

Jurisdiction and Travel of the Case

This matter concerns two three day suspensions which were imposed against the student in this case. These suspensions have been “served.” Jurisdiction is present under R.I.G.L. 16-39-1 and R.I.G.L. 16-39-2. The first of these suspensions took place in April of 2006. We find the appeal of this April 2006 suspension to have been filed outside of a reasonable time limit for an appeal and so we will dismiss it. We will, however consider the suspension that was imposed in 2007.

Findings of Fact

This high school age student, MG, who is the subject of this case, was involved in a verbal altercation with another student in the school cafeteria. This altercation included the use of profane and abusive language. The verbal altercation escalated into a *near* physical confrontation between the students. A third student intervened and restrained MG from lunging at the other student. An assistant principle hastened into the fray and took over the restraint of MG from the third student. The students involved in the altercation continued to direct profanity at each other, and at the vice principal. The vice principal suffered an injured thumb as a result of her efforts to provide restraint. During the course of these events another assistant principal entered the cafeteria and saw and heard what was going on¹.

This second assistant principal informed the parents in this case that he was immediately sending the students home to “cool-off.” This second assistant principal further investigated this matter. He subsequently informed the parents that a three day suspension would be imposed for use of profane language. The parents had an opportunity to appeal this decision to the principal of the school before the suspension was imposed.

Positions of the Parties

The School District

The school district contends that the three day suspension imposed in this case was appropriate to the circumstances.

The Parents

The essence of the parents’ appeal seems to be that the school principal initially informed them that their daughter was being sent home for the rest of the day to “cool-off.” They object to the principal’s decision to later impose a three day suspension against their daughter. They suggest that the physical injury suffered by the vice principal was the real motivation for the suspension rather than the use by the student of profane language. The parents reach this conclusion because the principal knew that profane language had been

¹ Transcript, page 51.

used in the incident when he sent the student home. They suggest the principal therefore should have immediately imposed a three day suspension at that point. Since a three day suspension was not immediately imposed they suggest the real motivation for the three day suspension must be the injury suffered by the vice principal in the process of imposing restraint.

Conclusions of Law

The parents and the student in this case received all the due process they were entitled to receive under the regulations of the Board of Regents Governing Disciplinary Suspensions². A full investigation took place and the student directly, and through her parents, had an opportunity to present her side of the events now at issue. In our view the discipline imposed in this case was extremely moderate. Furthermore, even if the injury suffered by the assistant principal figured into the suspension decision now at issue we can find no principle of law which would prohibit the consideration of this injury in the imposition of a school suspension.

Conclusion

The appeal is denied and dismissed.

APPROVED:

Forrest L. Avila, Hearing Officer

Peter McWalters, Commissioner

January 15, 2008
Date

² Regents Regulations, F-6.3