

2010 -- H 8170

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

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A N A C T

RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS

Introduced By: Representatives D Caprio, Palumbo, McNamara, M Rice, and Gemma

Date Introduced: May 25, 2010

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 16-21-26 and 16-21-30 of the General Laws in Chapter 16-21  
2 entitled "Health and Safety of Pupils" are hereby amended to read as follows:

3 **16-21-26. Student discipline codes.** -- (a) As used in this section:

4 (1) "At school" means in a classroom, elsewhere on or immediately adjacent to school  
5 premises, on a school bus or other school-related vehicle, at an official school bus stop, or at any  
6 school-sponsored activity or event whether or not it is held on school premises.

7 (2) "Harassment, intimidation or bullying" means an intentional written, electronic,  
8 verbal or physical act or threat of a physical act that, under the totality of circumstances:

9 (i) A reasonable person should know will have the effect of: physically harming a  
10 student, damaging a student's property, placing a student in reasonable fear of harm to his or her  
11 or her person, or placing a student in reasonable fear of damage to his or her or her property; or

12 (ii) Is sufficiently severe, persistent or pervasive that it creates an intimidating,  
13 threatening or abusive educational environment for a student.

14 (3) "Electronic" communications shall include any verbal, textual or graphic  
15 communication of any kind effected, created or transmitted by the use of any electronic device,  
16 including, but not limited to, a computer, telephone, cellular telephone, text-messaging device  
17 and/or personal data assistance device.

18 (b) The board of a school district of a public school shall adopt a policy prohibiting  
19 harassment, intimidation, or bullying at school pursuant to the provisions of this chapter and of

1 [chapter 16-21.6](#). The policy shall specifically prohibit harassment, intimidation and bullying by  
2 students at school and address prevention of an education about such behavior. The policy shall  
3 be adopted through a process that includes representation of parents or guardians, school  
4 employees, volunteers, pupils, school administrators and community representatives.

5 (c) Each school district shall adopt the policy under this section and transmit a copy of  
6 its policy to the commissioner of elementary and secondary education and director of the  
7 department of education by September 1, 2004.

8 (d) To assist school districts and public schools in developing policies for the prevention  
9 of harassment, intimidation or bullying, the department of education shall develop a model policy  
10 applicable to grades K-12. This model policy shall be issued no later than December 1, 2003.  
11 [Provided, the model policy shall be amended to include the amended requirements of this chapter,](#)  
12 [chapter 16-21.6, and chapter 16-22.](#)

13 (e) A school district shall ensure that notice of the school district's or public school's  
14 policy under this section is included in any publication of the school district or public school  
15 policy that sets forth the comprehensive rules, procedures and standards of conduct for its schools  
16 and in its pupil handbook. [The pupil handbook shall include an age-appropriate summary of the](#)  
17 [student-related sections of the prohibition against harassment, intimidation and/or bullying in](#)  
18 [school provided for in subsection \(b\) herein.](#)

19 (f) A school employee, pupil or volunteer shall not, nor shall those individuals solicit  
20 others with the intent to engage in reprisal, retaliation or false accusation against a victim, witness  
21 or one with reliable information about an act of harassment, intimidation or bullying.

22 (g) A school employee, pupil or volunteer who has witnessed or has reliable information  
23 that a pupil has been subjected to harassment, intimidation or bullying, whether written, verbal or  
24 physical, is encouraged to report the incident to the appropriate school official designated by the  
25 school district's or public school's policy.

26 (h) A school employee who promptly reports an incident of harassment, intimidation or  
27 bullying to the appropriate school official designated by the school district's or public school's  
28 policy, and who makes this report in compliance with the procedures in the policy prohibiting  
29 harassment, intimidation or bullying is not liable for damages arising from any failure to remedy  
30 the reported incident.

31 (i) Public schools and school districts are encouraged to form bullying prevention task  
32 forces, programs and other initiatives involving school staff, pupils, administrators, volunteers,  
33 parents, law enforcement and community members.

34 (j) Each school district or public school shall do all of the following:

1 (1) Provide training on the school district's or public school academy's harassment,  
2 intimidation or bullying policies to school employees and volunteers who have significant contact  
3 with pupils. The training may include promotion of conflict resolution and mediation techniques  
4 for resolving conflicts between and among pupils without violence.

