

2023 -- H 5738

LC001428

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS

Introduced By: Representative P. Morgan

Date Introduced: February 21, 2023

Referred To: House Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 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]" are 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 council on elementary and secondary education and any
4 decision of the council may be appealed by the student to the family court for the county in which
5 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(a)(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) On or before September 1, 2023, and annually by September 1 thereafter, the Rhode
16 Island department of [elementary and secondary](#) education ([the "department"](#)), in coordination with
17 the Rhode Island office of the attorney general, shall, for each school district, annually collect,
18 report, and publish on its website, data on: the number of school resource officers; the use of force
19 against students, including, but not limited to, the number of instances force was used and the type
20 of the force used; arrests of students and reasons for arrest; student referrals to law enforcement
21 and reasons for referral; student referrals to court or court service units; and the number and type
22 of any other disciplinary actions taken or recommended by school resource officers involving
23 students. All data shall be published in a manner that protects the identities of students and shall be
24 collected and designated by student age, grade, race, ethnicity, gender, language status, and
25 disability, to the extent that the demographic data is available.

26 [\(f\)\(1\) Each school shall develop an in-school suspension program in conjunction with the](#)
27 [department. As part of this in-school suspension program, an area of the school shall be dedicated](#)
28 [to in-school suspension. This area shall be equipped with private cubicles. Each cubicle shall be](#)
29 [equipped with computers. Before beginning serving suspension, each student shall be tested for](#)
30 [achievement level and/or learning needs. This testing shall be used to assign an appropriate learning](#)
31 [module for the child to complete. These modules should be chosen to strengthen the student's ability](#)
32 [to benefit from classroom instruction.](#)

33 [\(2\) Each suspended student shall be assigned one or more appropriate computer-driven](#)
34 [instructional modules.](#)

1 **16-2-17.1. In school suspensions.**

2 Suspensions issued shall not be served out of school unless the student's conduct ~~meets the~~
3 ~~standards set forth in § 16-2-17(a) or the student~~ represents a demonstrable threat to students,
4 teachers, or administrators.

5 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
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1 This act would require that schools develop a program for in-school suspension that sets
2 aside and equips a specialized learning area in each school, that is appropriately equipped with
3 individualized, computer-assisted learning modules consistent with the educational level and goals
4 of the student.

5 This act would take effect upon passage.

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