



Rhode Island Compilation of School Discipline Laws and Regulations

Prepared: January 26, 2018

Introduction

This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

Discipline categories were not mutually exclusive. Laws and regulations often appeared across multiple categories. For jurisdictions with more extensive laws covering a breadth of topical areas, relevant sections were excerpted from the larger legislative text for inclusion in the appropriate discipline category. Laws, ordered by chapter and section number, appear first within each category followed by regulations. All laws and regulations listed within categories in the compilation also appear in the sources cited section of the document, which lists laws by chapter and section number and title, and where available, includes active hyperlinks to source websites supported or maintained by state legislatures. Additional links to government websites or resources are provided at the end of this document.

Notes & Disclaimers

To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2018. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the [Discipline Laws and Regulations Compendium](#) posted on the Center's website.

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- 2.0. Authority, scope, purpose, and construction
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- 1. Definitions
- 2. School Climate
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- 300.530. Authority of school personnel; emergency removal
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- 300.536. Change of placement because of disciplinary removals

General Provisions

Authority to develop and establish rules of conduct

LAWS

§ 16-21-21. Student discipline codes.

Each school committee shall make, maintain, and enforce a student discipline code. The purpose of the code is to foster a positive environment that promotes learning. The department of elementary and secondary education shall provide necessary technical assistance in the development of the student discipline code. The school committee shall cause the school discipline code to be distributed to each student enrolled in the district. Each student and his or her parent, guardian, or custodian shall sign a statement verifying that they have been given a copy of the student discipline code of their respective school district.

§ 16-2-17. Right to a safe school.

(a) Each student, staff member, teacher, and administrator has a right to attend and/or work at a school which is safe and secure, and which is conducive to learning, and which is free from the threat, actual or implied, of physical harm by a disruptive student. A disruptive student is a person who is subject to compulsory school attendance, who exhibits persistent conduct which substantially impedes the ability of other students to learn, or otherwise substantially interferes with the rights stated above, and who has failed to respond to corrective and rehabilitative measures presented by staff, teachers, or administrators.

(b) The school committee, or a school principal as designated by the school committee, may suspend all pupils found guilty of this conduct, or of violation of those school regulations which relate to the rights set forth in subsection (a), or where a student represents a threat to those rights of students, teachers, or administrators, as described in subsection (a). Nothing in this section shall relieve the school committee or school principals from following all procedures required by state and federal law regarding discipline of students with disabilities.

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

(d) All school superintendents, or their designees, shall review annually, the discipline data for their school district, collected in accordance with the specifications set forth in § 16-60-4(21), to determine whether the discipline imposed has a disproportionate impact on students based on race, ethnicity, or disability status and to appropriately respond to any such disparity. In addition to the data submitted, if a disparity exists, the school district shall submit a report to the council on elementary and secondary education describing the conduct of the student, the frequency of the conduct, prior disciplinary actions for the conduct, any other relevant information and corrective actions to address the disparity, after consultation with representatives of the faculty has been taken to address the disparity. The reports shall be deemed to be public records for purposes of title 38.

REGULATIONS

ERLID 3826. Physical Restraint Regulations. Section 2.0. Authority, scope, purpose and construction.

2.1 Authority. These regulations are promulgated by the Rhode Island Board of Regents for Elementary and Secondary Education pursuant to R.I.G.L. 16-60-4.

2.2 Scope. These regulations govern the use of physical restraint and crisis intervention on all students in publicly funded elementary and secondary education programs, including all Rhode Island public school districts and regional public school districts, all Rhode Island State Operated Schools, all Public Charter Schools, educational programs operated by the Department for Children Youth and Families, Educational Collaborative Programs, and Local Educational Agencies operating a public education program; all of which shall hereafter be referred to as public education programs.

2.3 Purpose. The purpose of these regulations is to ensure that every student participating in a Rhode Island public education program be free from the unreasonable use of physical restraint and crisis intervention. Physical intervention, the use of manual or mechanical restraint or escort involving physical contact should only be used as a crisis intervention for the purpose of preventing harm or injury. The crisis intervention must not include procedures that intentionally cause pain, injury, trauma or humiliation. A physical restraint crisis intervention should not be used for the purpose of changing behavior in situations where no protection from harm or injury is needed. Only the least intrusive physical interaction needed to adequately protect the child or others shall be used and shall be terminated as soon as the need for protection has abated.

2.4 Construction. Nothing in these regulations shall be construed to limit the protection offered publicly funded students under other state or federal laws nor do these regulations preclude any teacher, employee or agent of a public education program from using reasonable force to protect students, other persons or themselves from imminent, serious, physical harm.

ERLID 5751. Basic Education Program (BEP) Regulations. G-14-2.1.4. Positive behavioral supports and discipline.

Each LEA shall ensure that schools promote a positive climate with emphasis on mutual respect, self-control, good attendance, order and organization, and proper security. Each LEA shall develop protocols that define a set of discipline strategies and constructs that ensure that students and adults make positive behavioral choices and that are conducive to a safe and nurturing environment that promotes academic success. Each LEA shall ensure that:

- Schools engage in a participatory process (involving students and staff) to assess periodically the school climate and to adopt or develop strategies to improve conditions (see the Board of Regents Policy Statement on Student Rights);
- Students and parents/guardians are notified of district and school rules related to conduct and shall receive regular instruction regarding these rules. In addition, parents/guardians, and students shall be provided with information about early warning signs of harassing and intimidating behaviors, such as bullying, as well as prevention and intervention strategies;
- Schools provide a structure of incentives that adequately reward students for their efforts and achievements. Attention shall be given to rewarding a diversity of accomplishments and to broadening the availability of rewards;
- Schools have a clearly delineated system for ensuring compulsory attendance for children six (6) to sixteen (16) that includes:
 - a) Procedures for noting daily absenteeism and investigating unexcused absences;

b) Procedures for noting the required period of attendance of students attending at-home instruction approved by the school committee or at a private day school approved by the Commissioner of Education; and

c) The appointment of truant (or attendance) officers whose duties shall include referring truant students to appropriate school support services and procedures for enforcing any given case through civil action filed in Family Court;

-- Disciplinary actions are fairly administered for all students and comply with state laws mandating that certain violations be considered on a case by case basis; recognizing that there is no mechanism in Rhode Island law for expulsion of students; and

-- Schools shall provide a continuum of interim alternative educational placement options to continue a student's education while suspended that ensure the safety of the student and the school community.

Scope

LAWS

No relevant laws found.

REGULATIONS

ERLID 3826. Physical Restraint Regulations. Section 2.0. Authority, scope, purpose and construction.

2.2 Scope. These regulations govern the use of physical restraint and crisis intervention on all students in publicly funded elementary and secondary education programs, including all Rhode Island public school districts and regional public school districts, all Rhode Island State Operated Schools, all Public Charter Schools, educational programs operated by the Department for Children Youth and Families, Educational Collaborative Programs, and Local Educational Agencies operating a public education program; all of which shall hereafter be referred to as public education programs.

ERLID 5751. Basic Education Program (BEP) Regulations. G-14-2.1.2. Right to a safe school.

(a) Each LEA shall ensure that students who are on school grounds before, during, and after school, during recess, and during other intermissions are appropriately supervised by adults.

(b) Each LEA shall follow state statute that states that each student and staff member has a right to attend or work at a school that is safe and secure, that is conducive to learning, and that is free from the threat, actual or implied, of physical harm.

ERLID 6774. Rhode Island Statewide Bullying Policy. Section 1. Definitions.

AT SCHOOL means:

- a. on school premises,
- b. at any school- sponsored activity or event whether or not it is held on school premises,
- c. on a school- transportation vehicle,
- d. at an official school bus stop,
- e. using property or equipment provided by the school, or
- f. acts which create a material and substantial disruption of the education process or the orderly operation of the school.

Communication of policy

LAWS

§ 16-21-21. Student discipline codes.

Each school committee shall make, maintain, and enforce a student discipline code. The purpose of the code is to foster a positive environment that promotes learning. The department of elementary and secondary education shall provide necessary technical assistance in the development of the student discipline code. The school committee shall cause the school discipline code to be distributed to each student enrolled in the district. Each student and his or her parent, guardian, or custodian shall sign a statement verifying that they have been given a copy of the student discipline code of their respective school district.

§ 16-21-34. Statewide bullying policy implemented.

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

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

- (i) A link to the policy prominently posted on the home page of the school district's website and distributed annually to parents and guardians of students;
- (ii) A provision for notification, within twenty-four (24) hours, of the incident report, to the parents or guardians of the victim of bullying and parents or guardians of the alleged perpetrator of the bullying;

REGULATIONS

ERLID 6774. Rhode Island Statewide Bullying Policy. Section 4. Information dissemination.

The school principal, director or head of school shall ensure that students, staff, volunteers, and parents/legal guardians are provided information regarding this Policy. This information shall include methods of discouraging and preventing this type of behavior, the procedure to file a complaint, and the disciplinary action that may be taken against those who commit acts in violation of this policy.

This policy shall be:

- a. Distributed annually to students, staff, volunteers, and parents/legal guardians.
- b. Included in student codes of conduct, disciplinary policies, and student handbooks.
- c. A prominently posted link on the home page of the school /district website.

ERLID 5751. Basic Education Program (BEP) Regulations. . G-14-2.1.4. Positive behavioral supports and discipline.

Each LEA shall ensure that schools promote a positive climate with emphasis on mutual respect, self-control, good attendance, order and organization, and proper security. Each LEA shall develop protocols that define a set of discipline strategies and constructs that ensure that students and adults make positive behavioral choices and that are conducive to a safe and nurturing environment that promotes academic success. Each LEA shall ensure that:

- Schools engage in a participatory process (involving students and staff) to assess periodically the school climate and to adopt or develop strategies to improve conditions (see the Board of Regents Policy Statement on Student Rights);

-- Students and parents/guardians are notified of district and school rules related to conduct and shall receive regular instruction regarding these rules. In addition, parents/guardians, and students shall be provided with information about early warning signs of harassing and intimidating behaviors, such as bullying, as well as prevention and intervention strategies[...]

In-School Discipline

Use of multi-tiered discipline approaches

LAWS

No relevant laws found.

REGULATIONS

ERLID 6774. Rhode Island Statewide Bullying Policy. Section 7. Disciplinary action.

The disciplinary actions for violations of the bullying policy shall be determined by the school/district appropriate authority. Disciplinary actions for violations of the bullying policy shall balance the need for accountability with the need to teach appropriate behavior. The severity of the disciplinary action shall be aligned to the severity of the bullying behavior.

The range of disciplinary actions that may be taken against a perpetrator for bullying, cyberbullying or retaliation shall include, but not be limited to:

- a. Admonitions and warnings
- b. Parental/Guardian notification and meetings
- c. Detention
- d. In-school suspension
- e. Loss of school-provided transportation or loss of student parking pass
- f. Loss of the opportunity to participate in extracurricular activities
- g. Loss of the opportunity to participate in school social activities
- h. Loss of the opportunity to participate in graduation exercises or middle school promotional activities
- i. Police contact
- j. School suspension: No student shall be suspended from school unless it is deemed to be a necessary consequence of the violation of this Policy.

Teacher authority to remove students from classrooms

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Alternatives to suspension

LAWS

No relevant laws found.

REGULATIONS

ERLID 6774. Rhode Island Statewide Bullying Policy. Section 7. Disciplinary action.

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- b. Parental/Guardian notification and meetings
- c. Detention
- d. In-school suspension
- e. Loss of school-provided transportation or loss of student parking pass
- f. Loss of the opportunity to participate in extracurricular activities
- g. Loss of the opportunity to participate in school social activities
- h. Loss of the opportunity to participate in graduation exercises or middle school promotional activities
- i. Police contact
- j. School suspension: No student shall be suspended from school unless it is deemed to be a necessary consequence of the violation of this Policy....

Use of corporal punishment

LAWS

No relevant laws found.

REGULATIONS

ERLID 3826.Physical Restraint Regulations. Section 3.0. Definitions.

3.6 Corporal Punishment- is defined as the infliction of bodily pain as a penalty for disapproved behavior. Corporal punishment as defined shall not be used in public education programs...

Use of student and locker searches

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Other in-school disciplinary approaches

LAWS

ERLID 6774. Rhode Island Statewide Bullying Policy. Section 7. Disciplinary action.

The disciplinary actions for violations of the bullying policy shall be determined by the school/district appropriate authority. Disciplinary actions for violations of the bullying policy shall balance the need for accountability with the need to teach appropriate behavior. The severity of the disciplinary action shall be aligned to the severity of the bullying behavior.

The range of disciplinary actions that may be taken against a perpetrator for bullying, cyberbullying or retaliation shall include, but not be limited to:

- a. Admonitions and warnings
- b. Parental/Guardian notification and meetings
- c. Detention
- d. In-school suspension
- e. Loss of school-provided transportation or loss of student parking pass
- f. Loss of the opportunity to participate in extracurricular activities
- g. Loss of the opportunity to participate in school social activities
- h. Loss of the opportunity to participate in graduation exercises or middle school promotional activities
- i. Police contact
- j. School suspension: No student shall be suspended from school unless it is deemed to be a necessary consequence of the violation of this Policy.

REGULATIONS

No relevant regulations found.

Out-of-School and Exclusionary Discipline: Suspension, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

§ 16-2-17. Right to a safe school.

(a) Each student, staff member, teacher, and administrator has a right to attend and/or work at a school which is safe and secure, and which is conducive to learning, and which is free from the threat, actual or implied, of physical harm by a disruptive student. A disruptive student is a person who is subject to compulsory school attendance, who exhibits persistent conduct which substantially impedes the ability of other students to learn, or otherwise substantially interferes with the rights stated above, and who has failed to respond to corrective and rehabilitative measures presented by staff, teachers, or administrators.

(b) The school committee, or a school principal as designated by the school committee, may suspend all pupils found guilty of this conduct, or of violation of those school regulations which relate to the rights set forth in subsection (a), or where a student represents a threat to those rights of students, teachers, or administrators, as described in subsection (a). Nothing in this section shall relieve the school committee or school principals from following all procedures required by state and federal law regarding discipline of students with disabilities.

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

(d) All school superintendents, or their designees, shall review annually, the discipline data for their school district, collected in accordance with the specifications set forth in § 16-60-4(21), to determine whether the discipline imposed has a disproportionate impact on students based on race, ethnicity, or disability status and to appropriately respond to any such disparity. In addition to the data submitted, if a disparity exists, the school district shall submit a report to the council on elementary and secondary education describing the conduct of the student, the frequency of the conduct, prior disciplinary actions for the conduct, any other relevant information and corrective actions to address the disparity, after consultation with representatives of the faculty has been taken to address the disparity. The reports shall be deemed to be public records for purposes of title 38.

§ 16-21-24. Requirements of school safety plans, school emergency response plans, and school crisis response plans

(a) School safety plans, as required by this chapter, shall include and address, but not to be limited to, prevention, mitigation, preparedness, response, and recovery. The school safety plans shall include, at a minimum, the following policies and procedures: [...]

(16) Procedures for determining whether or not any threats or conduct established in the policy may be grounds for discipline of the student. School districts, school committees, school officials, and school employees providing notice in good faith as required and consistent with the committee's policies adopted under this section are immune from any liability arising out of such notification.[...]

REGULATIONS

ERLID 6774. Rhode Island Statewide Bullying Policy. Section 7. Disciplinary action.

The disciplinary actions for violations of the bullying policy shall be determined by the school/district appropriate authority. Disciplinary actions for violations of the bullying policy shall balance the need for accountability with the need to teach appropriate behavior. The severity of the disciplinary action shall be aligned to the severity of the bullying behavior.

The range of disciplinary actions that may be taken against a perpetrator for bullying, cyberbullying or retaliation shall include, but not be limited to:

- j. School suspension: No student shall be suspended from school unless it is deemed to be a necessary consequence of the violation of this Policy...

Grounds for mandatory suspension or expulsion

LAWS

No relevant laws found.

REGULATIONS

ERLID 3826. Physical Restraint Regulations. Section 3.0. Definitions.

3.28 Zero Tolerance- (as defined by state policy) the purpose is to provide a school environment that is conducive to learning. The underlying belief of this policy is that all children have the right to be educated in a safe and nurturing environment. Therefore, each school system shall adopt a policy of zero tolerance for weapons, violence and illegal drugs in schools. Any student found to be in possession of a weapon, or involved in an aggravated assault as defined herein, will immediately be suspended in accordance with applicable due process provisions. During this suspension, the school district will take the necessary steps in determining any additional action to be taken, which may include long-term suspension. Zero tolerance policies cannot supercede other Federal and State Regulations, such as the Individuals with Disabilities Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and R.I. Special Education Regulations.

Limitations, conditions, or exclusions for use of suspension and expulsion

LAWS

§ 16-2-17.1. In school suspensions.

Suspensions issued shall not be served out of school unless the student's conduct meets the standards set forth in § 16-2-17(a) or the student represents a demonstrable threat to students, teachers, or administrators.

§ 16-19-1. Attendance required.

(d) No school shall use a student's truancy or absenteeism as the sole basis for using an out-of-school suspension as a disciplinary action.

REGULATIONS

ERLID 5751. Basic Education Program (BEP) Regulations. G-14-2.1.4. Positive behavioral supports and discipline.

Each LEA shall ensure that schools promote a positive climate with emphasis on mutual respect, self-control, good attendance, order and organization, and proper security. Each LEA shall develop protocols that define a set of discipline strategies and constructs that ensure that students and adults make positive behavioral choices and that are conducive to a safe and nurturing environment that promotes academic success. Each LEA shall ensure that:

- Schools have a clearly delineated system for ensuring compulsory attendance for children six (6) to sixteen (16) that includes:
 - c) The appointment of truant (or attendance) officers whose duties shall include referring truant students to appropriate school support services and procedures for enforcing any given case through civil action filed in Family Court;
- Disciplinary actions are fairly administered for all students and comply with state laws mandating that certain violations be considered on a case by case basis; recognizing that there is no mechanism in Rhode Island law for expulsion of students...

ERLID 7377. Details for Regulations Governing the Education of Children with Disabilities. Section 300.530. Authority of school personnel; emergency removal.

(a) Case-by-case determination.

- (1) School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a child with a disability who violates a code of student conduct.
- (2) If school personnel determine that a child with a disability presents an immediate threat to him or herself or to others, the child may be removed from school for the remainder of the school day regardless of the number of days of suspension the child had already accrued during that school year.
- (3) For any emergency removal under paragraph (2) of this section the public agency must follow the requirements of this section.

(b) School Removal.

- (1) Removals for less than ten (10) days cumulative. School personnel under this section may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days (to the extent those alternatives are applied to children without disabilities).
 - (i) During the first ten (10) school days of removal (cumulative) during the course of a school year, a public agency may, but is not required to:
 - (A) Provide educational services to the child;
 - (B) Conduct a manifestation determination prior to the disciplinary removal;
 - (C) Perform a functional behavioral assessment of the child; or
 - (D) Develop a behavioral intervention plan to address the behavioral factors such as the length of each removal, the total amount of time the child is removed, and the proximity of the removals to one another.
- (2) Removals for more than ten (10) days cumulative. After a child with a disability has been removed from his or her current placement for more than ten (10) school days cumulative in the same school

year, during any subsequent days of removal the public agency must provide services to the extent required under paragraph (d) of this section.

(c) Additional authority. For disciplinary changes in placement that would exceed 10 consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability pursuant to paragraph (e) of this section, school personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities, except as provided in paragraph (d) of this section.

(d) Services.

(1) A child with a disability who is removed from the child's current placement pursuant to paragraphs (c), or (g) of this section must:

(i) Continue to receive educational services, as provided in § 300.101(a), so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and

(ii) Receive a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

(2) The services required by paragraph (d)(1), (d)(3), (d)(4), and (d)(5) of this section may be provided in an interim alternative educational setting.

(3) A public agency is only required to provide services during periods of removal to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if it provides services to a child without disabilities who is similarly removed.

(4) After a child with a disability has been removed from his or her current placement for ten (10) school days cumulative in the same school year, any subsequent removal constitutes a change in placement under § 300.536.

(5) If the removal is a change of placement under § 300.536, the child's IEP Team determines appropriate services under paragraph (d)(1) of this section.

(e) Manifestation determination.

(1) Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent, and relevant members of the child's IEP Team (as determined by the parent and the LEA) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine:

(i) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or

(ii) If the conduct in question was the direct result of the LEA's failure to implement the IEP.

(2) The conduct must be determined to be a manifestation of the child's disability if the LEA, the parent, and relevant members of the child's IEP Team determine that a condition in either paragraph (e)(1)(i) or (1)(ii) of this section was met.

(3) If the LEA, the parent, and relevant members of the child's IEP Team determine the condition described in paragraph (e)(1)(ii) of this section was met, the LEA must take immediate steps to remedy those deficiencies.

(f) Determination that behavior was a manifestation. If the LEA, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP Team must:

(1) Either:

(i) Conduct a functional behavioral assessment, unless the LEA had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or

(ii) If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior; and

(2) Except as provided in paragraph (g) of this section, return the child to the placement from which the child was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral intervention plan.

