

2022 -- H 8167

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS

Introduced By: Representative P Morgan

Date Introduced: April 27, 2022

Referred To: House Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-2-17 and 16-2-17.1 of the General Laws in Chapter 16-2 entitled
2 "School Committees and Superintendents [See Title 16 Chapter 97 - The Rhode Island Board of
3 Education Act]" are 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. A disruptive student is a person
8 who is subject to compulsory school attendance, who exhibits persistent conduct which
9 substantially impedes the ability of other students to learn, or otherwise substantially interferes with
10 the rights stated above, and who has failed to respond to corrective and rehabilitative measures
11 presented by staff, teachers, or 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 section
16 shall relieve the school committee or school principals from following all procedures required by
17 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 committee,
19 or a school principal as designee, to the commissioner of elementary and secondary education who,

1 after notice to the parties interested of the time and place of hearing, shall examine and decide the
2 appeal without cost to the parties involved. Any decision of the commissioner in these matters shall
3 be subject to appeal by the student to the board of regents for elementary and secondary education
4 and any decision of the board of regents may be appealed by the student to the family court for the
5 county in which the school is located as provided in § 42-35-15.

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

15 (e) Except as provided in § 16-2-17.1, suspensions issued shall not be served out of school.
16 Every public school system, in cooperation and coordination with the department of education,
17 shall establish a program designed to provide suspended students with a specialized education-
18 learning unit for the duration of a suspension that is appropriate to their achievement levels, abilities
19 and/or learning needs. A student who is suspended shall be assigned to a school virtual learning
20 program. The virtual learning environment may include videos, computer programming or virtual
21 teaching. The student shall remain on suspension until such time as they have completed the
22 program to the satisfaction of the school administration.

23 **16-2-17.1. In school suspensions.**

24 Suspensions issued shall not be served out of school unless the student's conduct ~~meets the~~
25 ~~standards set forth in § 16-2-17(a) or the student~~ represents a demonstrable threat to students,
26 teachers, or administrators.

27 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 require that a school suspension of a disruptive student be served within the
2 school in a specialized education-learning unit. The student would be assigned to a learning
3 program which may include live instruction and virtual learning by videos, computer programming
4 or virtual teaching.

5 This act would take effect upon passage.

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