

# 2013 -- S 0801 SUBSTITUTE A

LC01640/SUB A

## STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

A N A C T

RELATING TO EDUCATION - HEALTH AND SAFETY OF PUPILS

Introduced By: Senators Gallo, Miller, Metts, DaPonte, and Satchell

Date Introduced: March 27, 2013

Referred To: Senate Education

It is enacted by the General Assembly as follows:

SECTION 1. Sections 16-21-23, 61-21-24, and 16-21-25 of the General Laws in Chapter 16-21 entitled "Health and Safety of Pupils" are hereby amended to read as follows:

~~**16-21-23. School safety plans - School safety teams and school crisis response teams - School safety plans - School safety teams, school crisis response teams, and school safety assessments. --**~~ (a) Each school district of each town, city, and regional school department shall conduct a school safety assessment in conjunction with local police, fire, school safety team pursuant to the provisions of this section 16-21-23 and any other expert said school department deems necessary. The assessment shall examine the current status of each school building's safety and shall be performed within thirty (30) days of passage of this act, and every three (3) years thereafter. Assessments performed within a year of the date of passage of this act shall satisfy this requirement. All meetings regarding the school safety assessment are not subject to the open meetings law pursuant to chapter 46 of title 42, and documents produced including, but not limited to, meeting minutes and the school safety assessment are not subject to the access to public records law pursuant to chapter 2 of title 38.

~~(a)~~ (b) The school committee of each town, city, and regional school department shall adopt in executive session a comprehensive school safety plan regarding crisis intervention, emergency response, and management. The plan shall be developed by a school safety team comprised of representatives of the school committee, representatives of student, teacher, and parent organizations, school safety personnel, school administration, and members of local law

enforcement, fire, and emergency personnel. Members of the school safety team shall be appointed by the school committee of the town, city, or regional school district. In creating the school safety plan, the school safety team(s) shall consult the model school safety plan developed by the department of elementary and secondary education pursuant to section 16-21-23.1.

~~(b)~~ (c) The school crisis response team shall be comprised of those selected school personnel willing to serve as members of a psychological response team to address the psychological and emotional needs of the school community, and may seek mental health resources from the department of elementary and secondary education. Members of the school crisis response team may coordinate mental health services for those students and school employees affected by acts of violence in the schools, using resources available through the department of elementary and secondary education.

**16-21-24. Requirements of school safety plans, school emergency response plans, and school crisis response plans.** – (a) School safety plans, as required by this chapter, shall ~~include and~~ address, but not to be limited to, prevention, mitigation, preparedness, response, and recovery. The school safety plans shall include, at a minimum, the following policies and procedures:

~~(1) Policies and procedures for responding to violence by students, teachers, other school personnel as well as visitors to the school;~~

~~(2) Policies and procedures for responding to acts of violence by students, teachers, other school personnel and visitors to the school;~~

~~(3) Appropriate prevention and intervention strategies which are based on data to target priority needs and which make use of effective actions based on currently accepted best practice;~~

~~(4) Collaborative arrangements with state and local law enforcement officials, designed to ensure that school safety officers and other security personnel are adequately trained, including being trained to de-escalate potentially violent situations, and are effectively and fairly recruited;~~

~~(5) Policies and procedures for contacting appropriate law enforcement officials and EMS/Fire, in the event of a violent incident;~~

~~(6) Policies and procedures for notification and activation of the school crisis response team;~~

~~(7) Policies and procedures for contacting parents, guardians, or persons in parental relation to the students of the city, town, or region in the event of a violent incident;~~

~~(8) Policies and procedures relating to school building security, including where appropriate the use of school safety officers and/or security devices or procedures;~~

~~(9) Policies and procedures for the dissemination of informative materials regarding the~~

1 ~~early detection of potentially violent behaviors, including but not limited to, the identification of~~  
2 ~~family, community, and environmental factors, to teachers, administrators, school personnel,~~  
3 ~~persons in parental relation to students of the city, town, or region students and other persons~~  
4 ~~deemed appropriate to receive that information;~~