5 (2) Develop a process for discussing the harassment, intimidation or bullying policy with  
6 pupils. The process may include teaching pupils techniques for preventing and resolving conflicts  
7 without violence, including dating violence and interpersonal violence.

8 (k) A school district or public school academy shall incorporate information regarding  
9 the school district or public or private school academy's policy against harassment, intimidation  
10 or bullying into each school's employee training program.

11 (l) This section does not prevent a victim from seeking redress under any other available  
12 law, either civil or criminal. This section does not create or alter any tort liability.

13 **16-21-30. Dating violence policy.** -- (a) As used in this section:

14 (1) "Dating violence" means a pattern of behavior where one person uses threats of, or  
15 actually uses, physical, sexual, verbal or emotional abuse to control his or her or her dating  
16 partner.

17 (2) "Dating partner" means any person, regardless of gender, involved in an intimate  
18 relationship with another primarily characterized by the expectation of affectionate involvement  
19 whether casual, serious or long-term.

20 (3) "At school" means in a classroom, on or immediately adjacent to school premises, on  
21 a school bus or other school-related vehicle, at an official school bus stop, or at any school-  
22 sponsored activity or event whether or not it is on school grounds.

23 (b) The department of education shall develop a model dating violence policy to assist  
24 school districts in developing policies for dating violence reporting and response. The model  
25 policy shall be issued on or before April 1, 2008.

26 (c) Each school district shall establish a specific policy to address incidents of dating  
27 violence involving students at school by December 1, 2008. Each school district shall verify  
28 compliance with the department of education on an annual basis through the annual school health  
29 report.

30 (1) Such policy shall include, but not be limited to, a statement that dating violence will  
31 not be tolerated, dating violence reporting procedures, guidelines to responding to at school  
32 incidents of dating violence and discipline procedures specific to such incidents. [Such policies  
33 shall be amended to include and incorporate the skills and proficiencies to avoid and respond to  
34 bullying, harassment or teasing by December 1, 2010.](#)

1 (2) To ensure notice of the school district's dating violence policy, the policy shall be  
2 published in any school district policy and handbook that sets forth the comprehensive rules,  
3 procedures and standards of conduct for students at school.

4 (d) Each school district shall provide dating violence training to all administrators,  
5 teachers, nurses and mental health staff at the middle and high school levels. Upon the  
6 recommendation of the administrator, other staff may be included or may attend the training on a  
7 volunteer basis. The dating violence training shall include, but not be limited to, basic principles  
8 of dating violence, warnings signs of dating violence and the school district's dating violence  
9 policy, to ensure that they are able to appropriately respond to incidents of dating violence at  
10 school. Thereafter, this training shall be provided yearly to all newly hired staff deemed  
11 appropriate to receive the training by the school's administration.

12 (e) Each school district shall inform the students' parents or legal guardians of the school  
13 district's dating violence policy. If requested, the school district shall provide the parents or legal  
14 guardians with the school district's dating violence policy and relevant information. It is strongly  
15 recommended that the school district provide parent awareness training.

16 (f) This section does not prevent a victim from seeking redress under any other available  
17 law, either civil or criminal. This section does not create or alter any tort liability.

18 SECTION 2. Title 16 of the General Laws entitled "EDUCATION" is hereby amended  
19 by adding thereto the following chapter:

20 CHAPTER 21.6

21 BULLYING PREVENTION

22 **16-21.6-1. Definitions.** – (a) As used in this chapter, the following words shall have the  
23 following meanings unless the context clearly requires otherwise:

24 (1) "Bullying" means the severe or repeated use by one or more students of a written,  
25 verbal, or electronic expression, or a physical act or gesture, or any combination thereof, directed  
26 at another student that has the effect of:

27 (i) Causing physical or emotional harm to the other student or damage to the other  
28 student's property;

29 (ii) Placing the other student in reasonable fear of harm to himself or herself or of damage  
30 to his or her property;

31 (iii) Creating a hostile environment at school for the other student

32 (iv) Infringing on the rights of the other student at school; or

33 (v) Materially and substantially disrupting the education process or the orderly operation  
34 of a school.

