

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

-----  
D.R.

V.

CRANSTON SCHOOL COMMITTEE  
-----

DECISION

Held: Student's conduct falls within valid  
"no-fighting" policy. Suspension is  
upheld.

Date: May 11, 2004

## **Introduction**

This is an appeal from a decision of the Cranston School Committee suspending Appellant's son D.R. from school for 5 days for fighting.<sup>1</sup>

## **Background**

On the morning of September 10, 2003, D.R. entered the Cranston West High School parking lot as a passenger in a car driven by another student. Upon the car's arrival in the parking lot, a male student began pounding on D.R.'s window, yelling that he wanted to fight him. After the car was parked, D.R. approached the other student and spoke to him. The two students then walked away from the school, crossed a street, and headed toward a nearby lake. D.R. was wearing his backpack. He testified at the hearing that he was attempting to find out why the other student was angry with him, and that he had no intention of fighting. As the students were stepping over a guardrail on their way to the lake area, the other student struck D.R. and a brief fight followed. While it is clear that D.R. did not start the fight, he actively participated in it.

The School Committee has a strict "no-fighting" rule that, on its face, does not recognize claims of self-defense. The "no-fighting" rule was previously applied to D.R. during the 2001-2002 school year. The Commissioner, in a decision dated June 5, 2002, considered D.R.'s appeal of his suspension. The decision held that, in short-term suspension cases,<sup>2</sup> general prohibitions against fighting such as that adopted by Cranston are valid.

In approving the recommended 5-day suspension for D.R. in this case, the School Committee relied on the fact that D.R., after being called on to fight, chose to approach the other student and walk away from school property toward the more secluded area by the lake. Members of the Committee indicated that they would have viewed this case differently had D.R. been attacked while he was walking toward the school.

The other student involved in this incident also received a 5-day suspension for fighting.<sup>3</sup>

---

<sup>1</sup> The Commissioner of Education designated the undersigned hearing officer to hear and decide the appeal. A hearing was held on December 3, 2003.

<sup>2</sup> I.e., suspensions for 10 days or less.

<sup>3</sup> Unlike D.R., the other student did not have any prior discipline.

## **Positions of the Parties**

Appellant contends that the other student assaulted D.R. and that D.R. merely defended himself in the ensuing altercation. Appellant claims that it is inherently unreasonable and inequitable to ignore the fact that D.R. was not the aggressor in this case. Appellant also claims that more vigilant supervision of the parking lot would have prevented the incident from occurring.

The School Committee contends that the evidence shows that the students mutually agreed to go to the area by the lake to fight. It argues that, instead of going to school and reporting the other student's threat to a school official, D.R. accepted the challenge to fight. Furthermore, D.R. accepted this challenge despite his previous exposure to the school's valid "no-fighting" rule.

## **Discussion**

Like the School Committee, we too are unable to reconcile D.R.'s conduct on the day in question with his testimony at the hearing that he did not have any intention of fighting with the other student. Not too long ago, D.R. had the painful experience of learning that the school district has the discretion, in short-term suspension cases, to adopt an across-the-board prohibition on fighting that does not take into account claims of self-defense. D.R. had the benefit of this experience when he was called on to fight in the high school parking lot on September 10, 2003. Unfortunately, D.R. did not declare that he had already received a suspension for being involved in a fight he did not start. Instead, he engaged in a course of conduct that resulted in a set of circumstances that brought him within the scope of the same rule. While it would have been fortunate if a supervising staff member had intervened in this matter in the parking lot, Cranston West is a large school with many students and a lot of ground to cover. Ultimately, a student must rely on his or her judgment. Knowing the policy on fighting, D.R. should have brought this matter to, not away from, school.<sup>4</sup>

---

<sup>4</sup> Considering the previously-mentioned statements of School Committee members in light of the reasoning in our prior decision involving D.R., had D.R. avoided the other student and walked toward school, he could have been the victim of "an assault directed by one youth against an unoffending other" and therefore outside the "no-fighting" policy. By approaching the other student and walking with him away from

## **Conclusion**

D.R.'s conduct in this case falls within the "no-fighting" rule we previously validated. The appeal of his 5-day suspension is denied.

---

Paul E. Pontarelli  
Hearing Officer

Approved:

---

Peter McWalters  
Commissioner of Education

Date: May 11, 2004

---

school, D.R. isolated himself from students and staff and eventually became involved in a "mutual affray" that falls within the "no-fighting" rule. [June 5, 2002 decision, p. 5].