

2020 -- H 7071

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS

Introduced By: Representatives Ruggiero, Amore, O'Brien, Serpa, and McNamara

Date Introduced: January 10, 2020

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

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

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

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

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

18 (5) The range of disciplinary actions that may be taken against a perpetrator for bullying  
19 or retaliation; provided, however, that the disciplinary actions shall balance the need for

1 accountability with the need to teach appropriate behavior; and provided, further:

2 (i) A parental engagement strategy; and

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

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

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

11 (8) Procedures for promptly notifying the parents or guardians of a victim and a  
12 perpetrator; provided, further, that the parents or guardians of a victim shall also be notified of the  
13 action taken to prevent any further acts of bullying or retaliation; and provided, further, that the  
14 procedures shall provide for immediate notification of the local law enforcement agency when  
15 criminal charges may be pursued against the perpetrator;

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

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

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

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

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

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

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

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

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

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

12 (b)(1) Commencing no later than July 1, 2020, the department shall undertake a  
13 comprehensive review of the statewide bullying policy (the "policy") established pursuant to this  
14 section, and shall revise the policy as needed.

15 (2) The department shall seek to obtain information and data from a variety of sources  
16 but shall make a point of emphasis of obtaining information and data from teachers and students  
17 within schools that the policy applies to.

18 (3) Points of emphasis and considerations for the review and revision process authorized  
19 by subsection (b) of this section shall include, but not be limited to, the following:

20 (i) Changes in form, nature, and effect of bullying which have occurred since the  
21 establishment of the original policy, including, but not limited to, bullying which utilizes  
22 electronic means and social media, often referred to as "cyberbullying," and which frequently  
23 takes place outside of traditional school hours and functions;

24 (ii) Recognizing the reluctance of many students to report bullying to an adult, and the  
25 repercussions to students who report such bullying;

26 (iii) The inclusion of updated best practices to the policy in addressing bullying in  
27 schools, which may involve an increased use of restorative justice and student or peer disciplinary  
28 or mediation boards;

29 (iv) That with the increased use of electronic media and social media in our society, the  
30 concept of what constitutes bullying "in schools" may need to be revised;

31 (v) To achieve uniformity among all school districts in reporting data on bullying; and

32 (vi) To instill more uniformity in the handling of and response to matters of bullying in  
33 the schools, which shall include, but not be limited to, the development and implementation of  
34 mandatory uniform forms for use in the schools.

1           (4) Effective July 1, 2020:

2           (i) All school districts shall have an electronic link to the district's school bullying policy  
3 or the policy itself, on the district's website. If there are bullying policies specific to a particular  
4 school or schools in a district, there shall also be links to those policies or the policies themselves  
5 posted on the district-wide and applicable school's individual website(s); and

6           (ii) All school principals shall prepare, on a biannual basis, a written summary report of  
7 bullying incidents at the school and responses to those incidents. These summary reports shall  
8 include the total number of bullying incidents in the district's schools which took place during the  
9 reporting period, aggregated by each school; provided, no information shall be included which  
10 names or identifies any student involved in a bullying incident. The summary reports shall be  
11 provided to the school's local governing school board or committee and superintendent, and shall  
12 be placed on the applicable school and district websites, on or before July 1 and December 30 of  
13 each calendar year.

14           (5) The district shall ensure that appropriate information on bullying is available on the  
15 district's website. As used herein, "appropriate information" includes, but is not limited to, data  
16 on incidents and frequency of bullying, the district's policy on bullying, and the forms used by the  
17 district pertaining to bullying.

18           (6) If necessary, the department may promulgate the revisions to the statewide bullying  
19 policy on or before July 1, 2022.

20           (c) In administering this section, the right of students, teachers, administrators, and all  
21 other persons to attend, matriculate, work, and otherwise be in a safe school, shall remain  
22 paramount.

23           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 direct the department of elementary and secondary education to conduct a  
2 comprehensive review of the statewide bullying policy. The act would also authorize the  
3 department to promulgate revisions to the statewide bullying policy on or before July 1, 2022, if  
4 necessary. The act would also direct schools and districts to provide more information on school  
5 websites regarding bullying. The act would also direct all school principals to prepare, on a  
6 biannual basis, a written summary report of bullying incidents at their school and responses to  
7 those incidents.

8           This act would take effect upon passage.

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