1 (b) “Cyber-bullying” means bullying through the use of technology or any electronic  
2 means. The use of bullying in this section shall include cyber-bullying.

3 (c) “Perpetrator” means the student who engages in bullying or retaliation.

4 (d) “School grounds” means property on which a school building or facility is located; or  
5 property that is owned, leased or used by a school district, state charter school or non-public  
6 school for any school-sponsored activities, functions, programs, instruction or training.

7 (e) “Victim” means the student who has been bullied or retaliated against.

8 **16-21.6-2. Bullying prevention. --** (a) Bullying is prohibited on school grounds, property  
9 immediately adjacent to school grounds, at school-sponsored or school-related activities,  
10 functions or programs whether on or off school grounds, at school bus stops, on school buses or  
11 other vehicles owned, leased or used by a district or school, or through the use of technology or  
12 an electronic device owned, leased or used by a school district, state charter school, or non-public  
13 school.

14 (b) Bullying is also prohibited at a location, activity, function or program that is not  
15 school-related or through the use of technology or an electronic device that is not owned, leased  
16 or used by a district or school if the act or acts in question create a hostile environment at school  
17 for the victim, infringe on the rights of the victim at school, or materially and substantially disrupt  
18 the education process or the orderly operation of a school.

19 (c) Retaliation against a person who reports bullying, who provides information during an  
20 investigation of bullying, or who is a witness to, or has reliable information about bullying is  
21 prohibited.

22 (d) Each school district, state charter school, and non-public school shall provide age-  
23 appropriate instruction on bullying prevention in each grade that is incorporated into the  
24 curriculum of the district or school. Said curriculum shall be evidence-based.

25 (e) Each school district, state charter school, and non-public school shall develop and  
26 update a bullying prevention and intervention plan in consultation with teachers, school staff,  
27 professional support personnel, school volunteers, administrators, community representatives,  
28 local law enforcement agencies, students, parents and guardians. Said consultation shall at a  
29 minimum include a public comment period. The bullying prevention and intervention plan shall  
30 be updated at least biennially.

31 (f) Each bullying prevention and intervention plan at a minimum shall:

32 (1) Include descriptions of and statements prohibiting bullying, cyber-bullying and  
33 retaliation;

34 (2) Establish clear procedures for students, staff, parents, guardians, and others to report

1 bullying or retaliation;

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

5 (4) Establish clear procedures for promptly responding to and investigating reports of  
6 bullying or retaliation;

7 (5) Identify the range of disciplinary actions that may be taken against a perpetrator for  
8 bullying or retaliation;

9 (6) Establish clear procedures for restoring a sense of safety for a victim and assessing  
10 that student's needs for protection;

11 (7) Establish strategies for protecting from bullying or retaliation a person who reports  
12 bullying, provides information during an investigation of bullying, or is witness to or has reliable  
13 information about an act of bullying;

14 (8) Establish procedures consistent with state and federal law for promptly notifying the  
15 parents or guardians of a victim and a perpetrator; provided that the parents or guardians of a  
16 victim shall also be notified of the action taken to prevent any further acts of bullying; and  
17 provided further, that said procedures must provide for immediate notification to the local law  
18 enforcement agency where criminal charges may be pursued against the perpetrator;

19 (9) Include a provision that a student who knowingly makes a false accusation of bullying  
20 shall be subject to disciplinary action; and

21 (10) Include a strategy for providing counseling or referral to appropriate services for  
22 perpetrators and victims and for appropriate family members of said students.

23 (g) The bullying prevention and intervention plan shall afford all students the same  
24 protection regardless of their status under the law. A school district, state charter school, or a non-  
25 public school may establish separate discrimination or harassment policies that include categories  
26 of students, and nothing in this section shall prevent a school district, state charter school, or non-  
27 public school from remediating any discrimination or harassment based on a person's  
28 membership in a legally protected category under local, state or federal law.