(g) Special circumstances. The LEA may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child:

(1) Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of an SEA or an LEA;

(2) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA; or

(3) Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA.

(h) Notification. On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct, the LEA must notify the parents of that decision, and provide the parents the procedural safeguards notice described in § 300.504.

(i) Definitions. For purposes of this section, the following definitions apply:

(1) Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in § 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

(2) Illegal drug means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.

(3) Serious bodily injury has the meaning given the term "serious bodily injury" under paragraph (3) of subsection (h) of § 1365 of title 18, United States Code.

(4) Weapon has the meaning given the term "dangerous weapon" under paragraph (2) of the first subsection (g) of § 930 of title 18, United States Code.

ERLID 7377. Details for Regulations Governing the Education of Children with Disabilities. Section 300.531. Determination of setting.

The child's IEP Team determines the interim alternative educational setting for services under §300.530(c), (d)(5), and (g).

ERLID 7377. Details for Regulations Governing the Education of Children with Disabilities. Section 300.532. Appeal.

(a) General. The parent of a child with a disability who disagrees with any decision regarding placement under §§ 300.530 and 300.531, or the manifestation determination under § 300.530(e), or an LEA that believes that maintaining the current placement of the child is substantially likely to result in injury to the child or others, may appeal the decision by requesting a hearing. The hearing is requested by filing a complaint pursuant to §§ 300.507 and 300.508(a) and (b).

(b) Authority of hearing officer.

- (1) A hearing officer under § 300.511 hears, and makes a determination regarding an appeal under paragraph (a) of this section.
 - (2) In making the determination under paragraph (b)(1) of this section, the hearing officer may:
 - (i) Return the child with a disability to the placement from which the child was removed if the hearing officer determines that the removal was a violation of § 300.530 or that the child's behavior was a manifestation of the child's disability; or
 - (ii) Order a change of placement of the child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.
 - (3) The procedures under paragraphs (a) and (b)(1) and (2) of this section may be repeated, if the LEA believes that returning the child to the original placement is substantially likely to result in injury to the child or to others.
- (c) Expedited due process hearing.
- (1) Whenever a hearing is requested under paragraph (a) of this section, the parents or the LEA involved in the dispute must have an opportunity for an impartial due process hearing consistent with the requirements of §§ 300.507 and 300.508(a) through (c) and §§300.510 through 300.514, except as provided in paragraph (c)(2) through (4) of this section.
 - (2) RIDE shall arrange the expedited due process hearing, which must conclude within 20 school days of the date that the complaint requesting the hearing is filed. The due process hearing officer must render a decision within 10 school days of the conclusion of the hearing.
 - (3) Unless the parents and LEA agree in writing to waive the resolution meeting described in paragraph (c)(3)(i) of this section, or agree to use the mediation process described in § 300.506:
 - (i) A resolution meeting must occur within seven days of receiving notice of the due process complaint; and
 - (ii) The due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the due process complaint.
 - (4) The decisions on expedited due process hearings are appealable consistent with § 300.514.

ERLID 7377. Details for Regulations Governing the Education of Children with Disabilities. Section 300.533.Placement during appeals.

When an appeal under § 300.532 has been made by either the parent or the LEA, the child must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period specified in § 300.530(c) or (g), whichever occurs first, unless the parent and the SEA or LEA agree otherwise.

ERLID 7377. Details for Regulations Governing the Education of Children with Disabilities. Section 300.534.Protections for children not determined eligible for special education and related services.

- (a) General. A child who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violated a code of student conduct, may assert any of the protections provided for in this part if the public agency had knowledge (as determined in accordance with paragraph (b) of this section) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.
- (b) Basis of knowledge. A public agency must be deemed to have knowledge that a child is a child with a disability if before the behavior that precipitated the disciplinary action occurred:

- (1) The parent of the child expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child, that the child is in need of special education and related services;
 - (2) The parent of the child requested an evaluation of the child pursuant to §§ 300.300 through 300.311; or
 - (3) The teacher of the child, or other personnel of the LEA, expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education of the agency or to other supervisory personnel of the agency.
- (c) Exception. A public agency would not be deemed to have knowledge under paragraph (b) of this section if:
- (1) The parent of the child:
 - (i) Has not allowed an evaluation of the child pursuant to §§ 300.300 through 300.311; or
 - (ii) Has refused services under this part; or
 - (2) The child has been evaluated in accordance with §§ 300.300 through 300.311 and determined to not be a child with a disability under this part.
- (d) Conditions that apply if no basis of knowledge.
- (1) If a public agency does not have knowledge that a child is a child with a disability (in accordance with paragraphs (b) and (c) of this section) prior to taking disciplinary measures against the child, the child may be subjected to the disciplinary measures applied to children without disabilities who engage in comparable behaviors consistent with paragraph (d)(2) of this section.
 - (2)(i) If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures under § 300.530, the evaluation must be conducted in an expedited manner.
 - (ii) Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.
 - (iii) If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the agency must provide special education and related services in accordance with this part, including the requirements of §§ 300.530 through 300.536 and § 612(a)(1)(A) of the Act.

ERLID 7377. Details for Regulations Governing the Education of Children with Disabilities. Section 300.536. Change of placement because of disciplinary removals.

For purposes of removals of a child with a disability from the child's current educational placement under §§ 300.530 through 300.535, a change of placement occurs if the removal is for more than 10 school days cumulative in the same school year.

Administrative procedures related to suspension and expulsion

LAWS

§ 16-2-17. Right to a safe school.

- (a) Each student, staff member, teacher, and administrator has a right to attend and/or work at a school which is safe and secure, and which is conducive to learning, and which is free from the threat, actual or implied, of physical harm by a disruptive student. A disruptive student is a person who is subject to

compulsory school attendance, who exhibits persistent conduct which substantially impedes the ability of other students to learn, or otherwise substantially interferes with the rights stated above, and who has failed to respond to corrective and rehabilitative measures presented by staff, teachers, or administrators.

(b) The school committee, or a school principal as designated by the school committee, may suspend all pupils found guilty of this conduct, or of violation of those school regulations which relate to the rights set forth in subsection (a), or where a student represents a threat to those rights of students, teachers, or administrators, as described in subsection (a). Nothing in this section shall relieve the school committee or school principals from following all procedures required by state and federal law regarding discipline of students with disabilities.

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

(d) All school superintendents, or their designees, shall review annually, the discipline data for their school district, collected in accordance with the specifications set forth in § 16-60-4(21), to determine whether the discipline imposed has a disproportionate impact on students based on race, ethnicity, or disability status and to appropriately respond to any such disparity. In addition to the data submitted, if a disparity exists, the school district shall submit a report to the council on elementary and secondary education describing the conduct of the student, the frequency of the conduct, prior disciplinary actions for the conduct, any other relevant information and corrective actions to address the disparity, after consultation with representatives of the faculty has been taken to address the disparity. The reports shall be deemed to be public records for purposes of title 38.

§ 16-77-6.1. Additional standards.

(d) A student who is not under suspension or expulsion for discipline reasons may withdraw from a charter public school at any time and enroll in another public school in the district where the student resides as determined by the school committee of the district. A student may be suspended or expelled from a charter public school in accordance with the board of regents regulations for suspensions and/or expulsions, and other public schools may give full faith and credit to that suspension or expulsion...

REGULATIONS

ERLID 7377. Details for Regulations Governing the Education of Children with Disabilities. Section 300.530. Authority of school personnel; emergency removal.

(b) School Removal.

(1) Removals for less than ten (10) days cumulative. School personnel under this section may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days (to the extent those alternatives are applied to children without disabilities).

(i) During the first ten (10) school days of removal (cumulative) during the course of a school year, a public agency may, but is not required to:

- (A) Provide educational services to the child;
- (B) Conduct a manifestation determination prior to the disciplinary removal;
- (C) Perform a functional behavioral assessment of the child; or

(D) Develop a behavioral intervention plan to address the behavioral factors such as the length of each removal, the total amount of time the child is removed, and the proximity of the removals to one another.

(2) Removals for more than ten (10) days cumulative. After a child with a disability has been removed from his or her current placement for more than ten (10) school days cumulative in the same school year, during any subsequent days of removal the public agency must provide services to the extent required under paragraph (d) of this section.

(c) Additional authority. For disciplinary changes in placement that would exceed 10 consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability pursuant to paragraph (e) of this section, school personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities, except as provided in paragraph (d) of this section.

(d) Services.

(1) A child with a disability who is removed from the child's current placement pursuant to paragraphs (c), or (g) of this section must:

(i) Continue to receive educational services, as provided in § 300.101(a), so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and

(ii) Receive a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

(2) The services required by paragraph (d)(1), (d)(3), (d)(4), and (d)(5) of this section may be provided in an interim alternative educational setting.

(3) A public agency is only required to provide services during periods of removal to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if it provides services to a child without disabilities who is similarly removed.

(4) After a child with a disability has been removed from his or her current placement for ten (10) school days cumulative in the same school year, any subsequent removal constitutes a change in placement under § 300.536.

(5) If the removal is a change of placement under § 300.536, the child's IEP Team determines appropriate services under paragraph (d)(1) of this section.

(e) Manifestation determination.

(1) Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent, and relevant members of the child's IEP Team (as determined by the parent and the LEA) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine:

(i) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or

(ii) If the conduct in question was the direct result of the LEA's failure to implement the IEP.

(2) The conduct must be determined to be a manifestation of the child's disability if the LEA, the parent, and relevant members of the child's IEP Team determine that a condition in either paragraph (e)(1)(i) or (1)(ii) of this section was met.

(3) If the LEA, the parent, and relevant members of the child's IEP Team determine the condition described in paragraph (e)(1)(ii) of this section was met, the LEA must take immediate steps to remedy those deficiencies.

(f) Determination that behavior was a manifestation. If the LEA, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP Team must:

(1) Either:

(i) Conduct a functional behavioral assessment, unless the LEA had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or

(ii) If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior; and

(2) Except as provided in paragraph (g) of this section, return the child to the placement from which the child was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral intervention plan.

(g) Special circumstances. The LEA may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child:

(1) Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of an SEA or an LEA;

(2) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA; or

(3) Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA.

(h) Notification. On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct, the LEA must notify the parents of that decision, and provide the parents the procedural safeguards notice described in § 300.504.

(i) Definitions. For purposes of this section, the following definitions apply:

(1) Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in § 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

(2) Illegal drug means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.

(3) Serious bodily injury has the meaning given the term "serious bodily injury" under paragraph (3) of subsection (h) of § 1365 of title 18, United States Code.

(4) Weapon has the meaning given the term "dangerous weapon" under paragraph (2) of the first subsection (g) of § 930 of title 18, United States Code.

ERLID 7377. Details for Regulations Governing the Education of Children with Disabilities. Section 300.532. Appeal.

(a) General. The parent of a child with a disability who disagrees with any decision regarding placement under §§ 300.530 and 300.531, or the manifestation determination under § 300.530(e), or an LEA that believes that maintaining the current placement of the child is substantially likely to result in injury to the

child or others, may appeal the decision by requesting a hearing. The hearing is requested by filing a complaint pursuant to §§ 300.507 and 300.508(a) and (b).

(b) Authority of hearing officer.

(1) A hearing officer under § 300.511 hears, and makes a determination regarding an appeal under paragraph (a) of this section.

(2) In making the determination under paragraph (b)(1) of this section, the hearing officer may:

(i) Return the child with a disability to the placement from which the child was removed if the hearing officer determines that the removal was a violation of § 300.530 or that the child's behavior was a manifestation of the child's disability; or

(ii) Order a change of placement of the child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

(3) The procedures under paragraphs (a) and (b)(1) and (2) of this section may be repeated, if the LEA believes that returning the child to the original placement is substantially likely to result in injury to the child or to others.

(c) Expedited due process hearing.

(1) Whenever a hearing is requested under paragraph (a) of this section, the parents or the LEA involved in the dispute must have an opportunity for an impartial due process hearing consistent with the requirements of §§ 300.507 and 300.508(a) through (c) and §§300.510 through 300.514, except as provided in paragraph (c)(2) through (4) of this section.

(2) RIDE shall arrange the expedited due process hearing, which must conclude within 20 school days of the date that the complaint requesting the hearing is filed. The due process hearing officer must render a decision within 10 school days of the conclusion of the hearing.

(3) Unless the parents and LEA agree in writing to waive the resolution meeting described in paragraph (c)(3)(i) of this section, or agree to use the mediation process described in § 300.506:

(i) A resolution meeting must occur within seven days of receiving notice of the due process complaint; and

(ii) The due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the due process complaint.

(4) The decisions on expedited due process hearings are appealable consistent with § 300.514.

In-school suspension

LAWS

§ 16-2-17.1. In school suspensions.

Suspensions issued shall not be served out of school unless the student's conduct meets the standards set forth in § 16-2-17(a) or the student represents a demonstrable threat to students, teachers, or administrators.

REGULATIONS

ERLID 6774. Rhode Island Statewide Bullying Policy. Section 7. Disciplinary action.

The disciplinary actions for violations of the bullying policy shall be determined by the school/district appropriate authority. Disciplinary actions for violations of the bullying policy shall balance the need for

accountability with the need to teach appropriate behavior. The severity of the disciplinary action shall be aligned to the severity of the bullying behavior.

The range of disciplinary actions that may be taken against a perpetrator for bullying, cyberbullying or retaliation shall include, but not be limited to:

- c. Detention
- d. In-school suspension

Return to school following removal

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Use of restraint and seclusion

LAWS

No relevant laws found.

REGULATIONS

ERLID 3826. Physical Restraint Regulations. Section 1.0. Preamble.

The Rhode Island Department of Education recognizes the right to effective structural strategies to be the basic educational right of each child. Furthermore, the Rhode Island Department of Education believes that positive behavioral support and educational strategies should be used, as they relate to behavioral intervention, to respect each child's dignity and personal privacy. Intervention techniques must focus not only on eliminating a certain undesirable behavior, but also upon a determination of the purpose of that behavior, and the provision/instruction of a more appropriate behavior. Behavior intervention plans must be individually designed to meet the needs of the student, including students served in general education, special education, and students protected by Section 504 of the Rehabilitation Act of 1973. These behavioral interventions must not be confused with a physical restraint/crisis intervention. Physical restraint/crisis intervention are not part of a behavioral intervention plan designed to alter a child's behavior but rather are utilized as one method of preventing harm or injury. Once the use of physical restraint/crisis intervention has been employed on a student, school personnel shall determine if the student requires a behavioral intervention plan as part of the student's education program, and if one already exists, whether that plan needs to be modified or adjusted.

ERLID 3826. Physical Restraint Regulations. Section 2.0. Authority, scope, purpose and construction.

2.1 Authority. These regulations are promulgated by the Rhode Island Board of Regents for Elementary and Secondary Education pursuant to R.I.G.L. 16-60-4.

2.2 Scope. These regulations govern the use of physical restraint and crisis intervention on all students in publicly funded elementary and secondary education programs, including all Rhode Island public school districts and regional public school districts, all Rhode Island State Operated Schools, all Public Charter Schools, educational programs operated by the Department for Children Youth and Families, Educational

Collaborative Programs, and Local Educational Agencies operating a public education program; all of which shall hereafter be referred to as public education programs.

2.3 Purpose. The purpose of these regulations is to ensure that every student participating in a Rhode Island public education program be free from the unreasonable use of physical restraint and crisis intervention. Physical intervention, the use of manual or mechanical restraint or escort involving physical contact should only be used as a crisis intervention for the purpose of preventing harm or injury. The crisis intervention must not include procedures that intentionally cause pain, injury, trauma or humiliation. A physical restraint crisis intervention should not be used for the purpose of changing behavior in situations where no protection from harm or injury is needed. Only the least intrusive physical interaction needed to adequately protect the child or others shall be used and shall be terminated as soon as the need for protection has abated.

2.4 Construction. Nothing in these regulations shall be construed to limit the protection offered publicly funded students under other state or federal laws nor do these regulations preclude any teacher, employee or agent of a public education program from using reasonable force to protect students, other persons or themselves from imminent, serious, physical harm.

ERLID 3826. Physical Restraint Regulations. Section 3.0. Definitions.

3.1 Antecedent- A preceding circumstance, event, object or phenomenon which may trigger a particular behavior or chain of behaviors.

3.2 Aversive Interventions/Strategies- The specific strategies include but are not limited to the following:

- (a) Noxious, painful, intrusive stimuli or activities that result in pain;
- (b) Any form of noxious, painful or intrusive spray or inhalant;
- (c) Electric shock;
- (d) Water spray to the face;
- (e) Pinches and deep muscle squeezes;
- (f) Shouting, screaming or using a loud, sharp, harsh voice to frighten or threaten or the use of obscene language;
- (g) Withholding adequate sleep;
- (h) Withholding adequate shelter or bedding;
- (i) Withholding bathroom facilities;
- (j) Withholding meals, essential nutrition or hydration;
- (k) Removal of an individual's personal property as punishment;
- (l) Unobserved time-out or room/area solely used for time out;
- (m) Facial or auditory screening devices; and
- (n) Use of chemical restraints instead of positive programs or medical treatments. (RI 40.1-26-4.1)

3.3 Behavioral Analysis- A functional analysis with the addition of operationally defining a target behaviors and the grouping of behaviors for an intervention plan.

3.4 Behavior Intervention Plan: A plan, developed by a team, that delineates emotional, social and/or behavioral goals for a student and the steps that the school, student, parent and/or others will take to positively support the student's progress toward those goals. A Behavior Intervention Plan is comprised of practical and specific strategies to increase or reduce defined behaviors or a pattern of behavior exhibited by a student. A Behavior Intervention Plan includes the following:

1. Definition of the behavior in specific, measurable terms.

2. A plan for prevention of the behavior by changing some of the who, what, when, and where information from the Functional Behavioral Assessment (FBA).
 3. A plan to teach the student new ways to meet his or her needs.
 4. A description of how to react to the student's behavior in a way that will reinforce appropriate behavior.
 5. A plan for how to manage a crisis situation.
 6. A data collection, analysis and evaluation system.
 7. Timelines for review.
- 3.5 Behavioral Momentum- The speed or force of behavior in a behavior chain, often beginning with an antecedent.
- 3.6 Corporal Punishment- is defined as the infliction of bodily pain as a penalty for disapproved behavior. Corporal punishment as defined shall not be used in public education programs.
- 3.7 De-Escalation- The withdrawal or presentation of stimulus to a situation which causes it to become more controlled, calm and less dangerous.
- 3.8 Environmental Engineering- The arrangement or manipulation of the physical environment and stimuli in order to facilitate more appropriate behavioral responses.
- 3.9 Escalation- The withdrawal or presentation of new stimulus to a situation which causes it to become more out of control and potentially dangerous.
- 3.10 Forceful Physical Guidance- An inappropriate response to a child's perceived misbehavior that consists of an adult/supervisory person physically forcing to engage in the desired behavior or to comply with a directive.
- 3.11 Functional Behavioral Analysis- The evaluation of behavioral assessment information that occurs at specific points in time. The analysis provides the information necessary to develop a behavior intervention plan.
- 3.12 Functional Behavioral Assessment- is an ongoing process for gathering information that can be used to hypothesize about the function of student behavior. The components of the process are as follows:
1. Define/describe behavior
 2. Gather information
 3. Identify when, where and under what circumstances does the behavior occur
 4. Identify the consequences that maintain the behavior
 5. Develop a theory as to the functional intent of the behavior
- 3.13 IDEA- Individuals with Disabilities Education Act 20, USCA 1400, 34 CFR Part 300
- 3.14 IEP- Individual Education Program - A written statement for a child with a disability that is developed, reviewed, and revised in a meeting in accordance with § 300.341-§ 300.350 of 34 CFR 300.341-350 and RI Regulations Governing The Education Of Children With Disabilities 300.341-300.350.
- 3.15 Instructional Physical Guidance- a teaching technique that involves physical contact between the adult/supervisory person and the child. This enables the child to learn or model the physical movement necessary for the development of the desired competency. Example: Hand over hand guidance in instructing a child in writing technique.
- 3.16 Mechanical Restraint- means the use of devices such as mittens, straps, or restraint chairs to limit a person's movement or hold a person immobile as an intervention precipitated by the person's behavior. Mechanical restraint applies to uses intended to prevent injury with persons who engage in behaviors such as head-banging, gouging, or other self-injurious actions that result in tissue damage and medical

problems. Mechanical restraint does not apply to restraint used to treat a person's medical needs or to position a person with physical disabilities.

3.17 Misting- The release of noxious, toxic or otherwise unpleasant sprays, mists or substances in proximity to the child's face.

3.18 Negative Practice Overcorrection- Having a child repeat an activity/task with an arbitrarily selected frequency. Example: Writing a classroom rule on the chalkboard 100 times.

3.19 Parental Consent- Parental consent means that (a) the parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language or other mode of communication; (b) the parent understands and agrees in writing to the carrying out of the activity for which his/her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and (c) the parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.

3.20 Physical Restraint/Crisis Intervention.

(a) Manual Restraint- The use of physical intervention intended to hold a person immobile or limit a person's movement by using body contact as the only source of physical restraint.

