

Spring 1999

1998 Survey of Rhode Island Law: Legislation: Education: An Act Relating to Education - Establishing a Right to a Safe School for Higher Education

John B. Garry

Roger Williams University School of Law

Follow this and additional works at: http://docs.rwu.edu/rwu_LR

Recommended Citation

Garry, John B. (1999) "1998 Survey of Rhode Island Law: Legislation: Education: An Act Relating to Education - Establishing a Right to a Safe School for Higher Education," *Roger Williams University Law Review*: Vol. 4: Iss. 2, Article 28.

Available at: http://docs.rwu.edu/rwu_LR/vol4/iss2/28

This Survey of Rhode Island Law is brought to you for free and open access by the Journals at DOCS@RWU. It has been accepted for inclusion in Roger Williams University Law Review by an authorized administrator of DOCS@RWU. For more information, please contact mwu@rwu.edu.

Education. *An Act Relating to Education ~ Establishing a Right to a Safe School for Higher Education.* Provides all members of the school community the right to attend and/or work in safe schools. Effective, June 30, 1998. 1998 R.I. Pub. Laws ch. 51.

This legislation (the Act) amends Title 16 of the Rhode Island General Laws by adding chapter 81, Right to a Safe School in Higher Education, and by revising sections of Chapter 2, School Committees and Superintendents. The Act provides that “[e]ach student, staff member, teacher, and administrator has a right to attend and/or work in an institution of higher education 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.”¹

The Act delegates disciplinary authority to the governing bodies of each individual school.² This disciplinary authority is subject to the procedural requirements of “state and federal law regarding discipline of students with disabilities.”³ Additionally, the Act recognizes the right of appeal “as provided by the rules and regulations of each institution of higher education.”⁴ Finally, the Act amends section 16-2-17 to reinforce the intent and purpose of chapter 81, Right to a Safe School in Higher Education.⁵

John B. Garry

1. R.I. Gen. Laws § 16-81-1(a) (1956) (1996 Reenactment & Supp. 1998). The Act defines a “disruptive student” as “a person 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.” *Id.*

2. *See id.* § 16-81-1(b). The governing body “may suspend or expel all students found guilty of said conduct or where a student represents a threat to those rights of students, teachers, or administrators.” *Id.*

3. *Id.*

4. *Id.* § 16-81-1(c).

5. *See id.* § 16-2-17. The Act makes several additions to and deletions from this section which effectively reiterates the language set forth in Rhode Island General Laws section 16-81-1.