

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF
EDUCATION

Student H. Doe

v.

Cranston School Committee

DECISION

Held: Student Doe has submitted insufficient proof to overcome his prior admission to school officials that he consumed alcohol on the evening of his senior prom. The penalty imposed upon him for violation of the district's substance abuse policy has been supported, despite the fact that he is an excellent student and has no prior disciplinary record.

Date: June 10, 2011

Travel of the Case:

This matter was appealed to Commissioner Deborah A. Gist on June 9, 2011. It was assigned to the undersigned for hearing at that time and a hearing was held on the morning of June 10, 2011. The matter involves Student Doe's eligibility to attend graduation ceremonies scheduled for June 11, 2011 and thus this decision has been expedited and is based on the hearing officer's notes and exhibits submitted.

Findings of Relevant Facts:

- Student Doe is a senior at Cranston West High School. He has an excellent academic record and prior to the night of his senior prom, had never violated school policy or rules. Over the course of his high school career, he has been actively involved in athletic and extra-curricular activities.
- On the evening of May 21, 2011, the night of senior prom, some of the students in Student Doe's group appeared intoxicated. School administrators questioned the students as to their use of alcohol and administered breathalyzer tests to several of them.
- Student Doe was asked if he had "been drinking" to which he responded in the affirmative. Since he admitted to having consumed alcohol, he was not administered a breathalyzer test.¹
- When Student Doe's grandfather came to pick him up at the prom after being called by school officials, Student Doe told him that he had not been drinking. The grandfather then requested that Student Doe be given a breathalyzer test, but did not convey to school officials that Student Doe now denied drinking that night.
- Because Student Doe had admitted consuming alcohol that night, Principal Knowlton did not administer the breathalyzer test to him upon the grandfather's request that he do so.
- Shortly thereafter, the Principal imposed the sanction of a ten (10) day school suspension and a thirty (30) day social suspension on all of the students who had either admitted to drinking alcohol that night or who had tested positive after being given the breathalyzer test.
- As a result of his thirty (30) day social suspension, Student Doe has missed all of the senior activities and athletic events and will not be able to attend graduation ceremonies scheduled for June 11, 2011.
- Student Doe testified at the hearing that he had not consumed alcohol on the day of his prom, and that he admitted to doing so only because his date was intoxicated and he knew that she was going to be sent home.

¹ Student Doe's date admitted that she had taken a few sips of alcohol and was also not administered a breathalyzer test. The testimony was that Student Doe's date was one of the students who appeared to be under the influence of alcohol. Several of the students in Student Doe's group tested negative for alcohol consumption when the breathalyzer test was administered to them.

Positions of the Parties:

The Appellant:

Counsel for Student Doe argues that the “zero tolerance” policy of the Cranston School Committee has been administered without the necessary discretion that must accompany all school discipline. He cites several cases in which the Commissioner has directed school officials to reconsider the imposition of mandatory or automatic penalties and encourages the imposition of discipline on a case-by-case basis. He submits that any discipline imposed on a student should take into account the circumstances of the offense and the student’s academic record and disciplinary history. In this instance, there is simply no evidence, other than his unfortunate admission on the evening of the prom, that Student Doe used alcohol that night. His suspension should be overturned by the Commissioner because there is insufficient evidence that he violated the school’s substance abuse policy. At the very least, given his excellent academic record and the fact that he has never before violated school rules, the penalty he has received should be modified so that he is allowed to attend graduation ceremonies tomorrow.

Cranston School Committee:

Counsel for the School Committee² points out that the district has a clear and consistently enforced policy that prohibits alcohol possession or use both at school and at all social functions. The policy is broad and addresses the use of alcohol and controlled substances. A special reminder with respect to this policy was issued to all students with the approaching prom season in mind in the spring 2011 issue of the Cranston High School West Newsletter. The newsletter reminded students that the penalties for a violation of the substance abuse policy were severe, and that a violation by seniors could place in jeopardy their attendance at graduation. Student Doe admitted that he “was drinking” on the night of the senior prom and despite his subsequent denials, his admission to school officials on the evening of May 21st should be determinative of this fact. Even though he now testifies that he was not drinking that night, no witnesses have come forward to substantiate this testimony.

DECISION

The Appellant has failed to meet his burden of proof that the factual basis for his suspension by Cranston school officials was not accurate. The evidence with respect to the admission he made to a school administrator that he had “been drinking” on the evening of May 21, 2011 is weighed along with his credible testimony that he did not drink that night. On appeal before the Commissioner, it is the Appellant who has the burden of proof. Without the corroboration of witnesses to support his contention that his admission that evening was untrue, the evidence on this all-important fact is evenly balanced. Student Doe has not proven by a preponderance of the evidence that he did not consume alcohol in

² A subcommittee of the Cranston School Committee heard and denied Student Doe’s appeal on June 6, 2011.

violation of the school rules. Absent such proof, Cranston school administrators imposed on Student Doe the sanction imposed on all other students who had violated the substance abuse policy that evening.

As indicated in past decisions, automatic sanctions or mandatory penalties are discouraged in the school discipline setting. However, at the end of the school year amidst the celebratory prom season, the reasoning of school officials for uniform penalties is understandable. The need to send a clear message to students who might be considering alcohol use during prom season outweighs the benefits of individualized determinations of appropriate penalties. The penalty imposed on Student Doe is severe and, after all of his hard work, is a profound disappointment to him and his family. However, based on the facts and circumstances in this record, the Commissioner will not overturn this decision.

The appeal is denied and dismissed.

For the Commissioner,

Kathleen S. Murray
Hearing Officer

Deborah A. Gist, Commissioner

June 10, 2011
Date