

2018 -- H 7153

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LC003170  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS

Introduced By: Representatives Ranglin-Vassell, Ajello, Donovan, Fogarty, and  
Maldonado

Date Introduced: January 12, 2018

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  
3 Education 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  
6 work at a school which is safe and secure, and which is conducive to learning, and which is free  
7 from the threat, actual or implied, of physical harm by a disruptive student. A disruptive student  
8 is a person who is subject to compulsory school attendance, who exhibits persistent conduct  
9 which substantially impedes the ability of other students to learn, or otherwise substantially  
10 interferes with the rights stated above, and who has failed to respond to corrective and  
11 rehabilitative measures 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  
16 section shall relieve the school committee or school principals from following all procedures  
17 required by 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  
19 committee, or a school principal as designee, to the commissioner of elementary and secondary

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

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

17 (e) In creating and enforcing a school conduct and discipline code, each school district  
18 shall, on and after January 1, 2019, provide for alternative programs to out-of-school suspensions  
19 that impose proportionate disciplinary interventions and consequences designed to reduce  
20 referrals to law enforcement, except where these referrals are required by law. Plans shall provide  
21 for the appropriate use of prevention, intervention, restorative justice, peer mediation, counseling  
22 or other approaches to address student misconduct, designed to reduce student's exposure to the  
23 courts and the criminal justice system as well as increasing the likelihood of youth persisting in  
24 delinquent or criminal behaviors. The plans shall state that school administration shall not order a  
25 victim's participation in a restorative justice practice or peer mediation if the victim alleges the  
26 misconduct involves unlawful sexual behavior, domestic violence, stalking or the violation of a  
27 protection order. The plan shall ensure that the code complies with all laws concerning the  
28 education of students with disabilities. The plan shall require and provide space within each  
29 school for this program. In the event that there is a violation of the code of conduct or a student  
30 poses a threat to themselves, peer, teacher, administrator or support staff that student should be  
31 placed in an alternative educational setting within the school with continuation of educational  
32 services to include conflict resolution, restorative justice practices and mediation. Alternative  
33 setting would be outside of the regular classroom setting and with a RIDE certified teacher.  
34 Students not deemed a physical threat should not be given out-of-school suspension for

1 infractions such as dress code violations or insubordination. Before a student receives out-of-  
2 school suspension there should be tiered intervention which includes:

3 (1) Meeting with student;

4 (2) Meeting with student and parent/guardian;

5 (3) Detention.

6 For students receiving special education services, if the infraction presented is due to  
7 their disability, that student must be accommodated and be provided with support services based  
8 on their IEP.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS

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1           This act would require school districts to provide for alternative programs and classroom  
2 space, within the school, to reduce the number of out-of-school suspensions. Students that pose a  
3 threat to a peer, teacher, administrator, support staff or themselves would be placed in an  
4 alternative educational setting within the school with a RIDE certified teacher.

5           This act would take effect upon passage.

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