

2021 -- H 5078

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY  
JANUARY SESSION, A.D. 2021

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A N A C T  
RELATING TO EDUCATION

Introduced By: Representative Joseph M. McNamara

Date Introduced: January 22, 2021

Referred To: House Health, Education & Welfare

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 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. [Provided, the provisions of](#)  
18 [subsection \(c\) of this section shall be implemented prior to suspending a pupil or student in grades](#)  
19 [Kindergarten through five \(K-5\), inclusive.](#)

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

8 (d) All school superintendents, or their designees, shall review annually, the discipline data  
9 for their school district, collected in accordance with the specifications set forth in § 16-60-4(21),  
10 to determine whether the discipline imposed has a disproportionate impact on students based on  
11 race, ethnicity, or disability status and to appropriately respond to any such disparity. In addition  
12 to the data submitted, if a disparity exists, the school district shall submit a report to the council on  
13 elementary and secondary education describing the conduct of the student, the frequency of the  
14 conduct, prior disciplinary actions for the conduct, any other relevant information and corrective  
15 actions to address the disparity, after consultation with representatives of the faculty has been taken  
16 to address the disparity. The reports shall be deemed to be public records for purposes of title 38.

17 (e) Prior to implementing any suspension of a student or pupil (the "student") in  
18 Kindergarten through five (K-5), inclusive, the school district shall implement an individual  
19 behavior plan (the "plan") for the student. In developing this plan, there shall be an emphasis given  
20 to empathy for the student, being culturally responsive to the student, and considering how any  
21 special education needs of a differently abled student may impact or be impacted by the plan. The  
22 plan shall incorporate progressive discipline, which as used herein shall mean a process of using  
23 increasingly stronger steps or measures when a student fails to correct a behavioral problem after  
24 being given a reasonable opportunity and accommodation to do so. Progressive discipline shall, to  
25 the extent reasonably practicable, include alternatives to be implemented prior to implementing a  
26 suspension of the student. The plan shall be signed by a parent or guardian of the student as well  
27 as by the student. Nothing in this subsection shall relieve the school district from following all  
28 procedures required by state and federal law regarding discipline of students with learning  
29 differences or who are differently abled.

30 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

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1           This act would require that prior to any suspension being issued to a student or pupil in  
2 grades Kindergarten through five (K-5), inclusive, the school would implement an individual  
3 behavior plan (the "plan") for the student. In developing this plan, there would be an emphasis  
4 given to empathy for the student, being culturally responsive to the student, and considering how  
5 any special education needs of a differently abled student may impact or be impacted by the plan.

6           This act would take effect upon passage.

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