

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

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 JOHN DOE AND JOHN ROE \*  
 \*  
 V. \*  
 \*  
 A RHODE ISLAND SCHOOL \*  
 COMMITTEE \*  
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DECISION

Held: Evidence demonstrates that  
Students Doe and Roe were under  
the influence of marijuana during  
a school sponsored event.

DATE: March 21, 1997

The school district in this case has imposed ten (10) days school suspensions against Student Doe and Student Roe on the basis that these students had participated in a school sponsored hockey game while under the influence of marijuana. Student Doe and Student Roe now appeal from these suspensions.

School district rules forbid participation in school related activities to students who are under the influence of marijuana. There is no dispute that Students Doe and Roe smoked marijuana some hours prior to participating in a high school inter-scholastic league hockey game. Student Roe testified (p. 51, Vol.I) that at least three of his teammates at the hockey game accused him of being under the influence of marijuana. One of these three teammates testified that he believed that both Student Doe and Student Roe were under the influence of marijuana. He cited glassy eyes, giggling, heavy use of cologne (perhaps to mask the smell of marijuana) and substandard play in support of his conclusion. He testified that allegation of marijuana use lead to an altercation in the locker room and to disrespectful comments to a coach.

While both Student Doe and Student Roe admit to having smoked marijuana some hours before the hockey game, they deny that they were still under the influence of marijuana at the time the game started. In support of this contention they have placed two short advice letters addressed to the general public. One of these is a single page statement from the National Institute of Drug Abuse addressed to parents. The other is a three (3) page handout from

NORMAL, an organization which works for the legalization of marijuana. Both of these documents point out that the effects of marijuana lapse with the passage of time. Still it seems to us that these documents are of no real relevance to the case at hand. The duration of the effects of marijuana would seem to be dependent on the amount and potency of the drug used, the size and physiology of the user, and numerous other factors. We think that it would take actual expert medical testimony to overcome the eyewitness testimony which indicated that Student Doe and Roe were still under the influence of marijuana during the hockey game.

Given the fact that Students Doe and Roe did use marijuana some hours before the start of the hockey game and that the effects of marijuana were observed by fellow players during the game we must conclude that Students Doe and Roe were under the influence of marijuana during a school event, contrary to school rules.

### Conclusion

The suspensions appealed from are sustained and the appeals are dismissed.

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Forrest L. Avila  
Hearing Officer

Approved:

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Peter McWalters  
Commissioner

DATE: March 21, 1997