

STATE OF RHODE ISLAND
COMMISSIONER OF EDUCATION

STUDENT I. DOE, by his parents,	:	
	:	
<i>Petitioner,</i>	:	
	:	
vs.	:	RIDE No. 26-002AL
	:	
SCITUATE SCHOOL DEPARTMENT	:	
	:	
<i>Respondent,</i>	:	

DECISION AND ORDER

Held: The Scituate School Department properly considered the appropriate factors and drafted an adequate individualized Safety Plan.

Date: June 15, 2026

On January 12, 2026, Student I. Doe, by his parents, (“Petitioner”), wrote the Commissioner to appeal the decision of the Scituate School Department (“Scituate”) to deny his request to transfer a student out of his classroom as part of an individualized student safety plan.

I. Jurisdiction, Standard of Review, and Burden of Proof

The Petitioner has standing as an aggrieved party, and the Commissioner has jurisdiction to hear this matter, pursuant to R.I. Gen. Laws § 16-39-1. It is well-established that the applicable standard of review is *de novo*. See, e.g., *Alba v. Cranston School Committee*, 90 A.3d 174, 184-85 (R.I. 2014); *A. Doe v. East Greenwich Sch. Comm.*, RIDE No. 18-063A (Sept. 4, 2018). Petitioner has the burden of proof by a fair preponderance of the evidence. See *Larue v. Registrar of Motor Vehicles, Dep’t. of Transp.*, 568 A.2d 755, 758-59 (R.I. 1990), citing *Gorman v. Univ. of Rhode Island*, 837 F.2d 7, 15 (1st Cir. 1988).

II. Facts

The following facts were found following an evidentiary hearing before the undersigned Hearing Officer on March 5, 2026 and are based on the numerous materials that were introduced into evidence by the parties as well as the testimony of the parents of Student I. Doe; the school Principal; and a Scituate Administrator.

1. On December 21, 2025, Student I. Doe was exchanging text messages with another student in his class, Student M. Doe, who are both students in the second grade at a school within the Scituate School Department.

2. The parties do not dispute that during this exchange Student M. sent a video to Student I. wherein Student M. exposed his penis and concluded by telling Student I. that he hated him. **Exhibit A**, Complaint at 2.

3. Alarmed by the message, the mother of Student I. Doe reported this to DCYF, law enforcement, and Scituate. **Exhibit O**, Hearing Transcript 13:1-6.

4. Once the incident was reported to Scituate, an investigation was conducted by the school principal. *Id.* 62:24-63:5.

5. The following day, the school principal held a teleconference with the mother of Student I. and the school resource officer to discuss potential next steps, including a draft of an individualized safety plan. *Id.* 67:2-22.

6. The day after that, the school principal and a Scituate school administrator met with the parents of Student I. to go over the individualized safety plan and obtain feedback from the family so that they would feel that the student was safe at school. *Id.* 71:1-15; **Exhibit D**, Safety Plan.

7. The parents were involved in amending the Safety Plan and ultimately agreed with all parts of the plan, except for one missing element. They felt it was necessary to transfer Student M. to another class. **Ex. O** 73:13-22; 74:12-16. *See also* Compl. at 4.

8. Scituate felt that the Safety Plan was adequate and it was not necessary to move Student M. to another classroom under the circumstances. **Ex. O** 90:16-22.

9. On January 11, 2026, the parents of Student I. emailed Scituate informing them that the Safety Plan was inadequate and that transferring Student M. to another class was a requirement for an appropriate Safety Plan. **Exhibit H**.

10. On January 12, 2026, Scituate sent a letter to the parents of Student I. informing them that the District believed that the Safety Plan was appropriate and that Student M. would not be transferred to another class. **Exhibit L**.

11. That day, the Petitioner filed a Complaint with the Rhode Island Department of Elementary and Secondary Education appealing the decision of the Scituate School Department that the Safety Plan is appropriate without transferring Student M. to another class.

Ex. A.