29 (h) The bullying prevention and intervention plan shall include ongoing professional  
30 development to build the skills of all members of school staff, including, but not limited to,  
31 educators, administrators, school nurses, cafeteria workers, custodians, and paraprofessionals, to  
32 prevent, identify and respond to bullying. The content of such professional development shall  
33 include, but not be limited to:

34 (1) Developmentally appropriate strategies to prevent bullying incidents;

1           (2) Developmentally appropriate strategies for immediate, effective interventions to stop  
2 bullying incidents;

3           (3) Information regarding the complex interaction and power differential that can take  
4 place between and among the perpetrator, the victim, and any witnesses to the bullying;

5           (4) Research findings on bullying;

6           (5) Information on the incidence and nature of cyber-bullying; and

7           (6) Internet safety issues as they relate to cyber-bullying.

8           (i) The bullying prevention and intervention plan shall include provisions for educating  
9 parents and guardians about the bullying prevention curriculum of the district or school, how they  
10 can reinforce said curriculum at home, how they can support the district or school prevention and  
11 intervention plan, the dynamics of bullying, and online safety and cyber-bullying.

12           **16-21.6-3. Annual written notice – Staff responsibilities – Model policy.** – (a) Each  
13 school district, state charter school, and non-public school shall provide to students and their  
14 parents or guardians, in age appropriate terms and in the most prevalent languages of the students,  
15 parents or guardians, annual written notice of the relevant sections of the bullying prevention and  
16 intervention policy.

17           (b) Each school district, state charter school, and non-public school shall provide to all  
18 school staff annual written notice of the bullying prevention and intervention policy. The faculty  
19 and staff at each school shall be trained annually on the bullying prevention and intervention plan  
20 applicable to the school. Relevant sections of the bullying prevention and intervention plan shall  
21 be included in a district or school employee handbook.

22           (c) The bullying prevention and intervention plan shall be posted on the website of each  
23 school district, state charter school, and non-public school.

24           (d) Each school principal or the person who holds a comparable role shall be responsible  
25 for the implementation and oversight of the bullying prevention and intervention plan at his or her  
26 school.

27           (e) A member of a school staff, including, but not limited to, an educator, administrator,  
28 school nurse, cafeteria worker, custodian, or paraprofessional, shall immediately report any  
29 instance of bullying or retaliation he or she has witnessed or become aware of to the school  
30 principal or to the school official identified in the bullying prevention and intervention plan as  
31 responsible for receiving such reports or both. Upon receipt of such a report, the school principal  
32 or his or her designee shall promptly investigate. If the school principal or his or her designee  
33 determines that bullying or retaliation has occurred, he or she shall:

34           (1) Notify the local law enforcement agency if he or she believes that criminal charges

1 may be pursued against the perpetrator;

2 (2) Take appropriate disciplinary action;

3 (3) Notify the parents or guardians of the perpetrator; and

4 (4) Notify the parents or guardians of the victim, and to the extent consistent with state  
5 and federal law, notify them of the action taken to prevent any further acts of bullying or  
6 retaliation.

7 (f) If an incident of bullying or retaliation involves students from more than one school  
8 district, state charter school, or non-public school, the district or school first informed of the  
9 bullying or retaliation shall promptly notify the appropriate administrator of other district or  
10 school so that both may take appropriate action.

11 (g) A school employee, school volunteer, student, parent or guardian who, in accordance  
12 with the applicable bullying prevention and intervention plan, promptly reports in good faith an  
13 act of bullying or retaliation or an act which he or she reasonably believes is bullying or  
14 retaliation is immune from a cause of action for damages arising out of the reporting itself or any  
15 failure by the district or school to remedy the reported incident.

16 (h) Nothing in this section shall be construed to abridge the rights of students that are  
17 protected by the First Amendment to the Constitution of the United States or by the Constitution  
18 of the State of Rhode Island.

19 (i) Nothing in this section shall supersede or replace existing rights or remedies under any  
20 other general or special law.

21 (j) The department of elementary and secondary education, after consultation with the  
22 department of public health, the department of mental health, the attorney general and experts on  
23 bullying, shall:

24 (1) Publish a model bullying prevention and intervention plan for school districts, state  
25 charter schools, and non-public schools to consider when creating their own plans; and

26 (2) Compile a list of bullying prevention and intervention resources, evidence-based  
27 curricula, best practices and academic-based research that shall be made available for use by  
28 schools. These resources may include, but shall not be limited to, print, audio, video or digital  
29 media; subscription-based online services; and on-site or technology-enabled professional  
30 development and training sessions. The department of elementary and secondary education shall  
31 biennially update the model bullying prevention and intervention plan, the list of these resources,  
32 curricula, best practices and research, and shall ensure that they are posted on its website.

