

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATION

COMMISSIONER OF EDUCATION

THE PARENTS OF JOHN A.S. DOE
V.
SCITUATE SCHOOL COMMITTEE

DECISION

Held: Suspension is sustained.

Date: January 6, 1994

Findings of Fact

On the afternoon of October 27, 1993 the Scituate Police Department received a call from a woman who reported two youths behind the North Scituate Elementary School who appeared to be loading a handgun. When the police arrived at the scene the two youth were not there. The police then examined an adjoining area of town property where a school tennis match was taking place. Approximately 200 people were present. The police approached the scene with great caution because they believed that the armed youths might be in the crowd. The police approached the two youths. One of the youths, John Doe, had possession of a CO2 propelled BB gun which had the appearance of a semi-automatic hand gun. Such a BB gun is capable of inflicting very serious injuries.

John Doe was a 9th grade student in the Scituate school system. The Scituate School Committee suspended Student Doe for the remainder of the 1993-94 school year. The reason for the suspension was possession of a weapon at a school related function.

Conclusions of Law

The facts in this matter are not in dispute. We recognize that as a technical matter the area where the tennis match was taking place was town rather than school property. We think however that town property, when being used for a school function, takes on the nature of school property for disciplinary purposes. The school rule against: "possession of any kind of weapon, such as a knife, a gun, a blackjack, etc., in school or on school property" is therefore applicable to this case. Moreover the school's disciplinary code possesses a general prohibition against misconduct which suffices to cover this situation. School disciplinary codes do not have to meet the exact standards of the criminal law. Richards v. Thurston, 424 F.2d 1281 (1st Cir. 1970).

We recognize that such a long term suspension imposes a hardship on the student and on his parents. Still possession of weapon at a school function merits a serious penalty. A "bright line" prohibition against weapons does serve a deterrent purpose and helps keep schools safe.

Conclusion

Since Student Doe is in a regular education program he is not entitled to receive an alternative education program during his suspension. Education Law, Sec. 9.06(3)(d) by James A. Rapp. (Compulsory education law does not require the provision of alternative programs for suspended students). We would however encourage the school committee to consider the advisability of such a program. Indeed we may well propose legislative or regulatory measures to require such programs in the future.

The decision of the School Committee to suspend John Doe for the 1993-1994 school year is sustained.



Forrest L. Avila, Hearing Officer

Approved:



Peter McWalters
Commissioner of Education

January 6, 1994

Date