III. Positions of the Parties

1. Student I. Doe

The Petitioner believes that the message sent to Student I. was so serious that the only way to keep Student I. safe is to make sure they are not in the same classroom. **Ex. H.** They argue that all the components of the Safety Plan are appropriate except for its failure to place the students in different classes. **Ex. O** 16:11-18; 20:24-21:1.; **Ex. H.** They believe that the only way to ensure the safety of Student I. is to move Student M. to another classroom. *Id.*

2. Scituate School Department

Scituate argues that the Safety Plan is adequate to ensure safety for both Student I. and Student M. **Ex. O** 149: 3-4. Scituate believes that the safety plan appropriately limits interactions between the students, provides support staff when necessary, and keeps the students apart. *Id.* at 74:17-24. While Scituate viewed Student M.'s conduct as inappropriate, it concluded that the incident did not amount to a real threat of violence; thus, it is not necessary to move one student to another classroom. *Id.* at 149:16-22.

IV. Decision

While not explicitly required by the Statewide Bullying Policy or the Safe Schools Act, individualized safety plans have become common and useful tools for addressing conflict between students at school. Since they are not specifically addressed by Rhode Island law, there are no enumerated criteria for drafting an adequate safety plan. However, drafting such plans should be

guided by the purpose of both the Statewide Bullying Policy and the Safe Schools Act, which is to restore a student's sense of safety and to prevent recurrence of bullying behavior so that students can achieve their full potential. *See* R.I. Gen. Laws § 16-21-34(a)(6) (bullying policy shall contain "procedures for restoring a sense of safety for the victim and assess[] that victim's needs for protection"); 200-RICR-30-10-2.3(B) ("School staff shall take all reasonable measures to prevent bullying at school"); (200-RICR-30-10-2.1.1) ("Bullying undermines the safe learning environment that students need to achieve their full potential").

Here, the sole issue of dispute between the Parties is whether it is necessary for Scituate to transfer Student M. to another classroom for this Safety Plan to be appropriate. The individual Safety Plan was drafted by the school principal the day after the incident was reported to him. **Ex. O** 62:24-63:5. He worked on the Plan with input from the student's parents. *Id.* 71:1-15. The Plan identifies the necessary information including the student, his teacher, and the start date. *See Ex. D.* It contains a reason for the safety plan; pinpoints areas of concern; and provides instructions for school staff, parents, and the student. *Id.* In addition, the Plan states that the students are to be kept separate during classroom activities and at class events outside of the classroom. *Id.* Finally, the Safety Plan specifies several members of school personnel who are known by and readily accessible to Student I. to whom he can report. *Id.* In the time between the implementation of the Plan and the hearing date, no negative interactions between the students had been reported. **Ex. O** 26:13; 46:10-13.

Under these circumstances, the Safety Plan is a "reasonable measure to prevent bullying at the school." *See* 200-RICR-30-10-2.3(B). The Plan is specific and individualized. It contains notification procedures for the student's parents to address future concerns. It designates trusted adults whom the victim can readily approach. It addresses physical separation of the students and

considers areas both inside and outside of the classroom. It provides for check-ins with support staff to monitor the victim's wellbeing.

Although Petitioner credibly conveyed the family's distress, the record does not contain evidence that the current Safety Plan has failed or is reasonably likely to fail to prevent further harm. While the absence of further reported incidents is not dispositive, it does support that the Safety Plan is having its intended effect. Taken together, these factors demonstrate that this is an adequate Safety Plan under the circumstances, and that Petitioner did not meet their burden of proof to show that the Safety Plan is inadequate. *See Larue*, 568 A.2d at 758-59.

V. Order

For all the above reasons:

1. Student I. Doe's appeal from the Scituate School Department's decision not to transfer Student M. Doe to another classroom is hereby denied and dismissed.

/s/ Angelica Infante Green
Angélica Infante-Green,
Commissioner of Education

/s/ Andrew Lentz
Andrew M. Lentz, Esq.,
as Hearing Officer for the Commissioner

Date: June 15, 2026