(b) Seclusion Restraint: Physically confining a student alone in a room or limited space without access to school staff. The use of "time out" procedures during which a staff member remains accessible to the student shall not be considered "seclusion restraint." The use of seclusion restraint is prohibited in public education programs.

(c) Chemical Restraint: The administration of medication for the purpose of restraint. The use of medication restraint is prohibited in public education programs.

3.21 Positive Behavioral Supports- a set of practices used to organize teaching and learning environments and experiences for students which facilitate the student's successful self-awareness, self-management, engagement with others and with the learning process.

3.22 Redirection encompasses a number of techniques which serve to: (1) Divert the student from an unwanted task or a problematic behavior. (2) Return the student to a more desirable task or more appropriate behavior. Redirection occurs without the coercion of negative consequences. Among these techniques are:

Proximity, Cueing, Regrouping, Restructuring, Diversions, Hurdle Help.

3.23 Satiation- The repetition of a task/activity/behavior to the point that a person is unable to perform the task even one more time.

3.24 Seclusion- placing a child alone in a locked room without supervision. Such action is strictly prohibited in Rhode Island.

3.25 Section 504 of The Rehabilitation Act of 1973. A Civil Rights law prohibiting discrimination against individuals with disabilities from federally assisted programs or activities.

3.26 Self Management- The monitoring, regulation, care, guidance and treatment of one's own behavior.

3.27 Timeout- A Punishment (Type II) procedure in which access to reinforcement is withdrawn for a certain period of time.

(a) Isolation "from the group" -- Reinforcement is withdrawn and the student remains in a separate room or booth for a certain period of time. The small room or booth may or may not have a door.

3.28 Zero Tolerance- (as defined by state policy) the purpose is to provide a school environment that is conducive to learning. The underlying belief of this policy is that all children have the right to be educated in a safe and nurturing environment. Therefore, each school system shall adopt a policy of zero tolerance for weapons, violence and illegal drugs in schools. Any student found to be in possession of a weapon, or involved in an aggravated assault as defined herein, will immediately be suspended in accordance with

applicable due process provisions. During this suspension, the school district will take the necessary steps in determining any additional action to be taken, which may include long-term suspension. Zero tolerance policies cannot supercede other Federal and State Regulations, such as the Individuals with Disabilities Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and R.I. Special Education Regulations.

ERLID 3826. Physical Restraint Regulations. Section 4.0. Procedures and training.

4.1 Procedures. Public education programs shall develop written procedures regarding appropriate responses to student behavior that may require the use of physical restraint/crisis intervention. Such procedures shall be annually reviewed and provided to school staff and made available to parents of enrolled students. Such procedures shall include, but not be limited to:

- (a) Methods for preventing student violence, self-injurious behavior, and suicide, including de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student;
- (b) A school policy regarding intervention that provides a description and explanation of the school's or program's method of physical restraint/crisis intervention, a description of the school's or program's training requirements, reporting requirements and follow-up procedures, and a procedure for receiving and investigating complaints regarding restraint practices.

4.2 Required Training For All Staff. Each public education program shall designate personnel to determine a time and methods to provide all staff with training regarding the school's physical restraint/crisis intervention policies. Such training shall occur at least annually not later than within the first month of each school year. For employees hired after the school year begins, this training shall take place within the first month of their employment. Training shall include information on the following:

- (a) The program's restraint policy;
- (b) Interventions that may preclude the need for restraint, including de-escalation of problematic behaviors;
- (c) Types of restraints and related safety considerations, including information regarding the increased risk of injury to a student when an extended restraint is used;
- (d) Administering physical restraint in accordance with known medical or psychological limitations and/or behavioral intervention plans applicable to an individual student; and
- (e) Identification of program staff who have received advanced training pursuant to Regulation 4.3 in the use of physical restraint/crisis intervention.

4.3 Advanced Staff Training on the Use of Physical Restraint/Crisis Intervention.

At the start of each school year, every public education program shall identify staff that are authorized to serve as a school-wide based resource to assist other staff in ensuring proper administration of physical restraint and crisis interventions. These staff members shall participate in advanced training in the use of physical restraint/crisis intervention beyond the basic training offered to all staff and the public education program shall document the extent of such training.

4.4 Content of Advanced Training. The advanced training required by Regulation 4.3 in the proper administration of physical restraint/crisis intervention shall include, but not be limited to:

- (a) Appropriate procedures for preventing the need for physical restraint/crisis intervention, including the de-escalation of problematic behavior, relationship building and the use of alternatives to such restraints;
- (b) A description and identification of dangerous behaviors on the part of students that may indicate the need for physical restraint/crisis intervention and methods for evaluating the risk of harm in individual situations in order to determine whether the use of physical restraint and crisis interventions are warranted;

- (c) The simulated experience of administering and receiving physical restraint/crisis intervention, instruction regarding the effect(s) on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;
- (d) Instruction regarding documentation and reporting requirements and investigation of injuries and complaints; and
- (e) Demonstration by participants of proficiency in administering physical restraint/crisis intervention.

ERLID 3826. Physical Restraint Regulations. Section 5.0. Determining when physical restraint/crisis intervention may be used.

5.1 Use of Restraint/Intervention. Physical restraint/crisis intervention may be used only in the following circumstances:

- (a) Non-physical interventions would not be effective; and
- (b) The student's behavior poses a threat of imminent, serious, physical harm to self and/or others; and
- (c) If a behavioral intervention plan has been developed for the student, those various positive reinforcement techniques have been implemented appropriately and the child has failed to respond to those reinforcement techniques.

ERLID 3826. Physical Restraint Regulations. Section 6.0 Limitations and prohibitions.

6.1 Limitations on the Use of Restraints. Physical restraint/crisis intervention in a public education program shall be limited to the use of such reasonable force as necessary to protect a student or another member of the school community from assault or imminent, serious, physical harm.

6.2 Prohibitions. Physical restraint/crisis intervention are prohibited in the following circumstances:

- (a) As a means of punishment;
- (b) As an intervention designed to, or likely to cause physical pain;
- (c) As in any intervention which denies adequate sleep, food, water, shelter, bedding or access to bathroom facilities;
- (d) As in any intervention which is designed to subject, used to subject, or likely to subject the individual to verbal abuse, ridicule or humiliation, physical pain, or which can be expected to cause excessive emotional trauma;
- (e) As in a restrictive intervention which employs a device or material or objects that simultaneously immobilize all four extremities, including the procedure known as prone containment, except that prone containment may be used by trained personnel as a limited emergency intervention when a documented part of a previously agreed upon written behavioral intervention plan;
- (f) As in seclusion, unless under constant surveillance and observation when documented as part of a previously agreed upon written behavioral intervention plan;
- (g) As in any intervention that precludes adequate supervision of the child;
- (h) Any intervention which deprives the individual of one or more of his or her senses

ERLID 3826. Physical Restraint Regulations. Section 7.0 Proper administration of physical restraint/crisis intervention.

7.1 Trained Personnel. Only personnel who have had training pursuant to Regulation 4.1 may administer physical restraint/crisis intervention with students. Whenever possible, the administration of a physical restraint/crisis intervention shall be witnessed by at least one adult who does not participate in the restraint. The training requirement contained in Regulation 4.1 shall not preclude a teacher, employee or agent of a public education program from using reasonable force to protect students, other persons, or themselves from imminent, serious physical harm.

7.2 Use of Force. A person administering a physical restraint/crisis intervention shall use only the amount of force necessary to protect the student or others from physical injury or harm and shall discontinue the physical restraint/crisis intervention as soon as possible.

7.3 Safety Requirements. Additional requirements for the use of physical restraint/crisis intervention are:

(a) No restraint shall be administered in such a way that the student is prevented from breathing or speaking. During the administration of a restraint, a staff member shall continuously monitor the physical status of the student, including skin color and respiration. A restraint shall be released immediately upon a determination by the staff member administering the restraint that the student is no longer at risk of causing imminent physical harm to him or herself or others.

(b) Restraint shall be administered in such a way so as to prevent or minimize physical harm. If, at any time during a physical restraint/crisis intervention, the student demonstrates significant physical distress, the student shall be released from the restraint immediately, and school staff shall take steps to seek medical assistance.

(c) Program staff shall review and consider any known medical or psychological limitations and/or behavioral intervention plans regarding the use of physical restraint/crisis intervention on an individual student.

(d) Following the release of a student from a restraint, the Public Education Program shall implement follow-up procedures. These procedures shall include reviewing the incident with the student, as appropriate, to address the behavior that precipitated the restraint, reviewing the incident with the staff person(s) who administered the restraint to discuss whether proper restraint procedures were followed, and consideration of whether any follow-up is appropriate for students who witnessed the incident.

ERLID 3826. Physical Restraint Regulations. Section 8.0 Reporting requirements.

8.1 Informing School Administration. The staff member who administered the physical restraint/crisis intervention shall inform the administration of any public education program of the use of a physical restraint/crisis intervention as soon as possible, and by a written report not later than the next working day. The administration shall maintain an ongoing written record of all reported instances of physical restraint/crisis intervention.

8.2 Informing Parents. The school administration shall have procedures to inform the student's parent(s) or guardian(s) of the use of a restraint as soon as possible, and not later than two (2) school days after each incident. Written documentation of this notification shall be maintained by the public education program.

8.3 Contents of Report. The written report required by Regulation 8.1 shall include:

(a) The names and job titles of the staff who administered the restraint, and observers, if any, the date of the restraint, the time the restraint began and ended, and the name of the administrator who was verbally informed following the restraint;

(b) A description of the activity in which the restrained student and other students and staff in the same room or vicinity were engaged immediately preceding the use of physical restraint/crisis intervention, the behavior that prompted the restraint, the efforts made to deescalate the situation, alternatives to restraint that were attempted, and the justification for initiating physical restraint/crisis intervention;

(c) A description of the administration of the restraint including the holds used and reasons such holds were necessary, the student's behavior and reactions during the restraint, how the restraint ended, and documentation of injury to the student and/or staff, if any, during the restraint and any medical care provided;

(d) Information regarding any further action(s) that the school has taken or may take, including any disciplinary sanctions that may be imposed on the student, and a behavioral intervention plan was developed or modified as a result of the restraint;

(e) Information regarding opportunities for the student' parents or guardians to discuss with school officials the administration of the restraint, any disciplinary sanctions that may be imposed on the student and/or any other related matter.

8.4 Report to the R.I. Department of Education. Each public educational program shall provide the R.I. Department of Education a record of every incident of the use of a physical restraint/crisis intervention on an annual basis.

ERLID 3826. Physical Restraint Regulations. Section 9.0 Emergency situations.

These regulations shall not create a barrier to maintaining a safe school environment. While these regulations govern the use of physical restraint/crisis interventions, they do not limit the ability of school personnel or their agents from using reasonable force to protect students, other persons or themselves from imminent, serious physical harm.

ERLID 3826. Physical Restraint Regulations. Section 10.0 Behavioral intervention plans.

Once the use of physical restraint/crisis intervention has been employed on a student, school personnel shall determine if the student requires a behavioral intervention plan as part of the student's education program, and if one already exists, whether that plan needs to be modified or adjusted.

ERLID 3826. Physical Restraint Regulations. Appendix A. Continuum of behavioral interventions.

(It is important to note that strategies and interventions may be positive or negative based on the response of the child.)

Proactive Planning Strategies:

Room Arrangement

Appropriate and Motivating Curriculum

High Rates of Positive Responses from Teachers

Structured Daily Schedules

Staff Training -- including but not limited to:

Factual information regarding numbers, frequency, duration, antecedents

Behavior Disorders - Understanding behavior

functional assessment

behavioral plans

behavioral contracting

Emotional Disorders - DSM IV

Legal Issues

Discipline Codes

Zero Tolerance

Conflict Management

Peer Mediation

Crisis Intervention

comfort zone

verbal & non-verbal communication

fight/flight/fright
Restraint Training
Token Economy
Avoid Power/Control Issues
Medications, Logs, Side Effects, Communication
Surface Management
Reality Therapy
Environmental Engineering
Instructional Pacing
Home Notes
Precision Commands
Data Collection
Parent Conference
Special Equipment
Supervision
Rule Out Physiological/Medical Factors

Alternative placements

LAWS

§ 16-19-1. Attendance required.

(b) A waiver to the compulsory attendance requirement may be granted by the superintendent only upon proof that the pupil is sixteen (16) years of age or older and has an alternative learning plan for obtaining either a high school diploma or its equivalent.

(1) Alternative-learning plans shall include age-appropriate academic rigor and the flexibility to incorporate the pupil's interests and manner of learning. These plans may include, but are not limited to, such components, or combination of components, of extended learning opportunities as independent study, private instruction, performing groups, internships, community service, apprenticeships, and online courses that are currently funded and available to the school department and/or the community.

(2) Alternative-learning plans shall be developed, and amended if necessary, in consultation with the pupil, a school guidance counselor, the school principal, and at least one parent or guardian of the pupil, and submitted to the superintendent for approval.

(3) If the superintendent does not approve the alternative-learning plan, the parent or guardian of the pupil may appeal such decision to the school committee. A parent or guardian may appeal the decision of the school committee to the commissioner of education pursuant to chapter 39 of title 16.

(c) Nothing in this section shall be deemed to limit or otherwise interfere with the rights of teachers and other school employees to collectively bargain pursuant to chapters 9.3 and 9.4 of title 28 or to allow any school committee to abrogate any agreement reached by collective bargaining.

§ 16-21-20. Alternative placement and prevention activities.

The department of elementary and secondary education in conjunction with the attorney general's task force to prevent violence in schools shall develop requirements for the alternative placement of students suspended under the provision of § 16-21-18. The placements shall be cooperative efforts between the

local school district, which shall be responsible for instruction of students, and other appropriate state and local agencies. Further, the department of elementary and secondary education in conjunction with the attorney general's task force shall establish policies in support of locally developed prevention and education activities that include broad parent, teacher, and community involvement.

§ 16-21-27. Alternative education programs.

Each school district shall adopt a plan to ensure continued education of students who are removed from the classroom because of a suspension of more than ten (10) days or who are chronically truant. The plan shall be adopted by the school committee and shall be submitted to Rhode Island department of elementary and secondary education as part of its annual strategic plan submission.

REGULATIONS

ERLID 5751. Basic Education Program (BEP) Regulations. G-14-2.1.4. Positive behavioral supports and discipline.

Each LEA shall ensure that schools promote a positive climate with emphasis on mutual respect, self-control, good attendance, order and organization, and proper security. Each LEA shall develop protocols that define a set of discipline strategies and constructs that ensure that students and adults make positive behavioral choices and that are conducive to a safe and nurturing environment that promotes academic success. Each LEA shall ensure that:

[...]-- Schools have a clearly delineated system for ensuring compulsory attendance for children six (6) to sixteen (16) that includes:

[...]c) The appointment of truant (or attendance) officers whose duties shall include referring truant students to appropriate school support services and procedures for enforcing any given case through civil action filed in Family Court;

-- Disciplinary actions are fairly administered for all students and comply with state laws mandating that certain violations be considered on a case by case basis; recognizing that there is no mechanism in Rhode Island law for expulsion of students; and

-- Schools shall provide a continuum of interim alternative educational placement options to continue a student's education while suspended that ensure the safety of the student and the school community.

ERLID 7377. Details for Regulations Governing the Education of Children with Disabilities. Section 300.530. Authority of school personnel; emergency removal.

(a) Case-by-case determination.

(1) School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a child with a disability who violates a code of student conduct.

(2) If school personnel determine that a child with a disability presents an immediate threat to him or herself or to others, the child may be removed from school for the remainder of the school day regardless of the number of days of suspension the child had already accrued during that school year.

(3) For any emergency removal under paragraph (2) of this section the public agency must follow the requirements of this section.

(b) School Removal.

(1) Removals for less than ten (10) days cumulative. School personnel under this section may remove a child with a disability who violates a code of student conduct from his or her current placement to an

appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days (to the extent those alternatives are applied to children without disabilities).

(i) During the first ten (10) school days of removal (cumulative) during the course of a school year, a public agency may, but is not required to:

(A) Provide educational services to the child;

(B) Conduct a manifestation determination prior to the disciplinary removal;

(C) Perform a functional behavioral assessment of the child; or

(D) Develop a behavioral intervention plan to address the behavioral factors such as the length of each removal, the total amount of time the child is removed, and the proximity of the removals to one another.

(2) Removals for more than ten (10) days cumulative. After a child with a disability has been removed from his or her current placement for more than ten (10) school days cumulative in the same school year, during any subsequent days of removal the public agency must provide services to the extent required under paragraph (d) of this section.

(c) Additional authority. For disciplinary changes in placement that would exceed 10 consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability pursuant to paragraph (e) of this section, school personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities, except as provided in paragraph (d) of this section.

(d) Services.

(1) A child with a disability who is removed from the child's current placement pursuant to paragraphs (c), or (g) of this section must:

(i) Continue to receive educational services, as provided in § 300.101(a), so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and

(ii) Receive a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

(2) The services required by paragraph (d)(1), (d)(3), (d)(4), and (d)(5) of this section may be provided in an interim alternative educational setting.

(3) A public agency is only required to provide services during periods of removal to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if it provides services to a child without disabilities who is similarly removed.

(4) After a child with a disability has been removed from his or her current placement for ten (10) school days cumulative in the same school year, any subsequent removal constitutes a change in placement under § 300.536.

(5) If the removal is a change of placement under § 300.536, the child's IEP Team determines appropriate services under paragraph (d)(1) of this section.

(e) Manifestation determination.

(1) Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent, and relevant members of the child's IEP Team (as determined by the parent and the LEA) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine:

- (i) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
 - (ii) If the conduct in question was the direct result of the LEA's failure to implement the IEP.
- (2) The conduct must be determined to be a manifestation of the child's disability if the LEA, the parent, and relevant members of the child's IEP Team determine that a condition in either paragraph (e)(1)(i) or (1)(ii) of this section was met.
- (3) If the LEA, the parent, and relevant members of the child's IEP Team determine the condition described in paragraph (e)(1)(ii) of this section was met, the LEA must take immediate steps to remedy those deficiencies.
- (f) Determination that behavior was a manifestation. If the LEA, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP Team must:
- (1) Either:
 - (i) Conduct a functional behavioral assessment, unless the LEA had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or
 - (ii) If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior; and
 - (2) Except as provided in paragraph (g) of this section, return the child to the placement from which the child was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral intervention plan.
- (g) Special circumstances. The LEA may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child:
- (1) Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of an SEA or an LEA;
 - (2) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA; or
 - (3) Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA.
- (h) Notification. On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct, the LEA must notify the parents of that decision, and provide the parents the procedural safeguards notice described in § 300.504.
- (i) Definitions. For purposes of this section, the following definitions apply:
- (1) Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in § 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).
 - (2) Illegal drug means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.
 - (3) Serious bodily injury has the meaning given the term "serious bodily injury" under paragraph (3) of subsection (h) of § 1365 of title 18, United States Code.
 - (4) Weapon has the meaning given the term "dangerous weapon" under paragraph (2) of the first subsection (g) of § 930 of title 18, United States Code.

ERLID 7377. Details for Regulations Governing the Education of Children with Disabilities. Section 300.531. Determination of setting.

The child's IEP Team determines the interim alternative educational setting for services under §300.530(c), (d)(5), and (g).

ERLID 7377. Details for Regulations Governing the Education of Children with Disabilities. Section 300.533.Placement during appeals.

When an appeal under § 300.532 has been made by either the parent or the LEA, the child must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period specified in § 300.530(c) or (g), whichever occurs first, unless the parent and the SEA or LEA agree otherwise.

ERLID 7377. Details for Regulations Governing the Education of Children with Disabilities. Section 300.536. Change of placement because of disciplinary removals.

For purposes of removals of a child with a disability from the child's current educational placement under §§ 300.530 through 300.535, a change of placement occurs if the removal is for more than 10 school days cumulative in the same school year.

Disciplinary Approaches Addressing Specific Infractions and Conditions

Firearms (as required by the Gun-Free Schools Act)

LAWS

§ 11-47-60. Possession of firearms on school grounds.

- (a) (1) No person shall have in his or her possession any firearm or other weapons on school grounds.
- (2) For the purposes of this section, "school grounds" means the property of a public or private elementary or secondary school or in those portions of any building, stadium, or other structure on school grounds which were, at the time of the violation, being used for an activity sponsored by or through a school in this state or while riding school provided transportation.
- (3) Every person violating the provisions of this section shall, upon conviction, be sentenced to imprisonment for not less than one year nor more than five (5) years, or shall be fined not less than five hundred dollars (\$ 500) nor more than five thousand dollars (\$ 5,000).
- (4) Any juvenile adjudicated delinquent pursuant to this statute shall, in addition to whatever other penalties are imposed by the family court, lose his or her license to operate a motor vehicle for up to six (6) months. If the juvenile has not yet obtained the necessary age to obtain a license, the court may impose as part of its sentence a delay in his or her right to obtain the license when eligible to do so, for a period of up to six (6) months.
- (b) The provisions of this section shall not apply to any person who shall be exempt pursuant to the provisions of §§ 11-47-9, 11-47-11, and 11-47-18 or to the following activities when the activities are officially recognized and sanctioned by the educational institution:
- (1) Firearm instruction and/or safety courses;
 - (2) Government-sponsored military-related programs such as ROTC;
 - (3) Interscholastic shooting and/or marksmanship events;
 - (4) Military history and firearms collection courses and/or programs; and
 - (5) The use of blank guns in theatrical and/or athletic events.
- (c) The provisions of this section shall not apply to colleges, universities, or junior colleges.

