

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF
EDUCATION

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Student A.C. Doe

v.

Coventry School Committee

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DECISION

Held: The imposition of a ten-day suspension for being under the influence of alcohol at a school-sponsored event has not been shown to be an unreasonable penalty. The procedures utilized by school officials in implementing a mandatory ten-day suspension rule, while flawed, do not invalidate this suspension in light of the fact that Student Doe knew her use of alcohol was punishable by suspension.

DATE: June 15, 2005

Travel of the Case

This matter was appealed to Commissioner Peter McWalters on June 8, 2005. The undersigned was designated to hear and decide this case at that time. Hearing was deferred until June 15, 2005 in order to provide the Coventry School Committee with opportunity to hear the appeal filed by Student Doe's parents. The matter was then heard on June 15, 2005 and a decision is rendered on an expedited basis in light of the fact that graduation ceremonies are scheduled for this evening. The decision is based on the hearing officer's notes, and exhibits introduced by both parties at the hearing.

ISSUE

Has Student Doe been validly suspended from Coventry High School for ten school days, from the period June 3, 2005 through June 16, 2005, and thereby precluded from participating in graduation ceremonies on June 15, 2005?

Findings of Relevant Facts:

- Student Doe received a ten school day suspension on June 3, 2005 for alcohol use.
- Student Doe arrived at a Senior Supper on June 2, 2005 at which time she was under the influence of alcohol and a family member was called to take her home.
- Student Doe did not deny the fact that she was under the influence of alcohol at a school-sponsored event and in light of her admission, and the observations of school staff who assisted her that evening, she was suspended from school.
- The Coventry School Committee has in place a substance abuse policy (5131.4) and an administrative directive (5131.4AD) which calls for a ten-day suspension from school for students who use, possess, or who are under the influence of alcohol, narcotics, or other dangerous drugs on district property or at any school sponsored activity.
- The administration of Coventry High School has incorporated this policy into the student handbook, or "Agenda" distributed at the beginning of the school year. The agenda contains a "discipline ladder" which describes a penalty of a ten-day suspension for the infraction of "drugs". The agenda makes reference to the School Committee Policy.
- The school agenda notes that during the period of any suspension, students cannot participate in any school activities.
- The principal of Coventry High School testified that at school orientation meetings held early in the 2004-2005 school year, he expanded upon the information provided in the agenda and explained to students that alcohol use and possession were subject to a ten school day suspension. This same information was conveyed to students at a pre-prom meeting held by the principal for seniors in May of this year, but because Student Doe left school early that day, she was not present when this information was conveyed.

- In imposing and upholding a ten day suspension for Student Doe’s June 2, 2005 infraction of school rules, school officials, including the Superintendent, testified that they viewed the school committee policy, and the rule imparted to students, as calling for a “mandatory” ten-day suspension, according them no discretion at all.
- Student Doe testified that she was aware that there was a rule prohibiting alcohol use, or being under the influence of alcohol, at school functions, but she was not aware that the penalty was a ten-day suspension.
- Student Doe has completed all academic requirements for receipt of her diploma.

Position of the Parties:

Student Doe

This student and her parents admit that she was under the influence of alcohol when she attended a school-sponsored event on June 2, 2005. They essentially ask that the penalty be reduced to nine instead of ten days so that she can participate in graduation ceremonies to receive her diploma. She argues that there were extenuating personal circumstances that resulted in her poor decision-making that evening. She notes that she is a good student, without any prior disciplinary record. The ten-day suspension, while reasonable at other times of the school year, has in this case, because of its proximity to graduation, unanticipated disastrous consequences for her. The result is a vastly disproportionate penalty for the offense she has committed. She also argues that she had no prior notice of this penalty, until it was imposed on her.

Coventry School Committee

Counsel for the School Committee points out that the facts here support the imposition of the penalty provided for by School Committee policy and the school’s disciplinary code. School officials do not have discretion to shorten the penalty on the basis of Student Doe’s unblemished prior disciplinary record or because her suspension prevents her attendance at graduation this evening. These individual circumstances play no part in the sanction imposed, nor can they, by virtue of school committee policy. The policy, and sanctions it calls for, have been consistently imposed without exception. As to the issue of notice, the School Committee argues that any lack of clarity in the student agenda was remedied by the principal’s presentation to students during orientation at which time he emphasized the penalties for alcohol and drug use. Even if Student Doe did not hear this information at the meeting held prior to the prom, she was present at these orientation meetings. The policy of the School Committee, and the school discipline code, have been implemented fairly and reasonably in this case, counsel argues.

DECISION

While the creation of a system of school discipline which does not enable school officials to administer discipline on a case-by-case basis is of concern from a legal standpoint, we decline to overturn the discipline imposed in this case. The opportunity to examine these issues is brief, but in this case Student Doe has not demonstrated that the penalty imposed upon her is unreasonable. A ten-day suspension for alcohol use during the vulnerable time period of proms and end-of year school celebrations is supportable, even when the effect of the suspension is to bar a student from graduation exercises. The efforts of school policy makers and administrators to protect students and the school environment from the effects of drug and alcohol use must, in our view, be supported, absent a substantial violation of student rights. While there is evidence in the record that the provisions of Coventry High School disciplinary code were not precisely described in the school's "Agenda" given the principal's testimony that he more accurately described the rule applicable to alcohol use and possession, we find that sufficient notice of the rule was provided. Student Doe, in her testimony, acknowledged that she was aware that her use of alcohol would subject her to suspension. Although she may not have remembered the principal's comments at orientation when the agenda was distributed to students, her lack of knowledge on the precise point of a mandatory ten-day suspension does not invalidate the rule's application to her.

Student Doe's request for a more lenient penalty, in light of its effect on her attendance at graduation, is one which school officials, and the School Committee have declined. Having reviewed the facts, de novo, we are not persuaded to overturn this decision. We would, however, encourage school officials to reconsider imposition of "mandatory" penalties for school-related offenses. Zero tolerance calls for sanctions, but not the same sanction in each case.

The appeal is denied.

For the Commissioner,

Kathleen S. Murray, Hearing Officer

APPROVED:

Peter McWalters, Commissioner

June 15, 2005