2008 -- H 7213

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S T A T E O F R H O D E I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2008

A N A C T

RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS

Introduced By: Representatives McNamara, Lewiss, Smith, and Naughton

Date Introduced: January 23, 2008

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

SECTION 1. Section 16-21-26 of the General Laws in Chapter 16-21 entitled "Health and Safety of Pupils" is hereby amended to read as follows:

16-21-26. Student discipline codes. -- (a) As used in this section:

(1) "At school" means in a classroom, elsewhere on or immediately adjacent to school premises, on a school bus or other school-related vehicle, at an official school bus stop, or at any school-sponsored activity or event whether or not it is held on school premises.

(2) "Harassment, intimidation or bullying" means an intentional written, electronic, verbal or physical act or threat of a physical act that, under the totality of circumstances:

(i) A reasonable person should know will have the effect of: physically harming a student, damaging a student's property, placing a student in reasonable fear of harm to his or her person, or placing a student in reasonable fear of damage to his or her property; or

(ii) Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for a student.

(3) "Electronic" communications shall include any verbal, textual or graphic communication of any kind effected, created or transmitted by the use of any electronic device, including, but not limited to, a computer, telephone, cellular telephone, text-messaging device and/or personal data assistance device.

(b) The board of a school district of a public school shall adopt a policy prohibiting harassment, intimidation, or bullying at school. The policy shall specifically prohibit harassment,

intimidation and bullying by students at school and address prevention of an education about such behavior. The policy shall be adopted through a process that includes representation of parents or guardians, school employees, volunteers, pupils, school administrators and community representatives.

(c) Each school district shall adopt the policy under this section and transmit a copy of its policy to the commissioner of elementary and secondary education and director of the department of education by September 1, 2004.

(d) To assist school districts and public schools in developing policies for the prevention of harassment, intimidation or bullying, the department of education shall develop a model policy applicable to grades K-12. This model policy shall be issued no later than December 1, 2003.

(e) A school district shall ensure that notice of the school district's or public school's policy under this section is included in any publication of the school district or public school policy that sets forth the comprehensive rules, procedures and standards of conduct for its schools and in its pupil handbook.

(f) A school employee, pupil or volunteer shall not, nor shall those individuals solicit others with the intent to engage in reprisal, retaliation or false accusation against a victim, witness or one with reliable information about an act of harassment, intimidation or bullying.

(g) A school employee, pupil or volunteer who has witnessed or has reliable information that a pupil has been subjected to harassment, intimidation or bullying, whether written, verbal or physical, is encouraged to report the incident to the appropriate school official designated by the school district's or public school's policy.

(h) A school employee who promptly reports an incident of harassment, intimidation or bullying to the appropriate school official designated by the school district's or public school's policy, and who makes this report in compliance with the procedures in the policy prohibiting harassment, intimidation or bullying is not liable for damages arising from any failure to remedy the reported incident.

(i) Public schools and school districts are encouraged to form bullying prevention task forces, programs and other initiatives involving school staff, pupils, administrators, volunteers, parents, law enforcement and community members.

(j) Each school district or public school shall do all of the following:

(1) Provide training on the school district's or public school academy's harassment, intimidation or bullying policies to school employees and volunteers who have significant contact with pupils.

(2) Develop a process for discussing the harassment, intimidation or bullying policy with

pupils.

(k) A school district or public school academy shall incorporate information regarding the school district or public or private school academy's policy against harassment, intimidation or bullying into each school's employee training program.

(l) This section does not prevent a victim from seeking redress under any other available law, either civil or criminal. This section does not create or alter any tort liability.

(m) Repeated violations of any policy adopted pursuant to this section or any violation of any policy adopted pursuant to this section which threatens the physical or emotional well-being of any student shall constitute grounds for the filing of a petition pursuant to section 14-1-11 of the general laws for a determination by the family court that the offending student is wayward and/or delinquent within the meaning of section 14-1-3 of the general laws.

SECTION 2. This act shall take effect upon passage.

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EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

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RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS

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This act would expand the definition of student discipline codes to include electronic communications.

This act would take effect upon passage.

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