

**STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS**

**COMMISSIONER OF EDUCATION**

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**Student B. DOE**

v.

**Woonsocket School Department**

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**DECISION**

Held: We direct the Woonsocket Area Career & Technical Center (hereinafter WACTC) to forward to the Burrillville school system the work that would normally be made available to this student if he were attending the WACTC after school program. If the student successfully completes this work, the WACTC is directed to award this student the appropriate credits for completion of the “ABC’s of Cooking” and “Graphic Design and Printing.”

DATE: June 3, 2010

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

This school disciplinary matter came before the Commissioner on the basis of a request for an expedited hearing. Jurisdiction is present under R.I.G.L. 16-39-1 and R.I.G.L. 16-39-2.

## **Findings of Fact**

1. The student in this case is a resident of Burrillville. He is in his sophomore year at the Woonsocket Area Career & Technical Center (WACTC), which is the Regional Vocational School for Burrillville students.
2. While this student enjoys attending the WACTC, his academic performance there has not been very strong.
3. Some weeks ago, school authorities brought this student up on a disciplinary charge involving the possession of marijuana. After a hearing, the Woonsocket school committee, which administers the WACTC, placed this student on probation.
4. Some days ago, this student was suspected of being under the influence of marijuana at school. When he was brought before an administrator, he admitted that he had smoked marijuana and that he had used marijuana in the past. At his prior hearing before the Woonsocket school committee he had denied that he had ever smoked marijuana.
5. At a subsequent hearing on May 26, 2010 the Woonsocket school committee dismissed this student from the WACTC, because of his use of marijuana and because of his prior lack of truthfulness before the school committee. The student was directed to return to the public schools of Burrillville.
6. This student has not had a very successful academic year at the WACTC. It appears that he is passing only two subjects—the “ABC’s of Cooking” and “Graphic Design and Printing.” Passing these two subjects would earn this student about two and a half credits toward graduation.
7. As we write, there are about three weeks left in the school year. If the student is not allowed to complete his school work in “ABC’s of Cooking” and “Graphic Design and Printing” he will lose all credit for these courses since the public schools of Burrillville do not offer these courses.
8. Under normal circumstances a student serving a disciplinary suspension at the WACTC would be allowed to complete course work in an after school program at the school. The student’s teachers would send work to be completed in this program. Given the gravity of the student’s misconduct, the Woonsocket School Committee, by a divided vote, decided not to extend to this student the opportunity to participate in this program at the WACTC.

9. The record before us establishes that the Burrillville school district would be capable of supervising the completion of the student's course work in the "ABC's of Cooking" and "Graphic Design and Printing" if the student's teachers at the WACTC, just as they do for the WACTC after school program, sent the student's school work over for completion. This is particularly true with regard to "Graphic Design and Printing" which involves the use of a computer in the preparation of the required work.

## **Positions of the Parties**

### **The Woonsocket School Committee**

The Woonsocket school committee, through counsel, takes the position that it must take strong disciplinary action in cases involving drugs, especially when the student has already been given a second chance by being placed on probation. Strong disciplinary action is also justified by the fact that the student, at his first hearing before the school committee, lied to the committee. The committee recognizes the gravity of the harm that can be caused by the student's loss of course credit, but it believes that this loss may have a beneficial disciplinary effect on the student that will benefit him in the long run.

### **The Parents of the Student**

The parents of the student do not challenge this student's dismissal from the WACTC. They do contend, however, that the student should be given an opportunity to earn credits for the "ABC's of Cooking" and "Graphic Design and Printing" since he will need these credits as he moves along his path toward graduation

## **Discussion**

The Commissioner hears appeals from serious school disciplinary actions on a *de novo* basis.<sup>1</sup> That is to say, the Commissioner completely rehears the case and makes an independent decision in the matter.<sup>2</sup> See: *Jacob v. Board of Regents*, 117 R.I. 164 (1976); *Slattery v. School Comm.*, 116 R.I. 252, 354 A.2d 741.

We think that the following statute is applicable to this matter, since we are dealing in this case with the functional equivalent of a long term school disciplinary suspension:

**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.

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<sup>1</sup> *Parents of a Suspended Student v. School Committee of Bristol*, Commissioner of Education, February 1, 1983

<sup>2</sup> *Doe v. A Rhode Island School Committee*, Commissioner of Education

We also point out that the Commissioner is responsible, “for the coordination of the various elementary and secondary educational functions among the educational agencies of the state, including local school districts and to assist in the cooperation among them so that maximum efficiency and economy may be achieved.” R.I.G.L. 16-60-6 (5)

Given the disciplinary incidents that form the backdrop to the present matter we can appreciate the Woonsocket school committee’s reluctance to continue to allow this student to attend the WACTC through an after school program on the grounds of the school. Still, we are convinced that R.I.G.L. 16-21-27 requires that some sort of alternative education program be provided to this student so that he may be given the opportunity to get course credit for the school work he is so near to completing at the WACTC. In reaching this conclusion, we are also taking into account the mandate of our General Assembly that great efforts should be made to keep students on track to high school graduation. (Rhode Island High School Dropout Prevention Act of 2007, R.I.G.L. 16-67.1-1) Given these considerations we think that the best academic interest of this student will be served by giving him an opportunity to complete his course work at the WACTC. This opportunity will also serve the purpose of maximizing “efficiency and economy” by helping this student to complete high school in a timely fashion. We do not believe that allowing this student an opportunity to earn the credits at issue will undermine the discipline the school committee has imposed in this matter.

### **Conclusion**

We direct the WACTC to forward to the Burrillville school system the work that would normally be made available to this student if he were attending the WACTC after school program. If the student successfully completes this work, the WACTC is directed to award this student the appropriate credits for completion of the “ABC’s of Cooking” and “Graphic Design and Printing.”

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Forrest L. Avila, Hearing Officer

APPROVED:

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Deborah A. Gist, Commissioner

June 3, 2010  
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Date

R.I.G.L. 16-21-27. See: *Student T.S. Doe v. Woonsocket School Committee*, Commissioner of Education, June 2, 2005.