

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF
EDUCATION

In Re: Student C.D.

DECISION

Held: Burrillville's assessment of a portion of the cost of replacement of a classroom closet is not supported by evidence that Student C.D. caused the damage to the closet that occurred when students were left unsupervised for a class period because the teacher assigned to cover the class neglected to show up.

DATE: June 17, 2002

Travel of the Case

On January 28, 2002 C.D.'s mother filed a letter appealing the Burrillville School Committee's decision that her son was responsible for paying two hundred and twenty (\$220.00) dollars for damage to school property which occurred during an incident at Burrillville High School in May of 2001. On February 4, 2002 the undersigned was designated to hear and decide the appeal. The matter was heard on February 26, 2002 and the record closed on March 21, 2002 when the transcript was received.

Issue

Can the Burrillville School Department assess part of the cost of repair of a closet to Student C.D. who hid in the closet during an unsupervised class period?

Findings of Relevant Facts

- At the time of this incident, May 15, 2001, Student C.D. was a fifteen-year-old student at Burrillville High School.
- During an unsupervised class period on that date, students in the class started fooling around, leaving their seats to write on the blackboard, use the computer, and go through the teacher's desk. Tr. p.6.
- During this same time, Student C.D. hid in a closet, and when he did so, three or four other students held the closet door shut to keep him in there. Tr.p.6;S.C.Ex.C and Ex.D.
- As this was happening, another student, Student T.C. ran and jumped into the door of the closet, breaking it. Tr.p.6, 16, S.C.Ex.C and S.C.Ex.D.
- The Burrillville police were called and in the course of their investigation several witness statements were taken; criminal charges were not pressed against any of the students. Tr. p.30;S.C.Ex.C.
- The damage to the closet, which was a custom cabinet, cost \$1,000. to repair and in December of 2001 after the cabinet was repaired each of the five students was sent a bill for \$220.¹ Tr. pp.7,44 and 49.
- In addition to being held responsible for one-fifth of the damage, four of the students were given detention, and the student who actually broke the door was suspended from school. Tr.pp.12-13.

¹ The additional charge of \$20 per student was the cost of "administrative expenses", identified in the record as the cost of sending notices of the assessment certified mail to each set of parents of each of the students.

- The teacher who had been assigned to cover the class and who should have been supervising these students at the time the damage occurred was given an oral reprimand.

Positions of the Parties

Student C.D.

Student C.D.'s parent at the outset acknowledges that he misbehaved by going into the closet. She feels that the one-day detention was a mild punishment for this offense. Mrs. D. argues that while he did engage in inappropriate behavior during the period this class was left unsupervised, he did not actually break the door of the closet. The student who did break the door was identified and given a suspension, not just detention. While she admits that her son may have some responsibility for what happened, she insists that the failure to supervise the class also contributed to this incident. In light of this, she requests that district officials share the responsibility for the damage to school property. In this way, she argues, it will be less likely that the situation of students being left unattended and unsupervised will be repeated. She stresses that her concern is for the safety of the students at the school.

Burrillville School Committee

Through counsel, the School Committee argues that holding each of the students liable for his or her share of the damage resulting from misbehavior is perfectly appropriate. School policy, clearly stated in the Burrillville High School Handbook, is that the consequences for willful or careless destruction of school property will include an assessment of the cost of repair to the responsible student. The goal of the policy is not just to reimburse the district when school property is damaged, but to have students at the high school level learn to accept full responsibility for their actions and respect school property at all times.

In this case, Student C.D. was involved in an incident which resulted in the destruction of a new, custom made cabinet used as the teacher's closet. He clearly acted inappropriately in going into the closet. It is undisputed that the cost of replacing the door was the amount submitted in School Committee's Exhibit B, i.e. one thousand (\$1,000) dollars. Therefore, school administrators properly followed school policy in sending Student C.D., and his parents, the bill for two hundred and twenty (\$220) dollars.

