

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS

Introduced By: Senators Quezada, Cano, Euer, DiMario, Acosta, Miller, Pearson,
Valverde, Kallman, and Bell

Date Introduced: February 16, 2023

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 in grades six (6) and above found guilty of this conduct, or of violation of
14 those school regulations which relate to the rights set forth in subsection (a), or where a student
15 represents a threat to those rights of students, teachers, or administrators, as described in subsection
16 (a). Nothing in this section shall relieve the school committee or school principals from following
17 all procedures required by state and federal law regarding discipline of students with disabilities.

18 (c) The school committee, or a school principal as designated by the school committee,
19 may issue an out-of-school suspension on a student enrolled in grades preschool through fifth grade

1 only if the school administration, in consultation with a school psychologist or other mental health
2 professional, determines that such student's behavior presents a threat to the physical safety or
3 health of others which cannot be reduced or eliminated through interventions and supports. In all
4 such instances, a school shall use appropriate behavioral supports, including, but not limited to,
5 restorative justice practices, to address a student's conduct.

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

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

16 ~~(f)~~ All school superintendents, or their designees, shall review annually, the discipline
17 data for their school district, collected in accordance with the specifications set forth in § 16-60-
18 4(a)(21), to determine whether the discipline imposed has a disproportionate impact on students
19 based on race, ethnicity, or disability status and to appropriately respond to any such disparity. In
20 addition to the data submitted, ~~if a disparity exists, the~~ every school district shall, after consultation
21 with representatives of the faculty, submit ~~a~~ an annual report to the council on elementary and
22 secondary education describing ~~the conduct of the student, the frequency of the conduct, prior~~
23 ~~disciplinary actions for the conduct, any other relevant information and corrective actions~~ what
24 action, if any, has been or is being taken to address ~~the any such~~ disparity, ~~after consultation with~~
25 ~~representatives of the faculty has been taken to address the disparity.~~ If a review of the data
26 determines that there are no such disparities, the district shall submit an annual report to that effect.
27 The reports shall be deemed to be public records for purposes of title 38.

28 ~~(e)~~ (g) On or before September 1, 2023, and annually by September 1 thereafter, the Rhode
29 Island department of education, in coordination with the Rhode Island office of the attorney
30 general, shall, for each school district, annually collect, report, and publish on its website, data on:
31 the number of school resource officers; the use of force against students, including, but not limited
32 to, the number of instances force was used and the type of the force used; arrests of students and
33 reasons for arrest; student referrals to law enforcement and reasons for referral; student referrals to
34 court or court service units; and the number and type of any other disciplinary actions taken or

1 recommended by school resource officers involving students. All data shall be published in a
2 manner that protects the identities of students and shall be collected and designated by student age,
3 grade, race, ethnicity, gender, language status, and disability, to the extent that the demographic
4 data is available.

5 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS

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) or 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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