§ 11-47-60.2. Possession of weapons on school grounds – Notification.

- (a) If a student is found to be carrying a weapon, as defined in § 11-47-42, a firearm or replica of a firearm, or commits an aggravated assault on school grounds as defined in § 11-47-60, the principal or designee shall immediately notify the student's parents and the local police and turn the weapon over, if any, to the local enforcement agency.
- (b) Any person who has reasonable cause to know that any person is in violation of this statute shall notify the principal or designee. The principal or designee shall immediately notify the student's parents and the local police. Any person acting in good faith who makes a report under this section shall have immunity from any civil liability that might otherwise be incurred or imposed as a result of making the report.
- (c) School superintendents shall receive notice from the clerk of the family court regarding the disposition of all cases involving juveniles from their school districts adjudged pursuant to this statute. This information shall remain confidential and be shared with school officials who deal directly with the student.

(d) The provisions of this section should not apply to the following activities when the activities are officially recognized and sanctioned by the educational institution:

- (1) Firearm instructed and/or safety course;
- (2) Government-sponsored military-related programs such as ROTC;
- (3) Interscholastic shooting and/or marksmanship events;
- (4) Military history and firearms collection courses and/or programs; and
- (5) The use of blank guns in theatrical and/or athletic events.

(e) The provisions of this section shall not apply to colleges, universities or junior colleges.

§ 16-21-18. Students prohibited from bringing or possessing firearms on school premises.

The school penalty for bringing or possessing a weapon as defined in 18 U.S.C. § 921, a firearm or realistic replica of a firearm within school premises, premises being used for school purposes or activities, into a vehicle used for school transportation, or onto a roadway or path along which school children or teachers are walking to school shall be suspension from school for one year. This penalty will also be incurred when a student is not on school premises but when he or she aims a firearm or realistic replica of a firearm at school premises, school vehicles, or students, staff, or visitors attending school or in transit to or from school. This term of suspension may be shortened by the superintendent of schools on a case-by-case basis and under guidelines to be developed by the school committee with broad parent, teacher, and community involvement.

§ 16-21-19. Special rules for students with disabilities bringing firearms to school.

(a) Students with disabilities as defined by the Individuals With Disabilities Education Act, 20 U.S.C. § 1415, shall be subject to the provisions of § 16-21-18 to the extent permitted by the Individuals With Disabilities Education Act, 20 U.S.C. § 1415.

(b) Students with disabilities as defined by Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, shall be subject to the provisions of § 16-21-18 to the extent permitted by Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794.

REGULATIONS

No relevant regulations found.

Other weapons

LAWS

§ 16-21-21.1. Penalties for drug, alcohol or weapons offenses.

The discipline of any public school student for violating a school policy relating to the possession or use of alcohol, drugs or weapons not described in § 16-21-18 of this chapter, shall be imposed on a case-by-case basis pursuant to guidelines developed and promulgated by the school committee for that district. The guidelines and any discipline imposed shall take into account the nature and circumstances of the violation and the applicability of any federal laws governing students with disabilities.

REGULATIONS

ERLID 7377. Details for Regulations Governing the Education of Children with Disabilities. Section 300.530. Authority of school personnel; emergency removal.

(g) Special circumstances. The LEA may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child:

(1) Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of an SEA or an LEA;

(i) Definitions. For purposes of this section, the following definitions apply:

(4) Weapon has the meaning given the term "dangerous weapon" under paragraph (2) of the first subsection (g) of § 930 of title 18, United States Code.

Students with chronic disciplinary issues

LAWS

§ 16-19-6. Proceedings against habitual truants and offenders.

Every habitual truant, that is, every child who is required under § 16-19-1 to attend school and who willfully and habitually absents himself or herself from attending school; and every habitual school offender, that is, every child who is required to attend school under the provision of § 16-19-1, but who persistently violates the rules and regulations of the school which he or she attends, or otherwise persistently misbehaves in the school which he or she attends, so as to render him or herself a fit subject for exclusion; shall be deemed a wayward child as provided in chapter 1 of title 14, and shall be subject to all the provisions of chapter 1 of title 14, and may be proceeded against and dealt with as a wayward child in accordance with the provisions of chapter 1 of title 14.

REGULATIONS

No relevant regulations found.

Attendance and truancy

LAWS

§ 16-19-1. Attendance required.

(a) Every child who has completed, or will have completed, six (6) years of life on or before September 1 of any school year, or is enrolled in kindergarten, and has not completed eighteen (18) years of life, shall regularly attend some public day school during all the days and hours that the public schools are in session in the city or town in which the child resides. Every person having under his or her control a child, as described in this section, shall cause the child to attend school as required by this section, and for every neglect of this duty, the person having control of the child shall be fined not exceeding fifty dollars (\$50.00) for each day, or part of a day, that the child fails to attend school, and if the total of these days is more than thirty (30) school days during any school year, then the person shall, upon conviction, be imprisoned not exceeding six (6) months or shall be fined not more than five hundred dollars (\$500), or both; provided, that if the person so charged shall prove that the child has attended, for the required period of time, a private day school approved by the commissioner of elementary and secondary education pursuant to § 16-60-6(10); or a course of at-home instruction approved by the school committee of the town where the child resides; or has been accepted into an accredited post-secondary

education program; or has obtained a waiver under subsection (b); or that the physical or mental condition of the child was such as to render his or her attendance at school inexpedient or impracticable; or that the child was excluded from school by virtue of some other general law or regulation, then attendance shall not be obligatory nor shall the penalty be incurred.

(b) A waiver to the compulsory attendance requirement may be granted by the superintendent only upon proof that the pupil is sixteen (16) years of age or older and has an alternative learning plan for obtaining either a high school diploma or its equivalent.

(1) Alternative-learning plans shall include age-appropriate academic rigor and the flexibility to incorporate the pupil's interests and manner of learning. These plans may include, but are not limited to, such components, or combination of components, of extended learning opportunities as independent study, private instruction, performing groups, internships, community service, apprenticeships, and online courses that are currently funded and available to the school department and/or the community.

(2) Alternative-learning plans shall be developed, and amended if necessary, in consultation with the pupil, a school guidance counselor, the school principal, and at least one parent or guardian of the pupil, and submitted to the superintendent for approval.

(3) If the superintendent does not approve the alternative-learning plan, the parent or guardian of the pupil may appeal such decision to the school committee. A parent or guardian may appeal the decision of the school committee to the commissioner of education pursuant to chapter 39 of title 16.

(c) Nothing in this section shall be deemed to limit or otherwise interfere with the rights of teachers and other school employees to collectively bargain pursuant to chapters 9.3 and 9.4 of title 28 or to allow any school committee to abrogate any agreement reached by collective bargaining.

(d) No school shall use a student's truancy or absenteeism as the sole basis for using an out-of-school suspension as a disciplinary action.

§ 16-19-6. Proceedings against habitual truants and offenders.

Every habitual truant, that is, every child who is required under § 16-19-1 to attend school and who willfully and habitually absents himself or herself from attending school; and every habitual school offender, that is, every child who is required to attend school under the provision of § 16-19-1, but who persistently violates the rules and regulations of the school which he or she attends, or otherwise persistently misbehaves in the school which he or she attends, so as to render him or herself a fit subject for exclusion; shall be deemed a wayward child as provided in chapter 1 of title 14, and shall be subject to all the provisions of chapter 1 of title 14, and may be proceeded against and dealt with as a wayward child in accordance with the provisions of chapter 1 of title 14.

§ 16-19-10. Notification of pupil absence.

(a) Whenever any pupil in grades kindergarten through nine (9) fails to report to school on a regularly scheduled school day and no indication has been received by school personnel that the pupil's parent or guardian is aware of the pupil's absence, a reasonable effort to notify, by telephone, the parent or guardian shall be made by school personnel or volunteers organized by the school committee of each city, town, or regional school district or the director or other person in charge of private schools of elementary and secondary grades.

(b) School committees, school personnel, or volunteers organized pursuant to this section shall be immune from any civil or criminal liability in connection with the notice to parents of a pupil's absence or failure to give the notice required by this section.

REGULATIONS

ERLID 5751. Basic Education Program (BEP) Regulations. G-14-2.1.4. Positive behavioral supports and discipline.

Each LEA shall ensure that schools promote a positive climate with emphasis on mutual respect, self-control, good attendance, order and organization, and proper security. Each LEA shall develop protocols that define a set of discipline strategies and constructs that ensure that students and adults make positive behavioral choices and that are conducive to a safe and nurturing environment that promotes academic success. Each LEA shall ensure that:

[...]- Schools have a clearly delineated system for ensuring compulsory attendance for children six (6) to sixteen (16) that includes:

- a) Procedures for noting daily absenteeism and investigating unexcused absences;
- b) Procedures for noting the required period of attendance of students attending at-home instruction approved by the school committee or at a private day school approved by the Commissioner of Education; and
- c) The appointment of truant (or attendance) officers whose duties shall include referring truant students to appropriate school support services and procedures for enforcing any given case through civil action filed in Family Court...

Substance use

LAWS

No relevant laws found.

REGULATIONS

ERLID 7377. Details for Regulations Governing the Education of Children with Disabilities. Section 300.530. Authority of school personnel; emergency removal.

(g) Special circumstances. The LEA may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child:

- (2) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA; or

(i) Definitions. For purposes of this section, the following definitions apply:

- (1) Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in § 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).
- (2) Illegal drug means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.

Bullying, harassment, or hazing

LAWS

§ 16-21-33. Safe Schools Act.

(a) Definitions. As used in this chapter:

(1) "Bullying" means the use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof directed at a student that:

- (i) Causes physical or emotional harm to the student or damage to the student's property;
 - (ii) Places the student in reasonable fear of harm to himself/herself or of damage to his/her property;
 - (iii) Creates an intimidating, threatening, hostile, or abusive educational environment for the student;
 - (iv) Infringes on the rights of the student to participate in school activities; or
 - (v) Materially and substantially disrupts the education process or the orderly operation of a school.
- The expression, physical act or gesture may include, but is not limited to, an incident or incidents that may be reasonably perceived as being motivated by characteristics such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression or mental, physical, or sensory disability, intellectual ability or by any other distinguishing characteristic.

(2) "Cyber-bullying" means bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data, texting or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, Internet communications, instant messages or facsimile communications. For purposes of this section, cyber-bullying shall also include:

- (i) The creation of a web page or blog in which the creator assumes the identity of another person;
- (ii) The knowing impersonation of another person as the author of posted content or messages; or
- (iii) The distribution by electronic means of a communication to more than one person or the posting of materials on an electronic medium that may be accessed by one or more persons, if the creation, impersonation, or distribution results in any of the conditions enumerated in clauses (i) to (v) of the definition of bullying herein.

(3) "At school" means on school premises, at any school-sponsored activity or event whether or not it is held on school premises, on a school-transportation vehicle, at an official school bus stop, using property or equipment provided by the school, or creates a material and substantial disruption of the education process or the orderly operation of the school.

§ 16-21-34. Statewide bullying policy implemented.

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

- (1) Descriptions of and statements prohibiting bullying, cyber-bullying and retaliation of school;
- (2) Clear requirements and procedures for students, staff, parents, guardians and others to report bullying or retaliation;
- (3) A provision that reports of bullying or retaliation may be made anonymously; provided, however, that no disciplinary action shall be taken against a student solely on the basis of an anonymous report;
- (4) Clear procedures for promptly responding to and investigating reports of bullying or retaliation;
- (5) The range of disciplinary actions that may be taken against a perpetrator for bullying or retaliation; provided, however, that the disciplinary actions shall balance the need for accountability with the need to teach appropriate behavior; and provided, further:
 - (i) A parental engagement strategy; and

- (ii) A provision that states punishments for violations of the bullying policy shall be determined by the school's appropriate authority; however, no student shall be suspended from school unless it is deemed a necessary consequence of the violations;
- (6) Clear procedures for restoring a sense of safety for a victim and assessing that victim's needs for protection;
- (7) Strategies for protecting from bullying or retaliation a person who reports bullying, provides information during an investigation of bullying or witnesses or has reliable information about an act of bullying;
- (8) Procedures for promptly notifying the parents or guardians of a victim and a perpetrator; provided, further, that the parents or guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying or retaliation; and provided, further, that the procedures shall provide for immediate notification of the local law enforcement agency when criminal charges may be pursued against the perpetrator;
- (9) A provision that a student who knowingly makes a false accusation of bullying or retaliation shall be subject to disciplinary action;
- (10) A strategy for providing counseling or referral to appropriate services currently being offered by schools or communities for perpetrators and victims and for appropriate family members of said students. The plan shall afford all students the same protection regardless of their status under the law;
- (11) A provision that requires a principal or designee to be responsible for the implementation and oversight of the bullying policy;
- (12) Provisions for informing parents and guardians about the bullying policy of the school district or school shall include, but not be limited to:
 - (i) A link to the policy prominently posted on the home page of the school district's website and distributed annually to parents and guardians of students;
 - (ii) A provision for notification, within twenty-four (24) hours, of the incident report, to the parents or guardians of the victim of bullying and parents or guardians of the alleged perpetrator of the bullying;
- (13) A school employee, school volunteer, student, parent, legal guardian, or relative caregiver who promptly reports, in good faith, an act of bullying to the appropriate school official designated in the school's policy is immune from a cause of action for damages arising from reporting bullying;
- (14) This section does not prevent a victim from seeking redress under any other available law, either civil or criminal. This section does not create or alter any tort liability;
- (15) Students shall be prohibited from accessing social networking sites at school, except for educational or instructional purposes and with the prior approval from school administration. Nothing in this act shall prohibit students from using school department or school websites for educational purposes. School districts and schools are encouraged to provide in-service training on Internet safety for students, faculty and staff; and
- (16) All school districts, charter schools, career and technical schools, approved private day or residential schools and collaborative schools shall be subject to the requirements of this section. School districts and schools must adopt the statewide bullying policy promulgated pursuant to this section by June 30, 2012.

§ 16-109-1. Short title.

This act shall be known and may be cited as the "Student Journalists' Freedom of Expression Act".

§ 16-109-2. Definitions.

As used in this section:

(1) "School-sponsored media" means any material that is prepared, substantially written, published, or broadcast by a student journalist at an institution under the supervision of the council on elementary and secondary education and the council on postsecondary education, both public and private, distributed, or generally made available to members of the student body, and prepared under the direction of a student media advisor. School-sponsored media does not include content intended for distribution or transmission only in the classroom in which it is produced.

(2) "Student journalist" means a student of an institution under the supervision of the council on elementary and secondary education and the council on postsecondary education, both public and private, who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.

(3) "Student media advisor" means an individual employed, appointed, or designated by an institution under the supervision of the council on elementary and secondary education and the council on postsecondary education, both public and private, to supervise or provide instruction relating to school-sponsored media.

§ 16-109-3. Student journalists' freedom of expression – civil remedy.

(a) Except as provided in subsection (b) of this section, a student journalist has the right to exercise freedom of speech and of the press in both school-sponsored media and non-school-sponsored media, regardless of whether the media is supported financially by the school, local education agency "(LEA)", or uses the facilities of the school or LEA, or produced in conjunction with a class in which the student is enrolled. Subject to subsection (b) of this section, a student journalist is responsible for determining the news, opinion, feature, and advertising content of school-sponsored media. This subsection may not be construed to prevent a student media advisor from teaching professional standards of English and journalism to student journalists.

(b) This section does not authorize or protect expression by a student that:

(1) Is libelous or slanderous;

(2) Constitutes an unwarranted invasion of privacy;

(3) Violates federal or state law; or

(4) So incites students as to create a clear and present danger of the commission of an unlawful act, the violation of school district policy, or the material and substantial disruption of the orderly operation of the institution. Administrators must base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension.

(c) Nothing in this section shall be construed as authorizing the publication of an advertisement in school-sponsored media at an institution under the supervision of the council on elementary and secondary education that promotes the purchase of a product or service that is unlawful for purchase or use by minors.

(d) A student journalist may not be disciplined for acting in accordance with subsection (a) of this section.

(e) A student media advisor may not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against for:

(1) Acting to protect a student journalist engaged in permissible conduct under subsection (a) of this section; or

(2) Refusing to infringe on conduct that is protected by this chapter or the First Amendment to the United States Constitution.

(f) Each institution, school, or LEA subject to this chapter may adopt a written student freedom of expression policy in accordance with this section. The policy must include reasonable provisions for the

time, place, and manner of student expression. For institutions under the supervision of the council on elementary and secondary education, the policy may also include limitations to language that may be defined as profane, harassing, threatening, or intimidating.

(g) No expression made by students in the exercise of free speech or free press rights shall be deemed to be an expression of school policy, and no school officials or school district shall be held responsible in any civil or criminal action for any expression made or published by students.

(h) Any student, individually or through a parent or guardian, or student media advisor may institute proceedings for injunctive or declaratory relief in any court of competent jurisdiction to enforce the rights provided in this section.

REGULATIONS

ERLID 5751. Basic Education Program (BEP) Regulations. G-14-2. Supportive and nurturing school community.

Each LEA shall ensure that schools create a climate of safety, security and belonging for all students and adults, thereby establishing an environment that builds respectful relationships, enhances productive learning and teaching, promotes school engagement, and promotes academic success. Each LEA shall accomplish this goal by ensuring that each school:

Is safe, respectful, and free of discrimination;

Establishes protocols for on-going student, family, and community engagement; and

Provides expanded learning opportunities and academic enrichment.

ERLID 5751. Basic Education Program (BEP) Regulations. G-14-2.1. Safe and respectful environment.

Each LEA shall build a safe and respectful learning environment by addressing the components described in G-14-2.1.1 through G-14-2.1.4.

ERLID 5751. Basic Education Program (BEP) Regulations. G-14-2.1.1. Freedom from discrimination.

(a) Each LEA shall identify and remove barriers to students and adults that are based on their race, ethnicity, national origin, language, gender, religion, economic status, disability, or sexual orientation.

(b) Each LEA shall comply with all relevant state and federal statutes and regulations regarding discrimination.

ERLID 5751. Basic Education Program (BEP) Regulations. G-14-2.1.2. Right to a safe school.

(a) Each LEA shall ensure that students who are on school grounds before, during, and after school, during recess, and during other intermissions are appropriately supervised by adults.

(b) Each LEA shall follow state statute that states that each student and staff member has a right to attend or work at a school that is safe and secure, that is conducive to learning, and that is free from the threat, actual or implied, of physical harm.

ERLID 6774. Rhode Island Statewide Bullying Policy. Introduction.

This Statewide Bullying Policy is promulgated pursuant to the authority set forth in § 16-21-34 of the General Laws of Rhode Island. Known as the Safe School Act, the statute recognizes that the bullying of a student creates a climate of fear and disrespect that can seriously impair the student's health and negatively affect learning. Bullying undermines the safe learning environment that students need to

achieve their full potential. The purpose of the Policy is to ensure a consistent and unified statewide approach to the prohibition of bullying at school.

ERLID 6774. Rhode Island Statewide Bullying Policy. Section 1. Definitions.

BULLYING means the use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof directed at a student that:

- a. Causes physical or emotional harm to the student or damage to the student's property;
- b. Places the student in reasonable fear of harm to himself/herself or of damage to his/her property;
- c. Creates an intimidating, threatening, hostile, or abusive educational environment for the student;
- d. Infringes on the rights of the student to participate in school activities; or
- e. Materially and substantially disrupts the education process or the orderly operation of a school.

The expression, physical act or gesture may include, but is not limited to, an incident or incidents that may be reasonably perceived as being motivated by characteristics such as:

Race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression or mental, physical, or sensory disability, intellectual ability or by any other distinguishing characteristic.

Bullying most often occurs as repeated behavior and often is not a single incident between the bullying/cyber- bullying offender(s) and the bullying victim(s).

CYBER-BULLYING means bullying through the use of technology or any electronic communication, which shall include, but not be limited to, any transfer of signs, signals, writing, images, sounds, data, texting or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, Internet communications, instant messages or facsimile communications.

Forms of cyber-bullying may include but are not limited to:

- a. The creation of a web page or blog in which the creator assumes the identity of another person;
- b. The knowing impersonation of another person as the author of posted content or messages; or
- c. The distribution by electronic means of a communication to more than one person or the posting of materials on an electronic medium that may be accessed by one or more persons, if the creation, impersonation, or distribution results in any of the conditions enumerated in clauses (a) to (e) of the definition of bullying.

