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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO EDUCATION -- SAFE SCHOOLS

Introduced By: Senators Lanzi, Tassoni, Paiva Weed, Ciccone, and DiPalma

Date Introduced: March 23, 2011

Referred To: Senate Judiciary

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 the increasingly important role that technology
4 plays in the educational process as well as in the personal lives of the students, faculty and staff
5 of Rhode Island schools. Online discourse through social computing, including the use of
6 networking sites, text messaging, and the like, empowers educators and students in the scope of
7 their respective interactions. Instead of "mass communication" this environment represents
8 "masses of communications." The general assembly respects the importance of open exchange
9 and learning related to enhancing the educational environment in this state and supports this
10 process.

11 (2) Within this context, it is important that all participants feel free to express their
12 thoughts and ideas in a manner that does not disrupt the educational process, or create
13 unnecessary distractions to, or adversely impact, the interpersonal relationships between the
14 students, faculty and staff. This act is intended to foster a thoughtful, and responsible use of social
15 networking and related technological communication tools that will minimize risk and be
16 appropriately professional and respectful.

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

19 **16-21-33. Safe schools act. -- (a) Definitions. -- As used in this chapter:**

1 (1) “Bullying” means the use by one or more students of a written, verbal or electronic
2 expression or a physical act or gesture or any combination thereof directed at a victim that:

3 (i) Causes physical or emotional harm to the victim or damage to the victim’s property;

4 (ii) Places the victim in reasonable fear of harm to himself or of damage to his property;

5 (iii) Creates an intimidating, threatening, hostile, or abusive educational environment for
6 the victim;

7 (iv) Infringes on the rights of the victim to participate in school activities; or

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

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

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

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

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

28 (3) “Plan” means the comprehensive policy drafted by the Rhode Island department of
29 education and adopted by every school district or school to ensure a consistent and unified
30 statewide approach to understanding, identifying, investigating, responding and preventing
31 incidents of harassment, intimidation, bullying and cyber-bullying so all Rhode Island student can
32 fully participate in the educational process in a civil, safe, and hostile-free school environment.

33 **16-21-33.1 Bullying prevention plan and regulations. -- (a) The Rhode Island**
34 **department of education shall provide a model policy, age appropriate, on bullying prevention**

- 1 ensuring a unified, statewide policy that follows Rhode Island general laws:
- 2 (1) Descriptions of and statements prohibiting bullying, cyber-bullying and retaliation;
- 3 (2) Clear procedures for students, staff, parents, guardians and other to report bullying or
- 4 retaliation;
- 5 (3) A provision that reports of bullying or retaliation may be made anonymously;
- 6 provided, however, that no disciplinary action shall be taken against a student solely on the basis
- 7 of an anonymous report;
- 8 (4) Clear procedures for promptly responding to and investigating reports of bullying or
- 9 retaliation;
- 10 (5) The range of disciplinary actions that may be taken against a perpetrator for bullying
- 11 or retaliation; provided, however, that the disciplinary actions shall balance the need for
- 12 accountability with the need to teach appropriate behavior; and provided, further:
- 13 (i) A parental engagement strategy; and
- 14 (ii) A provision that states punishments for violations of the state policy shall be
- 15 determined by the school's appropriate authority; however, no student shall suspended from
- 16 school unless it is deemed a necessary consequence of the violations.
- 17 (6) Clear procedures for restoring a sense of safety for a victim and assessing that
- 18 victim's needs for protection;
- 19 (7) Strategies for protecting from bullying or retaliation a person who reports bullying,
- 20 provides information during an investigation of bullying or witnesses or has reliable information
- 21 about an act of bullying;
- 22 (8) Procedures consistent with state and federal law for promptly notifying the parents or
- 23 guardians of a victim and a perpetrator; provided, further, that the parents or guardians of a victim
- 24 shall also be notified of the action taken to prevent any further acts of bullying or retaliation; and
- 25 provided, further, that the procedures shall provide for immediate notification pursuant to
- 26 regulations promulgated under this subsection by the principal or person who holds a comparable
- 27 role to the local law enforcement agency when criminal charges may be pursued against the
- 28 perpetrator;
- 29 (9) A provision that a student who knowingly makes a false accusation of bullying or
- 30 retaliation shall be subject to disciplinary action; and
- 31 (10) a strategy for providing counseling or referral to appropriate services for perpetrators
- 32 and victims and for appropriate family members of said students. The plan shall afford all
- 33 students the same protection regardless of their status under the law.

34 **16-21-33.2 Notification of policy and incidents. -- (a) Provisions for informing parents**

1 and guardians about the bullying prevention curriculum of the school district or school and shall
2 include, but not be limited to:

3 (1) A link to the policy prominently posted on the home page of the school district's
4 website and distributed annually to parents and guardians who have children enrolled in a school
5 in the school district.

6 (2) A provision for notification, within twenty-four (24) hours, of the incident report, to
7 the parent or parents, and guardian of the victim of bullying and cyber bullying and the parent or
8 parents and guardian of the perpetrator of the bullying or cyber bullying.

9 **16-21-33.3 Immunity for reporting.** -- A school employee, school volunteer, student,
10 parent, legal guardian, or relative care giver who promptly reports, in good faith, an act of
11 bullying or harassment to the appropriate school official designated in the school district's policy
12 is immune from a cause of action for damages arising from reporting bullying.

13 **16-21-33.4 Applicability of sanctions.** -- This section does not prevent a victim from
14 seeking redress under any other available law, either civil or criminal. This section does not
15 create or alter any tort liability.

