

**0015-00**

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

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**In the Matter of B.C.**  
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**DECISION**

Held: Student's suspension does not include prohibition against attending senior prom.

Date: May 19, 2000

## **Introduction**

This appeal concerns the academic and social ramifications of a 10-day suspension from school imposed against student B.C.<sup>1</sup>

## **Background**

B.C. is an 18-year-old senior at Cumberland High School. She was among a group of seniors that participated in the “Grad Nite Weekend” trip to Disney World. At the hearing, the trip was referred to as a school-sponsored event. The high school student/parent handbook, on the other hand, states that “Class outings are not school-sponsored activities.” [School Committee Exhibit 3, p. 29].

On the evening of April 30, 2000, the students and their chaperones went to a dance club at Pleasure Island. The club serves alcoholic beverages. At approximately 12:30 a.m. (now May 1st), club security removed B.C. and another Cumberland student from the club for drinking alcohol.

It appears that B.C. and the other student were standing next to a bar talking to a young adult not connected to the trip. The adult purchased two alcoholic drinks, which were placed on the bar. According to club security, both girls were seen taking drinks from the beverages on the bar. The trip chaperones did not observe any alcohol consumption by the students.

The students returned from the trip early in the morning on May 2nd. Later that morning, B.C. and her father attended an informal hearing at the high school. B.C. denied drinking alcohol at the club. Based on evidence obtained from security at the club and

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<sup>1</sup> The appeal was received on May 12, 2000. The Commissioner of Education designated the undersigned hearing officer to hear and decide the appeal. A hearing was conducted on May 17, 2000. B.C. did not attend the hearing .

students on the trip, B.C. was found to have violated the high school's policy against consuming alcohol at a school-sponsored event. As called for in the policy, she was suspended from school for 10 days.

At the conclusion of the hearing on May 2nd, B.C. and her father exercised the right of appeal provided in the student discipline policy. The suspension was stayed pending the appeal.

The assistant superintendent conducted a review of the initial decision with B.C. and her parents on May 8th. The appeal was denied, and the 10-day suspension was affirmed. Citing the stress on the family, B.C.'s father immediately withdrew the appeal and asked that the suspension take effect. B.C. began her suspension on May 9th.

School policy provides that suspended students may not attend school events during the term of the suspension. The senior prom is to be held on May 19th. In addition, suspended students are not allowed to make up class work, lab work, or tests for the first 6 days of the suspension.<sup>2</sup>

B.C. has an excellent academic record and no disciplinary history. She planned to attend the senior prom. Because her suspension now extends until May 22nd, she cannot attend the prom under school policy. She also will miss tests, laboratories and other assignments that will significantly affect her grades in several courses. Her eligibility for honor societies is threatened. The other student involved in this matter did not take an appeal, served her suspension, and is permitted to attend the prom.

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<sup>2</sup> This policy currently is under review by the school district.

## **Positions of the Parties**

B.C.'s father contends that the High School's make-up policy is irrational and excessively punishes students academically. He also asks that B.C. be allowed to attend the senior prom because it was the appeal that caused the suspension period to include the date of the prom.

The School Department disputes B.C.'s father's standing to bring this appeal and the Commissioner of Education's jurisdiction over extra-curricular activities. It asserts that the school policies governing this case are clearly stated in the student/parent handbook, and that the policies are reasonable. It emphasizes that attendance at the senior prom is a privilege, not a right, and that B.C. and her family were free to exercise their appeal rights as they saw fit.

## **Discussion**

Based on the testimony of B.C.'s father, we are satisfied that B.C., who is the age of majority, has authorized this appeal. Furthermore, the Commissioner of Education has jurisdiction over disputes involving extra-curricular activities. In the Matter of A.L., Commissioner's decision, October 15, 1999.

We note at the outset that the appeal of B.C.'s suspension was withdrawn on May 8th, and she commenced serving her suspension the following day. Given these facts, we recognize that the imposition of the suspension is a fait accompli. We are perplexed, however, by the provision in the handbook stating that "Class outings are not school-sponsored activities." B.C. was suspended under a policy, also contained in the handbook, prohibiting the consumption of alcohol at "school sponsored events." Throughout this proceeding, the School Department has relied upon the letter of the policies set forth in the handbook. We understand an "outing" to be a trip, usually for pleasure. That word seems to

perfectly describe the “Grad Nite Weekend,” a trip to, of all places, Pleasure Island at Disney World. Further efforts by the School Department to explain the difference between a school-sponsored event and an outing have not dispelled our confusion regarding these terms.

We find this element of confusion to be indicative of the manner in which the particular circumstances of this case unfolded to B.C.’s family, the way in which the family reacted to the allegations against B.C., and the chain of events by which B.C.’s standing to attend the senior prom was altered. We find this confusion to be critical in determining the prom issue in this case.

When we examine the immediate aftermath of the alcohol incident, we find the following:

- B.C. returned to Cumberland early on the morning of May 2nd
- B.C. denied drinking alcohol at the club
- An informal hearing was conducted later that same morning
- The primary evidence against B.C. was that provided by security personnel of a club located in Florida
- There was virtually no time for B.C.’s family to look into this matter prior to the informal hearing
- Legitimate questions existed regarding B.C.’s presence at a bar in a night club after midnight
- Given the time of year and the district’s make-up policy, a 10-day suspension would carry serious consequences for the remainder of B.C.’s school year
- B.C.’s parents had a genuine need and desire to become informed of the circumstances and nature of their daughter’s offense

In light of the above, we understand why an appeal was taken from the 10-day suspension. Given the timeframe, the circumstances, and the consequences of the discipline, B.C. and her family were not ready to accept a final resolution of this matter. Unfortunately for them, however, the scheduling for a review of the decision could not be arranged without putting B.C.’s attendance at the senior prom in jeopardy. We find that all parties acted in good faith in this process and there is no evidence of any manipulation or misuse of the appeal

process by either side. As are result, it is our conclusion that the suspension's implication of the senior prom was nothing more than an unfortunate happenstance. We also find it noteworthy that B.C.'s loss of prom privileges was not within the punishment originally contemplated by school officials, and we believe that it should not be part of her punishment following the appeal.

Under our conclusion, B.C.'s 10-day suspension stands. Although we encourage the School Committee to reconsider the high school's make-up policy, it applies in this case. The penalty B.C. is incurring from the suspension and the make-up policy is substantial. We therefore find, given the circumstances under which the senior prom was drawn into this case, that B.C.'s penalty should not include that event. Instead, we hold that B.C.'s suspension should consist of 10 days of like kind that immediately followed the May 2nd informal hearing. We are not aware of any school-related event during that period that is commensurate with the senior prom.<sup>3</sup> Accordingly, B.C. may attend the senior prom.<sup>4</sup>

### **Conclusion**

The appeal is sustained in part to allow B.C. to attend the senior prom.

Approved:

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Paul E. Pontarelli  
Hearing Officer

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Peter McWalters  
Commissioner of Education

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May 19, 2000

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<sup>3</sup> In so stating, we acknowledge that B.C. and her father attended an honor society induction ceremony on May 4th.

<sup>4</sup> Given the unique circumstances and timing of this case, the policy requiring that a student attend school in order to be able to participate in an after-school event later that day shall not apply herein.