AT SCHOOL means:

- a. on school premises,
- b. at any school- sponsored activity or event whether or not it is held on school premises,
- c. on a school- transportation vehicle,
- d. at an official school bus stop,
- e. using property or equipment provided by the school, or
- f. acts which create a material and substantial disruption of the education process or the orderly operation of the school.

ERLID 6774. Rhode Island Statewide Bullying Policy. Section 2. School climate.

Bullying, cyber- bullying, and retaliation against any person associated with a report of bullying or the investigation thereof is prohibited in all schools that are approved for the purpose of the compulsory attendance statute (§§ 16-19-1 and 16-19-2). School staff shall take all reasonable measures to prevent bullying at school. Such measures may include professional development and prevention activities,

parental workshops, and student assemblies among other strategies. School faculty, administration and staff, at all times, will model courteous behavior to each other, to students, and to school visitors. Abusive or humiliating language or demeanor will not be accepted. Additionally, students and their families are expected to exhibit courteous behavior to all members of the learning community in school and at school sponsored events.

ERLID 6774. Rhode Island Statewide Bullying Policy. Section 3. Policy oversight and responsibility.

The school principal, director, or head of school shall be responsible for the implementation and oversight of this bullying policy.

The school principal, director, or head of school shall provide the superintendent, school committee and/or school governing board with a summary report of incidents, responses, and any other bullying-related issues at least twice annually.

For public schools, the prevention of bullying shall be part of the school district strategic plan (§ 16-7.1-2(e)) and school safety plan (§ 16-21-24).

ERLID 6774. Rhode Island Statewide Bullying Policy. Section 4. Information dissemination.

The school principal, director or head of school shall ensure that students, staff, volunteers, and parents/legal guardians are provided information regarding this Policy. This information shall include methods of discouraging and preventing this type of behavior, the procedure to file a complaint, and the disciplinary action that may be taken against those who commit acts in violation of this policy.

This policy shall be:

- a. Distributed annually to students, staff, volunteers, and parents/legal guardians
- b. Included in student codes of conduct, disciplinary policies, and student handbooks
- c. A prominently posted link on the home page of the school/district website

ERLID 6774. Rhode Island Statewide Bullying Policy. Section 5. Reporting.

The school principal, director or head of school shall establish, and prominently publicize to students, staff, volunteers, and parents/guardians, how a report of bullying may be filed and how this report will be acted upon (See attached sample Report Form).

The victim of bullying, anyone who witnesses an incidence of bullying, and anyone who has credible information that an act of bullying has taken place may file a report of bullying.

Any student or staff member who believes he/she is being bullied should immediately report such circumstances to an appropriate staff member, teacher or administrator.

Parents/Guardians of the victim of bullying and parents/guardians of the alleged perpetrator of the bullying shall be notified within twenty- four (24) hours of the incident report. When there is a reasonable suspicion that a child is either a bully or a victim of bullying, the parents/guardians of the child will be notified immediately by the principal, director or head of school.

Responsibility of Staff: School staff, including volunteers, who observe an act of bullying or who have reasonable grounds to believe that bullying is taking place must report the bullying to school authorities. Failure to do so may result in disciplinary action.

Responsibility of Students: Students who observe an act of bullying or who have reasonable grounds to believe that bullying is taking place must report the bullying to school authorities. Failure to do so may result in disciplinary action. The victim of bullying, however, shall not be subject to discipline for failing to report the bullying. Student reports of bullying or retaliation may be made anonymously, provided,

however, that no disciplinary action shall be taken against a student solely on the basis of an anonymous report.

Prohibition against Retaliation: Retaliation or threats of retaliation in any form designed to intimidate the victim of bullying, those who are witnesses to bullying, or those investigating an incident of bullying shall not be tolerated. Retaliation or threat of retaliation will result in the imposition of discipline in accordance with the school behavior code.

False Reporting/Accusations: A school employee, school volunteer or student who knowingly makes a false accusation of bullying or retaliation shall be disciplined in accordance with the school behavior code.

Reports in Good Faith: A school employee, school volunteer, student, parent/legal guardian, or caregiver who promptly reports, in good faith, an act of bullying to the appropriate school official designated in the school's policy shall be immune from a cause of action for damages arising from reporting bullying.

ERLID 6774. Rhode Island Statewide Bullying Policy. Section 6. Investigation/Response.

The school principal, director or head of school shall promptly investigate all allegations of bullying, harassment, or intimidation. If the allegation is found to be credible, appropriate disciplinary actions, subject to applicable due process requirements, will be imposed. The School Resource Officer or other qualified staff may be utilized to mediate bullying situations.

The investigation will include an assessment by the school psychologist and/or social worker of what effect the bullying, harassment or intimidation has had on the victim. A student who engages in continuous and/or serious acts of bullying will also be referred to the school psychologist and/or social worker.

Police Notification: Immediate notification of the local law enforcement agency will be made when circumstances warrant the pursuit of criminal charges against the perpetrator.

Protection: If a student is the victim of serious or persistent bullying:

- a. The school principal, director or head of school will intervene immediately to provide the student with a safe educational environment.
- b. The interventions will be developed, if possible, with input from the student, his or her parent/guardian, and staff.
- c. The parents/guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying or retaliation.

ERLID 6774. Rhode Island Statewide Bullying Policy. Section 7. Disciplinary action.

The disciplinary actions for violations of the bullying policy shall be determined by the school/district appropriate authority. Disciplinary actions for violations of the bullying policy shall balance the need for accountability with the need to teach appropriate behavior. The severity of the disciplinary action shall be aligned to the severity of the bullying behavior.

The range of disciplinary actions that may be taken against a perpetrator for bullying, cyberbullying or retaliation shall include, but not be limited to:

- a. Admonitions and warnings
- b. Parental/Guardian notification and meetings
- c. Detention
- d. In-school suspension
- e. Loss of school-provided transportation or loss of student parking pass
- f. Loss of the opportunity to participate in extracurricular activities
- g. Loss of the opportunity to participate in school social activities

- h. Loss of the opportunity to participate in graduation exercises or middle school promotional activities
- i. Police contact
- j. School suspension: No student shall be suspended from school unless it is deemed to be a necessary consequence of the violation of this Policy.

ERLID 6774. Rhode Island Statewide Bullying Policy. Section 8. Social services/counseling.

Referral to appropriate counseling and/or social services currently being offered by schools or communities shall be provided for bullying victims, perpetrators and appropriate family members of said students.

ERLID 6774. Rhode Island Statewide Bullying Policy. Section 9. Social networking.

Students shall be prohibited from accessing social networking sites in school, except for educational or instructional purposes and with the prior approval from school administration.

ERLID 6774. Rhode Island Statewide Bullying Policy. Section 10. Other redress.

This section does not prevent a victim of bullying, cyber-bullying or retaliation from seeking redress under any other available law, either civil or criminal. This section does not create or alter any tort liability.

ERLID 6774. Rhode Island Statewide Bullying Policy. Section 11. Adoption of policy.

The governing bodies of all schools approved for the purpose of §§ 16-19-1 and 16-19-2 shall adopt this Policy by June 30, 2012.

Other special infractions or conditions

LAWS

§ 16-21-30. Dating violence policy.

(a) As used in this section:

- (1) "Dating violence" means a pattern of behavior where one person uses threats of, or actually uses, physical, sexual, verbal or emotional abuse to control his or her dating partner.
- (2) "Dating partner" means any person, regardless of gender, involved in an intimate relationship with another primarily characterized by the expectation of affectionate involvement whether casual, serious or long-term.
- (3) "At school" means in a classroom, on or immediately adjacent to school premises, on a school bus or other school-related vehicle, at an official school bus stop, or at any school-sponsored activity or event whether or not it is on school grounds.

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

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

- (1) Such policy shall include, but not be limited to, a statement that dating violence will not be tolerated, dating violence reporting procedures, guidelines to responding to at school incidents of dating violence and discipline procedures specific to such incidents.

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

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

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

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

§ 16-21.2-11. Devices prohibited.

(a) Any student enrolled in any secondary or elementary school shall be prohibited from carrying, possessing or using a paging device of any kind or a laser pointer of any kind on school property, except with the written consent of the principal of the school in which the student is enrolled.

(b) The penalty for violation of this section shall be the confiscation of the device.

REGULATIONS

No relevant regulations found.

Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

§ 16-21.2-1. Short title.

This chapter shall be known as "The Rhode Island Substance Abuse Prevention Act".

§ 16-21.2-2. Declaration of purpose.

In recognition of the growing problem of substance use and abuse that municipalities face the purpose of this chapter is as follows:

- (1) To promote the opportunity for municipalities to establish a comprehensive substance abuse prevention program addressing the specific needs of each individual municipality.
- (2) To encourage the development of partnership among municipal governments, school systems, parents, and human service providers to serve the interest of the community in addressing the need for a comprehensive substance abuse prevention program.
- (3) To promote a substance abuse prevention program in every community.
- (4) To provide financial assistance for the planning, establishment, and operation of substance abuse prevention programs.
- (5) To encourage municipal governments, in cooperation with school systems and human services organizations to jointly assess the extent of the substance abuse problem in their community.

§ 16-21.2-3. Authority of municipal governments.

- (a) All municipal governments or their designated agents shall have the power to establish, operate, conduct, and/or make provision for programs to provide a comprehensive substance abuse prevention program.
- (b) The appropriate municipal authority shall adopt rules and regulations governing the substance abuse prevention program including an application and contracting procedure by which qualified groups may apply to operate a substance abuse prevention program.
- (c) Substance abuse prevention programs shall comply with all applicable provisions of the general laws with all applicable state rules and regulations.

§ 16-21.2-4. Substance abuse prevention program.

(a) The department of behavioral healthcare, developmental disabilities and hospitals shall be charged with the administration of this chapter and shall provide grants to assist in the planning, establishment, and operation of substance abuse prevention programs. Grants under this section shall be made to municipal governments or their designated agents according to the following guidelines:

- (1) The maximum grant shall be one hundred twenty-five thousand dollars (\$125,000); provided, however, in the event that available funding exceeds \$1.6 million in a fiscal year, those surplus funds are to be divided proportionately among the cities and towns on a per capita basis but in no event shall the city of Providence exceed a maximum grant cap of \$175,000.00.
- (2) In order to obtain a grant, the municipality or its designated agent must in the first year:
 - (i) Demonstrate the municipality's need for a comprehensive substance abuse program in the areas of prevention and education.

(ii) Demonstrate that the municipality has established by appropriate legislative or executive action, a substance abuse prevention council which shall assist in assessing the needs and resources of the community, developing a three (3) year plan of action addressing the identified needs, the operation and implementation of the overall substance abuse prevention program; coordinating existing services such as law enforcement, prevention, treatment, and education; consisting of representatives of the municipal government, representatives of the school system, parents, and human service providers.

(iii) Demonstrate the municipality's ability to develop a plan of implementation of a comprehensive three (3) year substance abuse prevention program based on the specific needs of the community to include high risk populations of adolescents, children of substance abusers, and primary education school aged children.

(iv) Agree to conduct a survey/questionnaire of the student population designed to establish the extent of the use and abuse of drugs and alcohol in students throughout the local community's school population.

(v) Demonstrate that at least twenty percent (20%) of the cost of the proposed program will be contributed either in cash or in-kind by public or private resources within the municipality.

(b) The department of behavioral healthcare, developmental disabilities and hospitals shall adopt rules and regulations necessary and appropriate to carry out the purposes of this section.

§ 16-21.2-5. Funding of substance abuse prevention program

(a) Money to fund the Rhode Island Substance Abuse Prevention Act shall be appropriated from state general revenues and shall be raised by assessing an additional penalty of thirty dollars (\$30.00) for all speeding violations as set forth in § 31-43-5.1. The money shall be deposited as general revenues. The department of behavioral healthcare, developmental disabilities and hospitals may utilize up to ten percent (10%) of the sums appropriated for the purpose of administering the substance abuse prevention program.

(b) Grants made under this chapter shall not exceed money available in the substance abuse prevention program.

§ 16-21.3-2. Junior high/middle school student assistance program.

(a) The department of behavioral healthcare, developmental disabilities and hospitals shall be charged with the administration of this chapter and shall contract with appropriate substance abuse prevention/intervention agencies to provide student assistance services in junior high/middle schools.

(b) Following the first complete year of operation, school systems receiving junior high/middle school student assistance services will be required to contribute twenty percent (20%) of the costs of student assistance counselors to the service provider agency in order to continue the services.

§ 16-21.3-3. Funding of junior high/middle school student assistance program.

(a) Money to fund this program shall be raised by assessing an additional substance abuse prevention assessment of thirty dollars (\$30.00) for all moving motor vehicle violations handled by the traffic tribunal including, but not limited to, those violations set forth in § 31-41.1-4, except for speeding. The money shall be deposited in a restricted purpose receipt account separate from all other accounts within the department of behavioral healthcare, developmental disabilities and hospitals. The restricted purpose receipt account shall be known as the junior high/middle school student assistance fund and the traffic tribunal shall transfer money from the junior high/middle school student assistance fund to the department of behavioral healthcare, developmental disabilities and hospitals for the administration of the Rhode Island Student Assistance Junior High/Middle School Act.

(b) The department of behavioral healthcare, developmental disabilities and hospitals may utilize up to ten percent (10%) of the sums collected from the additional penalty for the purpose of administering the program.

§ 16-21.3-1. Declaration of purpose.

In recognition of the growing problem of substance use and abuse among youth and that the average age of onset of substance use and abuse is middle school age, the purpose of this chapter is as follows:

- (1) To establish a student assistance program in every public junior high/middle school based upon the model currently operating successfully in Rhode Island high schools.
- (2) The student assistance program will address the following areas:
 - (i) Identification and supportive services for high risk youth;
 - (ii) Primary prevention programming in junior high/middle schools;
 - (iii) Assessment and referral services for substance abuse problems;
 - (iv) School staff training on integration of prevention/intervention program;
 - (v) Parent and community programming for substance abuse prevention;
 - (vi) Focused prevention/support groups for high risk youth;
 - (vii) Development and integration of school substance abuse policy with prevention/intervention services;
 - (viii) To promote integration between student assistance programs and community substance abuse prevention task forces.
- (3) To establish a pilot student assistance program in public elementary schools to the extent that funds are available from the junior high/middle school student assistance fund for that purpose.
- (4) To establish a student assistance program in every public high school to the extent that funds are available.

§ 16-21-20. Alternative placement and prevention activities.

The department of elementary and secondary education in conjunction with the attorney general's task force to prevent violence in schools shall develop requirements for the alternative placement of students suspended under the provision of § 16-21-18. The placements shall be cooperative efforts between the local school district, which shall be responsible for instruction of students, and other appropriate state and local agencies. Further, the department of elementary and secondary education in conjunction with the attorney general's task force shall establish policies in support of locally developed prevention and education activities that include broad parent, teacher, and community involvement.

REGULATIONS

ERLID 5751. Basic Education Program (BEP) Regulations. G-14-2.1.4. Positive behavioral supports and discipline.

Each LEA shall ensure that schools promote a positive climate with emphasis on mutual respect, self-control, good attendance, order and organization, and proper security. Each LEA shall develop protocols that define a set of discipline strategies and constructs that ensure that students and adults make positive behavioral choices and that are conducive to a safe and nurturing environment that promotes academic success.

Behavioral interventions and student support services

LAWS

§ 16-21.3-2. Junior high/middle school student assistance program.

(a) The department of behavioral healthcare, developmental disabilities and hospitals shall be charged with the administration of this chapter and shall contract with appropriate substance abuse prevention/intervention agencies to provide student assistance services in junior high/middle schools.

(b) Following the first complete year of operation, school systems receiving junior high/middle school student assistance services will be required to contribute twenty percent (20%) of the costs of student assistance counselors to the service provider agency in order to continue the services.

§ 16-21.3-3. Funding of junior high/middle school student assistance program.

(a) Money to fund this program shall be raised by assessing an additional substance abuse prevention assessment of thirty dollars (\$30.00) for all moving motor vehicle violations handled by the traffic tribunal including, but not limited to, those violations set forth in § 31-41.1-4, except for speeding. The money shall be deposited in a restricted purpose receipt account separate from all other accounts within the department of behavioral healthcare, developmental disabilities and hospitals. The restricted purpose receipt account shall be known as the junior high/middle school student assistance fund and the traffic tribunal shall transfer money from the junior high/middle school student assistance fund to the department of behavioral healthcare, developmental disabilities and hospitals for the administration of the Rhode Island Student Assistance Junior High/Middle School Act.

(b) The department of behavioral healthcare, developmental disabilities and hospitals may utilize up to ten percent (10%) of the sums collected from the additional penalty for the purpose of administering the program.

§ 16-21-34. Statewide bullying policy implemented.

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

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

REGULATIONS

ERLID 3826.Physical Restraint Regulations. Section 1.0. Preamble.

The Rhode Island Department of Education recognizes the right to effective structural strategies to be the basic educational right of each child. Furthermore, the Rhode Island Department of Education believes that positive behavioral support and educational strategies should be used, as they relate to behavioral intervention, to respect each child's dignity and personal privacy. Intervention techniques must focus not only on eliminating a certain undesirable behavior, but also upon a determination of the purpose of that behavior, and the provision/instruction of a more appropriate behavior. Behavior intervention plans must be individually designed to meet the needs of the student, including students served in general education, special education, and students protected by Section 504 of the Rehabilitation Act of 1973. These behavioral interventions must not be confused with a physical restraint/crisis intervention. Physical restraint/crisis intervention are not part of a behavioral intervention plan designed to alter a child's

behavior but rather are utilized as one method of preventing harm or injury. Once the use of physical restraint/crisis intervention has been employed on a student, school personnel shall determine if the student requires a behavioral intervention plan as part of the student's education program, and if one already exists, whether that plan needs to be modified or adjusted.

ERLID 3826. Physical Restraint Regulations. Section 3.0. Definitions.

3.4 Behavior Intervention Plan: A plan, developed by a team, that delineates emotional, social and/or behavioral goals for a student and the steps that the school, student, parent and/or others will take to positively support the student's progress toward those goals. A Behavior Intervention Plan is comprised of practical and specific strategies to increase or reduce defined behaviors or a pattern of behavior exhibited by a student. A Behavior Intervention Plan includes the following:

1. Definition of the behavior in specific, measurable terms.
2. A plan for prevention of the behavior by changing some of the who, what, when, and where information from the Functional Behavioral Assessment (FBA).
3. A plan to teach the student new ways to meet his or her needs.
4. A description of how to react to the student's behavior in a way that will reinforce appropriate behavior.
5. A plan for how to manage a crisis situation.
6. A data collection, analysis and evaluation system.
7. Timelines for review.

3.12 Functional Behavioral Assessment- is an ongoing process for gathering information that can be used to hypothesize about the function of student behavior. The components of the process are as follows:

1. Define/describe behavior
2. Gather information
3. Identify when, where and under what circumstances does the behavior occur
4. Identify the consequences that maintain the behavior

3.21 Positive Behavioral Supports- a set of practices used to organize teaching and learning environments and experiences for students which facilitate the student's successful self-awareness, self-management, engagement with others and with the learning process.

ERLID 5751. Basic Education Program (BEP) Regulations. G-14-2.1.3. Prevention of bullying, harassment, hazing, teen dating violence, and sexual violence.

Each LEA shall:

1. Prevent and respond appropriately to incidents of bullying, hazing, teen dating violence, sexual violence, and related issues;
2. Promote nonviolent conflict resolution techniques in order to encourage attitudes and behaviors that foster harmonious relations;
3. Provide professional development, training, resources, and other means to assist students, staff, and other adults in the school building or at school sponsored activities in carrying out these responsibilities; and
4. Comply with relevant state and federal statutes regarding these issues.

ERLID 5751. Basic Education Program (BEP) Regulations. G-14-2.1.4. Positive behavioral supports and discipline.

Each LEA shall ensure that schools promote a positive climate with emphasis on mutual respect, self-control, good attendance, order and organization, and proper security. Each LEA shall develop protocols that define a set of discipline strategies and constructs that ensure that students and adults make positive behavioral choices and that are conducive to a safe and nurturing environment that promotes academic success. Each LEA shall ensure that:

- Schools engage in a participatory process (involving students and staff) to assess periodically the school climate and to adopt or develop strategies to improve conditions (see the Board of Regents Policy Statement on Student Rights);
- Students and parents/guardians are notified of district and school rules related to conduct and shall receive regular instruction regarding these rules. In addition, parents/guardians, and students shall be provided with information about early warning signs of harassing and intimidating behaviors, such as bullying, as well as prevention and intervention strategies;
- Schools provide a structure of incentives that adequately reward students for their efforts and achievements. Attention shall be given to rewarding a diversity of accomplishments and to broadening the availability of rewards;
- Schools have a clearly delineated system for ensuring compulsory attendance for children six (6) to sixteen (16) that includes:
 - a) Procedures for noting daily absenteeism and investigating unexcused absences;
 - b) Procedures for noting the required period of attendance of students attending at-home instruction approved by the school committee or at a private day school approved by the Commissioner of Education; and
 - c) The appointment of truant (or attendance) officers whose duties shall include referring truant students to appropriate school support services and procedures for enforcing any given case through civil action filed in Family Court;
- Disciplinary actions are fairly administered for all students and comply with state laws mandating that certain violations be considered on a case by case basis; recognizing that there is no mechanism in Rhode Island law for expulsion of students; and
- Schools shall provide a continuum of interim alternative educational placement options to continue a student's education while suspended that ensure the safety of the student and the school community.

