

2022 -- S 2289

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LC004400
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS (SEE
TITLE 16 CHAPTER 97 -- THE RHODE ISLAND BOARD OF EDUCATION ACT)

Introduced By: Senators Quezada, Euer, Cano, Murray, and Burke

Date Introduced: February 15, 2022

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 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. 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 including restorative justice practices, 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)~~ issue an out-of-school
16 suspension to a student in grade six (6) and above only if he or she is found to be a disruptive
17 student as defined in subsection (a) of this section; or a threat to the physical safety or health of
18 students, teachers, or administrators; or found guilty of violating school regulations involving

1 alcohol, illegal drugs or controlled substances, or weapons. Nothing in this section shall relieve the
2 school committee or school principals from following all procedures required by state and federal
3 law regarding discipline of students with disabilities.

4 (c) The school committee, or a school principal as designated by the school committee,
5 may issue an out-of-school suspension to a student enrolled in grades preschool through grade five
6 (5) only if the school administration, in consultation with a school psychologist or other mental
7 health professional, determines that such student's behavior presents a threat to the physical safety
8 or health of others which cannot be reduced or eliminated through interventions and supports. In
9 all such instances, a school shall use appropriate behavioral supports including, but not limited to,
10 restorative justice practices, to address a student's conduct.

11 (d) An out-of-school suspension for violating school regulations involving alcohol, illegal
12 drugs or controlled substances, or weapons shall only be imposed on a case-by-case basis in
13 accordance with § 16-21-21.1.

14 ~~(e)~~(e) A student suspended under this section may appeal the action of the school
15 committee, or a school principal as designee, to the commissioner of elementary and secondary
16 education who, after notice to the parties interested of the time and place of hearing, shall examine
17 and decide the appeal without cost to the parties involved. Any decision of the commissioner in
18 these matters shall be subject to appeal by the student to the board of regents for elementary and
19 secondary education and any decision of the board of regents may be appealed by the student to
20 the family court for the county in which the school is located as provided in § 42-35-15.

21 ~~(f)~~(f) All school superintendents, or their designees, shall review annually, the discipline
22 data for their school district, collected in accordance with the specifications set forth in § 16-60-
23 4(21), to determine whether the discipline imposed has a disproportionate impact on students based
24 on race, ethnicity, or disability status and to appropriately respond to any such disparity. In addition
25 to the data submitted, ~~if a disparity exists, the~~ every school district shall, after consultation with
26 representatives of the faculty, submit ~~a~~ an annual report to the council on elementary and secondary
27 education describing ~~the conduct of the student, the frequency of the conduct, prior disciplinary~~
28 ~~actions for the conduct, any other relevant information and corrective actions to address the~~
29 ~~disparity, after consultation with representatives of the faculty has been taken to address the~~
30 ~~disparity~~ what action, if any, has been taken to address any such disparity. If a review of the data
31 determines that there are no such disparities, the district shall submit an annual report to that effect.
32 The reports shall be deemed to be public records for purposes of title 38.

1 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 -- SCHOOL COMMITTEES AND SUPERINTENDENTS (SEE
TITLE 16 CHAPTER 97 -- THE RHODE ISLAND BOARD OF EDUCATION ACT)

1 This act would expand and fine tune the law on the right to a safe school. It would authorize
2 the school administration to issue an out-of-school suspension to students in grade six (6) and above
3 not only if they are disruptive, but also if they are a threat to the safety of students, teachers, or
4 administrators; or found guilty of violating school regulations involving alcohol, illegal drugs or
5 controlled substances, or weapons. The act would also provide that where students are in preschool
6 through grade five (5), the school administration may issue an out-of-school suspension but only
7 after a consultation with a school psychologist or other mental health professional.

8 This act would take effect upon passage.

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