16 **16-21-33.5. Application of bullying prevention plan and regulation.** – (a) All school
17 districts, charter schools, approved private day or residential schools and collaborative schools
18 shall be subject to the regulations. A non-public school shall develop procedures for immediate
19 notification by the principal or person who holds a comparable role to the local law enforcement
20 agency when criminal charges may be pursued against the perpetrator.

21 (b) Each school district, charter school, non-public school, approved private day or
22 residential school and collaborative school shall provide to students and parents or guardians, in
23 age-appropriate terms and in the languages which are most prevalent among the students, parents
24 or guardians, annual written notice of the relevant student-related sections of the plan.

25 (c) Each school district, charter school, non-public school, approved private day or
26 residential school and collaborative school shall provide to all school staff annual written notice
27 of the plan. The faculty and staff at each school shall be trained annually on the plan applicable
28 to the school. Relevant sections of the plan relating to the duties of faculty and staff shall be
29 included in a school district or school employee handbook.

30 (d) The plan shall be posted on the website of each school district, charter school, non-
31 public school, approved private day or residential school and collaborative school.

32 (e) Each school principal or the person who holds a comparable position shall be
33 responsible for the implementation and oversight of the plan at his school.

34 (f) A member of a school staff, including, but not limited to, an educator, administrator,

1 school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular
2 activity or paraprofessional, shall immediately report any instance of bullying or retaliation the
3 staff member has witnessed or become aware of to the principal or to the school official identified
4 in the plan as responsible for receiving such reports or both. Upon receipt of such a report, the
5 school principal or a designee shall promptly conduct an investigation. If the school principal or
6 a designee determines that bullying or retaliation has occurred, the school principal or designee
7 shall: (i) Notify the local law enforcement agency if the school principal or designee believes that
8 criminal charges may be pursued against a perpetrator; (ii) Take appropriate disciplinary action;
9 (iii) Notify the parents or guardians of a perpetrator; and (iv) Notify the parents or guardians of
10 the victim, and to the extent consistent with state and federal law, notify them of the action taken
11 to prevent any further acts of bullying or retaliation.

12 (g) If an incident of bullying or retaliation involves students from more than one school
13 district, charter school, non-public school, approved private day or residential school or
14 collaborative school, the school district or school first informed of the bullying or retaliation
15 shall, consistent with state and federal law, promptly notify the appropriate administrator of the
16 other school district or school so that both may take appropriate action. If an incident of bullying
17 or retaliation occurs on school grounds and involves a former student under the age of 21 who is
18 no longer enrolled in a local school district, charter school, non-public school, approved private
19 day or residential school or collaborative school, the school district or school informed of the
20 bullying or retaliation shall contact law enforcement.

21 **16-21-33.6. Additional policy guidelines.** – (a) On or before January 1, 2012, every
22 school district policy prohibiting harassment, intimidation, or bullying promulgated pursuant to
23 section 16-21-26 shall be amended to include Internet and cyberspace guidelines as provided for
24 herein.

25 (b) No student, employee, faculty or staff herein collectively referred to as “school
26 personnel” of a public school in this state shall post, forward, or otherwise disseminate any data,
27 documents, photos, images, or videos, or other information using any technology medium,
28 including social networking websites (e.g. Facebook, MySpace, Twitter, Flickr), which might
29 result in a disruption of classroom activity of the educational process. Fraternalization, including,
30 but not limited to, stalking, sexual harassment, and other objectively inappropriate behavior
31 enabled by a position of authority , via the Internet, instant messaging, text messaging, or
32 otherwise between school personnel and students, whether by mobile telephone, computer or
33 other communication medium, is prohibited. Students are also prohibited from engaging in
34 stalking, sexual harassment, and other objectively inappropriate behavior among and/or between

1 fellow students, via the Internet, instant messaging, text messaging, or otherwise, whether by
2 mobile telephone, computer, or other communication medium.

3 (c) In addition to this policy, all school personnel are encouraged to attend an in-service
4 training on Internet safety for students, teachers, and administrators. The purpose of this policy is
5 and shall be to protect and maintain professionalism in the workplace for all school personnel and
6 to avoid, wherever possible, the appearance of impropriety in school personnel-student
7 relationships.

8 (d) Any violation of this policy by school personnel shall result in said personnel being
9 subject to those disciplinary sanctions included in the district's employee handbook and/or the
10 collective bargaining agreement applicable to said school personnel. Any violation of this policy
11 by student(s) shall result in said student(s) being subject to those disciplinary sanctions included
12 in the district's student handbook.

13 (e) Nothing in this policy shall prohibit school personnel or students from using
14 educational websites or school department websites for educational purposes. Access of social
15 networking websites for personal use during school hours shall be reserved for school personnel's
16 authorized breaks or unassigned periods only, and said sites shall not be accessed during regular
17 work hours, including classroom instruction time except for instructional or educational purposes
18 with prior approval from the building principal.

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

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

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

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

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

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

32 ~~-(3) "Electronic" communications shall include any verbal, textual or graphic~~
33 ~~communication of any kind effected, created or transmitted by the use of any electronic device,~~
34 ~~including, but not limited to, a computer, telephone, cellular telephone, text messaging device~~

1 ~~and/or personal data assistance device.~~

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

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

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

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

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

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

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

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

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

34 ~~-(1) Provide training on the school district's or public school academy's harassment,~~

1 ~~intimidation or bullying policies to school employees and volunteers who have significant contact~~
2 ~~with pupils. The training may include promotion of conflict resolution and mediation techniques~~
3 ~~for resolving conflicts between and among pupils without violence.~~

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

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

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

12 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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