Professional development

LAWS

No relevant laws found.

REGULATIONS

ERLID 3826. Physical Restraint Regulations. Section 4.0. Procedures and training.

4.2 Required Training For All Staff. Each public education program shall designate personnel to determine a time and methods to provide all staff with training regarding the school's physical restraint/crisis intervention policies. Such training shall occur at least annually not later than within the first month of each school year. For employees hired after the school year begins, this training shall take place within the first month of their employment. Training shall include information on the following:

- (a) The program's restraint policy;

- (b) Interventions that may preclude the need for restraint, including de-escalation of problematic behaviors;
- (c) Types of restraints and related safety considerations, including information regarding the increased risk of injury to a student when an extended restraint is used;
- (d) Administering physical restraint in accordance with known medical or psychological limitations and/or behavioral intervention plans applicable to an individual student; and
- (e) Identification of program staff who have received advanced training pursuant to Regulation 4.3 in the use of physical restraint/crisis intervention.

4.3 Advanced Staff Training on the Use of Physical Restraint/Crisis Intervention.

At the start of each school year, every public education program shall identify staff that are authorized to serve as a school-wide based resource to assist other staff in ensuring proper administration of physical restraint and crisis interventions. These staff members shall participate in advanced training in the use of physical restraint/crisis intervention beyond the basic training offered to all staff and the public education program shall document the extent of such training.

4.4 Content of Advanced Training. The advanced training required by Regulation 4.3 in the proper administration of physical restraint/crisis intervention shall include, but not be limited to:

- (a) Appropriate procedures for preventing the need for physical restraint/crisis intervention, including the de-escalation of problematic behavior, relationship building and the use of alternatives to such restraints;
- (b) A description and identification of dangerous behaviors on the part of students that may indicate the need for physical restraint/crisis intervention and methods for evaluating the risk of harm in individual situations in order to determine whether the use of physical restraint and crisis interventions are warranted;
- (c) The simulated experience of administering and receiving physical restraint/crisis intervention, instruction regarding the effect(s) on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;
- (d) Instruction regarding documentation and reporting requirements and investigation of injuries and complaints; and
- (e) Demonstration by participants of proficiency in administering physical restraint/crisis intervention.

ERLID 5751. Basic Education Program (BEP) Regulations.G-14-2.1.3. Prevention of bullying, harassment, hazing, teen dating violence, and sexual violence.

Each LEA shall:

1. Prevent and respond appropriately to incidents of bullying, hazing, teen dating violence, sexual violence, and related issues;
2. Promote nonviolent conflict resolution techniques in order to encourage attitudes and behaviors that foster harmonious relations;
3. Provide professional development, training, resources, and other means to assist students, staff, and other adults in the school building or at school sponsored activities in carrying out these responsibilities; and
4. Comply with relevant state and federal statutes regarding these issues.

Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

No relevant laws found.

REGULATIONS

ERLID 3826. Physical Restraint Regulations. Section 8.0. Reporting requirements.

8.1 Informing School Administration. The staff member who administered the physical restraint/crisis intervention shall inform the administration of any public education program of the use of a physical restraint/crisis intervention as soon as possible, and by a written report not later than the next working day. The administration shall maintain an ongoing written record of all reported instances of physical restraint/crisis intervention.

8.3 Contents of Report. The written report required by Regulation 8.1 shall include:

- (a) The names and job titles of the staff who administered the restraint, and observers, if any, the date of the restraint, the time the restraint began and ended, and the name of the administrator who was verbally informed following the restraint;
- (b) A description of the activity in which the restrained student and other students and staff in the same room or vicinity were engaged immediately preceding the use of physical restraint/crisis intervention, the behavior that prompted the restraint, the efforts made to deescalate the situation, alternatives to restraint that were attempted, and the justification for initiating physical restraint/crisis intervention;
- (c) A description of the administration of the restraint including the holds used and reasons such holds were necessary, the student's behavior and reactions during the restraint, how the restraint ended, and documentation of injury to the student and/or staff, if any, during the restraint and any medical care provided;
- (d) Information regarding any further action(s) that the school has taken or may take, including any disciplinary sanctions that may be imposed on the student, and a behavioral intervention plan was developed or modified as a result of the restraint;
- (e) Information regarding opportunities for the student's parents or guardians to discuss with school officials the administration of the restraint, any disciplinary sanctions that may be imposed on the student and/or any other related matter.

8.4 Report to the R.I. Department of Education. Each public educational program shall provide the R.I. Department of Education a record of every incident of the use of a physical restraint/crisis intervention on an annual basis.

ERLID 6774. Rhode Island Statewide Bullying Policy. Section 5. Reporting.

The school principal, director or head of school shall establish, and prominently publicize to students, staff, volunteers, and parents/guardians, how a report of bullying may be filed and how this report will be acted upon (See attached sample Report Form).

The victim of bullying, anyone who witnesses an incidence of bullying, and anyone who has credible information that an act of bullying has taken place may file a report of bullying.

Any student or staff member who believes he/she is being bullied should immediately report such circumstances to an appropriate staff member, teacher or administrator.

Parents/Guardians of the victim of bullying and parents/guardians of the alleged perpetrator of the bullying shall be notified within twenty- four (24) hours of the incident report. When there is a reasonable suspicion that a child is either a bully or a victim of bullying, the parents/guardians of the child will be notified immediately by the principal, director or head of school.

Responsibility of Staff: School staff, including volunteers, who observe an act of bullying or who have reasonable grounds to believe that bullying is taking place must report the bullying to school authorities. Failure to do so may result in disciplinary action.

Responsibility of Students: Students who observe an act of bullying or who have reasonable grounds to believe that bullying is taking place must report the bullying to school authorities. Failure to do so may result in disciplinary action. The victim of bullying, however, shall not be subject to discipline for failing to report the bullying. Student reports of bullying or retaliation may be made anonymously, provided, however, that no disciplinary action shall be taken against a student solely on the basis of an anonymous report.

Prohibition against Retaliation: Retaliation or threats of retaliation in any form designed to intimidate the victim of bullying, those who are witnesses to bullying, or those investigating an incident of bullying shall not be tolerated. Retaliation or threat of retaliation will result in the imposition of discipline in accordance with the school behavior code.

False Reporting/Accusations: A school employee, school volunteer or student who knowingly makes a false accusation of bullying or retaliation shall be disciplined in accordance with the school behavior code.

Reports in Good Faith: A school employee, school volunteer, student, parent/legal guardian, or caregiver who promptly reports, in good faith, an act of bullying to the appropriate school official designated in the school's policy shall be immune from a cause of action for damages arising from reporting bullying.

ERLID 6774. Rhode Island Statewide Bullying Policy. Section 6. Investigation/Response.

The school principal, director or head of school shall promptly investigate all allegations of bullying, harassment, or intimidation. If the allegation is found to be credible, appropriate disciplinary actions, subject to applicable due process requirements, will be imposed. The School Resource Officer or other qualified staff may be utilized to mediate bullying situations.

The investigation will include an assessment by the school psychologist and/or social worker of what effect the bullying, harassment or intimidation has had on the victim. A student who engages in continuous and/or serious acts of bullying will also be referred to the school psychologist and/or social worker. [...]

Parental notification

LAWS

§ 11-47-60.2. Possession of weapons on school grounds – Notification.

(a) If a student is found to be carrying a weapon, as defined in § 11-47-42, a firearm or replica of a firearm, or commits an aggravated assault on school grounds as defined in § 11-47-60, the principal or designee shall immediately notify the student's parents and the local police and turn the weapon over, if any, to the local enforcement agency.

(b) Any person who has reasonable cause to know that any person is in violation of this statute shall notify the principal or designee. The principal or designee shall immediately notify the student's parents and the local police. Any person acting in good faith who makes a report under this section shall have immunity from any civil liability that might otherwise be incurred or imposed as a result of making the report.

§ 16-19-10. Notification of pupil absence.

(a) Whenever any pupil in grades kindergarten through nine (9) fails to report to school on a regularly scheduled school day and no indication has been received by school personnel that the pupil's parent or guardian is aware of the pupil's absence, a reasonable effort to notify, by telephone, the parent or guardian shall be made by school personnel or volunteers organized by the school committee of each city, town, or regional school district or the director or other person in charge of private schools of elementary and secondary grades.

§ 16-21.5-1. Legislative intent.

(a) Community policing and the presence of school resource officers on school campuses serve a vital role fostering a safe learning environment for pupils, faculty and staff.

(b) In order to enable school resource officers to more effectively fulfill this role, it is the intent of the legislature to encourage them to form positive relationships with both parents and pupils who are part of the school community.

(c) It is also vitally important that parents be given meaningful opportunity to be active and informed participants in situations involving interaction with school resource officers or other members of the law enforcement community in the school setting.

(d) In furtherance of this objective, it is the intent of the legislature to increase the level of participation of parents when their minor children are being questioned by law enforcement in school or at a school-sponsored activity.

§ 16-21-34. Statewide bullying policy implemented.

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

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

REGULATIONS

ERLID 3826.Physical Restraint Regulations. Section 8.0. Reporting requirements.

8.2 Informing Parents. The school administration shall have procedures to inform the student's parent(s) or guardian(s) of the use of a restraint as soon as possible, and not later than two (2) school days after each incident. Written documentation of this notification shall be maintained by the public education program.

ERLID 6774. Rhode Island Statewide Bullying Policy. Introduction. This Statewide Bullying Policy is promulgated pursuant to the authority set forth in § 16-21-34 of the General Laws of Rhode Island. Known as the Safe School Act, the statute recognizes that the bullying of a student creates a climate of fear and disrespect that can seriously impair the student's health and negatively affect learning. Bullying undermines the safe learning environment that students need to achieve their full potential. The purpose of the Policy is to ensure a consistent and unified statewide approach to the prohibition of bullying at school.

ERLID 6774. Rhode Island Statewide Bullying Policy. Section 5. Reporting.

The school principal, director or head of school shall establish, and prominently publicize to students, staff, volunteers, and parents/guardians, how a report of bullying may be filed and how this report will be acted upon (See attached sample Report Form).

The victim of bullying, anyone who witnesses an incidence of bullying, and anyone who has credible information that an act of bullying has taken place may file a report of bullying.

Any student or staff member who believes he/she is being bullied should immediately report such circumstances to an appropriate staff member, teacher or administrator.

Parents/Guardians of the victim of bullying and parents/guardians of the alleged perpetrator of the bullying shall be notified within twenty- four (24) hours of the incident report. When there is a reasonable suspicion that a child is either a bully or a victim of bullying, the parents/guardians of the child will be notified immediately by the principal, director or head of school.

Responsibility of Staff: School staff, including volunteers, who observe an act of bullying or who have reasonable grounds to believe that bullying is taking place must report the bullying to school authorities. Failure to do so may result in disciplinary action.

Responsibility of Students: Students who observe an act of bullying or who have reasonable grounds to believe that bullying is taking place must report the bullying to school authorities. Failure to do so may result in disciplinary action. The victim of bullying, however, shall not be subject to discipline for failing to report the bullying. Student reports of bullying or retaliation may be made anonymously, provided, however, that no disciplinary action shall be taken against a student solely on the basis of an anonymous report.

Prohibition against Retaliation: Retaliation or threats of retaliation in any form designed to intimidate the victim of bullying, those who are witnesses to bullying, or those investigating an incident of bullying shall not be tolerated. Retaliation or threat of retaliation will result in the imposition of discipline in accordance with the school behavior code.

False Reporting/Accusations: A school employee, school volunteer or student who knowingly makes a false accusation of bullying or retaliation shall be disciplined in accordance with the school behavior code.

Reports in Good Faith: A school employee, school volunteer, student, parent/legal guardian, or caregiver who promptly reports, in good faith, an act of bullying to the appropriate school official designated in the school's policy shall be immune from a cause of action for damages arising from reporting bullying.

ERLID 6774. Rhode Island Statewide Bullying Policy. Section 6. Investigation/Response.

The school principal, director or head of school shall promptly investigate all allegations of bullying, harassment, or intimidation. If the allegation is found to be credible, appropriate disciplinary actions, subject to applicable due process requirements, will be imposed. The School Resource Officer or other qualified staff may be utilized to mediate bullying situations.

The investigation will include an assessment by the school psychologist and/or social worker of what effect the bullying, harassment or intimidation has had on the victim. A student who engages in continuous and/or serious acts of bullying will also be referred to the school psychologist and/or social worker.

Police Notification: Immediate notification of the local law enforcement agency will be made when circumstances warrant the pursuit of criminal charges against the perpetrator.

Protection: If a student is the victim of serious or persistent bullying:

- a. The school principal, director or head of school will intervene immediately to provide the student with a safe educational environment.

- b. The interventions will be developed, if possible, with input from the student, his or her parent/guardian, and staff.
- c. The parents/guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying or retaliation.

ERLID 6774. Rhode Island Statewide Bullying Policy. Section 7. Disciplinary action.

The disciplinary actions for violations of the bullying policy shall be determined by the school/district appropriate authority. Disciplinary actions for violations of the bullying policy shall balance the need for accountability with the need to teach appropriate behavior. The severity of the disciplinary action shall be aligned to the severity of the bullying behavior.

The range of disciplinary actions that may be taken against a perpetrator for bullying, cyberbullying or retaliation shall include, but not be limited to:

- a. Admonitions and warnings
- b. Parental/Guardian notification and meetings
- c. Detention
- d. In-school suspension
- e. Loss of school-provided transportation or loss of student parking pass
- f. Loss of the opportunity to participate in extracurricular activities
- g. Loss of the opportunity to participate in school social activities
- h. Loss of the opportunity to participate in graduation exercises or middle school promotional activities
- i. Police contact
- j. School suspension: No student shall be suspended from school unless it is deemed to be a necessary consequence of the violation of this Policy...

ERLID 7377. Details for Regulations Governing the Education of Children with Disabilities. Section 300.530. Authority of school personnel; emergency removal.

(h) Notification. On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct, the LEA must notify the parents of that decision, and provide the parents the procedural safeguards notice described in § 300.504.

Reporting and referrals between schools and law enforcement

LAWS

§ 11-47-60.2. Possession of weapons on school grounds – Notification.

(a) If a student is found to be carrying a weapon, as defined in § 11-47-42, a firearm or replica of a firearm, or commits an aggravated assault on school grounds as defined in § 11-47-60, the principal or designee shall immediately notify the student's parents and the local police and turn the weapon over, if any, to the local enforcement agency.

(b) Any person who has reasonable cause to know that any person is in violation of this statute shall notify the principal or designee. The principal or designee shall immediately notify the student's parents and the local police. Any person acting in good faith who makes a report under this section shall have immunity from any civil liability that might otherwise be incurred or imposed as a result of making the report.

(c) School superintendents shall receive notice from the clerk of the family court regarding the disposition of all cases involving juveniles from their school districts adjudged pursuant to this statute. This information shall remain confidential and be shared with school officials who deal directly with the student.

(d) The provisions of this section should not apply to the following activities when the activities are officially recognized and sanctioned by the educational institution:

- (1) Firearm instructed and/or safety course;
- (2) Government-sponsored military-related programs such as ROTC;
- (3) Interscholastic shooting and/or marksmanship events;
- (4) Military history and firearms collection courses and/or programs; and
- (5) The use of blank guns in theatrical and/or athletic events.

(e) The provisions of this section shall not apply to colleges, universities or junior colleges.

§ 16-21.5-2. Procedure for interrogating elementary students.

(a) Before making an elementary school pupil available to a law enforcement officer for the purpose of being questioned, the principal of the elementary school, or his or her designee, shall take immediate steps to obtain the oral consent of the parent or guardian of the pupil to permit the questioning.

(b) If the parent or guardian requests that the pupil not be questioned until he or she can be present, the pupil may not be made available to the law enforcement officer for questioning until the parent or guardian is present.

(c) If school officials are unable, after reasonable efforts undertaken within a period not to exceed one hour, to contact a parent or guardian in order to obtain consent pursuant to this subdivision, a school administrator, school counselor, or school teacher who is reasonably available and selected by the pupil, shall be present during the questioning.

(d) If the school administrator, school counselor, or school teacher selected by the pupil declines to be present during the questioning, the principal, or his or her designee, shall be present during the questioning.

(e) In those cases in which school officials are unable to contact the pupil's parent or guardian, after the questioning has been completed, the principal or his or her designee shall immediately notify the parent or guardian that the questioning has occurred and make the staff member who was present during the questioning available to inform the parent or guardian about questioning.

§ 16-21.5-3. Procedure for interrogating high school students.

(a) Before making a high school pupil under eighteen (18) years of age available to a law enforcement officer for the purpose of questioning, the principal of the school, or his or her designee, shall inform the pupil that the pupil has the right to request that his or her parent or guardian or an adult family member, or person on the list of emergency contacts for the pupil be present during the questioning.

(b) If the person selected by the pupil cannot be made available within a reasonable period of time, not exceeding one hour, or declines to be present at the questioning, the principal or his or her designee shall inform the pupil that the pupil may select as an alternate, a school administrator, school counselor, or school teacher who is reasonably available to be present during the questioning.

(c) If the person selected by the pupil declines to be present during the questioning, the principal, or his or her designee, shall so inform the pupil and advise the pupil that the principal, or his or designee, will be present during the questioning if the pupil so requests.

(d) If the pupil exercises his or her right, pursuant to this subsection, to have one of the persons designated in paragraph (a), (b) or (c) present during the questioning, the pupil may not be made available to the law enforcement officer for questioning until that person is present.

§ 16-21.5-4. Student interrogations under exigent circumstances.

The provisions of §§ 16-21.5-2 and 16-21.5-3 shall not apply if any of the following conditions exist:

(a) The law enforcement officer reasonably believes that, due to exigent circumstances, the inability of the officer to immediately question the pupil will materially interfere with the ability of the officer to conduct his or her investigation and any delay would significantly impede the timely apprehension of a suspect. In that case, if an elementary school pupil is being questioned, the principal or his or her designee shall be present during the questioning and shall take immediate and continuous steps to notify the parent or guardian by telephone about the questioning, and if unsuccessful in doing so before the questioning, shall take immediate steps to notify the parent or guardian about the questioning after the questioning has been completed. If a high school pupil is being questioned, the pupil shall be given the option of having the principal, or his or her designee, present during the questioning.

(b) The law enforcement officer reasonably believes that there is a substantial risk of immediate personal injury or substantial property damage. In that case, if an elementary school pupil is being questioned, the principal or his or her designee shall be present during the questioning and shall take immediate and continuous steps to notify the parent or guardian by telephone regarding the questioning, and if unsuccessful in doing so before the questioning is completed, shall take immediate steps to notify the parent or guardian regarding the questioning after it has been completed. If a high school pupil is being questioned, the pupil shall be given the option of having the principal or his or her designee present during the questioning.

(c) The minor pupil being questioned is suspected of being a victim of child abuse or neglect, and either the principal or his or her designee or the law enforcement officer has reasonable belief that the pupil would be endangered by the notification requirements of § 16-21.5-2 or § 16-21.5-3. In that case, if the pupil is an elementary school pupil, the principal of the school, or his or her designee, shall inform the pupil that the pupil has the right to select a school administrator, school counselor or school teacher who is reasonably available to be present during the questioning, as provided in paragraphs (c) and (d) of § 16-21.5-2. If the pupil is a high school pupil, the principal of the school, or his or her designee, shall inform the pupil that the pupil has the right to select another person to be present during the questioning as provided in subsection 16-21.5-3(b).

(d) (1) In the case of an elementary school pupil, the law enforcement officer's questioning of the pupil concerns the commission of criminal activity by the person who would otherwise be present during the questioning pursuant to § 16-21.5-2. In that case, the principal of the school, or his or her designee, shall inform the pupil that the pupil has the right to select a school administrator, school counselor, or school teacher who is reasonably available to be present during the questioning as provided in subsection 16-21.5-2(c).

(2) In the case of a high school pupil, the law enforcement officer's questioning of the pupil concerns the commission of criminal activity by the person selected by the pupil pursuant to § 16-21.5-3. In that case, the principal of the school, or his or her designee, shall so inform the pupil and advise that the pupil has the right to select another person to be present during the questioning as provided in subsection 16-21.5-3(c).

(e) The pupil is on probation or parole and is being interviewed or otherwise contacted by a probation or parole officer in the normal course of duties of the probation or parole officer.

(f) Except in exigent circumstances as determined by the law enforcement officer, any questioning of a pupil by a law enforcement officer for any reason other than the ordinary, day-to-day conversation that

is to be expected among members of a school community, shall take place in a private location, including, but not limited to, the principal's office, and may not take place in a classroom or hallway or other areas where pupils or others may be present.

(g) A school official present during the questioning of a pupil under this section may not disclose matters discussed with the pupil other than to the parent or guardian of the pupil, the attorney for the pupil, other school officials, or a court.

