

Introduction

This matter concerns an appeal to the Commissioner of Education by the father of student Doe from the decision of the Woonsocket School Committee to expel student Doe from Woonsocket High School for the remainder of the 1992-1993 school year.¹

Background

Student Doe is an 11th grade student at Woonsocket High School who is taking 11th and 12th grade classes during the 1992-1993 school year. He is scheduled to graduate in June 1993 if he passes his courses.

On March 17, 1993, student Doe was transported to Woonsocket High School by his father. Student Doe had a knife with a 5-inch blade in a leather case in his coat pocket when he arrived at school. Student Doe did not attend school that day, as he and a friend went to a nearby establishment for breakfast.

After breakfast, student Doe and his friend returned to school grounds. They were joined by a third student. After "hanging around" the parking lot of the adjacent vocational-technical facility, they walked through school grounds on their way to student Doe's house. (Transcript, p. 24).

A police car arrived at the high school parking lot as the 3 students were walking away from the school. A police officer summoned them to the school parking lot. The students complied. When they entered the parking lot, the police officer asked them if they had any drugs or weapons. Student Doe produced the

¹ The undersigned hearing officer was designated to hear this appeal. It was heard on April 29, 1993.

knife, still in the case, from his coat pocket. He was taken to the police station where charges were entered against him.

Student Doe returned to the high school later that day with his father. Student Doe was suspended for 10 days pending a hearing before the School Committee concerning his violation of the Committee's newly-adopted weapons policy.² After a hearing was postponed due to the lack of a quorum, student Doe was given a hearing before the School Committee on April 7, 1993. On that date the School Committee voted to expel student Doe for the remainder of the school year "for possession of a knife, over 5 inches long, at Woonsocket High School in violation of School Committee policy." (April 8, 1993 decision of the School Committee -- School Committee Exhibit 1). No record of the School Committee hearing was preserved.

As for student Doe's academic standing, the evidence shows that although student Doe was doing poorly in two required subjects at the time of his exclusion, the possibility remains that he could make up his work and graduate this year. Student Doe did not have any disciplinary problems prior to the knife incident. He was 17 years old at the time of his exclusion from school.

Positions of the Parties

Appellant initially contends that there were some procedural irregularities at the School Committee hearing on April 7, 1993

2 On March 10, 1993, the Woonsocket School Committee amended the Woonsocket School Code to provide that a student's "possessing a knife, gun or other weapon in any school building or on any school grounds or at any school related function will result in an immediate suspension for an expulsion hearing." (School Committee Exhibit 3B).

which precluded a fair consideration of the events of March 17, 1993. He argues that a suspension is warranted, but given the circumstances of this case, an exclusion for the remainder of the year is excessive. Appellant points to the student's cooperation with the police and the fact that the knife never left the student's coat pocket during the morning in question. Appellant also attributes the excessive discipline to the manner in which the School Committee hearing was conducted. Finally, Appellant notes that the school year is nearly over and he requests that student Doe at least be given the opportunity to complete his work at home so that he may graduate in June as scheduled.

The School Committee emphasizes the importance of its weapons policy in maintaining a safe environment for students and staff. It contends that student Doe clearly violated the policy by his possession of the knife on school grounds. In light of recent weapons-related events in local schools, the School Committee argues that the exclusion pursuant to the weapons policy must be sustained.

Discussion

We agree with the School Committee that the possession of a dangerous weapon on school grounds by a student is a serious matter which warrants the immediate application of the school's disciplinary system. We also agree with Appellant that the seriousness of this matter cannot adversely affect the procedural protections to be afforded the student. Appellant raises questions about the hearing before the School Committee which can best be answered by reviewing the record of that hearing. However, no

record of the hearing was preserved despite the requirement to do so in the Board of Regents Regulations for Governing Disciplinary Exclusions from School.

We find that the type of conduct and circumstances present in this case are similar to those addressed in Jane G. Doe, I vs. A Rhode Island School Committee.³ In that case a high school senior furnished some LSD to another student at school. The student was suspended for the remainder of the school year. She cooperated with school authorities and agreed that a suspension was appropriate. In appealing to the Commissioner, the student requested that the suspension be modified to allow her to complete her school work at home so that she could graduate on schedule.

The Commissioner found that the case presented two unappealing alternatives: the possibility that the student would drop out of school if suspended for the year, and the risk that she would repeat her misconduct if allowed to return to school.

The Commissioner held as follows:

Under the circumstances we think it best that we order that this student be allowed to attempt to complete her course-work at home. Except for testing, this student is not to return to the premises of the school. She is not to associate with students going to or returning from school. She is not to participate in any school social functions or in graduation ceremonies. (Decision, pp. 1-2).

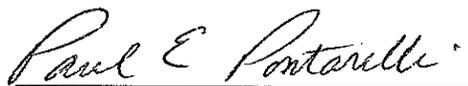
We find that the Jane G. Doe, I case is applicable to the circumstances herein, particularly in light of the procedural questions that have been raised with regard to the School Committee's hearing. We therefore shall order that student Doe

3 Commissioner's decision of April 18, 1988.

be given the opportunity to complete his coursework at home under the same terms as quoted above in the Jane G. Doe, I case.

Conclusion

Student Doe shall be given the opportunity to complete his 1992-1993 coursework at home in accordance with the terms of this decision. We encourage the school department to extend this opportunity into the summer if it becomes necessary to do so and if student Doe is willing to continue his efforts to graduate this year. If student Doe hires a tutor to assist him in the completion of his coursework, the school department shall not be responsible for any costs thus incurred.



Paul E. Pontarelli
Hearing Officer

Approved:



Peter McWalters
Commissioner of Education

Date: May 20, 1993