5 ~~(10) Policies and procedures for annual school safety training and a review of the school~~  
6 ~~crisis response plan for staff and students;~~

7 ~~(11) Protocols for responding to bomb threats, hostage takings, intrusions, and~~  
8 ~~kidnappings;~~

9 ~~(12) Strategies for improving communication among students and between students and~~  
10 ~~staff and reporting of potentially violent incidents, such as the establishment of youth run~~  
11 ~~programs, peer mediation, conflict resolution, creating a forum or designating a mentor for~~  
12 ~~students concerned with bullying or violence, and establishing anonymous reporting mechanisms~~  
13 ~~for school violence;~~

14 ~~(13) A description of the duties of hall monitors and any other school safety personnel,~~  
15 ~~including the school crisis response team, and the training requirements of all personnel acting in~~  
16 ~~a school security capacity;~~

17 ~~(14) Policies and procedures for providing notice of threats of violence or harm to the~~  
18 ~~student or school employee who is the subject of the threat. The policy shall define "threats of~~  
19 ~~violence or harm" to include violent actions and threats of violent actions either individually or by~~  
20 ~~groups, but shall not include conduct or comments that a reasonable person would not seriously~~  
21 ~~consider to be a legitimate threat;~~

22 ~~(15) Policies and procedures for disclosing information that is provided to the school~~  
23 ~~administrators about a student's conduct, including, but not limited to, the student's prior~~  
24 ~~disciplinary records, and history of violence, to classroom teachers, school staff, and school~~  
25 ~~security, if they have been determined by the principal to have a legitimate need for the~~  
26 ~~information in order to fulfill their professional responsibilities and for protecting such~~  
27 ~~information from any further disclosure; and~~

28 ~~(16) Procedures for determining whether or not any threats or conduct established in the~~  
29 ~~policy may be grounds for discipline of the student. School districts, school committees, school~~  
30 ~~officials, and school employees providing notice in good faith as required and consistent with the~~  
31 ~~committee's policies adopted under this section are immune from any liability arising out of such~~  
32 ~~notification.~~

33 (1) Appropriate prevention, mitigation, preparedness and intervention strategies which  
34 are based on data to target priority needs and which make use of effective actions based on

1 currently accepted best practices and once developed, the appropriate parts of the state model  
2 plan pursuant to general laws section 16-21-23.1 that include consistent, plain language and  
3 terminology;

4 (2) Formalized collaborative arrangements with state and local law enforcement and fire  
5 fighter officials, designed to ensure that school safety officers and other security personnel are  
6 adequately trained, including being trained to de-escalate potentially violent situations, and are  
7 effectively and fairly recruited;

8 (3) Policies and procedures relating to school building security, including where  
9 appropriate the use of school safety officers and/or security devices or procedures;

10 (4) Policies and procedures for annual school safety training and a review of the school  
11 crisis response plan for staff and students;

12 (5) Protocols for school personnel and students responding to bomb threats, hostage-  
13 takings, intrusions, and kidnappings that include consistent, plain language and terminology that  
14 is recommended by the model plan pursuant to general laws section 16-21-23.1;

15 (6) Policies and procedures for responding to violence by students, teachers, other school  
16 personnel as well as visitors to the school that include consistent, plain language and terminology  
17 that is recommended by the model plan pursuant to general laws section 16-21-23.1;

18 (7) Policies and procedures for responding to acts of violence by students, teachers, other  
19 school personnel and visitors to the school that include consistent, plain language and  
20 terminology that is recommended by the model plan pursuant to general laws section 16-21-23.1;

21 (8) Policies and procedures for contacting appropriate law enforcement officials and  
22 EMS/Fire, in the event of a violent incident and that include consistent, plain language and  
23 terminology that is recommended by the model plan pursuant to general laws section 16-21-23.1;

