

2021 -- H 5234

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO EDUCATION - SCHOOL COMMITTEES AND SUPERINTENDENTS

Introduced By: Representatives Diaz, McNamara, Slater, Perez, and Tobon

Date Introduced: January 29, 2021

Referred To: House Education

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 [See Title 16 Chapter 97 - The Rhode Island Board of Education
3 Act]" is hereby amended to read as follows:

4 **16-2-17. Right to a safe school.**

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

12 (b) The school committee, or a school principal as designated by the school committee,
13 may suspend out of school, ~~and~~ pupils in grades six (6) and above if they are found to be a disruptive
14 student as described in subsection (a) of this section; guilty of ~~this conduct, or of a~~ violation of
15 ~~those~~ school regulations which relate to alcohol, drugs, or weapons; the rights set forth in subsection
16 (a), or where a student represents a threat to those rights of students, teachers, or administrators, as
17 described in subsection (a). Nothing in this section shall relieve the school committee or school
18 principals from following all procedures required by state and federal law regarding discipline of
19 students with disabilities.

1 (c) The school committee, or a school principal as designated by the school committee,
2 may only impose an out-of-school suspension on a student enrolled in grades preschool through
3 fifth grade if such student possessed a weapon or other dangerous instrument; possessed, used, or
4 sold illegal drugs or controlled substances; or if the school administration, in consultation with a
5 school psychologist or other mental health professional, determines that a student's behavior
6 presents a threat to the physical safety or health of others which cannot be reduced or eliminated
7 through interventions and supports.

8 (d) A school may uses restorative justice practices to address a student's behavior if the
9 student is suspended under subsection (c) of this section, or is enrolled in grades preschool through
10 fifth grade and is disruptive to the school environment or commits an act which would be
11 considered subject to suspension but for the student's grade.

12 ~~(e)~~(e) A student suspended under this section may appeal the action of the school
13 committee, or a school principal as designee, to the commissioner of elementary and secondary
14 education who, after notice to the parties interested of the time and place of hearing, shall examine
15 and decide the appeal without cost to the parties involved. Any decision of the commissioner in
16 these matters shall be subject to appeal by the student to the board of regents for elementary and
17 secondary education and any decision of the board of regents may be appealed by the student to
18 the family court for the county in which the school is located as provided in § 42-35-15.

19 ~~(f)~~(f) All school superintendents, or their designees, shall review annually, the discipline
20 data for their school district, collected in accordance with the specifications set forth in § 16-60-
21 4(21), to determine whether the discipline imposed has a disproportionate impact on students based
22 on race, ethnicity, or disability status and to appropriately respond to any such disparity. In addition
23 to the data submitted, ~~if a disparity exists, the~~ every school district shall, after consultation with
24 representatives of the faculty, submit ~~a~~ an annual report to the council on elementary and secondary
25 education describing ~~the conduct of the student, the frequency of the conduct, prior disciplinary~~
26 ~~actions for the conduct, any other relevant information and corrective actions~~ what action, if any,
27 has been taken to address the disparity, after consultation with representatives of the faculty has
28 been taken to address the disparity. The reports shall be deemed to be public records for purposes
29 of title 38.

30 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 allow schools to suspend students, in and out of school, if they are in grades
2 six (6) or above, and prohibit school committees or a principal designated by the school committee,
3 from suspending students in grade five (5) or below unless they possessed weapons, narcotics or
4 were found by a psychologist or other mental health professional to be a danger.

5 This act would take effect upon passage.

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