

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO EDUCATION -- RIGHTS OF STUDENTS ACT

Introduced By: Senators E Morgan, Rogers, de la Cruz, and Raptakis

Date Introduced: February 16, 2023

Referred To: Senate Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 16 of the General Laws entitled "EDUCATION" is hereby amended by  
2 adding thereto the following chapter:

3 CHAPTER 112

4 RIGHTS OF STUDENTS ACT

5 **16-112-1. Short title.**

6 This chapter shall be known and may be cited as the "Rights of Students Act."

7 **16-112-2. Definitions.**

8 The following words and phrases, as used in this chapter, shall have the following  
9 meanings:

10 (1) "Public educational institution" means any of the following:

11 (i) A school district, including its schools.

12 (ii) A charter school, including any district charter school, independent charter school or  
13 mayoral academy.

14 (iii) An accommodation school.

15 (iv) Any state school for the deaf, blind or visually impaired, including, but not limited to,  
16 the Rhode Island school for the deaf.

17 **16-112-3. Rights of students.**

18 (a) A public educational institution shall not discriminate against students or parents on the  
19 basis of a religious viewpoint or religious expression.

1 (b) If an assignment requires a student's viewpoint to be expressed in coursework, artwork  
2 or other written or oral assignments, a public educational institution shall not penalize or reward a  
3 student on the basis of religious content or a religious viewpoint. In such an assignment, a student's  
4 academic work that expresses a religious viewpoint shall be evaluated based on ordinary academic  
5 standards of substance and relevance to the course curriculum or requirements of the coursework  
6 or assignment.

7 (c) Students in public educational institutions may pray or engage in religious activities or  
8 religious expression before, during and after the school day in the same manner and to the same  
9 extent that students may engage in nonreligious activities or expression.

10 (d) Students in public educational institutions may wear clothing, accessories and jewelry  
11 that display religious messages or religious symbols in the same manner and to the same extent that  
12 other types of clothing, accessories and jewelry that display messages or symbols are permitted.

13 (e) This section shall not be construed to authorize this state or any of its political  
14 subdivisions to do either of the following:

15 (1) Require any person to participate in prayer or in any other religious activity.

16 (2) Violate the constitutional rights of any person.

17 (f) This section shall not be construed to limit the authority of any public educational  
18 institution to do any of the following:

19 (1) Maintain order and discipline on the campus of the public educational institution in a  
20 content and viewpoint neutral manner.

21 (2) Protect the safety of students, employees and visitors of the public educational  
22 institution.

23 (3) Adopt and enforce policies and procedures regarding student speech at school; provided  
24 that, the policies and procedures do not violate the rights of students as guaranteed by the United  
25 States and Rhode Island constitutions and laws.

26 (4) Adopt and enforce policies and procedures that prohibit students from wearing any type  
27 of clothing, accessories and jewelry that is worn with the intent to convey affiliation with a criminal  
28 street gang as defined in § 12-19-39.

29 (g) A student or a student's parent shall not initiate legal action to enforce this section unless  
30 the student or the student's parent has done the following:

31 (1) The student or the student's parent shall submit a complaint in writing with the specific  
32 facts of the alleged violation to the principal of the school. The principal shall investigate the  
33 complaint and respond in writing, including a description of any action taken to resolve the  
34 complaint, within fifteen (15) days of receiving the written complaint.

1           (2) If the action taken by the principal of the school does not resolve the complaint of the  
2 student or the student's parent, the student or the student's parent shall submit a complaint in writing  
3 with the specific facts of the alleged violation to the superintendent or designated administrator.  
4 The superintendent or designated administrator shall investigate the complaint and respond in  
5 writing, including a description of any action taken to resolve the complaint, within twenty-five  
6 (25) days of receiving the written complaint.

7           (3) If the action taken by the superintendent or designated administrator does not resolve  
8 the complaint of the student or the student's parent, the student or the student's parent may pursue  
9 legal action to enforce this section.

10           **16-112-4. Severability.**

11           If any provision or phrase of this chapter or application of this chapter to any person or  
12 circumstances is held invalid, the invalidity shall not affect other provisions or phrases or  
13 applications of this chapter that can be given effect without the invalid provision or phrase or  
14 application, and to this end the provisions and phrases of this chapter are severable.

15           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 -- RIGHTS OF STUDENTS ACT

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1           This act would create the "Rights of Students Act" to provide protections for students and  
2 parents against discrimination on the basis of a religious viewpoint or religious expression. This  
3 act would also allow students to pray or engage in religious activities before, during or after school  
4 as well as to wear clothing, jewelry or accessories that display religious messages or symbols.  
5 Additionally, the act would create a complaint process for a student or parent seeking to file legal  
6 action to enforce this act.

7           This act would take effect upon passage.

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