

2011 -- H 5941 SUBSTITUTE A AS AMENDED

LC02201/SUB A/3

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO EDUCATION -- SAFE SCHOOLS

Introduced By: Representatives Ruggiero, Savage, McNamara, Lima, and Tomasso

Date Introduced: March 17, 2011

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Title. This act shall be known and may be cited as the "Safe School Act."

2 SECTION 2. Findings of fact and purpose.

3 (1) The general assembly recognizes that the bullying of a student creates a climate of
4 fear and disrespect than can seriously impair the student's health and negatively affect learning.

5 Bullying undermines the safe learning environment that students need to achieve their full
6 potential. Any form or degree of bullying at school is therefore prohibited.

7 (2) Within this context, it is important that all participants feel free to express their
8 thoughts and ideas in a manner that does not disrupt the educational process, or create
9 unnecessary distractions to, or adversely impact, the interpersonal relationships between the
10 students, faculty and staff.

11 SECTION 3. Chapter 16-21 of the General Laws entitled "Health and Safety of Pupils" is
12 hereby amended by adding thereto the following sections:

13 **16-21-33. Safe schools act. -- (a) Definitions. -- As used in this chapter:**

14 (1) "Bullying" means the use by one or more students of a written, verbal or electronic
15 expression or a physical act or gesture or any combination thereof directed at a student that:

16 (i) Causes physical or emotional harm to the student or damage to the student's property;

17 (ii) Places the student in reasonable fear of harm to himself/herself or of damage to
18 his/her property;

19 (iii) Creates an intimidating, threatening, hostile, or abusive educational environment for

1 the student;

2 (iv) Infringes on the rights of the student to participate in school activities; or

3 (v) Materially and substantially disrupts the education process or the orderly operation of
4 a school. The expression, physical act or gesture may include, but is not limited to, an incident or
5 incidents that may be reasonably perceived as being motivated by characteristics such as race,
6 color, religion, ancestry, national origin, gender, sexual orientation, gender identity and
7 expression or mental, physical, or sensory disability, intellectual ability or by any other
8 distinguishing characteristic.

9 (2) "Cyber-bullying" means bullying through the use of technology or any electronic
10 communication, which shall include, but shall not be limited to, any transfer of signs, signals,
11 writing, images, sounds, data, texting or intelligence of any nature transmitted in whole or in part
12 by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not
13 limited to, electronic mail, Internet communications, instant messages or facsimile
14 communications. For purposes of this section, cyber-bullying shall also include:

15 (i) The creation of a web page or blog in which the creator assumes the identity of
16 another person;

17 (ii) The knowing impersonation of another person as the author of posted content or
18 messages; or

19 (iii) The distribution by electronic means of a communication to more than one person or
20 the posting of materials on an electronic medium that may be accessed by one or more persons, if
21 the creation, impersonation, or distribution results in any of the conditions enumerated in clauses
22 (i) to (v) of the definition of bullying herein.

23 (3) "At school" means on school premises, at any school-sponsored activity or event
24 whether or not it is held on school premises, on a school-transportation vehicle, at an official
25 school bus stop, using property or equipment provided by the school, or creates a material and
26 substantial disruption of the education process or the orderly operation of the school.

27 **16-21-34. Statewide bullying policy implemented.** -- (a) The Rhode Island department
28 of education shall prescribe by regulation a statewide bullying policy, ensuring a consistent and
29 unified, statewide approach to the prohibition of bullying at school. The statewide policy shall
30 apply to all schools that are approved for the purpose of section 16-9-1 and shall contain the
31 following:

32 (1) Descriptions of and statements prohibiting bullying, cyber-bullying and retaliation at
33 school;

34 (2) Clear requirements and procedures for students, staff, parents, guardians and others to

1 report bullying or retaliation;

2 (3) A provision that reports of bullying or retaliation may be made anonymously;
3 provided, however, that no disciplinary action shall be taken against a student solely on the basis
4 of an anonymous report;

5 (4) Clear procedures for promptly responding to and investigating reports of bullying or
6 retaliation;

7 (5) The range of disciplinary actions that may be taken against a perpetrator for bullying
8 or retaliation; provided, however, that the disciplinary actions shall balance the need for
9 accountability with the need to teach appropriate behavior; and provided, further:

