



Rhode Island Disability Law Center, Inc.

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June 22, 2011

The Hon. Lincoln Chafee
Governor
State House
Providence, RI 02903

Re: 11-H5941 and S 732A "Safe School Act"

Dear Governor Chafee:

We write to urge you to veto the above-referenced legislation, which prohibits a broad spectrum of student behavior, in the name of deterring "bullying," and establishes a vague standard for when a student should be referred for prosecution. While we support comprehensive anti-bullying prevention and intervention programs, we fear this bill will drive schools to err on the side of making questionable referrals to law enforcement, rather than engaging in critical prevention and intervention strategies.

- This legislation significantly broadens the kind of speech or conduct that would be considered bullying. Any gesture or communication that causes "emotional harm" to a student could be classified as bullying, regardless of intent of the communicator. The current statute bars the use of "intentional written, verbal or electronic expressions" that a "reasonable person should know" will harm a person or create an intimidating environment. Those limitations are missing from these companion bills.
- Existing criminal and civil laws already make bullying illegal. Assaults on students, threats to students, damage to their belongings, and stalking are all criminal right now. Federal and state civil rights laws also provide protection to students from pervasive harassment, including harassment based on a person's gender, sexual orientation, disability and other grounds.
- The legislation requires schools to have procedures in place that provide for "*immediate notification* of the local law enforcement agency when criminal charges may be pursued against the perpetrator." Since notification must be immediate, a cautious school administrator will almost always err on the side of contacting police whenever there is the slightest reason to believe criminal charges *may* be pursued (by any party, not just the school). The effect of this

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requirement will be to turn minor incidents between students into criminal matters.

Our current safe school law incorporates an “intent to harm” in its definition of bullying. It is consistent with the federal government’s definition, which considers both intent and imbalances of power. *See* http://www.stopbullying.gov/topics/what_is_bullying/index.html. The federal government’s policy also acknowledges that eliminating bullying requires a comprehensive evidence-based solution that incorporates prevention as well as intervention strategies. Research shows zero tolerance policies and simple, short-term piece-meal approaches (e.g. those that focus on discipline alone) will not work. *See* http://www.stopbullying.gov/educators/followup_intervention/index.html.

We believe that H 5941 and S 732A will encourage resort to discipline and law enforcement strategies, rather than systemic school and community-based prevention programs and interventions. We think this legislation is an inadequate solution for many of our children, who are victimized by or who engage in bullying.

For all of the above reasons, we respectfully ask you to veto this legislation.

Sincerely,

Cathy Ciano
Executive Director
Parent Support Network of RI

Dayo Owoyemi
Board Secretary
Young Voices

Joanne G. Quinn
Executive Director
The Autism Project

Maureen Donnelly
Chairperson
RI Children’s Policy Coalition

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Anne Mulready
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cc: Patrick Rogers, Chief of Staff
Brian Daniels, Policy Director