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Second Drafts for Sexual Orientation Discrimination Act

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1996

AN ACT

RELATING TO SCHOOLS DISCRIMINATION

Introduced By:

Date Introduced:

Referred To:

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 16-38-1 and 16-38-1.1 of the General Laws in
2 Chapter 16-38 entitled "Offenses Pertaining to Schools" are hereby
3 amended to read as follows:

4 16-38-1. Discrimination because of race or age. -- No person
5 shall be excluded from any public school on account of race or₁ color,
6 religion, national origin or for being over fifteen (15) years of age,
7 nor except by force of some general regulation applicable to all per-
8 sons under the same circumstances.

9 16-38-1.1. Discrimination because of sex. --

10 (a)(1) Discrimination on the basis of sex or sexual orientation is
11 hereby prohibited in all public elementary and secondary schools in
12 the state of Rhode Island as well as in all schools operated by the
13 board of regents for elementary and secondary education. This prohibi-
14 tion shall apply to employment practices, admissions, curricular pro-
15 grams, extracurricular activities including athletics, counseling, and
16 any and all other school functions and activities.

17 (2) Notwithstanding the above prohibition, schools may do the

1 following: maintain separate restrooms, dressing, and shower facilities
2 ties for males and females; conduct separate human sexuality classes
3 for male and female students and prohibit female participation in all
4 contact sports provided that equal athletic opportunities which effectively
5 accommodate the interests and abilities of both sexes are made
6 available.

7 (3) Each local education agency shall designate an equal opportunity
8 officer who shall be responsible for overseeing compliance with
9 this section within the local education agency district.

10 (4) The board of regents shall designate an equal opportunity
11 officer who shall be responsible for overseeing compliance with this
12 section within schools operated by the board.

13 (5) The commissioner of education for elementary and secondary
14 schools shall be responsible for enforcing this section and is hereby
15 empowered to promulgate rules and regulations to enforce the provisions
16 of this section.

17 (b)(1) Discrimination on the basis of sex or sexual orientation
18 is hereby prohibited in all public colleges, community colleges, universities,
19 and all other public institutions of higher learning in the
20 state of Rhode Island which are operated by the board of governors for
21 higher education. This prohibition shall apply to employment,
22 recruitment, and hiring practices, employment benefits, admissions,
23 curricular programs, extracurricular activities including athletics,
24 counseling, financial aid, including athletic grants-in-aid, student
25 medical, hospital and accident or life insurance benefits, facilities,
26 housing, rules and regulations, research, and any and all other school
27 functions and activities.

28 (2) Notwithstanding the above prohibitions, schools may do the
29 following: maintain separate but comparable restrooms, dressing, and
30 shower facilities for males and females; including reasonable use of
31 staff of the same sex as the users of these facilities; provide separate
32 teams for contact sports or for sports where selection for teams
33 is based on competitive skills, provided that equal athletic oppor-

1 tunities which effectively accommodate the interests and abilities of
2 both sexes are made available; maintain separate housing for men and
3 women, provided that housing for students of both sexes is as a whole
4 both proportionate in quantity to the number of students of that sex
5 that apply for housing and comparable in quality and cost to the
6 student; permit the establishment and operation of university-based
7 social fraternities and sororities.

8 (3) Each individual educational institution of higher learning
9 shall designate an equal opportunity officer or affirmative action
10 officer who shall be responsible for overseeing compliance with this
11 section within the educational institution.

12 (4) The president of each public college, community college, uni-
13 versity, and other public institution of higher learning in the state
14 of Rhode Island shall be responsible for enforcing this section and is
15 hereby empowered to promulgate rules and regulations to enforce the
16 provisions of this section.

17 SECTION 2. This act shall take effect upon passage.

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
AN ACT
RELATING TO SCHOOLS DISCRIMINATION

- 1 This act prohibits discrimination in schools on the basis of
- 2 religion, national origin or sexual orientation in addition to
- 3 race, color, age and sex.
- 4 This act would take effect upon passage.

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