

2022 -- H 7162

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LC003851
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS (SEE
TITLE 16 CHAPTER 97 -- THE RHODE ISLAND BOARD OF EDUCATION ACT)

Introduced By: Representatives Diaz, and Slater

Date Introduced: January 26, 2022

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 including restorative justice practices, 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~~ issue an out-of-school suspension to pupils in grades six (6) and above, only if a
14 pupil is found to be a disruptive student as defined in subsection (a) of this section; or a threat to
15 the physical safety or health of students, teachers, or administrators; or found guilty of ~~this conduct,~~
16 ~~or of a~~ violation of ~~those~~ school regulations ~~which relate to the rights set forth in subsection (a), or~~
17 ~~where a student represents a threat to those rights of students, teachers, or administrators, as~~
18 ~~described in subsection (a)~~ involving alcohol, illegal drugs or controlled substances, or weapons.

1 Nothing in this section shall relieve the school committee or school principals from following all
2 procedures required by state and federal law regarding discipline of students with disabilities.

3 (c) The school committee, or a school principal as designated by the school committee,
4 may issue an out-of-school suspension to a student enrolled in grades preschool through fifth grade,
5 only if the school administration, in consultation with a school psychologist or other mental health
6 professional, determines that such student's behavior presents a threat to the physical safety or
7 health of others, which cannot be reduced or eliminated through interventions and supports. In all
8 such instances, a school shall use appropriate behavioral supports, including, but not limited to,
9 restorative justice practices, to address a student's conduct.

10 (d) An out-of-school suspension for violating school regulations involving alcohol, illegal
11 drugs or controlled substances, or weapons, shall only be imposed on a case-by-case basis, in
12 accordance with § 16-21-21.1.

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

20 ~~(f)~~(f) All school superintendents, or their designees, shall review annually, the discipline
21 data for their school district, collected in accordance with the specifications set forth in § 16-60-
22 4(21), to determine whether the discipline imposed has a disproportionate impact on students based
23 on race, ethnicity, or disability status and to appropriately respond to any such disparity. In addition
24 to the data submitted, ~~if a disparity exists, the~~ every school district shall, after consultation with
25 representatives of the faculty, submit ~~a~~ an annual report to the council on elementary and secondary
26 education describing ~~the conduct of the student, the frequency of the conduct, prior disciplinary~~
27 ~~actions for the conduct, any other relevant information and corrective actions to~~ what action, if any,
28 has been taken to address ~~the~~ any such disparity, ~~after consultation with representatives of the~~
29 ~~faculty has been taken to address the disparity.~~ If a review of the data determines that there are no
30 such disparities, the district shall submit an annual report to that effect. The reports shall be deemed
31 to be public records for purposes of title 38.

32 SECTION 2. 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 -- SCHOOL COMMITTEES AND SUPERINTENDENTS (SEE
TITLE 16 CHAPTER 97 -- THE RHODE ISLAND BOARD OF EDUCATION ACT)

1 This act would allow schools to impose an out-of-school suspension of students in grades
2 six (6) and above, if they are found to be a threat to the physical safety or health of students,
3 teachers, and administrators or violated school regulations, including alcohol, illegal drugs or
4 weapons. Younger students may be issued an out-of-school suspension after consultation with a
5 school psychologist or mental health professional.

6 This act would take effect upon passage.

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