

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF  
EDUCATION

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In the Matter of Student D.W.

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**DECISION**

Held: In this appeal, student D.W. has been suspended from school as a result of a misspelling of a teacher's name in the senior yearbook. The suspension itself is upheld but is commuted to the days already served. The student is therefore eligible to attend his prom.

DATE: June 6, 2002

## **Travel of the Case**

The student in this case is appealing a decision of the Pawtucket school system to suspend him from school for 10 days for intentionally inserting a vulgar misspelling of a teacher's name into the senior yearbook. The school committee was apparently unable to meet to hear this matter. In any event, no question has been raised concerning exhaustion of remedies.

## **Jurisdiction**

Jurisdiction is present under R.I.G.L. 16-39-1, R. I.G.L 16-39-2, and R.I.G.L.16-39-3.2.

## **Positions of the Parties**

### **The Parent**

The parent argues that her son's 10-day suspension from school is too harsh, not so much because of its length, but rather because of its collateral effects. Under Pawtucket rules a suspended student may not participate in school activities.<sup>1</sup> As a result of this rule this student will not be able to go to the senior prom. The parent is requesting that her son be allowed to go to the senior prom.

### **The School**

The school argues that the disciplinary violation at issue is more than sufficient to support the suspension and its collateral effects.

## **Standard of Review**

This matter is before us as a *de novo* hearing.<sup>2</sup>

## **Findings of Fact**

1. The student in this case was a member of the yearbook staff.
2. We find from the testimony that this student caused an intentional misspelling of a teacher's name (Thomass instead of Thomas) to appear in the school yearbook.
3. This act was the result of disagreements this student had with the teacher.
4. The student has apologized for this act and has offered to work to expunge the offensive remark from the yearbook before it is distributed.
5. Students who worked on the yearbook were informed of the obvious point that the yearbook was not a forum for making derogatory and offensive comments about other students, teachers, or staff.<sup>3</sup>
6. The Pawtucket school policy on student conduct states:

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<sup>1</sup> Exhibit 5

<sup>2</sup> *Slaterry v. Cranston*, 116 R.I.252 (1976) at 263

<sup>3</sup> Testimony of yearbook advisor.

The School Committee recognizes that acceptable behavior is essential for the development of responsible and self-disciplined citizens and for the provision of an effective school program. Positive behavior is based on respect for one's self and for the worth and human dignity of others. Development of such positive behavior in students is a dual function of the home and the school.<sup>4</sup>

### Conclusions of Law

The Supreme Court gave a measure of definition to the free speech rights of public school students in *Bethel School District No.403 v. Fraser*.<sup>5</sup> In *Bethel* the Court pointed out that the public schools have a duty to inculcate the fundamental values of civility. The Court stated:

Surely it is a highly appropriate function of public school education to prohibit the use of vulgar and offensive terms in public discourse. Indeed, the 'fundamental values necessary to the maintenance of a democratic political system' disfavors the use of terms of debate highly offensive or highly threatening to others. Nothing in the Constitution prohibits the states from insisting that certain modes of expression are inappropriate and subject to sanctions. The inculcation of these values is truly the 'work of the schools.' [Citations omitted] The determination of what manner of speech in the classroom or in school assembly is inappropriate properly rests with the school board.

The Court concluded that:

The schools, as instruments of the state, may determine that the essential lessons of civil, mature conduct cannot be conveyed in a school that tolerates lewd, indecent, or offensive speech and conduct....

### Conclusions

In this case we must find that the intentional insertion into the school yearbook of a vulgar misspelling of a teachers name is misconduct which properly resulted in a suspension. However, the dual impact of the ten-day suspension which incorporates the prom is not in proportion to the admittedly serious offense for this student who has had no significant disciplinary infractions in the past. The suspension itself is upheld but is commuted to the days already served. The student is therefore eligible to attend his prom.

APPROVED:

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Forrest L. Avila, Hearing Officer

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Peter McWalters, Commissioner

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Date

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<sup>4</sup> Exhibit 5

<sup>5</sup> *Bethel School District No. 403 v. Fraser*, 478 U.S. 675 (1986)