(h) Any school officer or staff member present at the questioning of the pupil by a law enforcement officer pursuant to this section is immune from civil or criminal liability arising from his or her participation during the questioning of the pupil.

(i) For the purposes of this section, "questioning" means only formal questioning in which the principal, or his or her designee, makes a pupil available to a law enforcement officer, at the request of the law enforcement officer, the principal or his or her designee, for questioning as a victim, suspect, or person with information concerning a suspected violation of a school rule that constitutes grounds for expulsion or a suspected commission of a crime. For the purposes of this section, "formal questioning" means only questioning of a pupil by a law enforcement officer that occurs on school grounds. "Formal questioning" does not include ordinary, day-to-day conversations between a pupil and a law enforcement officer.

§ 16-21-34. Statewide bullying policy implemented.

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

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

REGULATIONS

ERLID 6774. Rhode Island Statewide Bullying Policy. Introduction.

This Statewide Bullying Policy is promulgated pursuant to the authority set forth in § 16-21-34 of the General Laws of Rhode Island. Known as the Safe School Act, the statute recognizes that the bullying of a student creates a climate of fear and disrespect that can seriously impair the student's health and negatively affect learning. Bullying undermines the safe learning environment that students need to achieve their full potential. The purpose of the Policy is to ensure a consistent and unified statewide approach to the prohibition of bullying at school.

ERLID 6774. Rhode Island Statewide Bullying Policy. Section 6. Investigation/Response.

The school principal, director or head of school shall promptly investigate all allegations of bullying, harassment, or intimidation. If the allegation is found to be credible, appropriate disciplinary actions, subject to applicable due process requirements, will be imposed. The School Resource Officer or other qualified staff may be utilized to mediate bullying situations.

The investigation will include an assessment by the school psychologist and/or social worker of what effect the bullying, harassment or intimidation has had on the victim. A student who engages in continuous and/or serious acts of bullying will also be referred to the school psychologist and/or social worker.

Police Notification: Immediate notification of the local law enforcement agency will be made when circumstances warrant the pursuit of criminal charges against the perpetrator.

Protection: If a student is the victim of serious or persistent bullying:

- a. The school principal, director or head of school will intervene immediately to provide the student with a safe educational environment.
- b. The interventions will be developed, if possible, with input from the student, his or her parent/guardian, and staff.
- c. The parents/guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying or retaliation.

ERLID 6774. Rhode Island Statewide Bullying Policy. Section 7. Disciplinary action.

The disciplinary actions for violations of the bullying policy shall be determined by the school/district appropriate authority. Disciplinary actions for violations of the bullying policy shall balance the need for accountability with the need to teach appropriate behavior. The severity of the disciplinary action shall be aligned to the severity of the bullying behavior.

The range of disciplinary actions that may be taken against a perpetrator for bullying, cyberbullying or retaliation shall include, but not be limited to:

- i. Police contact

ERLID 7377. Details for Regulations Governing the Education of Children with Disabilities. Section 300.535. Referral to and action by law enforcement and judicial authorities.

(a) Rule of construction. Nothing in this part prohibits an agency from reporting a crime committed by a child with a disability to appropriate authorities or prevents State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

(b) Transmittal of records.

- (1) An agency reporting a crime committed by a child with a disability must ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime.
- (2) An agency reporting a crime under this section may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

Disclosure of school records

LAWS

§ 16-21-24. Requirements of school safety plans, school emergency response plans, and school crisis response plans.

(a) School safety plans, as required by this chapter, shall include and address, but not to be limited to, prevention, mitigation, preparedness, response, and recovery. The school safety plans shall include, at a minimum, the following policies and procedures: [...]

- (15) Policies and procedures for disclosing information that is provided to the school administrators about a student's conduct, including, but not limited to, the student's prior disciplinary records, and history of violence, to classroom teachers, school staff, and school security, if they have been

determined by the principal to have a legitimate need for the information in order to fulfill their professional responsibilities and for protecting such information from any further disclosure; and

(16) Procedures for determining whether or not any threats or conduct established in the policy may be grounds for discipline of the student. School districts, school committees, school officials, and school employees providing notice in good faith as required and consistent with the committee's policies adopted under this section are immune from any liability arising out of such notification[...]

REGULATIONS

ERLID 7377. Details for Regulations Governing the Education of Children with Disabilities. Section 300.535. Referral to and action by law enforcement and judicial authorities.

(b) Transmittal of records.

(1) An agency reporting a crime committed by a child with a disability must ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime.

(2) An agency reporting a crime under this section may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

Data collection, review, and reporting of disciplinary policies and actions

LAWS

§ 16-2-17. Right to a safe school.

(a) Each student, staff member, teacher, and administrator has a right to attend and/or work at a school which is safe and secure, and which is conducive to learning, and which is free from the threat, actual or implied, of physical harm by a disruptive student. A disruptive student is a person who is subject to compulsory school attendance, who exhibits persistent conduct which substantially impedes the ability of other students to learn, or otherwise substantially interferes with the rights stated above, and who has failed to respond to corrective and rehabilitative measures presented by staff, teachers, or administrators.

(b) The school committee, or a school principal as designated by the school committee, may suspend all pupils found guilty of this conduct, or of violation of those school regulations which relate to the rights set forth in subsection (a), or where a student represents a threat to those rights of students, teachers, or administrators, as described in subsection (a). Nothing in this section shall relieve the school committee or school principals from following all procedures required by state and federal law regarding discipline of students with disabilities.

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

(d) All school superintendents, or their designees, shall review annually, the discipline data for their school district, collected in accordance with the specifications set forth in § 16-60-4(21), to determine whether the discipline imposed has a disproportionate impact on students based on race, ethnicity, or

disability status and to appropriately respond to any such disparity. In addition to the data submitted, if a disparity exists, the school district shall submit a report to the council on elementary and secondary education describing the conduct of the student, the frequency of the conduct, prior disciplinary actions for the conduct, any other relevant information and corrective actions to address the disparity, after consultation with representatives of the faculty has been taken to address the disparity. The reports shall be deemed to be public records for purposes of title 38.

§ 16-60-4. Board of regents for elementary and secondary education -- Powers and duties.

(a) The council on elementary and secondary education shall have in addition to those enumerated in § 16-60-1, the following powers and duties:

(21)(i) To prepare, with the assistance of the commissioner of elementary and secondary education, and to present annually to the general assembly by January 1 a report on school discipline in Rhode Island schools. This report shall include:

- (A) Expulsions by district, including duration and the reason for each action;
- (B) Suspensions by district, including duration and the reason for each action;
- (C) Placements to alternative programs for disciplinary reasons;
- (D) Assaults of teachers, students, and school staff by students;
- (E) Incidents involving possession of weapons on school property. For the purpose of this section, a weapon shall be considered any of those weapons described in §§ 11-47-2 and 11-47-42;
- (F) Incidents of the sale of controlled substances by students;
- (G) Incidents of the possession with the intent to sell controlled substances by students;
- (H) Additional demographic information including, but not limited to, the ethnic and racial classifications, age, and gender, as prescribed by the commissioner, of each of the students involved in the incidents, events or actions described in subparagraphs (A) through (G) of this subdivision; and
- (I) A description of the education program provided to each student suspended for over ten (10) consecutive school days in a school year.

(ii) All school superintendents shall supply the necessary information on forms established by the commissioner of elementary and secondary education to the council on elementary and secondary education to assist in the preparation of the council's report on school discipline.

(22) To prepare and promulgate a uniform statewide school reporting system which would provide information including, but not limited to, the following:

- (i) Student and teacher attendance rates;
- (ii) Standardized test scores;
- (iii) Demographic profiles;
- (iv) Results of polls of students, parents, and teachers;
- (v) Descriptions of goals, initiatives, and achievements;
- (vi) Best teaching practices;
- (vii) Alternative student assessments;
- (viii) Special programs; and
- (ix) Number of student suspensions and teacher grievances and the amount of parental involvement.

§ 16-103-1. Definitions.

For the purposes of this chapter:

(1) "Social media account" means an electronic service or account, or electronic content, including, but not limited to, videos, still photographs, blogs, video blogs, podcasts, instant and text messages, email, online service or accounts, or internet website profiles or locations. For the purposes of this chapter, social media account does not include an account opened at a school's behest, or provided by the school, or intended to be used primarily on behalf of the school.

(2) "Applicant" means an applicant for admission to an educational institution.

(3) "Educational institution" or "school" means a private or public institution that offers participants, students, or trainees an organized course of study or training that is academic, technical, trade-oriented,

or preparatory for gainful employment in a recognized occupation and shall include any person acting as an agent of the institution.

(4) "Student" means any student, participant, or trainee, whether full-time or part-time, in an organized course of study at an educational institution.

§ 16-103-2. Social media password requests prohibited.

No educational institution shall:

(1) Require, coerce, or request a student or prospective student to disclose the password or any other means for accessing a personal social media account;

(2) Require, coerce, or request a student or prospective student to access a personal social media account in the presence of the educational institution's employee or representative; or

(3) Require or coerce a student or prospective student to divulge any personal social media account information.

§ 16-103-3. Social media access requests prohibited.

No educational institution shall compel a student or applicant, as a condition of acceptance or participation in curricular or extracurricular activities, to add anyone, including a coach, teacher, school administrator, or other school employee or school volunteer, to his or her list of contacts associated with a personal social media account or require, request, or cause a student or applicant to alter settings that affect a third party's ability to view the contents of a personal social media account.

§ 16-103-4. Disciplinary action prohibited.

No educational institution shall:

(1) Discharge, discipline, or otherwise penalize or threaten to discharge, discipline, or otherwise penalize any student for a student's refusal to disclose or provide access to any information specified in § 16-103-2, or for refusal to add a coach, teacher, administrator, or other school employee or school volunteer to his or her list of contacts associated with a personal social media account, or to alter settings associated with a personal social media account, as specified in § 16-103-3; or

(2) Fail or refuse to admit any applicant as a result of the applicant's refusal to disclose or provide access to any information specified in § 16-103-2 or for refusal to add a coach, teacher, school administrator, or other school employee or school volunteer to his or her list of contacts associated with a personal social media account or to alter settings associated with a personal social media account, as specified in § 16-103-3.

§ 16-103-5. Exceptions.

This chapter shall not apply to information about a student that is publicly available.

§ 16-103-6. Penalties for violations.

In any civil action alleging a violation of this chapter, the court may:

- (1) Award to a prevailing applicant or student declaratory relief, damages, and reasonable attorneys' fees and costs; and
- (2) Award injunctive relief against any school or agent of any educational institution that or who commits or proposes to commit a violation of this chapter.

16-108-1. Short title.

This chapter shall be known and may be cited as the "All Students Count Act".

16-108-2. Definitions.

The following words and phrases, as used in this chapter shall have the following meanings:

- (1) "Entity" means the Rhode Island department of elementary and secondary education, its sub agencies and state agency(s) and local municipalities from which it collects demographic data.
- (2) "Southeast Asian" means individuals who identify with one or more ethnic groups originating from the countries in the Southeast Asian region, including Cambodia, the Philippines, Laos, Vietnam, and other Southeast Asian countries.

16-108-3. Data transparency.

(a) Whenever the department of elementary and secondary education collects demographic data as to the ancestry or ethnic origins of students for a report that includes educational proficiencies, graduation rates, attendance rates, and access to educational resources, the entity shall use separate collection categories and tabulations in accordance with the following:

- (1) No later than twelve (12) months after a decennial United States Census is released to the public, each entity shall use the collection and tabulation categories for the Asian population groups as they are reported by the United States Census Bureau as well as people with disabilities and English language learners.
- (2) The categories used by each entity for Asian population, to the extent not already required pursuant to this section shall always include, but not be limited to, the following Asian ethnic groups:
 - (i) Cambodian, Filipino, Hmong, Laotian, Vietnamese, and other Southeast Asian ethnic groups.
- (3) Until the release of the next decennial United States Census following the enactment of this chapter, each entity shall use the enhanced data collection and tabulation categories that the entity was previously required to use.
- (4) Each entity shall comply with the Family Educational Rights and Privacy Act, (20 U.S.C. §1232g, 34 CFR Part 99) and shall observe criteria for ensuring statistical significance of data collected and published.
 - (i) Districts reporting data with a student group that has too few students, as defined by a minimum size of ten (10), for evaluation must be notated.
- (5) Each entity shall cross-tabulate data of student outcome by gender, disability and English proficiency for all students.
- (6) Each entity shall make the demographic data publicly available, except for personal identifying information, which shall be deemed confidential, by posting the data on the applicable entity's website by July 1, 2018 and shall update the data annually thereafter. This subsection shall not be construed to prevent any other state agency from posting data collected on the state agency's website, in a matter prescribed by this section.

(b) This chapter shall only apply to the collection of data for students in the public elementary and secondary education system. It does not apply to the demographic data of students participating in postsecondary education.

(c) If the state determines that this chapter contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made.

§ 16-109-1. Short title.

This act shall be known and may be cited as the "Student Journalists' Freedom of Expression Act".

§ 16-109-2. Definitions.

As used in this section:

(1) "School-sponsored media" means any material that is prepared, substantially written, published, or broadcast by a student journalist at an institution under the supervision of the council on elementary and secondary education and the council on postsecondary education, both public and private, distributed, or generally made available to members of the student body, and prepared under the direction of a student media advisor. School-sponsored media does not include content intended for distribution or transmission only in the classroom in which it is produced.

(2) "Student journalist" means a student of an institution under the supervision of the council on elementary and secondary education and the council on postsecondary education, both public and private, who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.

(3) "Student media advisor" means an individual employed, appointed, or designated by an institution under the supervision of the council on elementary and secondary education and the council on postsecondary education, both public and private, to supervise or provide instruction relating to school-sponsored media.

§ 16-109-3. Student journalists' freedom of expression – civil remedy.

(a) Except as provided in subsection (b) of this section, a student journalist has the right to exercise freedom of speech and of the press in both school-sponsored media and non-school-sponsored media, regardless of whether the media is supported financially by the school, local education agency "(LEA)", or uses the facilities of the school or LEA, or produced in conjunction with a class in which the student is enrolled. Subject to subsection (b) of this section, a student journalist is responsible for determining the news, opinion, feature, and advertising content of school-sponsored media. This subsection may not be construed to prevent a student media advisor from teaching professional standards of English and journalism to student journalists.

(b) This section does not authorize or protect expression by a student that:

(1) Is libelous or slanderous;

(2) Constitutes an unwarranted invasion of privacy;

(3) Violates federal or state law; or

(4) So incites students as to create a clear and present danger of the commission of an unlawful act, the violation of school district policy, or the material and substantial disruption of the orderly operation of the institution. Administrators must base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension.

(c) Nothing in this section shall be construed as authorizing the publication of an advertisement in school-sponsored media at an institution under the supervision of the council on elementary and secondary

education that promotes the purchase of a product or service that is unlawful for purchase or use by minors.

(d) A student journalist may not be disciplined for acting in accordance with subsection (a) of this section.

(e) A student media advisor may not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against for:

(1) Acting to protect a student journalist engaged in permissible conduct under subsection (a) of this section; or

(2) Refusing to infringe on conduct that is protected by this chapter or the First Amendment to the United States Constitution.

(f) Each institution, school, or LEA subject to this chapter may adopt a written student freedom of expression policy in accordance with this section. The policy must include reasonable provisions for the time, place, and manner of student expression. For institutions under the supervision of the council on elementary and secondary education, the policy may also include limitations to language that may be defined as profane, harassing, threatening, or intimidating.

(g) No expression made by students in the exercise of free speech or free press rights shall be deemed to be an expression of school policy, and no school officials or school district shall be held responsible in any civil or criminal action for any expression made or published by students.

(h) Any student, individually or through a parent or guardian, or student media advisor may institute proceedings for injunctive or declaratory relief in any court of competent jurisdiction to enforce the rights provided in this section.

REGULATIONS

No relevant regulations found.

Student Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Certification or training

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

MOUs, authorization, and/or funding

LAWS

§ 16-19-3. Appointment and compensation of truant officers – Supplies and assistance – Joint officers – Tenure.

The school committee of each city or town shall annually in the month of December appoint one or more persons as truant officers, who shall by virtue of their appointment be clothed with the power of special constables, and fix their compensation, which shall be payable from the appropriation for public schools. The school committee may also furnish all necessary supplies and clerical assistance for the proper and efficient performance of the duties of the truant officer. The school committee of two (2) or more cities or towns may appoint the same truant officer or officers, and any school committee that appoints other employees on a different tenure of office than annual appointments may appoint truant officers on a similar tenure in lieu of the annual appointment mentioned in this section and may fix their compensation from time to time.

§ 16-21.5-1. Legislative intent.

- (a) Community policing and the presence of school resource officers on school campuses serve a vital role fostering a safe learning environment for pupils, faculty and staff.
- (b) In order to enable school resource officers to more effectively fulfill this role, it is the intent of the legislature to encourage them to form positive relationships with both parents and pupils who are part of the school community.
- (c) It is also vitally important that parents be given meaningful opportunity to be active and informed participants in situations involving interaction with school resource officers or other members of the law enforcement community in the school setting.

(d) In furtherance of this objective, it is the intent of the legislature to increase the level of participation of parents when their minor children are being questioned by law enforcement in school or at a school-sponsored activity.

REGULATIONS

ERLID 5751. Basic Education Program (BEP) Regulations.G-14-2.1.4. Positive behavioral supports and discipline.

Each LEA shall ensure that schools promote a positive climate with emphasis on mutual respect, self-control, good attendance, order and organization, and proper security. Each LEA shall develop protocols that define a set of discipline strategies and constructs that ensure that students and adults make positive behavioral choices and that are conducive to a safe and nurturing environment that promotes academic success. Each LEA shall ensure that:

[...] Schools have a clearly delineated system for ensuring compulsory attendance for children six (6) to sixteen (16) that includes:

[...c) The appointment of truant (or attendance) officers whose duties shall include referring truant students to appropriate school support services and procedures for enforcing any given case through civil action filed in Family Court;

ERLID 6774. Rhode Island Statewide Bullying Policy. Section 6. Investigation/Response.

The school principal, director or head of school shall promptly investigate all allegations of bullying, harassment, or intimidation. If the allegation is found to be credible, appropriate disciplinary actions, subject to applicable due process requirements, will be imposed. The School Resource Officer or other qualified staff may be utilized to mediate bullying situations.

State Education Agency Support

State model policies and implementation support

LAWS

No relevant laws found.

REGULATIONS

ERLID 6774. Rhode Island Statewide Bullying Policy. Introduction.

This Statewide Bullying Policy is promulgated pursuant to the authority set forth in § 16-21-34 of the General Laws of Rhode Island. Known as the Safe School Act, the statute recognizes that the bullying of a student creates a climate of fear and disrespect that can seriously impair the student's health and negatively affect learning. Bullying undermines the safe learning environment that students need to achieve their full potential. The purpose of the Policy is to ensure a consistent and unified statewide approach to the prohibition of bullying at school.

ERLID 6774. Rhode Island Statewide Bullying Policy. Section 1. Definitions.

BULLYING means the use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof directed at a student that:

- a. Causes physical or emotional harm to the student or damage to the student's property;
- b. Places the student in reasonable fear of harm to himself/herself or of damage to his/her property;
- c. Creates an intimidating, threatening, hostile, or abusive educational environment for the student;
- d. Infringes on the rights of the student to participate in school activities; or
- e. Materially and substantially disrupts the education process or the orderly operation of a school.

The expression, physical act or gesture may include, but is not limited to, an incident or incidents that may be reasonably perceived as being motivated by characteristics such as:

Race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression or mental, physical, or sensory disability, intellectual ability or by any other distinguishing characteristic.

Bullying most often occurs as repeated behavior and often is not a single incident between the bullying/cyber- bullying offender(s) and the bullying victim(s).

CYBER-BULLYING means bullying through the use of technology or any electronic communication, which shall include, but not be limited to, any transfer of signs, signals, writing, images, sounds, data, texting or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, Internet communications, instant messages or facsimile communications.

Forms of cyber-bullying may include but are not limited to:

- a. The creation of a web page or blog in which the creator assumes the identity of another person;
- b. The knowing impersonation of another person as the author of posted content or messages; or
- c. The distribution by electronic means of a communication to more than one person or the posting of materials on an electronic medium that may be accessed by one or more persons, if the creation, impersonation, or distribution results in any of the conditions enumerated in clauses (a) to (e) of the definition of bullying.

AT SCHOOL means:

- a. on school premises,
- b. at any school- sponsored activity or event whether or not it is held on school premises,
- c. on a school- transport ation vehicle,
- d. at an official school bus stop,
- e. using property or equipment provided by the school, or
- f. acts which create a material and substantial disruption of the education process or the orderly operation of the school.

ERLID 6774. Rhode Island Statewide Bullying Policy. Section 2. School climate.

