

2020 -- H 7439

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO EDUCATION - SCHOOL COMMITTEES AND SUPERINTENDENTS

Introduced By: Representatives Diaz, McNamara, Slater, Amore, and Mendez

Date Introduced: February 05, 2020

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, out of school, ~~at~~ pupils in grades six (6) and above if they are found to be a  
14 disruptive student as described in subsection (a) of this section; guilty of ~~this conduct, or of a~~  
15 violation of ~~those~~ school regulations which relate to alcohol, drugs, or weapons; the rights set  
16 forth in subsection (a), or where a student represents a threat to those rights of students, teachers,  
17 or administrators, as described in subsection (a). Nothing in this section shall relieve the school  
18 committee or school principals from following all procedures required by state and federal law  
19 regarding discipline of students with disabilities.

1           (c) The school committee, or a school principal as designated by the school committee,  
2 may only impose an out-of-school suspension on a student enrolled in grades preschool through  
3 fifth grade if such student possessed a weapon or other dangerous instrument; possessed, used, or  
4 sold illegal drugs or controlled substances; or if the school administration, in consultation with a  
5 school psychologist or other mental health professional, determines that a student's behavior  
6 presents a threat to the physical safety or health of others which cannot be reduced or eliminated  
7 through interventions and supports.

8           (d) A school may uses restorative justice practices to address a student's behavior if the  
9 student is suspended under subsection (c) of this section, or is enrolled in grades preschool  
10 through fifth grade and is disruptive to the school environment or commits an act which would be  
11 considered subject to suspension but for the student's grade.

12           ~~(e)~~(e) A student suspended under this section may appeal the action of the school  
13 committee, or a school principal as designee, to the commissioner of elementary and secondary  
14 education who, after notice to the parties interested of the time and place of hearing, shall  
15 examine and decide the appeal without cost to the parties involved. Any decision of the  
16 commissioner in these matters shall be subject to appeal by the student to the board of regents for  
17 elementary and secondary education and any decision of the board of regents may be appealed by  
18 the student to the family court for the county in which the school is located as provided in § 42-  
19 35-15.

20           ~~(f)~~(f) All school superintendents, or their designees, shall review annually, the discipline  
21 data for their school district, collected in accordance with the specifications set forth in § 16-60-  
22 4(21), to determine whether the discipline imposed has a disproportionate impact on students  
23 based on race, ethnicity, or disability status and to appropriately respond to any such disparity. In  
24 addition to the data submitted, ~~if a disparity exists, the~~ every school district shall, after  
25 consultation with representatives of the faculty, submit ~~a~~ an annual report to the council on  
26 elementary and secondary education describing ~~the conduct of the student, the frequency of the~~  
27 ~~conduct, prior disciplinary actions for the conduct, any other relevant information and corrective~~  
28 ~~actions~~ what action, if any, has been taken to address the disparity, after consultation with  
29 representatives of the faculty has been taken to address the disparity. The reports shall be deemed  
30 to be public records for purposes of title 38.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would allow schools to suspend students, in and out of school, if they are in  
2 grades six (6) or above, and prohibit school committees or a principal designated by the school  
3 committee, from suspending students in grade five (5) or below unless they possessed weapons,  
4 narcotics or were found by a psychologist or other mental health professional to be a danger.

5           This act would take effect upon passage.

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