10 (i) A parental engagement strategy; and

11 (ii) A provision that states punishments for violations of the bullying policy shall be
12 determined by the school's appropriate authority; however, no student shall be suspended from
13 school unless it is deemed a necessary consequence of the violations;

14 (6) Clear procedures for restoring a sense of safety for a victim and assessing that
15 victim's needs for protection;

16 (7) Strategies for protecting from bullying or retaliation a person who reports bullying,
17 provides information during an investigation of bullying or witnesses or has reliable information
18 about an act of bullying;

19 (8) Procedures for promptly notifying the parents or guardians of a victim and a
20 perpetrator; provided, further, that the parents or guardians of a victim shall also be notified of the
21 action taken to prevent any further acts of bullying or retaliation; and provided, further, that the
22 procedures shall provide for immediate notification of the local law enforcement agency when
23 criminal charges may be pursued against the perpetrator;

24 (9) A provision that a student who knowingly makes a false accusation of bullying or
25 retaliation shall be subject to disciplinary action;

26 (10) A strategy for providing counseling or referral to appropriate services currently
27 being offered by schools or communities for perpetrators and victims and for appropriate family
28 members of said students. The plan shall afford all students the same protection regardless of
29 their status under the law;

30 (11) A provision that requires a principal or designee to be responsible for the
31 implementation and oversight of the bullying policy;

32 (12) Provisions for informing parents and guardians about the bullying policy of the
33 school district or school shall include, but not be limited to:

34 (i) A link to the policy prominently posted on the home page of the school district's

1 website and distributed annually to parents and guardians of students;

2 (ii) A provision for notification, within twenty-four (24) hours, of the incident report, to
3 the parents or guardians of the victim of bullying and parents or guardians of the alleged
4 perpetrator of the bullying;

5 (13) A school employee, school volunteer, student, parent, legal guardian, or relative
6 caregiver who promptly reports, in good faith, an act of bullying to the appropriate school official
7 designated in the school's policy is immune from a cause of action for damages arising from
8 reporting bullying;

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

11 (15) Students shall be prohibited from accessing social networking sites at school, except
12 for educational or instructional purposes and with the prior approval from school administration.
13 Nothing in this act shall prohibit students from using school department or school websites for
14 educational purposes. School districts and schools are encouraged to provide in-service training
15 on Internet safety for students, faculty and staff; and

16 (16) All school districts, charter schools, career and technical schools, approved private
17 day or residential schools and collaborative schools shall be subject to the requirements of this
18 section. School districts and schools must adopt the statewide bullying policy promulgated
19 pursuant to this section by June 30, 2012.

20 SECTION 4. Section 16-21-26 of the General Laws in Chapter 16-21 entitled "Health
21 and Safety of Pupils" is hereby repealed.

22 ~~**16-21-26. Student discipline codes.** -- (a) As used in this section:~~

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

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

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

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

33 ~~-(3) "Electronic" communications shall include any verbal, textual or graphic~~
34 ~~communication of any kind effected, created or transmitted by the use of any electronic device,~~

1 including, but not limited to, a computer, telephone, cellular telephone, text messaging device
2 and/or personal data assistance device.

3 ~~-(b) The board of a school district of a public school shall adopt a policy prohibiting~~
4 ~~harassment, intimidation, or bullying at school. The policy shall specifically prohibit harassment,~~
5 ~~intimidation and bullying by students at school and address prevention of an education about such~~
6 ~~behavior. The policy shall be adopted through a process that includes representation of parents or~~
7 ~~guardians, school employees, volunteers, pupils, school administrators and community~~
8 ~~representatives.~~

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

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

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

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

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

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

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

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

1 ~~-(1) Provide training on the school district's or public school academy's harassment,~~
2 ~~intimidation or bullying policies to school employees and volunteers who have significant contact~~
3 ~~with pupils. The training may include promotion of conflict resolution and mediation techniques~~
4 ~~for resolving conflicts between and among pupils without violence.~~

5 ~~-(2) Develop a process for discussing the harassment, intimidation or bullying policy with~~
6 ~~pupils. The process may include teaching pupils techniques for preventing and resolving conflicts~~
7 ~~without violence, including dating violence and interpersonal violence.~~

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

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

13 SECTION 5. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION -- SAFE SCHOOLS

- 1 This act would create the “safe school act” which would address the problem of school
- 2 “bullying” and “cyber-bullying”.
- 3 This act would take effect upon passage.

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Presented by