

**2021 -- H 5827 SUBSTITUTE A**

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LC001836/SUB A  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2021**

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A N A C T

RELATING TO EDUCATION -- SCHOOL COMMITTEE AND SUPERINTENDENTS

Introduced By: Representatives McNamara, and Diaz

Date Introduced: February 24, 2021

Referred To: House 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 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) The Rhode Island department of education, in coordination with the Rhode Island office  
16 of the attorney general, shall, for each school district, annually collect, report, and publish on its  
17 website, data on: the number of school resource officers; the use of force against students; arrests  
18 of students and reasons for arrest; student referrals to law enforcement and reasons for referral;  
19 student referrals to court or court service units; and other disciplinary actions by school resource  
20 officers involving students. All such data shall be published in a manner that protects the identities  
21 of students and shall be collected and designated by student age, grade, race, ethnicity, gender,  
22 language status, and disability, to the extent that such demographic data is available.

23 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 the department of education in coordination with the attorney  
2 general to collect and publish data concerning school resource officers in each district, including  
3 use of force against students, arrests, and referrals to law enforcement or courts.

4           This act would take effect upon passage.

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