

2021 -- H 5933

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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 Ranglin-Vassell, Hull, Ajello, Fogarty, Potter, Alzate,
Barros, Biah, and Henries

Date Introduced: February 25, 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 all pupils found guilty of this conduct, or of violation of those school regulations
14 which relate to the rights set forth in subsection (a), or where a student represents a threat to those
15 rights of students, teachers, or administrators, as described in subsection (a). Nothing in this section
16 shall relieve the school committee or school principals from following all procedures required by
17 state and federal law regarding discipline of students with disabilities.

18 (c) A student suspended under this section may appeal the action of the school committee,
19 or a school principal as designee, to the commissioner of elementary and secondary education who,

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

6 (d) All school superintendents, or their designees, shall review annually, the discipline data
7 for their school district, collected in accordance with the specifications set forth in § 16-60-4(21),
8 to determine whether the discipline imposed has a disproportionate impact on students based on
9 race, ethnicity, or disability status and to appropriately respond to any such disparity. In addition
10 to the data submitted, if a disparity exists, the school district shall submit a report to the council on
11 elementary and secondary education describing the conduct of the student, the frequency of the
12 conduct, prior disciplinary actions for the conduct, any other relevant information and corrective
13 actions to address the disparity, after consultation with representatives of the faculty has been taken
14 to address the disparity. The reports shall be deemed to be public records for purposes of title 38.

15 (e) In creating and enforcing a school conduct and discipline code, each school district
16 shall, on and after January 1, 2022, provide for alternative programs to out-of-school suspensions
17 that impose proportionate disciplinary interventions and consequences designed to reduce referrals
18 to law enforcement, except where these referrals are required by law. Plans shall provide for the
19 appropriate use of prevention, intervention, restorative justice, peer mediation, counseling or other
20 approaches to address student misconduct, designed to reduce students' exposure to the courts and
21 the criminal justice system as well as increasing the likelihood of youth persisting in delinquent or
22 criminal behaviors. The plans shall state that school administration shall not order a victim's
23 participation in a restorative justice practice or peer mediation if the victim alleges the misconduct
24 involves unlawful sexual behavior, domestic violence, stalking or the violation of a protection
25 order. The plan shall ensure that the code complies with all laws concerning the education of
26 students with disabilities. The plan shall require and provide space within each school for this
27 program. In the event that there is a violation of the code of conduct or a student poses a threat to
28 a peer, teacher, administrator, support staff or themselves, that student should be placed in an
29 alternative educational setting within the school with continuation of educational services to
30 include conflict resolution, restorative justice practices and mediation. An alternative setting would
31 be outside of the regular classroom setting and with a RIDE certified teacher. Students not deemed
32 a physical threat should not be given out-of-school suspension for infractions such as dress code
33 violations or insubordination. Before a student receives an out-of-school suspension there should
34 be tiered intervention which includes:

1 (1) Meeting with student;

2 (2) Meeting with student and parent/guardian; and

3 (3) Detention.

4 For students receiving special education services, if the infraction presented is due to their

5 disability, that student must be accommodated and be provided with support services based on their

6 IEP.

7 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 require school districts to provide for alternative programs and classroom
2 space, within the school, to reduce the number of out-of-school suspensions. Students that pose a
3 threat to a peer, teacher, administrator, support staff or themselves would be placed in an alternative
4 educational setting within the school with a RIDE certified teacher.

5 This act would take effect upon passage.

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