

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF  
EDUCATION

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**In the Matter of Student Michael T.**

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**DECISION**

Held: The petitioner is appealing a disciplinary decision of school officials to deny him permission to participate in graduation exercises because of driving violations. We sustain the schools decision not to allow this student to participate in graduation exercises.

DATE: June 7, 2002

## **Travel of the Case**

The petitioner is appealing a disciplinary decision of school officials to deny him permission to participate in graduation exercises because of driving violations.

## **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

## **Standard of Review**

This is a *de novo* hearing.<sup>1</sup>

## **Position of the Parties**

### **The Petitioner**

The petitioner argues that prohibiting him from attending graduation exercises is too harsh a penalty for the offense committed.

### **The School**

The school argues that, given the dangerousness of the incident and the prior record of the student, the penalty it imposed is proportionate to the offense.

## **Findings of Fact**

1. On May 30 and May 31 Of 2002 Ponaganset High School authorities observed that some student motorists, while on the school driveway or on the approach road to the school, were spinning their tires, "burning rubber", and driving so as to endanger.
2. School official at Ponaganset are properly concerned about traffic safety on school grounds and on the roadway leading from school grounds. In recent years there has been at least one student traffic death in the area. Neighbors in the area have recently complained to school authorities about noise and reckless driving. Middle school students are exposed to this activity as they traverse the school driveway.<sup>2</sup>
3. School officials saw these incidents and they came into possession of videotape these incidents. The videotape records the road noise and the

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<sup>1</sup> *Slaterry v. Cranston*, 116 R.I.252 (1976) at 263

<sup>2</sup> Testimony of Teacher

billows of smoke that accompanied this activity. A student who was taping the "event" made the videotape. Voices can be heard in the background encouraging these stunts. At least some of the taped activity shows students rocketing on to the main drag as if they were leaving the flight deck of a carrier.

4. The videotape shows two occasions in which the petitioner spun his tires for many seconds, creating huge billows of smoke and loud screeching sounds. The smoke was so great that the petitioner's car could not be seen and traffic in the area was impeded.<sup>3</sup> On one of these occasions—after the smoke cleared—a pile of burning black rubber can be seen lying on the school driveway.
5. Based upon these incidents school authorities have disciplined 13 students for dangerous driving. Twelve of these students are seniors.
6. Nine of these seniors were disciplined through the imposition of a one-day suspension, along with a denial of the opportunity to participate in the senior breakfast and senior banquet. They will be allowed to participate in graduation exercises. These students had no prior driving violations.
7. Three of these seniors, including the petitioner, have received the additional punishment of being denied the opportunity to participate in graduation exercises.
8. The decision to give greater discipline to these three students was based upon a greater degree of dangerousness observed in their driving conduct and the fact that these three students had been disciplined for previous driving violations.
9. About a month ago the petitioner received a ten-day suspension for the same sort of misconduct. As part of this suspension his school driving privileges were suspended. At the time of the incidents in question the petitioner was driving on school grounds while his driving privileges were still suspended.
10. The petitioner is an honor student who is a member of both the Rhode Island and National Honor Societies. He was the senior captain of the wrestling team, of which he has been a member for four years. However, he has lost this captaincy for disciplinary reasons. He has been an active member of the school band. He has been accepted to study engineering at the University of Rhode Island and he has been awarded a scholarship for this purpose.

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<sup>3</sup> Videotape and testimony of the teacher observing the incident.

## Conclusions of Law

Rhode Island School Health Regulations require school officials to be concerned with traffic safety at school, and on roads adjacent to the school.<sup>4</sup>

### Discussion

If this incident was a first offense, involving a moment of bad judgement, we might see a bit more merit in the student's position. However, the fact is that only a month ago this student was suspended for 10 days for the same type of infraction. As part of this suspension his school driving privileges were suspended for the rest of the year. The student disregarded this suspension, brought his car back onto school grounds, and repeatedly engaged in the same activity for which he had just been suspended.

The student suggests that the activity he engaged in was not really dangerous. We disagree with this assessment. The videotaped activity shows conduct which could easily have resulted in loss of control of the vehicle, rocks and debris being shot back from the tires, and even a car fire. In fact the excessive acceleration shown here would have been enough to put lives at risk.

### Conclusion

We sustain the schools decision not to allow this student to participate in graduation exercises.

APPROVED:

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Forrest L. Avila  
Hearing Officer

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Peter McWalters, Commissioner

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June 7, 2002  
Date

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<sup>4</sup> Rhode Island School Health Regulations, § 37.0