24 (9) Policies and procedures for notification and activation of the school crisis response  
25 team that include consistent, plain language and terminology that is recommended by the model  
26 plan pursuant to general laws section 16-21-23.1;

27 (10) Policies and procedures for contacting parents, guardians, or persons in parental  
28 relation to the students of the city, town, or region in the event of a violent incident;

29 (11) Policies and procedures for the dissemination of informative materials regarding the  
30 early detection of potentially violent behaviors, including, but not limited to, the identification of  
31 family, community, and environmental factors, to teachers, administrators, school personnel,  
32 persons in parental relation to students of the city, town, or region students and other persons  
33 deemed appropriate to receive that information;

34 (12) Strategies for improving communication, including use of common, consistent plain

language by school district officials, school officials and emergency responders, among students and between students and staff and reporting of potentially violent incidents, such as the establishment of youth-run programs, peer mediation, conflict resolution, creating a forum or designating a mentor for students concerned with bullying or violence, and establishing anonymous reporting mechanisms for school violence;

(13) A description of the duties of hall monitors and any other school safety personnel, including the school crisis response team, and the training requirements of all personnel acting in a school security capacity and policies and procedures for students, personnel who are in the hallway during a lockdown situation that include consistent language and terminology that is recommended by the department of elementary and secondary education;

(14) Policies and procedures for providing notice of threats of violence or harm to the student or school employee who is the subject of the threat. The policy shall define "threats of violence or harm" to include violent actions and threats of violent actions either individually or by groups, but shall not include conduct or comments that a reasonable person would not seriously consider to be a legitimate threat;

(15) Policies and procedures for disclosing information that is provided to the school administrators about a student's conduct, including, but not limited to, the student's prior disciplinary records, and history of violence, to classroom teachers, school staff, and school security, if they have been determined by the principal to have a legitimate need for the information in order to fulfill their professional responsibilities and for protecting such information from any further disclosure; and

(16) Procedures for determining whether or not any threats or conduct established in the policy may be grounds for discipline of the student. School districts, school committees, school officials, and school employees providing notice in good faith as required and consistent with the committee's policies adopted under this section are immune from any liability arising out of such notification.

(b) School safety plans, as required by this chapter, shall further include school emergency response plans specific to each school building contained within each city, town, or regional school district, and shall be developed and approved in consultation with local police and fire. The state police shall provide consultation for those school districts that for whatever reason may not have access to local police. School emergency response plans shall include, and address, but not be limited to, the following elements:

(1) Policies and procedures for the safe evacuation of students, teachers, and other school personnel as well as visitors to the school in the event of a serious violent incident or other

1 emergency, which shall include evacuation routes and shelter sites and procedures for addressing  
2 medical needs, transportation, and emergency notification to persons in parental relation to a  
3 student. For purposes of this subdivision, "serious violent incident" means an incident of violent  
4 criminal conduct that is, or appears to be, life threatening and warrants the evacuation of students  
5 and/or staff;

6 (2) Designation of an emergency response team comprised of school personnel, local law  
7 enforcement officials, and representatives from local regional and/or state emergency response  
8 agencies, other appropriate incident response teams including a school crisis response team, and a  
9 post-incident response team that includes appropriate school personnel, medical personnel,  
10 mental health counselors, and others who can assist the school community in coping with the  
11 aftermath of a violent incident;

12 (3) Procedures for assuring that crisis response and law enforcement officials have access  
13 to floor plans, blueprints, schematics, or other maps of the school interior and school grounds,  
14 and road maps of the immediate surrounding area;

15 (4) Establishment of internal and external communication systems in emergencies; that  
16 include consistent, plain language and terminology that is recommended by the model plan  
17 established pursuant to general laws section 16-21-23.1;

18 (5) Definition and formalization of the chain of command in a manner consistent with  
19 the national interagency incident management system/incident command system;

20 (6) Procedures for review and the conduct of drills and other exercises to test components  
21 of the emergency response plan; ~~and,~~ including use of checklists as described in section 16-21-  
22 23.1;

23 (7) Policies and procedures created in conjunction with local or state police for securing  
24 and restricting access to the crime scene in order to preserve evidence in cases of violent crimes  
25 on school property; and

26 (8) Policies and procedures for ensuring timely access to mental health services for those  
27 students and school employees affected by a violent incident.

