

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER
OF
EDUCATION

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In the Matter of Student D.L.

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DECISION

Held: This is an appeal from a suspended senior student at William Davies Career and Technical High School who has been denied the award of his diploma pending payment of restitution for vandalism. In this dispute we find that the William Davies School may not use the withholding of a diploma as a method of collecting damages. A special visitor has been appointed to evaluate possible adjustment of the amount of restitution and to attempt settlement of the matter. If dispute remains with respect to restitution, the matter is referred to the Office of Attorney General.

DATE: June 3, 2002

Travel of the Case

This is the appeal of a senior student who vandalized a curtain at the William M. Davies Career-Technical High School. The student was suspended for this offense, and he and his parent were billed for the damage he caused. The parent initially agreed to pay for this damage, but she has now concluded that she should not have been billed for the full replacement cost of the curtain. Davies will not award this student a diploma until the bill for the replacement of this curtain has been paid—Davies will, however, allow this student to participate in graduation exercises. In this appeal the parent is seeking an order that her son be allowed to receive his diploma, and that consideration should be given to reducing the amount of the damage claim to reflect previous wear and tear on the damaged curtain.

Jurisdiction

Jurisdiction is present under R.I.G.L 16-39-1 and Section III of the Regulations of the Board of Regents Governing the Management & Operation of Area Vocational-Technical Centers in Rhode Island.

Positions of the Parties

The Parent

The parent argues that her son should be allowed to receive his diploma even though damages have not yet been paid, and that she should not be charged the full replacement value of the curtain.

The School

The school argues that this student should not receive a diploma until he has made restitution to school for his vandalism.

Findings of Fact

1. The student who is the subject of this case attends the William M. Davies Jr. Career-Technical High School.
2. It is undisputed that this student intentionally vandalized a shop curtain by maliciously cutting into it.¹
3. The full replacement value of this curtain is about \$555.²

¹ Testimony of the parent and of the assistant principal.

4. This curtain is part of an air pressure system used to abate particulate matter. The tear in the curtain has prevented use of the shop for some purposes.³
5. The Davies Jr. Career-Technical High School has a policy of not allowing students who are academically deficient to participate in graduation exercises and receive a blank diploma. The School will, however, allow a student who owes the school money to participate in graduation exercises and receive a blank diploma. An official diploma will be awarded when all bills have been paid.⁴

Conclusions of Law

1. In Rhode Island parents can be held liable up to a sum of \$1,500 for vandalism committed by their child:

9-1-3 Liability of parents for torts of minors. —The parent or parents of any unemancipated minor or minors, which minor or minors willfully or maliciously cause damage to any property or injury to any person, shall be jointly and severally liable with the minor or minors for the damage or injury to an amount not exceeding fifteen hundred dollars (\$1,500) if the minor or minors would have been liable for the damage or injury if they had been adults; provided, nothing herein shall be construed to relieve the minor or minors from personal liability for the damages or injury. The liability herein provided for shall be in addition to and not in lieu of any other liability which may exist at law.

2. By virtue of the statutory abolition of tuition fees students in Rhode Island are entitled to a free public education.⁵ Furthermore we believe that the established rule of law concerning matters of this nature is that: "Recovery for damages should be considered a distinct issue from the matter of discipline." Education Law, Rapp § 9.05[10][a]

Conclusion

1. We find that the William M. Davies Career-Technical High School may not use the withholding of a diploma as a "self-help" method of collecting damages.

² Exhibit 2

³ Testimony of shop teachers

⁴ Testimony of assistant principal

2. If restitution for this admitted act of vandalism is not made, the appropriate decision is to refer this matter to the Office of Attorney General for collection or other appropriate action.
3. We will appoint Edward Handy of this office to examine the curtain at issue to make a recommendation as to whether the damages claimed here should be reduced to reflect prior wear and tear. Mr. Handy will also attempt to negotiate a settlement of this matter.

**Forrest L.
Avila**

Hearing Officer

APPROVED:

Peter McWalters, Commissioner

June 3, 2002
Date