Bullying, cyber- bullying, and retaliation against any person associated with a report of bullying or the investigation thereof is prohibited in all schools that are approved for the purpose of the compulsory attendance statute (§§ 16-19-1 and 16-19-2). School staff shall take all reasonable measures to prevent bullying at school. Such measures may include professional development and prevention activities, parental workshops, and student assemblies among other strategies. School faculty, administration and staff, at all times, will model courteous behavior to each other, to students, and to school visitors. Abusive or humiliating language or demeanor will not be accepted. Additionally, students and their families are expected to exhibit courteous behavior to all members of the learning community in school and at school sponsored events.

ERLID 6774. Rhode Island Statewide Bullying Policy. Section 3. Policy oversight and responsibility.

The school principal, director, or head of school shall be responsible for the implementation and oversight of this bullying policy.

The school principal, director, or head of school shall provide the superintendent, school committee and/or school governing board with a summary report of incidents, responses, and any other bullying-related issues at least twice annually.

For public schools, the prevention of bullying shall be part of the school district strategic plan (§ 16-7.1-2(e)) and school safety plan (§ 16-21-24).

ERLID 6774. Rhode Island Statewide Bullying Policy. Section 4. Information dissemination.

The school principal, director or head of school shall ensure that students, staff, volunteers, and parents/legal guardians are provided information regarding this Policy. This information shall include methods of discouraging and preventing this type of behavior, the procedure to file a complaint, and the disciplinary action that may be taken against those who commit acts in violation of this policy.

This policy shall be:

- a. Distributed annually to students, staff, volunteers, and parents/legal guardians
- b. Included in student codes of conduct, disciplinary policies, and student handbooks
- c. A prominently posted link on the home page of the school/district website

ERLID 6774. Rhode Island Statewide Bullying Policy. Section 5. Reporting.

The school principal, director or head of school shall establish, and prominently publicize to students, staff, volunteers, and parents/guardians, how a report of bullying may be filed and how this report will be acted upon (See attached sample Report Form).

The victim of bullying, anyone who witnesses an incidence of bullying, and anyone who has credible information that an act of bullying has taken place may file a report of bullying.

Any student or staff member who believes he/she is being bullied should immediately report such circumstances to an appropriate staff member, teacher or administrator.

Parents/Guardians of the victim of bullying and parents/guardians of the alleged perpetrator of the bullying shall be notified within twenty- four (24) hours of the incident report. When there is a reasonable suspicion that a child is either a bully or a victim of bullying, the parents/guardians of the child will be notified immediately by the principal, director or head of school.

Responsibility of Staff: School staff, including volunteers, who observe an act of bullying or who have reasonable grounds to believe that bullying is taking place must report the bullying to school authorities. Failure to do so may result in disciplinary action.

Responsibility of Students: Students who observe an act of bullying or who have reasonable grounds to believe that bullying is taking place must report the bullying to school authorities. Failure to do so may result in disciplinary action. The victim of bullying, however, shall not be subject to discipline for failing to report the bullying. Student reports of bullying or retaliation may be made anonymously, provided, however, that no disciplinary action shall be taken against a student solely on the basis of an anonymous report.

Prohibition against Retaliation: Retaliation or threats of retaliation in any form designed to intimidate the victim of bullying, those who are witnesses to bullying, or those investigating an incident of bullying shall not be tolerated. Retaliation or threat of retaliation will result in the imposition of discipline in accordance with the school behavior code.

False Reporting/Accusations: A school employee, school volunteer or student who knowingly makes a false accusation of bullying or retaliation shall be disciplined in accordance with the school behavior code.

Reports in Good Faith: A school employee, school volunteer, student, parent/legal guardian, or caregiver who promptly reports, in good faith, an act of bullying to the appropriate school official designated in the school's policy shall be immune from a cause of action for damages arising from reporting bullying.

ERLID 6774. Rhode Island Statewide Bullying Policy. Section 6. Investigation/Response.

The school principal, director or head of school shall promptly investigate all allegations of bullying, harassment, or intimidation. If the allegation is found to be credible, appropriate disciplinary actions, subject to applicable due process requirements, will be imposed. The School Resource Officer or other qualified staff may be utilized to mediate bullying situations.

The investigation will include an assessment by the school psychologist and/or social worker of what effect the bullying, harassment or intimidation has had on the victim. A student who engages in continuous and/or serious acts of bullying will also be referred to the school psychologist and/or social worker.

Police Notification: Immediate notification of the local law enforcement agency will be made when circumstances warrant the pursuit of criminal charges against the perpetrator.

Protection: If a student is the victim of serious or persistent bullying:

- a. The school principal, director or head of school will intervene immediately to provide the student with a safe educational environment.
- b. The interventions will be developed, if possible, with input from the student, his or her parent/guardian, and staff.
- c. The parents/guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying or retaliation.

ERLID 6774. Rhode Island Statewide Bullying Policy. Section 7. Disciplinary action.

The disciplinary actions for violations of the bullying policy shall be determined by the school/district appropriate authority. Disciplinary actions for violations of the bullying policy shall balance the need for accountability with the need to teach appropriate behavior. The severity of the disciplinary action shall be aligned to the severity of the bullying behavior.

The range of disciplinary actions that may be taken against a perpetrator for bullying, cyberbullying or retaliation shall include, but not be limited to:

- a. Admonitions and warnings
- b. Parental/Guardian notification and meetings
- c. Detention
- d. In-school suspension
- e. Loss of school-provided transportation or loss of student parking pass
- f. Loss of the opportunity to participate in extracurricular activities
- g. Loss of the opportunity to participate in school social activities
- h. Loss of the opportunity to participate in graduation exercises or middle school promotional activities
- i. Police contact
- j. School suspension: No student shall be suspended from school unless it is deemed to be a necessary consequence of the violation of this Policy.

ERLID 6774. Rhode Island Statewide Bullying Policy. Section 8. Social services/counseling.

Referral to appropriate counseling and/or social services currently being offered by schools or communities shall be provided for bullying victims, perpetrators and appropriate family members of said students.

ERLID 6774. Rhode Island Statewide Bullying Policy. Section 9. Social networking.

Students shall be prohibited from accessing social networking sites in school, except for educational or instructional purposes and with the prior approval from school administration.

ERLID 6774. Rhode Island Statewide Bullying Policy. Section 10. Other redress.

This section does not prevent a victim of bullying, cyber-bullying or retaliation from seeking redress under any other available law, either civil or criminal. This section does not create or alter any tort liability.

ERLID 6774. Rhode Island Statewide Bullying Policy. Section 11. Adoption of policy.

The governing bodies of all schools approved for the purpose of §§ 16-19-1 and 16-19-2 shall adopt this Policy by June 30, 2012.

Funding appropriations

LAWS

§ 16-21.2-4. Substance abuse prevention program.

(a) The department of behavioral healthcare, developmental disabilities and hospitals shall be charged with the administration of this chapter and shall provide grants to assist in the planning, establishment, and operation of substance abuse prevention programs. Grants under this section shall be made to municipal governments or their designated agents according to the following guidelines:

(1) The maximum grant shall be one hundred twenty-five thousand dollars (\$125,000); provided, however, in the event that available funding exceeds \$1.6 million in a fiscal year, those surplus funds are to be divided proportionately among the cities and towns on a per capita basis but in no event shall the city of Providence exceed a maximum grant cap of \$175,000.00.

(2) In order to obtain a grant, the municipality or its designated agent must in the first year:

(i) Demonstrate the municipality's need for a comprehensive substance abuse program in the areas of prevention and education.

(ii) Demonstrate that the municipality has established by appropriate legislative or executive action, a substance abuse prevention council which shall assist in assessing the needs and resources of the community, developing a three (3) year plan of action addressing the identified needs, the operation and implementation of the overall substance abuse prevention program; coordinating existing services such as law enforcement, prevention, treatment, and education; consisting of representatives of the municipal government, representatives of the school system, parents, and human service providers.

(iii) Demonstrate the municipality's ability to develop a plan of implementation of a comprehensive three (3) year substance abuse prevention program based on the specific needs of the community to include high risk populations of adolescents, children of substance abusers, and primary education school aged children.

(iv) Agree to conduct a survey/questionnaire of the student population designed to establish the extent of the use and abuse of drugs and alcohol in students throughout the local community's school population.

(v) Demonstrate that at least twenty percent (20%) of the cost of the proposed program will be contributed either in cash or in-kind by public or private resources within the municipality.

(b) The department of behavioral healthcare, developmental disabilities and hospitals shall adopt rules and regulations necessary and appropriate to carry out the purposes of this section.

§ 16-21.2-5. Funding of substance abuse prevention program

(a) Money to fund the Rhode Island Substance Abuse Prevention Act shall be appropriated from state general revenues and shall be raised by assessing an additional penalty of thirty dollars (\$30.00) for all speeding violations as set forth in § 31-43-5.1. The money shall be deposited as general revenues. The department of behavioral healthcare, developmental disabilities and hospitals may utilize up to ten percent (10%) of the sums appropriated for the purpose of administering the substance abuse prevention program.

(b) Grants made under this chapter shall not exceed money available in the substance abuse prevention program.

§ 16-21.3-2. Junior high/middle school student assistance program.

(a) The department of behavioral healthcare, developmental disabilities and hospitals shall be charged with the administration of this chapter and shall contract with appropriate substance abuse prevention/intervention agencies to provide student assistance services in junior high/middle schools.

(b) Following the first complete year of operation, school systems receiving junior high/middle school student assistance services will be required to contribute twenty percent (20%) of the costs of student assistance counselors to the service provider agency in order to continue the services.

§ 16-21.3-3. Funding of junior high/middle school student assistance program.

(a) Money to fund this program shall be raised by assessing an additional substance abuse prevention assessment of thirty dollars (\$30.00) for all moving motor vehicle violations handled by the traffic tribunal

including, but not limited to, those violations set forth in § 31-41.1-4, except for speeding. The money shall be deposited in a restricted purpose receipt account separate from all other accounts within the department of behavioral healthcare, developmental disabilities and hospitals. The restricted purpose receipt account shall be known as the junior high/middle school student assistance fund and the traffic tribunal shall transfer money from the junior high/middle school student assistance fund to the department of behavioral healthcare, developmental disabilities and hospitals for the administration of the Rhode Island Student Assistance Junior High/Middle School Act.

(b) The department of behavioral healthcare, developmental disabilities and hospitals may utilize up to ten percent (10%) of the sums collected from the additional penalty for the purpose of administering the program.

REGULATIONS

No relevant regulations found.

Other or Uncategorized

Professional immunity or liability

LAWS

§ 16-12-10. Immunity for reports of suspected substance abuse.

Any teacher, school administrator, school guidance counselor, school psychologist, school drug counselor, school nurse, supervisor of attendance, attendance teacher, or attendance officer having reasonable cause to suspect that an elementary or secondary school student is abusing a controlled substance or alcohol, or is under the influence of a dangerous drug or alcohol, or has in his or her possession a controlled substance or alcohol, who reports this information to the appropriate elementary or secondary school officials pursuant to the school's drug policy, or if the school has no drug policy to the school's principal or the parents of the student under eighteen (18) years of age, or to a police agency, shall have immunity from any civil liability that might otherwise be incurred or imposed as a result of the making of the report.

§ 16-19-10. Notification of pupil absence.

(b) School committees, school personnel, or volunteers organized pursuant to this section shall be immune from any civil or criminal liability in connection with the notice to parents of a pupil's absence or failure to give the notice required by this section.

§ 16-21-16. Students suspected of narcotic addiction.

Any teacher having reasonable cause to suspect that a secondary or elementary student under eighteen (18) years of age is addicted to a narcotic drug or under the influence of a dangerous drug who reports this information to the appropriate secondary or elementary school officials pursuant to the school's drug policy, or if the school has no drug policy to the school's principal or the parents of the student under eighteen (18) years of age, shall have immunity from any civil liability that might otherwise be incurred or imposed as a result of the making of the report.

§ 16-21-24. Requirements of school safety plans, school emergency response plans, and school crisis response plans.

(a) School safety plans, as required by this chapter, shall include and address, but not to be limited to, prevention, mitigation, preparedness, response, and recovery. The school safety plans shall include, at a minimum, the following policies and procedures: [...]

(16) Procedures for determining whether or not any threats or conduct established in the policy may be grounds for discipline of the student. School districts, school committees, school officials, and school employees providing notice in good faith as required and consistent with the committee's policies adopted under this section are immune from any liability arising out of such notification[...]

REGULATIONS

ERLID 6774. Rhode Island Statewide Bullying Policy. Section 5. Reporting.

False Reporting/Accusations: A school employee, school volunteer or student who knowingly makes a false accusation of bullying or retaliation shall be disciplined in accordance with the school behavior code.

Reports in Good Faith: A school employee, school volunteer, student, parent/legal guardian, or caregiver who promptly reports, in good faith, an act of bullying to the appropriate school official designated in the school's policy shall be immune from a cause of action for damages arising from reporting bullying.

Community input or involvement

LAWS

§ 16-21.5-1. Legislative intent.

- (a) Community policing and the presence of school resource officers on school campuses serve a vital role fostering a safe learning environment for pupils, faculty and staff.
- (b) In order to enable school resource officers to more effectively fulfill this role, it is the intent of the legislature to encourage them to form positive relationships with both parents and pupils who are part of the school community.
- (c) It is also vitally important that parents be given meaningful opportunity to be active and informed participants in situations involving interaction with school resource officers or other members of the law enforcement community in the school setting.
- (d) In furtherance of this objective, it is the intent of the legislature to increase the level of participation of parents when their minor children are being questioned by law enforcement in school or at a school-sponsored activity.

§ 16-21-20. Alternative placement and prevention activities.

The department of elementary and secondary education in conjunction with the attorney general's task force to prevent violence in schools shall develop requirements for the alternative placement of students suspended under the provision of § 16-21-18. The placements shall be cooperative efforts between the local school district, which shall be responsible for instruction of students, and other appropriate state and local agencies. Further, the department of elementary and secondary education in conjunction with the attorney general's task force shall establish policies in support of locally developed prevention and education activities that include broad parent, teacher, and community involvement.

REGULATIONS

ERLID 5751. Basic Education Program (BEP) Regulations. G-14-2.2. Student, family, and community engagement.

- (a) Students can offer viable solutions to some of the policy, program, and funding challenges our changing schools face. In addition, it is both possible and desirable to create structures and processes to facilitate student engagement at the district and school levels. Each LEA, therefore, shall:

Establish policies, processes, and procedures that facilitate regular (i.e., at least quarterly) participation of a representative group of school youth in discussions regarding how to improve the school environment, curriculum, and instruction to ensure increased access to challenging, hands-on learning experiences and supports and to ensure student success on state and local achievement measures;

Document the process of selection and orientation of these youth as well as the proposals that they put forth, how these proposals were evaluated, and the extent to which they were incorporated in LEA decision-making; and

Authorize and support youth led events to solicit input from and provide feedback to the larger school community.

- (b) Each LEA shall provide a broad spectrum of activities, programs, and services that directly involve families in their children's education and personally engage families in the school. Therefore, each LEA shall adopt the national Parent-Teacher Association (PTA) Standards for Parent/Family Involvement Programs, which state:

Communication: Communication between home and school is regular, two-way, and meaningful;

Parenting: Parenting skills are promoted and supported;

Student Learning: Parents play an integral role in assisting student learning;

Volunteering: Parents are welcome in the school, and their support and assistance are sought; and

School Decision Making and Advocacy: Parents are full partners in the decisions that affect children and families.

(c) Each LEA shall facilitate partnerships with community organizations and agencies, municipal entities, and businesses to meet the needs of students and families. Therefore, each LEA shall establish communication strategies that will engage community partners, including:

Ensuring community representation on the school improvement team or other decision making teams;

Identifying and recruiting businesses to provide career exploration activities for students;

Soliciting community organizations or business members to mentor students;

Facilitating on-site services of local organizations at the school, e.g. counseling, food pantry, tax assistance, legal aid; and

Recruiting volunteers from community organizations and businesses.

Other or Uncategorized

LAWS

No relevant laws found.

REGULATIONS

08-010-002. Education of Children with Disabilities 300.530 Authority of school personnel; emergency removal.

(a) Case-by-case determination.

(1) School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a child with a disability who violates a code of student conduct.

(2) If school personnel determine that a child with a disability presents an immediate threat to him or herself or to others, the child may be removed from school for the remainder of the school day regardless of the number of days of suspension the child had already accrued during that school year.

(3) For any emergency removal under paragraph (2) of this section the public agency must follow the requirements of this section.

(b) School Removal.

(1) Removals for less than ten (10) days cumulative. School personnel under this section may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days (to the extent those alternatives are applied to children without disabilities).

(i) During the first ten (10) school days of removal (cumulative) during the course of a school year, a public agency may, but is not required to:

(A) Provide educational services to the child;

(B) Conduct a manifestation determination prior to the disciplinary removal;

(C) Perform a functional behavioral assessment of the child; or

(D) Develop a behavioral intervention plan to address the behavioral factors such as the length of each removal, the total amount of time the child is removed, and the proximity of the removals to one another.¹⁰²

(2) Removals for more than ten (10) days cumulative. After a child with a disability has been removed from his or her current placement for more than ten (10) school days cumulative in the same school year, during any subsequent days of removal the public agency must provide services to the extent required under paragraph (d) of this section.

(c) Additional authority. For disciplinary changes in placement that would exceed 10 consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability pursuant to paragraph (e) of this section, school personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities, except as provided in paragraph (d) of this section.

(d) Services.

(1) A child with a disability who is removed from the child's current placement pursuant to paragraphs (c), or (g) of this section must —

(i) Continue to receive educational services, as provided in § 300.101(a), so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and

(ii) Receive a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

(2) The services required by paragraph (d)(1), (d)(3), (d)(4), and (d)(5) of this section may be provided in an interim alternative educational setting.

(3) A public agency is only required to provide services during periods of removal to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if it provides services to a child without disabilities who is similarly removed.

(4) After a child with a disability has been removed from his or her current placement for ten (10) school days cumulative in the same school year, any subsequent removal constitutes a change in placement under § 300.536.

(5) If the removal is a change of placement under § 300.536, the child's IEP Team determines appropriate services under paragraph (d)(1) of this section.

(e) Manifestation determination.

(1) Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent, and relevant members of the child's IEP Team (as determined by the parent and the LEA) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine —

(i) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or

(ii) If the conduct in question was the direct result of the LEA's failure to implement the IEP.

(2) The conduct must be determined to be a manifestation of the child's disability if the LEA, the parent, and relevant members of the child's IEP Team determine that a condition in either paragraph (e)(1)(i) or (1)(ii) of this section was met.

(3) If the LEA, the parent, and relevant members of the child's IEP Team determine the condition described in paragraph (e)(1)(ii) of this section was met, the LEA must take immediate steps to remedy those deficiencies.103

(f) Determination that behavior was a manifestation. If the LEA, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP Team must —

(1) Either —

(i) Conduct a functional behavioral assessment, unless the LEA had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or

(ii) If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior; and

(2) Except as provided in paragraph (g) of this section, return the child to the placement from which the child was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral intervention plan.

(g) Special circumstances. The LEA may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child —

(1) Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of an SEA or an LEA;

(2) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA; or

(3) Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA.

(h) Notification. On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct, the LEA must notify the parents of that decision, and provide the parents the procedural safeguards notice described in § 300.504.

(i) Definitions. For purposes of this section, the following definitions apply:

(1) Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in § 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

(2) Illegal drug means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.

(3) Serious bodily injury has the meaning given the term "serious bodily injury" under paragraph (3) of subsection (h) of § 1365 of title 18, United States Code.

(4) Weapon has the meaning given the term "dangerous weapon" under paragraph (2) of the first subsection (g) of § 930 of title 18, United States Code.

State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Rhode Island provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

Title	Description	Website address (if applicable)
<i>Website</i>		
Rhode Island Department of Education, Bullying and School Violence	Outlines Rhode Island's stance on bullying and provides data and resources.	http://www.ride.ri.gov/StudentsFamilies/HealthSafety/BullyingSchoolViolence.aspx
Rhode Island Department of Education, Limiting the Use of Physical Restraint	Resources to guide the use of restraint and seclusion, including regulations, sample incident report form, and policy template.	http://www.ride.ri.gov/StudentsFamilies/HealthSafety/LimitingPhysicalRestraint.aspx
Rhode Island Department of Education, Discipline in Schools	Guidance for effective teaching and learning and reducing the need for disciplinary action. Suspension data and research on out of school placements as well as prevention of suspension and alternatives to out-of-school suspensions.	http://www.ride.ri.gov/StudentsFamilies/HealthSafety/DisciplineinSchools.aspx
<i>Documents</i>		
Rhode Island Department of Education, School Removals Flow Chart	Provides a flow chart for understanding the policies, procedures, and requirements to remove a student from school as part of a disciplinary action.	http://www.ride.ri.gov/Portals/0/Uploads/Documents/Students-and-Families-Great-Schools/Health-Safety/Discipline/School-Removals-Procedures-Requirements.pdf
<i>Other Resources</i>		
InfoWorks! Rhode Island Education Data Reporting	Provides advanced data reports on suspension incident data by student race, gender, program, and disciplinary type.	http://infoworks.ride.ri.gov/search/reports?q=suspension