

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

F. DOE

V.

**NEW ENGLAND LABORERS' AND CRANSTON
PUBLIC SCHOOLS CAREER CONSTRUCTION ACADEMY**

DECISION

Held: Ten-day suspension from school, including the graduation ceremony, is not unreasonable or arbitrary for a student who misbehaved on a plane returning from the senior trip.

DATE: June 11, 2009

Introduction

This is an appeal from a 10-day suspension from school which will prohibit a senior student from participating in the graduation ceremony.¹

Background

Student Doe is 19 years old and a senior at the NEL/CPS Career Construction Academy. He was one of 16 students who participated in the senior class trip to Disney World in Orlando, Florida. The trip concluded with a flight home on June 2, 2009. The group flew to Atlanta on that date for a connecting flight to Warwick. The connecting flight was delayed by an hour. The plane eventually was cleared for takeoff and began to taxi from the terminal. The flight attendants commenced the safety procedures briefing.

Student Doe was in the plane's bathroom when the plane left the gate. He emerged from the plane's bathroom during the safety presentation, startling the flight attendant who was standing by the door. She told Doe that she did not know he was in the bathroom. Her facial expression conveyed some displeasure. Doe loudly stated that "no one is going to want to go in there" while smiling and waving his hands to indicate an unpleasant smell. This brought a loud reaction from students. Doe continued to wave his hands as he walked to his seat. The flight attendant followed Doe and asked him to calm down and be courteous. Doe responded by stating "what's the big deal, I had to take a crap."² The flight attendant and Doe exchanged additional comments until the flight attendant told Doe that he would be removed from the plane if he could not take his seat and be quiet. The flight attendant was visibly upset by the incident which further delayed the flight.

The Academy's director received a report from the trip chaperones and an e-mail from a passenger on the flight.³ He also spoke to Doe about the matter. The director suspended Doe from school for 10 days. The suspension applies to all school activities, including the graduation ceremony scheduled for June 11th. The suspension was upheld by the Academy's board of directors on June 9th.

¹ The appeal was received on June 9, 2009. The Commissioner of Education designated the undersigned hearing officer to hear and decide the appeal. A hearing was held on June 10th.

² Doe testified that he used the word "poop," not "crap," when the flight attendant followed him to his seat.

³ The chaperones' report stated that Doe was "loud and obnoxious . . . causing commotion with the other passengers," and that he was "antagonizing and extremely rude to the flight attendant." The chaperones, seated in row 3, could clearly hear Doe in row 10. The chaperones were unable to intervene because the plane was moving and the passengers were required to keep their seat belts fastened.

Doe was allowed to take his final exams and complete his academic requirements. He will graduate and receive a diploma, but not at the June 11th ceremony.

The record shows that Doe was not a disciplinary problem at the Academy. Doe testified that the students were informed, both before and during the trip, that they needed to behave themselves at all times.

Positions of the Parties

Student Doe contends that he initially acted the way he did on the plane because he felt that the flight attendant's facial expression was meant to inform the passengers of a foul odor in the bathroom. His comment and hand-waving were his attempt to play along with the situation. He made his later comments when he came to believe that the flight attendant was trying to embarrass him. Doe testified that the other students' comments were in response to the flight attendant's behavior, not his. Doe points out that he did not use any profanity on the plane, and that he has never been accused of being disrespectful to a teacher or administrator at the Academy.

The Academy contends that Doe's conduct on the plane was inappropriate for a 19-year-old, so much so that he was threatened with removal from the flight. Doe's confrontation with the flight attendant caused a commotion on the plane, prolonged the flight's delay, and added to the aggravation already being felt by the passengers and crew. Proper disciplinary procedures were followed by the director and the board, and Doe's exclusion from the graduation ceremony is consistent with the school's suspension policy. Doe was fortunate to have received the opportunity to take his final exams and complete his program requirements.

Discussion

The evidence in this case shows that during the senior trip Doe engaged in an extended verbal exchange with a flight attendant which disrupted a flight that already was an hour behind schedule. The incident occurred during the safety briefing and while the plane was moving. It prevented the flight attendant from performing her flight preparation duties, caused a further delay of the flight, and inconvenienced the passengers and crew. The incident also had possible safety implications.

Doe does not significantly challenge the Academy's account of what happened on the plane. He disputes his responsibility for the incident. It was, and remains, Doe's perception that

the flight attendant was attempting to ridicule and embarrass him in front of his classmates and the other passengers.

Given the chaperones' report and testimony and the passenger's e-mail, the record fails to prove Doe's perception. Even if we were to accept Doe's original perception of the flight attendant's conduct, we cannot excuse the extended period of Doe's recalcitrance. The plane was moving away from the gate while Doe was in the bathroom. A flight attendant standing next to the bathroom door was giving the safety briefing when Doe came out of the bathroom. The flight already was an hour late. In these circumstances, it is clear that a person needs to get to his or her assigned seat as quickly and quietly as possible. Even if we attribute Doe's initial comment and hand-waving to his being flustered by the flight attendant's facial expression, we cannot overlook the rest of his extended commentary and recalcitrance. It was Doe's duty to quickly and quietly get into his assigned seat and fasten his seat belt. Doe needed to do this regardless of any feelings that he was being persecuted by the flight attendant. The fact that the safety briefing was being given on a moving airplane was paramount. Any perceived ridicule or embarrassment by the flight attendant could have been addressed later through a complaint process. It was not appropriate for Doe to argue with the flight attendant while the plane was moving away from the gate.

Conclusion

For the reasons set forth above, we do not find that Doe's 10-day suspension from school was arbitrary or unreasonable.⁴ The appeal is denied.

Paul E. Pontarelli
Hearing Officer

Approved:

Peter McWalters
Commissioner of Education

June 11, 2009

⁴ Doe did not present any evidence that the length of his suspension was inconsistent with those imposed at the Academy for similar misconduct.