

2016 -- S 2168 AS AMENDED

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LC004169
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

A N A C T

RELATING TO EDUCATION - SCHOOL COMMITTEES AND SUPERINTENDENTS

Introduced By: Senators Pichardo, Goodwin, Gallo, Metts, and Jabour

Date Introduced: January 27, 2016

Referred To: Senate 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
3 Education Act]" is hereby amended to read as follows:

4 **16-2-17. Right to a safe school.** -- (a) Each student, staff member, teacher, and
5 administrator has a right to attend and/or work at a school which is safe and secure, and which is
6 conducive to learning, and which is free from the threat, actual or implied, of physical harm by a
7 disruptive student. A disruptive student is a person who is subject to compulsory school
8 attendance who exhibits persistent conduct which substantially impedes the ability of other
9 students to learn or otherwise substantially interferes with the rights stated above, and who has
10 failed to respond to corrective and rehabilitative measures presented by staff, teachers, or
11 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 SECTION 2. Chapter 16-2 of the General Laws entitled "School Committees and
18 Superintendents [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby
19 amended by adding thereto the following section:

20 **16-2-17.1. In school suspensions.** – Suspensions issued shall not be served out of school
21 unless the student's conduct meets the standards set forth in §16-2-17(a) or the student represents
22 a demonstrable threat to students, teachers or administrators.

23 SECTION 3. 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 direct all school superintendents to review discipline data for their school
2 district, to decide whether there is an unequal impact on students based on race, ethnicity, or
3 disability status, and to respond to any disparity. Every school district would submit a report to
4 the council on elementary and secondary education describing any action taken on the disparity.
5 All such reports shall be public records. Also, student suspensions would not be served out of
6 school unless the student's conduct meets certain standards or the student represents a
7 demonstrable threat to students, teachers or administrators.

8 This act would take effect upon passage.

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