

(S. B. 611)

**(No. 110)**

(Approved May 31, 2006)

**AN ACT**

To create the Bill of Rights and Responsibilities of the School Community for Security in the Schools.

**STATEMENT OF MOTIVES**

The achievement of the full development of a culture of peace in Puerto Rican schools has been one of the principal goals of the Government of Puerto Rico in the last few years. A safe environment is fundamental for the development of education. To integrate the community into the efforts to guarantee the safety of teachers and students in school buildings has been a priority. Efforts have been made to keep subjects who are unfamiliar with our good customs as a people from preventing the progress of our students. Countless efforts have been made to deal with critical situations, such as acts of violence, murders and suicides that could possibly happen in the schools. Workshops and training have been offered to strengthen the school community in order to reduce emergency situations. Areas such as conflict management have been included in the curriculum, so that the students may learn to interact in a positive and non-violent manner and to solve discipline problems and differences of opinion starting from the elementary grades. Police officers, school guards, administrators and teachers have been trained in conflict resolution techniques in the school context. All of these initiatives have been directed to promoting a safe environment in the schools.

This important social goal, which largely represents compliance with a

commitment that is latent in the Constitution of Puerto Rico, arises from the conviction, demonstrated by the accumulated experience of several decades, that school safety is an essential component of any valid definition of the quality of life concept, as well as a fundamental right, in order to be able to offer an education that fosters the full development of the personality and strengthens respect toward human rights and toward the fundamental freedom of all students in the educational system of Puerto Rico.

In order to comply with that vital commitment to the People of Puerto Rico, many laws have been approved in recent years, and several administrative measures and executive actions have been implemented, directed toward the fulfillment of the dream of providing the educational community a safe environment with quality services in its schools.

It is necessary that all components of the school community know their rights and responsibilities and have available all the information needed in order to act in accordance with the law. It is important for them to be aware, not only of their rights, but also of their responsibilities; by these means we intend to ensure that their actions be taken with full awareness of their rights, duties, prerogatives and responsibilities, under the provisions established for achieving safe schools and fostering a culture of peace.

The approval of this Act shall contribute noticeably to shaping a better informed school community that is more aware, responsible and definitely safer, the effect of which shall be to promote the efforts and resources available in this important area, which shall result in considerable long-term benefits for the People of Puerto Rico. After all, we are dealing with an essential tool in the constant search for alternatives and solutions to school safety problems of our Island.

**BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:**

**CHAPTER I – GENERAL PROVISIONS**

Section 1.01.- Title of the Act

This Act shall be known and may be cited as the “Bill of Rights and Responsibilities of the School Community for Security in the Schools.”

Section 1.02.- Bill of Rights

Article II, Section 5, of the Constitution of Puerto Rico guarantees that “[e]very person has the right to an education which shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.”

The Legislature is duty bound to respond with legislation that guarantees the rights and establishes the responsibilities of the components of the school community in order to reduce the problem of violence in the schools. This Bill shall create the Bill of Rights and Responsibilities of the School Community for Security in the Schools and sets forth the rights and duties of the school community members in order to maintain a climate of peace in the schools.

This Bill of Rights and Responsibilities integrates the external and surrounding community to the schools, as well as the Commonwealth and municipal government dependencies and the private sector, in seeking to institute various efforts directed toward the reduction of acts of violence within the schools.

**CHAPTER II – RIGHTS**

Section 2.01.– Student Rights

Every student in the public education system has the right to:

- a) Receive an education that fosters the full development of his/her personality and the strengthening of respect toward human rights and the fundamental freedoms within a safe environment.

- b) Spend his/her school day in a safe environment that is free from undue pressures related to school violence.
- c) Receive orientation and a copy of the General Student Regulations of the Puerto Rico Public Education System and the Internal Security Regulations, with the provisions and sanctions thereof.
- d) Be informed of the violent situations that have taken place in the school environment in order to remain alert thereto.
- e) Enjoy broad and diverse opportunities for intellectual and artistic creativity and expression.
- f) Be treated with fairness and equality and to develop within an environment of freedom, solidarity and full respect for human rights.
- g) Be guaranteed safety, physical integrity and anonymity when reporting an act of violence he/she has witnessed to the school security authorities.
- h) Receive the necessary tools for the constructive management of emotions and for verbal non-violent conflict resolution.
- i) Receive orientation about the procedures to be followed in emergency situations, such as hurricanes, earthquakes, gas leaks, fires or terrorist attacks.

Section 2.02.– Rights of the Teaching Personnel (Teachers, Librarians, Advisors, Social Workers and others)

All teaching personnel working in a public system educational institution shall have the right to:

- a) Spend their workday in a safe environment that is free from undue pressures related to school violence.
- b) Receive information regarding their responsibilities with respect to the Crisis Management Strategic Plan for violent incidents in the schools.

