

STATE OF RHODE ISLAND

COMMISSIONER OF EDUCATION

D. DOE

v.

A RHODE ISLAND PRIVATE SCHOOL

**Decision**

Held: Request for appointment of a special visitor to assist in the implementation of the statewide anti-bullying policy at a private school is denied.

Date: May 27, 2016

## Introduction

This matter concerns a private school's response to allegations of bullying.<sup>1</sup>

## Background

Student Doe is in the third grade at a religious private school. She has attended the school since pre-kindergarten. She has never had a behavior issue noted on her report card or, prior to the circumstances under review herein, brought to her parents' attention.

In the spring of 2015, while in the second grade, Doe complained to her mother that Samantha,<sup>2</sup> a classmate, was repeatedly calling her "ugly" in front of other students. In April 2015, Samantha told Doe that her aunt was in charge of the upcoming father-daughter dance and that Doe would be sitting with the younger children, not with her classmates. This turned out to be the case. During the dance Samantha "took a swipe" at Doe's arm<sup>3</sup> and the girls' fathers exchanged words.

Doe's mother met with the school principal. She told the principal that the "ugly" comments were "the beginning of bullying."<sup>4</sup> The principal said she would handle it. Doe's mother also objected to Samantha's father's conduct at the dance. The principal did not mention a school anti-bullying policy or complaint forms at this meeting.

Right after the dance, Lauren's mother complained to the school that Doe pushed Lauren on the stairs. The principal questioned Doe about the incident, but not Lauren. Doe said she tripped on the stairs and fell into Lauren. The principal spoke to the students about safety on the stairs. Doe's mother testified that Samantha and Lauren's families are friends.<sup>5</sup>

Beginning in December 2015, the school received additional complaints about student conduct. Ann's mother accused Doe of pushing Ann during the Christmas pageant.<sup>6</sup> Derek's mother alleged that Doe pushed and kicked her son and pulled his hair.<sup>7</sup> Doe's mother reported

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<sup>1</sup> A hearing was held on March 18, 2016.

<sup>2</sup> All student names in this decision are fictitious.

<sup>3</sup> Transcript, pp. 15-16.

<sup>4</sup> Tr., p. 17.

<sup>5</sup> Doe's mother testified that the principal told her that "another parent" was upset that Doe was not punished for this incident and that Lauren's mother told her that this parent was Samantha's father.

<sup>6</sup> The pageant was recorded on video.

<sup>7</sup> The same day the complaint was made, Lauren told Doe that her mother was talking to Derek's mother the previous night and that Doe was going to get in trouble. Doe's teacher did not speak to Derek when she received this complaint. Doe denied the allegations, but was required to apologize to Derek in front of the class. When

that Ann pulled Doe's hair and that Samantha, Lauren and Rebecca called Doe a liar on several occasions when Doe spoke about getting a particular doll for her birthday. Emma complained that Doe was rude to her during a clay project.<sup>8</sup> Doe's mother reported that Samantha told Doe to be quiet and stop talking like a baby on three occasions.<sup>9</sup> Emma's mother complained that Doe kicked Emma and laughed at her when she tripped on the stairs. In early January, Doe told her pediatrician that girls in her class who used to be her friends were mean to her now and she didn't know why. Doe started seeing a psychologist.

Doe's mother filed bullying reports with the school on February 1 and 3, 2016. Both reports named Samantha as the alleged bully. The first report alleged that Samantha silenced Doe by repeatedly telling her to stop talking and that she excluded Doe from a class group project. The second report alleged that Samantha prevented Doe from joining a group of girls at recess when she stated that her parents had told her not to associate with Doe.<sup>10</sup> A few days later, Emma's mother complained that Doe pushed Emma while in line on the stairs going to a school assembly.<sup>11</sup>

On February 12, 2016, the school sent separate letters to the parents of Samantha and Doe. The letters' stated purpose was to summarize concerns with the continued enrollment of the girls. The letter to Samantha's parents addressed several issues, including the bullying reports filed by Doe's mother. The letter made Samantha's continued enrollment in the school contingent upon her exhibiting a spirit of kindness and inclusion with all her classmates, including Doe. The letter to Doe's parents referenced the complaints concerning Doe's physical contact with other students. It discussed the recent pushing-on-the-stairs complaint from Emma's mother, as well as the parents' deteriorating relationship with the school and their history of conflict with other parents in the class. The letter made Doe's continued enrollment in the school contingent upon her refraining from physical violence towards classmates, the parents' avoidance of conflict with other parents and school administration, and the limitation of

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Doe's mother later met with the principal and the teacher about this complaint, the principal determined that the teacher did not handle this matter appropriately.

<sup>8</sup> Doe, who was made to apologize, said she merely told Emma not to give the brown clay to another group of students because she still needed it.

<sup>9</sup> The principal told Doe's mother that Samantha admitted making the statements and it would not happen again, but Samantha would not be required to apologize to Doe.

<sup>10</sup> Doe's mother attached a doctor's note reporting Doe's statement about her former friends' meanness.