The school district is equally concerned about situations in which students are left unsupervised, and has taken certain steps, including raising the pay of substitutes, to ensure that there will be adequate staff to cover classes in which the regular teacher is absent. In spite of such steps, and its exercise of the right to assign teachers to cover classes during their "free" periods, if no substitute can be obtained, classes are sometimes nonetheless left unsupervised. The district argues that its decision to impose a verbal reprimand upon the teacher who failed to cover this class, although assigned to do so, is

within its discretion. The school committee argues that even when a class of fifteen year olds is left unsupervised for an entire class period, it can and must expect students of this age to behave appropriately or suffer the consequences.

DECISION

The Burrillville School Department has clearly and carefully articulated its policy of holding students financially responsible when school property is damaged because of vandalism or carelessness.² The policy is sound both from an educational standpoint and the perspective of school discipline.³ The policy serves a practical purpose as well in that, as the principal stated in his testimony, the school district cannot afford to come up with over one thousand dollars for incidental repairs, such as those which incurred in this case.⁴

The problem in this case is in the implementation of the policy. The facts simply do not support a determination that Student C.D. was “responsible” for the damage, such that the district’s assessment of even a portion of the cost of repairing the closet to Student C.D. is supportable. When first questioned about the nature of Student C.D.’s responsibility for the damage to the closet, the principal responded:

...We didn’t consider it an accident. We considered it he intentionally went into the closet. The other people were trying to hold the door, he was trying to get out. If he hadn’t gone into the closet, the closet wouldn’t have been damaged. He was responsible for that in that manner.
Tr. p.21.

Later in his testimony, the principal identified a different factual basis for Student C.D.’s responsibility for the damage to the closet when the question of whether he had caused the damage again was raised:

You have to look at his statement. You don’t know...if you were to be inside of that closet pushing on the hinge and I hit it from the outside, we would both be responsible for springing that hinge because if the door is shut, the hinge doesn’t get broken...if you’re pushing on it from the inside and you hit it, that’s what would tend to pop the hinge. Tr.p.56-57.

We cannot accept either of the factual bases on which the school district premises this student’s responsibility for the damage. The first, that he intentionally entered the

² See School Committee Ex. E, Handbook of Burrillville High School, pages 5,6 and 8.

³ Although as noted recently in the June 3, 2002 decision of the Commissioner, the discipline and damage issues cannot be improperly intertwined - In the Matter of Student D.L., a requirement that damages maliciously caused by the student be paid as a condition of receipt of his diploma, was found to be improper.

⁴ The Burrillville School Department insures against property losses exceeding \$1,000.

closet, bears no direct causal connection to the destruction of school property. Under this theory of causation, we would have to conclude that because he set in motion a chain of events that eventually led to the damage to the door, he bears responsibility. Under this same theory, we would also have to assess a part of the cost of the damage to the teacher whose failure to cover the class originally set in motion this chain of events. We find this theory of responsibility to be flawed. This student's entry into the closet was not the proximate cause of the damage in question.

The second basis, i.e. that Student C.D. was pushing on the door when outside force was applied with such force that the hinge of the closet broke, is an account which is not supported by the weight of the reliable evidence submitted on this record. None of the eyewitnesses to the incident testified at the hearing, but several eyewitness accounts were submitted in the form of witness statements, given either to the police or to school officials. With the exception of Student C.D., who was inside the closed closet, and Student T.C. all of the other witnesses gave statements directly attributing the destruction of the closet door to Student T.C.'s action of running and jumping into the closet. The police report notes that:

Mr. Stroup (the dean of students at Burrillville High School) stated he had eight students, that signed statements against (Student T.C.) stating that he had broken the closet unit. S.C. Ex. C.

A review of those statements indicates not just that the act of Student T.C. in jumping into the door actually caused it to break, but also that he threatened these students that if they told the truth and implicated him, he would "punch them in the face". We find that the only reliable evidence of how the door was damaged supports Student T.C.'s responsibility, and not that of Student C.D. We would also note that school officials meted out punishments of detention and suspension consistent with the extent of each student's misbehavior, its effects and the circumstances surrounding it. What was not consistent with the facts was the apportionment of financial responsibility, which we find is totally that of Student T.C.

For the foregoing reasons, the appeal is sustained.

Kathleen S. Murray
Hearing Officer

APPROVED:

Peter McWalters, Commissioner

June 17, 2002
Date