

1 dollars (\$1,000), or both. A second or subsequent violation of this section shall be a felony and,
2 upon conviction, subject to imprisonment of not more than three (3) years, a fine of not more than
3 three thousand dollars (\$3,000), or both.

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

6 **16-21-34. Statewide bullying policy implemented.**

7 (a) The Rhode Island department of education shall prescribe by regulation a statewide
8 bullying policy, ensuring a consistent and unified, statewide approach to the prohibition of bullying
9 at school. The statewide policy shall apply to all schools that are approved for the purpose of § 16-
10 9-1 and shall contain the following:

11 (1) Descriptions of and statements prohibiting bullying, cyber-bullying and retaliation of
12 school;

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

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

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

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

23 (i) A parental engagement strategy; and

24 (ii) A provision that states punishments for violations of the bullying policy shall be
25 determined by the school's appropriate authority; however, no student shall be suspended from
26 school unless it is deemed a necessary consequence of the violations;

27 (6) Clear procedures for restoring a sense of safety for a victim and assessing that victim's
28 needs for protection;

29 (7) Strategies for protecting from bullying or retaliation a person who reports bullying,
30 provides information during an investigation of bullying or witnesses or has reliable information
31 about an act of bullying;

32 (8) Procedures for promptly notifying the parents or guardians of a victim and a perpetrator;
33 provided, further, that the parents or guardians of a victim shall also be notified of the action taken
34 to prevent any further acts of bullying or retaliation; and provided, further, that the procedures shall

1 provide for immediate notification of the local law enforcement agency when criminal charges may
2 be pursued against the perpetrator [or where a potential violation under § 11-70-1 has occurred](#);

3 (9) A provision that a student who knowingly makes a false accusation of bullying or
4 retaliation shall be subject to disciplinary action;

5 (10) A strategy for providing counseling or referral to appropriate services currently being
6 offered by schools or communities for perpetrators and victims and for appropriate family members
7 of said students. The plan shall afford all students the same protection regardless of their status
8 under the law;

9 (11) A provision that requires a principal or designee to be responsible for the
10 implementation and oversight of the bullying policy;

11 (12) Provisions for informing parents and guardians about the bullying policy of the school
12 district or school shall include, but not be limited to:

13 (i) A link to the policy prominently posted on the home page of the school district's website
14 and distributed annually to parents and guardians of students;

15 (ii) A provision for notification, within twenty-four (24) hours, of the incident report, to
16 the parents or guardians of the victim of bullying and parents or guardians of the alleged perpetrator
17 of the bullying;

18 (13) A school employee, school volunteer, student, parent, legal guardian, or relative
19 caregiver who promptly reports, in good faith, an act of bullying to the appropriate school official
20 designated in the school's policy is immune from a cause of action for damages arising from
21 reporting bullying;

22 (14) This section does not prevent a victim from seeking redress under any other available
23 law, either civil or criminal. This section does not create or alter any tort liability;

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

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

1 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 CRIMINAL OFFENSES -- CRIMINAL HARASSMENT

- 1 This act would create the offense of criminal harassment to prosecute persons who willfully
- 2 and maliciously engage in a pattern of conduct which seriously alarms another person.
- 3 This act would take effect upon passage.

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