<sup>11</sup> Doe said she put her hands on Emma's shoulders so she could move into her proper place in line. Based on statements from three students, the school found that Doe pushed Emma.

parental involvement (meetings and emails) to what “is truly necessary.” [Petitioners’ Exhibit 5].

The parents signed the letters and the students returned to school following the February vacation. In the days that followed, Samantha, Lauren and Rebecca each told Doe to move her seat at lunch. Doe’s parents did not inform the school in light of the February 12th letter. In early March, Lauren’s mother complained that Doe pinched Lauren on the shoulder when they were returning from recess.<sup>12</sup> .

The school principal testified that the statewide anti-bullying policy is in effect at the school. It is posted on the school’s website and included in the school handbook. The principal also testified that an accredited teacher has recently begun conducting a conflict resolution program at the school.

### **Positions of the Parties**

Petitioners contend that the school has failed to implement the required statewide anti-bullying policy. Initially, Doe’s parents were not informed of the anti-bullying policy and the proper complaint procedure. The complaints they did make were not investigated properly. Doe, on the other hand, has been targeted. Baseless allegations have been accepted at face value. Doe is the one who is interrogated and made to apologize for conduct she has not committed. When her parents attempt to obtain a fair process for their daughter, they are told their involvement is excessive. Petitioners ask that a special visitor be appointed to train school staff how to properly administer the statewide anti-bullying policy.

Respondent contends that it has a valid anti-bullying policy, and that it followed the policy and acted reasonably within its discretion in making findings and taking action. That discretion is influenced by the religious nature of the school. Serious action was taken in response to the bullying reports. No complaints involving Samantha were received after February 12th. While Doe’s parents may not be happy with the school’s approach to these issues, the school acted reasonably.

### **Discussion**

Under R.I.G.L. 16-21-34(a), Rhode Island’s statewide anti-bullying policy applies to all schools that are approved for purposes of meeting the compulsory attendance statute.<sup>13</sup>

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<sup>12</sup> Doe said she tapped Lauren on the shoulder, mistakenly believing her to be someone else. The principal again told Doe’s mother to speak to Doe about keeping her hands to herself.

<sup>13</sup> R.I.G.L. 16-19-1 *et seq.*

Respondent is such a school. The Commissioner of Education therefore has jurisdiction over this dispute insofar as it relates to the anti-bullying statute.

According to the unrefuted testimony of the principal, Respondent adopted the statewide anti-bullying policy, posted it on its website and included it in its student handbook. There also is no dispute that the school found merit in the two bullying reports Doe's mother filed in early February and addressed the problem in the February 12, 2016 letter sent to Samantha's parents.

The statewide policy prohibit retaliation against persons who report bullying. Petitioners claim that their daughter has been targeted because of their complaints about her classmates' conduct and their insistence on fair process. Initially, we note the extended gap in student conduct complaints that occurred between April and December 2015. At least five months of school passed following the father-daughter dance and the complaint Lauren's mother filed shortly thereafter. This period of quiet is not consistent with an effort to target Doe after her mother met with the principal to complain about Samantha and her father.

The first two complaints received by the school in December 2015 were directed at Doe. They were filed by the parents of Ann and Derek, who were not involved in the April complaints. Doe's mother then complained about Samantha and three other third-graders. This was followed by a complaint against Doe from Emma's mother, who was not one of the four students named by Doe's mother. Doe's mother then filed the formal bullying reports against Samantha. A few days later, Emma's mother again complained about Doe's behavior on the stairs. The parents of Samantha and Doe were sent letters on February 12th.

The complaints received by the school in December, January and early February involved 7 third-grade students. Five were accused of inappropriate behavior. Petitioners question the motivation of the complaints against Doe and challenge the way the school handled the accusations and the outcomes it reached.

We find that Respondent adopted and gave notice of the statewide anti-bullying policy. It processed and took reasonable action on the bullying reports it received from Doe's mother in February. The ongoing state of affairs in the third grade is perplexing, however. From what we can discern, this is a situation in which a substantial number of students and parents simply cannot get along. The root of the conflict is unclear. We therefore are unable to determine if retaliation for reporting bullying has occurred.<sup>14</sup> We find it noteworthy that the complaints to

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<sup>14</sup> As previously mentioned, our jurisdiction in this matter is limited to the bullying statute.

school officials have been made by parents, not their children, and school staff are not witnessing the alleged misconduct. School investigations of the complaints have not been consistent. It is clear that the state of affairs in the third grade needs to change, and that change will require a concerted effort from all members of the school community. A special visitor from the Department of Education will not bring about this change. It must come from within the school and it must start with the parents putting aside their differences and teaching their children to do the same. We urge the school to involve its legal counsel in rectifying this situation.

### **Conclusion**

The request for the appointment of a special visitor to assist with the implementation of the statewide anti-bullying policy at this private school is denied.

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Paul E. Pontarelli  
Hearing Officer

Approved:

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Ken Wagner, Ph.D.  
Commissioner of Education

Date: May 27, 2016