

2023 -- H 5422

LC001186

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: Representatives Diaz, Shallcross Smith, Ajello, Edwards, Giraldo, Hull, Tanzi, Slater, Caldwell, and Sanchez

Date Introduced: February 08, 2023

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 pupils in grades six (6) and above found guilty of this conduct, or of violation of
14 those school regulations which relate to the rights set forth in subsection (a), or where a student
15 represents a threat to those rights of students, teachers, or administrators, as described in subsection

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

18 (c) The school committee, or a school principal as designated by the school committee,
19 may issue an out-of-school suspension on a student enrolled in grades preschool through fifth grade

1 only if the school administration, in consultation with a school psychologist or other mental health
2 professional, determines that the student's behavior presents a threat to the physical safety or health
3 of others which cannot be reduced or eliminated through interventions and supports. In all
4 instances, a school shall use appropriate behavioral supports, including, but not limited to,
5 restorative justice practices, to address a student's conduct.

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

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

16 ~~(f)~~(f) All school superintendents, or their designees, shall review annually, the discipline
17 data for their school district, collected in accordance with the specifications set forth in § 16-60-
18 4(a)(21), to determine whether the discipline imposed has a disproportionate impact on students
19 based on race, ethnicity, or disability status and to appropriately respond to any such disparity. In
20 addition to the data submitted, ~~if a disparity exists, the~~ every school district shall, after consultation
21 with representatives of the faculty, submit ~~a~~ an annual report to the council on elementary and
22 secondary education describing ~~the conduct of the student, the frequency of the conduct, prior~~
23 ~~disciplinary actions for the conduct, any other relevant information and corrective actions to~~
24 ~~address the disparity, after consultation with representatives of the faculty has been taken to address~~
25 ~~the~~ what action, if any, has been or is being taken to address any such disparity. If a review of the
26 data determines that there are no such disparities, the district shall submit an annual report to that
27 effect. The reports shall be deemed to be public records for purposes of title 38.

28 ~~(g)~~(g) On or before September 1, 2023, and annually by September 1 thereafter, the Rhode
29 Island department of education, in coordination with the Rhode Island office of the attorney
30 general, shall, for each school district, annually collect, report, and publish on its website, data on:
31 the number of school resource officers; the use of force against students, including, but not limited
32 to, the number of instances force was used and the type of the force used; arrests of students and
33 reasons for arrest; student referrals to law enforcement and reasons for referral; student referrals to
34 court or court service units; and the number and type of any other disciplinary actions taken or

1 recommended by school resource officers involving students. All data shall be published in a
2 manner that protects the identities of students and shall be collected and designated by student age,
3 grade, race, ethnicity, gender, language status, and disability, to the extent that the demographic
4 data is available.

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

=====
LC001186
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS

1 This act would authorize schools to issue an out-of-school suspension for 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. This act would also authorize schools to issue an out-of-school
4 suspension, on a case-by case basis, where a student has violated school regulations, including
5 alcohol, illegal drugs or weapons. The act would further provide that students in grades preschool
6 through five (5) may be issued an out-of-school suspension only after consultation with a school
7 psychologist or mental health professional where it is determined that such student's behavior
8 presents a threat to the physical safety of others and cannot be reduced through interventions.

9 This act would take effect upon passage.

=====
LC001186
=====