

**0008-01**

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

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JANE DOE

V.

FOSTER-GLOCESTER REGIONAL  
SCHOOL COMMITTEE  
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DECISION

Held: School Committee did not act unreasonably in denying student permission to attend five-day chorus trip.

DATE: April 17, 2001

**Introduction**

This is an appeal from the decision of the Foster-Glocester Regional School Committee to deny student Jane Doe permission to attend an out-of-state chorus trip.<sup>1</sup>

**Background**

Jane is a 10th-grade student at Ponaganset High School. She has a strong interest in the chorus program. Every year the High School conducts a trip for students in the festival chorus. Participation is voluntary and the students must pay their own way. This year’s trip is to the North American Music Festival in Myrtle Beach, South Carolina. About 74 students plan to go on the five-day trip. They will travel to South Carolina on two buses leaving the evening of April 18th.

Students must attend five chorus rehearsals to be eligible for the trip. The importance of rehearsal attendance is stressed throughout the chorus program.

Jane was unable to participate in the chorus trip last year because of an extended illness. She had attendance problems at school this year. At the beginning of February 2001, Jane made a commitment to the chorus director that she would attend school faithfully in order to become eligible for the chorus trip.

Jane’s attendance improved dramatically. On March 15, 2001, she attended the first festival chorus rehearsal. Several days later, however, she used the computer at her home during the evening to have an online chat with “Josh” in New Hampshire.<sup>2</sup> The chat included the following exchanges:

Jane: I just lost 4 friends  
 Josh: how?  
 Jane: and they will be lucky to be living after tomorrow.  
 \* \* \* \* \*

Josh: so why are they gonna be lucky to be alive after tomorrow?  
 Jane: because if they are lucky I won’t kill them tomorrow  
 Josh: oh, are you being serious?  
 Jane: yes  
 Josh: why?  
 Jane: because they are a bunch of backstabbing two faced queer  
 horny ass slut bitches  
 \* \* \* \* \*

<sup>1</sup> The appeal was dated April 10, 2001. The Commissioner of Education designated the undersigned-hearing officer to hear and decide the appeal. A hearing was conducted on April 16, 2001.

<sup>2</sup>Jane had chatted with “Josh” many times for almost a year.

Josh: do you realize what you've done by telling me they'll be lucky if you don't kill them?  
Jane: yes and no, but I don't care  
Josh: are you really planning on killing them?  
Jane: why are you going to go rat me out  
Josh: first of all it's not ratting out and you know how bad I would feel if those 4 people get killed and I didn't speak up  
Jane: well you will never know  
Josh: what do you mean?  
Jane: you know exactly what I mean, ok, what do you care anyway, I'll be the one in jail not you  
\* \* \* \* \*

Jane: . . . tell on me, like I'm going to care. It's just another reason for me to kill myself. [School Committee Exhibit 2].

“Josh” immediately notified the police who searched Jane’s home and school locker. Jane was safe and no weapons were found. The matter was referred to Family Court and Jane has a court date earlier the same day that the buses are scheduled to leave on the chorus trip. The “4 friends” mentioned in Jane’s online chat are students at Ponaganset High School. Three of them are in the chorus. Jane was suspended from school on March 20th because of her statements in the online chat. As a result, she missed chorus rehearsals scheduled for March 22nd,<sup>3</sup> March 29th and April 5th. Jane was not allowed to attend chorus rehearsal on April 12<sup>th</sup> because the decision had been made to not allow her to go on the chorus trip.

Prior to returning to school, Jane met with the students that were the subject of her online comments. She gave them a letter of apology.<sup>4</sup> The psychiatrist that Jane has been seeing since November 2000 has written letters stating that Jane is not a danger to herself or others and that the school’s decision will only add to the alienation and isolation that Jane is experiencing at school.

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<sup>3</sup> Jane was due to have wisdom teeth removed on this date and would have been excused from rehearsal but for the suspension. Absences due to suspension from school are not considered to be excused absences.

<sup>4</sup> Jane concluded her letter by stating that “I have learned a valuable lesson from all of this. The lesson is not to say something you don’t mean, because you never know how much trouble you can get into now a days. It is very understandable to why you should watch what you say now because of all that has happened in our society. I can completely understand everyone’s harsh feelings towards what I said.” [Appellant’s Exhibit 6].

Jane testified at the hearing that her online comments were “just words” and her way of “venting” about her friends’ behavior toward her. She now realizes that she made a mistake.

### **Positions of the Parties**

Appellant contends that Jane is not dangerous and that she had no idea of the possible consequences of her online comments. It argues that the denial of permission to go on the chorus trip is an over-reaction to this incident and it is based on a zero-tolerance policy that ignores the actual facts of this case.

The School Committee contends that it acted appropriately in light of Jane’s unexcused absences from rehearsals and the safety issues raised by her comments.

### **Discussion**

It is clear that the chorus trip means a great deal to Jane. It is also clear that she was working very hard to be able to qualify for the trip. Her determination and her effort are to be commended. As she has admitted, however, she made a mistake when she spoke the way she did to “Josh.” Her mistake is particularly unfortunate in terms of its seriousness and timing. Only four weeks before the trip, Jane’s online statements to “Josh” led him to believe that real harm could come to Jane or her friends. “Josh” was no stranger to Jane. She had communicated with him often, for almost a year. Despite “Josh’s” familiarity with Jane, she convinced him that something ominous was unfolding and that she represented a genuine risk of harm. In reviewing Jane’s remarks, we cannot say that his fears were unfounded.

As a result, Jane has raised troubling questions about her judgment and trustworthiness just prior to an event that demands those qualities from the participants. She also forfeited her opportunity to attend a majority of the chorus rehearsals that are required of participants. For those reasons, school officials have determined that Jane is not ready to make the five-day trip to South Carolina. In light of the circumstances, especially the timing of the incident, we cannot find that the School Committee’s decision is unreasonable.

Jane will have other opportunities to go on the chorus trip. She needs to build upon the effort that she engaged in prior to her online comments. In doing so, she can

restore confidence in her judgment and character.<sup>5</sup> If, as stated in her letter of apology, Jane truly understands “everyone’s harsh feelings towards what I said,” she will come to understand that the School Committee’s belief that this is not the time for her to take a five-day trip with 74 other students is not unreasonable.<sup>6</sup>

**Conclusion**

The appeal is denied.

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Paul E. Pontarelli  
Hearing Officer

Approved:

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Peter McWalters  
Commissioner of Education

Date: April 17, 2001

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<sup>5</sup> We expect that school staff will work with Jane’s family and health care providers to address the alienation and isolation that Jane is feeling from her peers.

<sup>6</sup> We do not view the School Committee’s decision to be the result of the rigid application of a “zero tolerance” policy that does not take into account the specific facts and circumstances of the case.