

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF
EDUCATION

In Re: Revocation of
Coaching Certificate
of Peter Slom

DECISION

HELD: Mr. Slom's convictions and the drug activities underlying those convictions constitute cause for revocation of the coaching certificate issued to him by the Department of Education.

September 15, 1992

TRAVEL OF THE CASE

On September 5, 1991 Peter Slom requested a hearing on the issue of revocation of his coaching certificate by the Commissioner of Elementary and Secondary Education. In the alternative, Mr. Slom requested that the Department accept his voluntary surrender of his certificate, so that at some future point he could apply to be recertified as a coach.

The Department determined that this situation i.e., in which staff were already aware of facts alleged to constitute cause for annulment of the certificate, prevented its agreement to Mr. Slom's surrender of the certificate and it therefore denied this request. The parties thereafter agreed upon a hearing date of May 19, 1992. At that time evidence bearing on the issue of "cause" for annulment of the certificate was taken. Opportunity to present additional evidence was afforded Mr. Slom, who was unrepresented by counsel. The record closed upon submission of the memorandum of the Department on August 5, 1992.

Jurisdiction to hear this case apparently lies under R.I.G.L. 16-11-4.¹ The undersigned was designated by Commissioner Peter McWalters to hear and decide this matter.

FINDINGS OF RELEVANT FACTS

- Peter Slom holds a coaching certificate issued to him by the Department of Elementary and Secondary Education pursuant to R.I.G.L. 16-11.1-1.

1 The parties did not raise the issue of whether annulment of coaching certificates is governed by the section of law controlling annulment of teaching certificates generally. Chapter 11.1 does not expressly incorporate the provisions of 16-11-4. For purposes of this case, we will presume the authority and standards for revocation are to be found in 16-11-4.

- On March 7, 1991 Mr. Slom was convicted of a number of drug-related offenses, specifically:

Case No. N2900178A - 2 counts of delivery of cocaine; 1 count of conspiracy to violate the controlled substances act.

Case No. N2900179B - 2 counts of delivery of cocaine; 1 count of possession of marijuana. (see Department Ex. 4 and 5)

- Detective Michael Noviello, who at the time functioned as an undercover member of the Attorney General's Statewide Narcotics Strike Force, described the details of his purchase of cocaine from Mr. Slom on March 16, 1990 (Tr. pp. 13-14).
- In lieu of in-person testimony from a Detective John Bartis of the Newport Police Department, the attorney for the Department of Education established the facts of additional drug dealings through stipulation (Tr. pp. 28-29).
- On April 4, 1990 arrangements were made between Mr. Slom and an undercover agent of the Newport Police Department for the sale of cocaine. The undercover agent went to Mr. Slom's home in Portsmouth where he purchased cocaine from Mr. Slom's girlfriend. Another sale was made by Mr. Slom on April 6, 1990 (from Mr. Slom's place of business) and yet another sale of this drug consummated on April 13, 1990, this time again at Mr. Slom's home. (Tr. pp. 29-30)
- A subsequent search of Mr. Slom's house conducted by police acting under a search warrant uncovered additional quantities of cocaine and marijuana. (Tr. p. 31)
- Based on his criminal convictions and the drug-related activities in which he has engaged, Mr. Slom is professionally

unfit to serve as a coach of elementary or secondary school-age children. (Tr. pp. 20-23, testimony of James Dunn)

DECISION

Through testimony presented by an experienced coach from the Smithfield School Department,² the Department of Education established that a coach functions not just to teach the skills and rules of a particular sport, but, as important he serves as a role model for the children on his team. (Tr. pp. 19-20) Clearly established by the Department was the fact that a person engaged in drug dealing and convicted of violations of our state's criminal laws with respect to such controlled substances could not serve as a role model for children. According to the witness presented by the Department a person who engages in illegal drug activities and stands convicted of crimes which are felonies in Rhode Island would be a negative role model. Further, the record in this case establishes that a coach's inability to serve as a role model renders him professionally unfit.

We take particular note of the statutory requirement here in Rhode Island that teachers:

shall aim to implant and cultivate in the minds of all children...the principles of morality and virtue. R.I.G.L. 16-12-3

2 Mr. James Dunn, who has coached football at Smithfield High School for over twenty-four years, and been involved in many other coaching activities in the public schools and recreational leagues. Mr. Dunn has also been a referee of basketball for twenty-two years.

The nature of Mr. Slom's professional unfitness is such that he is unable to cultivate principles of morality and virtue. In part, this is due to his inability to serve as a role model. As stated by the Department's witness:

values are very hard to teach, I mean, that's one of the things that we have to teach, and it's very difficult to teach values at the same time when you are violating those values by your actions.
(Tr. p. 22)

Given our factual finding of professional unfitness, we find as a matter of law that good and sufficient cause³ presently exists to revoke Peter Slom's coaching certificate.

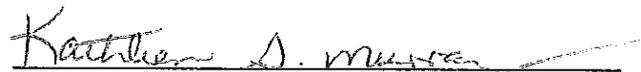
At the hearing, Mr. Slom indicated his present intention to complete his rehabilitation and in the future join with others in their attempt to communicate a message to school-age children that they should avoid drugs. Mr. Slom indicated his intent to convey this message, whether or not he did so from the position of coach. Implicit was his desire to resume coaching should he be successful in completing his rehabilitation and in putting his life in order, so to speak.

We express no opinion on whether "annulment" of a teaching or coaching certificate under R.I.G.L. 16-11-4 permanently disqualifies an individual from the profession. We would only observe that one who has experienced drug problems, had his life irreparably changed by drug use and suffered the consequences of the criminal nature of his conduct is perhaps the best person to convey an anti-drug message to school children. This would

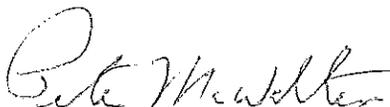
3 We use the words "good and sufficient cause" synonymously with the standard of "cause" set forth in R.I.G.L. 16-1-4.

undoubtedly be a factor in any future consideration of the issue of recertification of Peter Slom as a coach.

For the above-stated reasons, his coaching certificate is revoked and annulled.


Kathleen S. Murray
Hearing Officer

Approved:


Peter McWalters
Commissioner

DATE: 9/15/92