

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF  
EDUCATION

.....

**Student R. Doe**

**v.**

**East Providence  
School Committee**

.....

**DECISION**

**Held:** This is an appeal from a school committee decision on a student suspended for smoking marijuana on school grounds during school hours. As a result of this disciplinary infraction the student was assigned to an alternative education program for the rest of the school year. We cannot find any violation of law in this case, nor the imposition of a penalty which is disproportionate to the offense at issue. The decision of the school committee in this matter is therefore affirmed. The appeal is denied and dismissed.

**DATE:** June 13, 2008

## **Jurisdiction and Travel of the Case**

In this school discipline case a student has been assigned to an alternative education program. The parents appeal from this decision contending that it would be preferable for this student to continue to receive instruction during regular school hours. Jurisdiction is present under R.I.G.L.16-39-1 and R.I.G.L. 16-39-2.

## **Position of the Parent**

The parent concedes that the student committed the disciplinary infraction which caused him to be assigned to an alternative education program. She contends however that it would be better to keep him in school during the regular hours the school is in session.

## **Position of the School**

The School contends that this student was properly suspended and that he was properly assigned to an alternative education program.

## **Findings of Fact**

1. The student was late for lunch period. As a result of the disciplinary infraction he was sent to see the principal. The principal smelled marijuana on this student and asked him about the smell. The student admitted that he had just smoked marijuana on school grounds and that he had a small marijuana pipe with him. The student was found to have possessed a controlled substance on school grounds.
2. As a result of this disciplinary infraction the student was assigned to an alternative education program for the rest of the school year.
3. The alternative education program is intended to be intensive in nature. The program meets three times a week after school between two and five o'clock. The program is staffed by regular high school teachers who follow the regular school curriculum. Students work on their portfolios, and complete regular school work in a small learning community. A principal and a guidance counselor are assigned to this program. The program matches the regular high school program concerning grade span expectations.

**Conclusions of Law**

In pertinent part Rhode Island law provides as follows:

**R.I.G.L. 16-21-27 Alternative education programs.** – Each school district shall adopt a plan to ensure continued education of students who are removed from the classroom because of a suspension of more than ten (10) days or who are chronically truant. The plan shall be adopted by the school committee and shall be submitted to Rhode Island department of elementary and secondary education as part of its annual strategic plan submission.

**Discussion**

The record is clear that this student received appropriate due process. The school committee heard this case and decided on a school suspension for the rest of the school year, with the student being assigned to an alternative education program so that he could graduate on time. The facts of the case are not disputed. This student smoked marijuana on school grounds during school hours. The school district has a strong interest in discouraging substance abuse in general, as well as a particular interest in preventing drug use on school grounds during school hours. The school district has a vital interest in demonstrating to other students that drug possession on school grounds will not be tolerated and that a student who brings a controlled substance to school runs the risk of being separated from other students.

We cannot find any violation of law in this case, nor the imposition of a penalty which is disproportionate to the offense at issue. The decision of the school committee in this matter is therefore affirmed.

**Conclusion**

The appeal is denied and dismissed.

\_\_\_\_\_  
Forrest L. Avila, Hearing Officer

APPROVED:

  
\_\_\_\_\_  
Peter McWalters, Commissioner

June 13, 2008  
\_\_\_\_\_  
Date