

0041-97

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

JOHN C.P. DOE
V.
WEST WARWICK SCHOOL COMMITTEE

DECISION

Held: A disciplinary suspension may
be imposed.

Date: December 17, 1997

The 14-year-old student in this case was attending the public schools of Coventry. He was seen placing his hand down the blouse of a female student. When she pulled away from him her breast was exposed to the view of the class. Some of this activity may have been consensual in nature. In any event it warrants disciplinary action. The female student has left the Coventry school system and has elected not to pursue this matter further. The male student, before Coventry could take action in this matter, withdrew from the Coventry school system and is now seeking enrollment in the West Warwick school system.

The West Warwick system is, quite properly, concerned about enrolling this student until some sanction for his misconduct has been determined. A hearing was held by the Commissioner's Office to determine how to proceed in this matter. The parent of this student received notice of the hearing but did not attend. Testimony was taken which established the basic facts of this case. Based upon the facts of this case we think that West Warwick is, absent a disposition in Coventry, within its authority to impose sanctions for the misconduct at issue. G.L. 16-60-5(5). This authority includes the right to impose a suspension for this misconduct and to remit such a suspension in whole or in part on the condition that the student receive counseling.

Conclusion

The Commissioner reserves the right to review, at the request of the parent, the extent of any penalty imposed. We note that under new federal regulations school districts are encouraged to share disciplinary information about students so as to preserve school safety. 34 CFR 19.36.

Forrest L. Avila, Hearing Officer

Approved:

Peter McWalters, Commissioner

Date: December 17, 1997