

2019 -- H 6110

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LC002623  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS

Introduced By: Representatives Lima, Costantino, Ruggiero, Mendez, and Alzate

Date Introduced: May 15, 2019

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 16-21-34 of the General Laws in Chapter 16-21 entitled "Health  
2 and Safety of Pupils" is hereby amended to read as follows:

3           **16-21-34. Statewide bullying policy implemented.**

4           (a) The Rhode Island department of education shall prescribe by regulation a statewide  
5 bullying policy, ensuring a consistent and unified, statewide approach to the prohibition of  
6 bullying at school. The statewide policy shall apply to all schools that are approved for the  
7 purpose of § 16-9-1 and shall contain the following:

8           (1) Descriptions of and statements prohibiting bullying, cyber-bullying and retaliation of  
9 school;

10          (2) Clear requirements and procedures for students, staff, parents, guardians and others to  
11 report bullying or retaliation;

12          (3) A provision that reports of bullying or retaliation may be made anonymously;  
13 provided, however, that no disciplinary action shall be taken against a student solely on the basis  
14 of an anonymous report;

15          (4) Clear procedures for promptly responding to and investigating reports of bullying or  
16 retaliation;

17          (5) The range of disciplinary actions that may be taken against a perpetrator for bullying  
18 or retaliation; provided, however, that the disciplinary actions shall balance the need for  
19 accountability with the need to teach appropriate behavior; and provided, further:

- 1 (i) A parental engagement strategy; and
- 2 (ii) A provision that states punishments for violations of the bullying policy shall be  
3 determined by the school's appropriate authority; however, no student shall be suspended from  
4 school unless it is deemed a necessary consequence of the violations;
- 5 (6) Clear procedures for restoring a sense of safety for a victim and assessing that victim's  
6 needs for protection;
- 7 (7) Strategies for protecting from bullying or retaliation a person who reports bullying,  
8 provides information during an investigation of bullying or witnesses or has reliable information  
9 about an act of bullying;
- 10 (8) Procedures for promptly notifying the parents or guardians of a victim and a  
11 perpetrator; provided, further, that the parents or guardians of a victim shall also be notified of the  
12 action taken to prevent any further acts of bullying or retaliation; and provided, further, that the  
13 procedures shall provide for immediate notification of the local law enforcement agency when  
14 criminal charges may be pursued against the perpetrator;
- 15 (9) A provision that a student who knowingly makes a false accusation of bullying or  
16 retaliation shall be subject to disciplinary action;
- 17 (10) A strategy for providing counseling or referral to appropriate services currently  
18 being offered by schools or communities for perpetrators and victims and for appropriate family  
19 members of said students. The plan shall afford all students the same protection regardless of  
20 their status under the law;
- 21 (11) A provision that requires a principal or designee to be responsible for the  
22 implementation and oversight of the bullying policy;
- 23 (12) Provisions for informing parents and guardians about the bullying policy of the  
24 school district or school shall include, but not be limited to:
- 25 (i) A link to the policy prominently posted on the home page of the school district's  
26 website and distributed annually to parents and guardians of students;
- 27 (ii) A provision for notification, within twenty-four (24) hours, of the incident report, to  
28 the parents or guardians of the victim of bullying and parents or guardians of the alleged  
29 perpetrator of the bullying;
- 30 (13) A school employee, school volunteer, student, parent, legal guardian, or relative  
31 caregiver who promptly reports, in good faith, an act of bullying to the appropriate school official  
32 designated in the school's policy is immune from a cause of action for damages arising from  
33 reporting bullying;
- 34 (14) This section does not prevent a victim from seeking redress under any other

1 available law, either civil or criminal. This section does not create or alter any tort liability;

2 (15) Students shall be prohibited from accessing social networking sites at school, except  
3 for educational or instructional purposes and with the prior approval from school administration.  
4 Nothing in this act shall prohibit students from using school department or school websites for  
5 educational purposes. School districts and schools are encouraged to provide in-service training  
6 on Internet safety for students, faculty and staff; and

7 (16) All school districts, charter schools, career and technical schools, approved private  
8 day or residential schools and collaborative schools shall be subject to the requirements of this  
9 section. School districts and schools must adopt the statewide bullying policy promulgated  
10 pursuant to this section by June 30, 2012.

11 (b)(1) Any school district failing to comply with the provisions of subsection (a)(12)(i) of  
12 this section on or before October 1, 2019, or who is not in compliance at any time thereafter, shall  
13 be subject to an administrative penalty ("administrative penalty") in the form of a reduction in the  
14 district's state share of the foundation education aid calculated pursuant to chapter 7.2 of title 16,  
15 as follows:

16 (i) Failure to be in compliance by November 1, 2019, shall result in an administrative  
17 penalty of five hundred dollars (\$500);

18 (ii) Failure to be in compliance by December 1, 2019, shall result in an administrative  
19 penalty of one thousand dollars (\$1,000); and

20 (iii) Failure to be in compliance by January 1, 2020, or at any time thereafter, shall result  
21 in an administrative penalty of one thousand five hundred dollars (\$1,500).

22 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 -- HEALTH AND SAFETY OF PUPILS

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1           This act would amend the statewide bullying policy by authorizing the imposition of  
2 administrative penalties against a school district that fails to link the school district's bullying  
3 policy on the homepage of the school district's website.

4           This act would take effect upon passage.

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