

2013 -- S 12 SUBSTITUTE A AS AMENDED

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LC00315/SUB A
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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 - OFFENSES PERTAINING TO SCHOOLS

Introduced By: Senators Gallo, Lombardi, Lynch, and DaPonte

Date Introduced: January 16, 2013

Referred To: Senate Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-38-1.1 of the General Laws in Chapter 16-38 entitled "Offenses
2 Pertaining to Schools" is hereby amended to read as follows:

3 **16-38-1.1. Discrimination because of sex.** -- (a) (1) Discrimination on the basis of sex is
4 prohibited in all public elementary and secondary schools in the state and in all schools operated
5 by the board of regents for elementary and secondary education. This prohibition shall apply to
6 employment practices, admissions, curricular programs, extracurricular activities including
7 athletics, counseling, and any and all other school functions and activities.

8 (2) Notwithstanding this prohibition, schools may do the following:

9 (i) Maintain separate restrooms, dressing, and shower facilities for males and females;

10 (ii) Conduct separate human sexuality classes for male and female students; and

11 (iii) Prohibit female participation in all contact sports provided that equal athletic
12 opportunities which effectively accommodate the interests and abilities of both sexes are made
13 available.

14 (iv) Provide extracurricular activities for students of one sex, including, but not limited
15 to, father-daughter/mother-son activities, but if such activities are provided for students of one
16 sex, opportunities for reasonably comparable activities shall be provided for students of the other
17 sex. School districts are required to allow and notify students that they may bring the adult of
18 their parent's or guardian's choice to the event.

19 (3) Each local education agency shall designate an equal opportunity officer who shall be

1 responsible for overseeing compliance with this section within the local education agency district.

2 (4) The board of regents shall designate an equal opportunity officer who shall be
3 responsible for overseeing compliance with this section within schools operated by the board.

4 (5) The commissioner of elementary and secondary education shall be responsible for
5 enforcing this section and is empowered to promulgate rules and regulations to enforce the
6 provisions of this section.

7 (b) (1) Discrimination on the basis of sex is prohibited in all public colleges, community
8 colleges, universities, and all other public institutions of higher learning in the state which are
9 operated by the board of governors for higher education. This prohibition shall apply to
10 employment, recruitment, and hiring practices, employment benefits, admissions, curricular
11 programs, extracurricular activities including athletics, counseling, financial aid including athletic
12 grants-in-aid, student medical, hospital, and accident or life insurance benefits, facilities, housing,
13 rules and regulations, research, and any and all other school functions and activities.

14 (2) Notwithstanding these prohibitions, schools may do the following:

15 (i) Maintain separate but comparable restrooms, dressing, and shower facilities for males
16 and females, including reasonable use of staff of the same sex as the users of these facilities;

17 (ii) Provide separate teams for contact sports or for sports where selection for teams is
18 based on competitive skills, provided that equal athletic opportunities which effectively
19 accommodate the interests and abilities of both sexes are made available;

20 (iii) Maintain separate housing for men and women, provided that housing for students
21 of both sexes is as a whole both proportionate in quantity to the number of students of that sex
22 that apply for housing and comparable in quality and cost to the student; and

23 (iv) Permit the establishment and operation of university based social fraternities and
24 sororities.

25 (3) Each individual educational institution of higher learning shall designate an equal
26 opportunity officer or affirmative action officer who shall be responsible for overseeing
27 compliance with this section within the educational institution.

28 (4) The president of each public college, community college, university, and other public
29 institution of higher learning in the state shall be responsible for enforcing this section and is
30 empowered to promulgate rules and regulations to enforce the provisions of this section.

31 SECTION 2. 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 permit schools to provide activities for students of one sex (for example
2 father-daughter/mother-son activities) provided that reasonably comparable activities are
3 provided for students of the other sex.

4 This act would take effect upon passage.

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