

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER
OF
EDUCATION

.....
IN RE C.S. :
.....

DECISION

Held: The petition for an interim order is denied. This ruling does not prejudice this student's right to bring this matter before the Providence School Committee.

DATE: February 8, 2000

TRAVEL OF THE CASE

This matter is before the Commissioner on this student's petition for an interim protective order that would prevent his transfer to a different high school. This transfer was ordered as a result of a disciplinary infraction. The student argues that the Providence high school he would now have to attend is inconveniently situated so as to require him to use public transportation. His parent believes that the transfer may not be good for this student's academic progress. The Providence School Committee has not yet reviewed this matter.

FINDINGS OF FACT

On or about December 3, 1999 the petitioner, a student at a Providence high school, became involved in a jocular cafeteria conversation that turned to the particularly ill advised subject of blowing up the school. The discussion developed to the point where roles and plans were being discussed. None of this was meant to be serious, but this extraordinarily unwise conversation was overheard and soon rumors and concerns were flying about the school. A report concerning the rumors was made to school officials. A police investigation concluded that no real harm had been meant.

After giving the student and his parent a hearing, the school took disciplinary action by suspending him for five days and by transferring him to a different school. The principal of the high school felt that it would be best to separate and transfer the students involved in this incident. The other students involved were treated in a more or less similar fashion. School officials did give at least some consideration to the academic interests of this student in making this transfer decision. They noted that several of the programs at the student's new school might match his particular interests.

Students were advised at the beginning of the school year concerning the gravity with which the school would view any discussions concerning bombs and bomb threats.

CONCLUSIONS OF LAW

Rhode Island School Committees have broad authority to classify and assign students:

16-2-16. Rules and regulations—Curriculum.—The school committee shall make and cause to be put up in each schoolhouse rules and regulations for the attendance and classification of the pupils...and for the instruction, government, and discipline of the public schools....

The federal District Court for Rhode Island has found that school transfer may be used as a disciplinary tool. *Casey v. Newport*, 13 F.Supp. 242 (D.R.I.1998) The student in this case was given a hearing at which he had a chance to explain his side of the story.

We can find no legal error in the decision the school made. The discipline chosen in this case is not disproportionate or extreme. It may or may not be the exact discipline we would have meted out but we try to exercise our de novo review authority with a measure of restraint. It has been said that a commissioner would seldom reverse a local decision “unless he was satisfied that the public good or justice to an individuals required it.” *Appeal of Gardner*, 4 R.I. 602 (1858) See: *Pawtucket School Committee v. State Board*, 103 R.I. 359 (1968) We are not satisfied that justice to the petitioner requires us to void his transfer.

CONCLUSION

The petition for an interim order is denied. This ruling does not prejudice this student’s right to bring this matter before the Providence School Committee.

Forrest L. Avila, Hearing Officer

APPROVED:

Peter McWalters, Commissioner

Date