28 ~~**16-21-25. Review of school safety plans -- Waiver. --**~~ **Review of school safety plans -**  
29 **exemption from open meetings and public records requirements. --**

30 (a) Each city, town, or regional department school safety plan and school emergency  
31 response plans shall be reviewed on an annual basis by the school committee and updated ~~as~~  
32 ~~appropriate~~ annually. These reviews and updates shall be completed by November 1 of any given  
33 year, and by December 31 of that year, the commissioner of elementary and secondary education  
34 shall report to the speaker of the house, the president of the senate, and the governor that such

1 [reviews or updates have been completed.](#)

2 (b) ~~The commissioner of elementary and secondary education and school committee~~  
3 ~~shall make each city, town, or regional department school safety plan and school emergency~~  
4 ~~response plan available for public comment at least thirty (30) days prior to its adoption. All~~  
5 meetings of school safety teams shall ~~comply with~~ [not be subject to and be exempt from](#) the open  
6 meetings law pursuant to chapter 46 of title 42-, [and documents produced by the school safety](#)  
7 [teams shall not be subject to the access to public records laws as set forth in chapter 2 of title 38.](#)

8 (c) ~~The commissioner of elementary and secondary education may grant a waiver of the~~  
9 ~~requirements of §§ 16-21-23 and 16-21-24 to any city, town, or regional school department for~~  
10 ~~period of up to two (2) years upon a finding by the commissioner that the town, city, or regional~~  
11 ~~district had adopted a comprehensive school safety plan or school emergency response plans~~  
12 ~~which are in substantial compliance with the requirements of §§ 16-21-23 and 16-21-24.~~  
13 ~~Provided, however, no waiver shall extend beyond June 30, 2003.~~

14 SECTION 2. Chapter 16-21 of the General Laws entitled "Health and Safety of Pupils"  
15 is hereby amended by adding thereto the following section:

16 **16-21-23.1. Model school safety plans and checklists-Development and**  
17 **dissemination. --** [\(a\) It shall be the duty of the department of elementary and secondary](#)  
18 [education to collaborate with the Rhode Island emergency management agency, state police, state](#)  
19 [fire marshal, the department of behavioral health, developmental disabilities, and hospitals, and](#)  
20 [other safety officials to develop a model school safety plan to be consulted by school safety teams](#)  
21 [in accordance with section 16-21-23. This model plan shall be based on best practices in school](#)  
22 [safety planning and the department of elementary and secondary education shall communicate the](#)  
23 [plan electronically to all school committees and school safety teams in the state.](#)

24 [\(b\) It shall be the duty of the department of elementary and secondary education to](#)  
25 [develop and disseminate school safety check lists that school districts can use on a regular basis](#)  
26 [and at least annually to assess the strengths and weaknesses of school safety in accordance with](#)  
27 [section 16-21-24. The check lists shall incorporate best practices in school safety planning and](#)  
28 [the department of elementary and secondary education shall communicate the plan electronically](#)  
29 [to all school committees and school safety teams in the state.](#)

30 SECTION 3. 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 - HEALTH AND SAFETY OF PUPILS

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1           This act would direct school districts to conduct a school safety assessment in  
2   conjunction with local municipal police and fire departments. The act would also direct the  
3   department of elementary and secondary education to develop a model school safety plan. The act  
4   would also amend and expand the requirements as to what must be in each school district's school  
5   safety plan.

6           This act would take effect upon passage.

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