

2013 -- H 5754

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO EDUCATION - SCHOOL COMMITTEES AND SUPERINTENDENTS

Introduced By: Representatives Tanzi, Ajello, Diaz, Cimini, and Blazejewski

Date Introduced: February 28, 2013

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-2-17 of the General Laws in Chapter 16-2 entitled "School
2 Committees and Superintendents" is hereby amended to read as follows:

3 **16-2-17. Right to a safe school.** -- (a) Each student, staff member, teacher, and
4 administrator has a right to attend and/or work at a school which is safe and secure, and which is
5 conducive to learning, and which is free from the threat, actual or implied, of physical harm by a
6 disruptive student. A disruptive student is a person who is subject to compulsory school
7 attendance who exhibits persistent conduct which substantially impedes the ability of other
8 students to learn or otherwise substantially interferes with the rights stated above, and who has
9 failed to respond to corrective and rehabilitative measures presented by staff, teachers, or
10 administrators.

11 (b) The school committee, or a school principal as designated by the school committee,
12 may suspend all pupils found guilty of this conduct or of violation of those school regulations
13 which relate to the rights set forth in subsection (a), or where a student represents a threat to those
14 rights of students, teachers or administrators, as described in subsection (a). Nothing in this
15 section shall relieve the school committee or school principals from following all procedures
16 required by state and federal law regarding discipline of students with disabilities.

17 (c) A student suspended under this section may appeal the action of the school
18 committee, or a school principal as designee, to the commissioner of elementary and secondary
19 education who, after notice to the parties interested of the time and place of hearing, shall

1 examine and decide the appeal without cost to the parties involved. Any decision of the
2 commissioner in these matters shall be subject to appeal by the student to the board of regents for
3 elementary and secondary education and any decision of the board of regents may be appealed by
4 the student to the family court for the county in which the school is located as provided in section
5 42-35-15.

6 [\(d\) The commissioner shall develop a method to analyze local school system discipline](#)
7 [data collected in accordance with subdivision 16-60-4\(21\) to determine whether the discipline](#)
8 [imposed has a disproportionate impact on students based on race or ethnicity. If such an impact](#)
9 [is found, the local school system shall prepare and present to the department a plan to reduce that](#)
10 [impact. The local school system shall report its progress annually to the board of education.](#)

11 SECTION 2. Chapter 16-2 of the General Laws entitled "School Committees and
12 Superintendents" is hereby amended by adding thereto the following section:

13 **16-2-17.1. In-school suspensions.** – [Suspensions shall be in-school suspensions, unless](#)
14 [the student's conduct meets the standards of subsection 16-2-17\(a\).](#)

15 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would direct the commissioner of elementary and secondary education to
2 develop a method to analyze data regarding the imposition of school discipline, focusing on
3 whether discipline imposed has a disproportionate impact on students based on race or ethnicity.

4 This act would take effect upon passage.

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