33 **16-21.6-4. Compliance dates. -- School districts, charter schools, and non-public schools**  
34 **must have a bullying prevention and intervention plan in compliance with this chapter and**



1 [incorporate said plan into the district code of conduct required by this chapter no later than](#)  
2 [December 31, 2010.](#)

3 **16-21.6-5. Guidelines – Social and emotional curriculum.** – [The department of](#)  
4 [elementary and secondary education shall publish guidelines for the implementation of social and](#)  
5 [emotional learning curricula in kindergarten through grade twelve \(12\) no later than June 30,](#)  
6 [2011. For purposes of this section, “social and emotional learning” shall mean the processes](#)  
7 [through which children acquire the knowledge, attitudes, and skills they need to recognize and](#)  
8 [manage their emotions, demonstrate caring and concern for others, establish positive](#)  
9 [relationships, make responsible decisions, and handle challenging social situations constructively.](#)

10 SECTION 3. Section 16-22-24 of the General Laws in Chapter 16-22 entitled  
11 "Curriculum" is hereby amended to read as follows:

12 **16-22-24. Dating violence education.** -- (a) Each school district shall incorporate dating  
13 violence education that is age-appropriate into the annual health curriculum framework for  
14 students in grades seven (7) through twelve (12).

15 (1) Dating violence education shall include, but not be limited to, defining dating  
16 violence, [the skills and proficiencies to avoid and respond to bullying, harassment or teasing](#)  
17 [within a dating relationship](#), recognizing dating violence warning signs and characteristics of  
18 healthy relationships. Additionally, students shall be provided with the school district's dating  
19 violence policy as provided in subsection 16-21-30(c).

20 (2) For the purposes of this section:

21 (i) "Dating violence" means a pattern of behavior where one person uses threats of, or  
22 actually uses, physical, sexual, verbal or emotional abuse to control his or her or her dating  
23 partner.

24 (ii) "Dating partner" means any person involved in an intimate association with another  
25 primarily characterized by the expectation of affectionate involvement whether casual, serious or  
26 long-term.

27 (iii) "At school" means in a classroom, on or immediately adjacent to such school  
28 premises, on a school bus or other school-related vehicle, at an official school bus stop, or at any  
29 school sponsored activity or event whether or not it is on school grounds.

30 (3) To assist school districts in developing a dating violence education program, the  
31 department of education shall review and approve the grade level topics relating to dating  
32 violence and healthy relationships in the "health literacy for all students: the Rhode Island health  
33 education framework."

34 (4) The provisions of this section shall be amended in the health education curriculum

1 sections of the Rhode Island rules and regulations for school health programs, R16-21-SCHO,  
2 and the Rhode Island basic education program at their next revisions.

3 (b) Upon written request to the school principal, a parent or legal guardian of a pupil less  
4 than eighteen (18) years of age, within a reasonable period of time after the request is made, shall  
5 be permitted to examine the dating violence education program instruction materials at the school  
6 in which his or her or her child is enrolled.

7 SECTION 4. Title 11 of the General Laws entitled "CRIMINAL OFFENSES" is hereby  
8 amended by adding thereto the following chapter:

9 CHAPTER 53.1

10 HATE DEFAMATION

11 **11-53.1-1. Hate defamation.** – Whoever publishes any false material whether written,  
12 printed, electronic, televised, or broadcast with intent to maliciously promote hatred of any group  
13 of persons in the state because of race, color, religion, national origin, ancestry, sex, sexual  
14 orientation, or disability shall be guilty of libel and shall be punished by a fine of not more than  
15 one thousand dollars (\$1,000) or by imprisonment for not more than one year, or both.

16 SECTION 5. 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 set forth additional prohibitions against bullying in public and  
2 private schools and would require schools and school districts to develop bullying prevention and  
3 intervention plans.

4                   This act would take effect upon passage.

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