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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS

Introduced By: Representatives Morales, Diaz, Kislak, J. Lombardi, and Cruz

Date Introduced: March 04, 2024

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.~~ This includes having culturally
8 competent teachers who understand and respect the diverse backgrounds of their students, as well
9 as being trained in de-escalation and trauma-informed methods to minimize classroom disruptions
10 and promote a learning environment that supports student learning. No person shall be subjected to
11 violent threats, actual or implied, of physical harm by a disruptive student, teacher and/or
12 administrator. A disruptive student is a person who is subject to compulsory school attendance,
13 who exhibits persistent conduct which substantially impedes the ability of other students to learn,
14 or otherwise substantially interferes with the rights stated above, and who has failed to respond to
15 corrective and rehabilitative measures presented by staff, teachers, or administrators.

16 (b) The school committee, or a school principal as designated by the school committee,
17 may suspend all pupils found guilty of this conduct, or of violation of those school regulations
18 which relate to the rights set forth in subsection (a), or where a student represents a threat to those
19 rights of students, teachers, or administrators, as described in subsection (a). Nothing in this section

1 shall relieve the school committee or school principals from following all procedures required by
2 state and federal law regarding discipline of students with disabilities.

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

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

20 (e) On or before September 1, 2023, and annually by September 1 thereafter, the Rhode
21 Island department of education, in coordination with the Rhode Island office of the attorney
22 general, shall, for each school district, annually collect, report, and publish on its website, data on:
23 the number of school resource officers; the use of force against students, including, but not limited
24 to, the number of instances force was used and the type of the force used; arrests of students and
25 reasons for arrest; student referrals to law enforcement and reasons for referral; student referrals to
26 court or court service units; and the number and type of any other disciplinary actions taken or
27 recommended by school resource officers involving students. All data shall be published in a
28 manner that protects the identities of students and shall be collected and designated by student age,
29 grade, race, ethnicity, gender, language status, and disability, to the extent that the demographic
30 data is available.

31 (f) In creating and enforcing a school conduct and discipline code, each school district
32 shall, on and after January 1, 2025, provide for alternative programs to out-of-school suspensions
33 that impose proportionate disciplinary interventions and consequences designed to reduce referrals
34 to law enforcement, except where these referrals are required by law.

1 (1) Plans shall provide for the appropriate use of prevention, intervention, restorative
2 justice, peer mediation, counseling or other approaches to address student misconduct, designed to
3 reduce students' exposure to the courts and the criminal justice system as well as increasing the
4 likelihood of youth persisting in delinquent or criminal behaviors.

5 (2) Where possible, the plan shall include robust student involvement and input.

6 (3) The plans shall state that school administration shall not order a victim's participation
7 in a restorative justice practice or peer mediation if the victim alleges the misconduct involves
8 unlawful sexual behavior, domestic violence, stalking or the violation of a protection order.

9 (4) The plan shall ensure that the code complies with all laws concerning the education of
10 students with disabilities.

11 (5) The plan shall require and provide space within each school for this program.

12 (g) In the event that there is a violation of the code of conduct or a student poses a threat
13 to a peer, teacher, administrator, support staff or themselves, that student shall be placed in an
14 alternative educational setting within the school with continuation of educational services to
15 include conflict resolution, restorative justice practices and mediation.

16 (1) An alternative setting would be outside of the regular classroom setting and with a
17 RIDE certified teacher.

18 (2) Students not deemed a physical threat shall not be given out-of-school suspension for
19 infractions such as dress code violations or insubordination.

20 (3) Before a student receives an out-of-school suspension, the school administration shall
21 promptly notify the parents or legal guardians of the student involved in any disciplinary action.

22 (i) Notification shall be provided in a timely manner, preferably within twenty-four (24)
23 hours of the disciplinary incident.

24 (ii) Notification to parents or legal guardians shall be communicated through preferred
25 communication methods included, but not limited to: written notice, phone call, or electronic
26 communication.

27 (iii) Efforts shall be made to use a method that ensures the information reaches the parents
28 in a clear and timely manner.

29 (iv) The notification to parents shall include, but not be limited to, the following
30 information:

31 (A) A clear and concise description of the incident leading to disciplinary action.

32 (B) Details of the disciplinary measures taken, including any suspension or alternative
33 educational placement.

34 (C) Information on the right to appeal the disciplinary action, including relevant contact

1 details.

2 (v) The school shall provide notifications in a language that is understandable to the parents
3 or legal guardians, taking into consideration any language preferences or communication needs
4 indicated by the parents.

5 (4) Where appropriate and possible, parents shall be encouraged to participate in
6 discussions related to the disciplinary incident, including any appeal processes or restorative justice
7 practices.

8 (5) Additionally, before a student receives an out-of-school suspension, there shall be tiered
9 intervention which includes:

10 (i) Meeting with student;

11 (ii) Meeting with student and parent/guardian; and

12 (iii) Required to complete up to two (2) hours of community service or appropriate
13 assignment based on the student's age and ability.

14 (iv) For students receiving special education services, if the infraction presented is due to
15 their disability, that student shall be accommodated and be provided with support services based
16 on their individualized education plan and 504 plans.

17 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

1 This act would mandate that school districts provide culturally competent, de-escalation,
2 and trauma-informed methods to minimize classroom disruptions and improve student learning.
3 This involves implementing alternative programs, classroom strategies, and community service or
4 assignments that are age and developmentally appropriate, with the aim of reducing out-of-school
5 suspensions. Students who pose a threat to their peers, teachers, administrators, support staff, or
6 themselves will be placed in an alternative educational setting within the school, supervised by a
7 RIDE certified teacher.

8 This act would take effect upon passage.

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