

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF  
EDUCATION

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**Student G.B. Doe**

v.

**Cranston School Committee**

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**DECISION**

Held: The parents of Student G.B. are appealing the decision of the Cranston School Committee affirming the requirement of afternoon detention on their son for tardiness. There is really no dispute that this student was late for school 15 times during the school year or that a school committee is not bound to give parents an unlimited right to excuse their child's school tardiness. We therefore affirm the discipline that was imposed in this case. The appeal is denied and dismissed.

DATE: June 6, 2006

## **Jurisdiction**

Jurisdiction is present under R.I.G.L.16-39-1 and R.I.G.L.16-39-2. This is an appeal from a decision of the Cranston school committee to affirm a decision of school officials to require a student to attend afternoon detention because the student was late to school 15 times.

## **Position of the Parents**

The parents in this case contend that the detention imposed in this case should be expunged from their son's record because their son's lateness was parentally excused and because the school district's record keeping in this matter was not properly organized.

## **Position of the School**

The school contends that the detention in this case was properly imposed and that detention is appropriate to the circumstances.

## **Findings of Fact**

1. The student in this case was late for school fifteen times in the course of the school year. On each of these occasions the parents of this student had given him a note to explain to school officials the reason for his lateness.
2. The parents testified that early morning business demands as well as transportation issues for an older son made it difficult for them to ensure that their younger son arrived on time at school.
3. Cranston's school policy manual states that parental notes do not automatically excuse student's tardiness.
4. The record keeping in this case perhaps could have been more organized but it more than suffices to establish the reason why this student was kept after school.

## **Conclusions of Law**

A short period of after school detention does not involve separation from schooling, and so it does not carry with it a right to a trial type hearing or other extensive due process procedures. The United States Supreme Court has recognized that "study carrels, time-outs, detention or the restriction of privileges" are valid tools of school

discipline” without any suggestion that the due process clause requires a hearing before these disciplinary tools are employed.<sup>1</sup>

**Discussion**

We recognize that the record keeping in this matter could have been better and that some minor administrative difficulties resulting from the appointment of a new principal could have been avoided. Still, matters such as chain of custody and record preservation may be issues in criminal law, but school discipline is not a branch of the criminal law.<sup>2</sup> There is really no dispute that this student was late for school 15 times during the school year or that a school committee is not bound to give parents an unlimited right to excuse their child’s school tardiness. We therefore must affirm the discipline that was imposed in this case.

Although a school committee has the authority to enact a policy that limits the number of latenesses or absences that can be excused by a parent, it is noted that it is essential that educators work with families, not at cross purposes to them. Educators should seek to work with the family in circumstances like these where clearly there have been logistical difficulties with timely school arrival for the student, to solve the problem of late school arrival, rather than creating barriers to joint problem solving with families through the application of the student discipline system.

**Conclusion**

The appeal is denied and dismissed.

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Forrest L. Avila, Hearing Officer

APPROVED:

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Peter McWalters, Commissioner

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June 6, 2006  
Date

<sup>1</sup> *Honig v. Doe*, 484 U.S. 686 (1988). See: *Zehner v. Central Berkshire District Regional School*, 921 F. Supp. 850 (1995); *Rose v. Nashua Board of Education*, 679 F.2d 279 (1982) ; *Casey v. Newport School Committee*, 13 F. Supp. 242 (D.R.I. 1998); *Marner ex rel. Marner v. Eufaula City School Bd.*, 204 F. Supp.2d 1318 (M.D.Ala. 2002)

<sup>2</sup> *Bethel School District v. Fraser*, 478 U.S. 675 (1986),