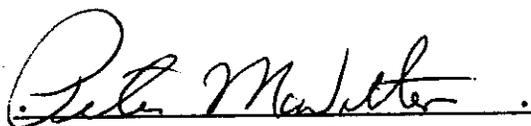
on any School Committee ruling (August or otherwise) as a basis for finding this student ineligible for interscholastic sports participation. We find that the school committee is not empowered to speak to the subject of eligibility under the PCJHA rules. We direct that the school committee and its agents refrain from obstructing C 's participation in the interscholastic sports program operated under the auspices of the PCJHA.

We read the official communication from Mr. Wallace, Chairman of the PCJHA, to Superintendent Gibson dated December 5, 1991, as a ruling by the PCJHA that C is not ineligible to participate because he is home-schooled. The letter simply asks that Principal Wallace submit C 's name on the eligibility list (for the sport in question - here, wrestling) to certify that C meets the eligibility regulations (i.e., age, academic) set forth in the PCJHA handbook. We reject the school committee's interpretation of this letter, i.e., that the PCJHA will defer to the school committee's determination of C 's eligibility. Clearly, then, assuming C meets the age, academic or other requirements specifically set forth in the Rules and Regulations of the PCJHA his name should immediately be added to the eligibility list for wrestling or any other sports program sponsored by the PCJHA.

Because, however, it is Mr. Klaiman as a member of the PCJHA and as its agent, who must certify C 's eligibility and add his name to the eligibility list(s), the Commissioner has no authority to compel this act. Were we to order Mr. Klaiman to do

so, it would be on the erroneous basis that he acts as an agent of the Exeter/West Greenwich School Committee in making such eligibility determinations and certifications under the PCJHA rules. Consistent with our ruling here that a complete delegation has been made to the PCJHA as to these issues, the certifying principal acts only on behalf of the PCJHA and as its agent. In that capacity the Commissioner has no jurisdiction over him. Disputes arising from the operation of the PCJHA athletic program, as with those arising from the programs sponsored by the Rhode Island Interscholastic League, must be resolved in another forum. Having decided the question of school law presented here, and having made a gratuitous interpretation of Mr. Wallace's ruling on this student's eligibility, it is our hope that this matter will be resolved quickly by the immediate cooperation of the parties.


Hearing Officer


Commissioner of Elementary
and Secondary Education

April 23, 1992