- c) Be informed about their duties, regulations and sanctions with respect to school security.
- (d) Receive orientation and training to work with conflict situations such as fights, riots or disputes in order to identify when their own safety or that of their students may be in danger.
- e) Have their confidentiality and anonymity guaranteed when they offer sensitive security information to the school Director or the security authorities for purposes of reporting any delinquent behavior within the school.
- f) Receive orientation information and training about topics related to school violence, such as drug abuse, possession of weapons and management of conflicts, among others.
- g) Receive orientation and training about the management of emergency situations such as hurricanes, earthquakes, gas leaks, fires and terrorist attacks, among others, in which their physical integrity or that of their students may be in danger.

#### Section 2.03.– Rights of Parents, Tutors or Guardians

All parents with children in the Public Education System have the right to:

- a) A safe study environment free from undue pressures related to school violence guaranteed for their children or the students under their care.
- b) Know the security level of the school that their children shall attend before the completion of the enrollment process.
- c) Enroll their children or students under their care in a school with security levels that foster the full development of the students in a peaceful environment.
- d) Receive orientation and a copy of the General Regulations for the Students of the Puerto Rico Public Education System and the Internal

Security Regulations, with the provisions and sanctions thereof.

- e) Participate as an active member of the School Council, the Security Council, the Security Committee and other committees that promote safety in the school.
- f) Receive a copy of the reports of violent incidents registered for each semester in the school that their children attend.
- g) Have their confidentiality and anonymity guaranteed when they offer sensitive security information to the school Director or the security authorities for purposes of reporting any delinquent behavior within the school.
- h) Be informed promptly by the school Director or the teachers when their children become involved in behavior that may generate violent acts in the school.
- i) Receive support information for conflict management and promote a culture of peace in the school environment.
- j) Receive orientation about their duties and/or responsibilities with respect to the management of emergency situations such as hurricanes, earthquakes, gas leaks, fires or terrorist attacks, among others, in which the physical integrity of their children or students under their care may be in danger.

#### Section 2.04.– Rights of Non-teaching Personnel

All non-teaching personnel working in a public system educational institution shall have the right to:

- a) Spend their workday in a safe environment that is free from undue pressures related to school violence.
- b) Receive information regarding their responsibilities with respect to the Crisis Management Strategic Plan for violent incidents in schools.

- c) Be informed about their duties, and the regulations and sanctions with respect to school security.
- d) Receive orientation and training to work with conflict situations such as fights, riots or disputes in order to identify when their own safety or that of any member of the school community may be in danger.
- e) Have their confidentiality and anonymity guaranteed when they offer sensitive security information to the school Director or the security authorities for purposes of reporting any delinquent behavior within the school.

### **CHAPTER III – RESPONSIBILITIES**

#### Section 3.01.– Responsibilities of the Department of Education

- a) To establish and promulgate the General Regulations for the Students of the Puerto Rico Public Education System and the Internal Security Regulations and give notice thereof by means of a copy and orientations to the parents and students of the public education system. Said regulations shall be adopted pursuant to Act No. 170 of August 12, 1988, as amended, known as the “Uniform Administrative Procedures Act of the Commonwealth of Puerto Rico,” and shall be filed immediately after approval thereof.
- b) The administrative authorities, as well as the teaching and non-teaching personnel, shall have the duty to ensure compliance with the General Regulations for the Student of the Puerto Rico Public Education System and the Internal Security Regulations, especially the provisions related to the codes of conduct and behavior.
- c) To establish and promulgate the Crisis Management Strategic Plan for violent incidents in schools to give notice and copy there of to the

parents, tutors and students of the Public Education System.

- d) To provide administrative support to achieve compliance with the school security plans established by the Student Councils. Said school security plans shall include initiatives directed toward:
  - i. identifying the security needs of the schools;
  - ii. providing clean physical facilities in a safe environment;
  - iii. implementing training programs for the teachers, non-teaching personnel and student groups in the areas of violence prevention and conflict management.
- e) To redesign those physical facilities whose conditions may influence the development of delinquent or violent activities. The schools should be designed in such a manner so as to prevent the free access of unauthorized persons into the schools and to promote that the school authorities be able to visually supervise student activities in all areas.
- f) The Department of Education shall establish guidelines for the school directors to prepare a report on violent and non-violent incidents within the school premises. Using a standard format, the Director shall gather the information and analyze the data. Subsequently, the Director shall prepare a quarterly report of these findings and submit the same to the School Life Quality Program.
- g) School authorities shall be responsible for coordinating with the Puerto Rico Police the installation of security devices such as video cameras and alarm systems in schools that are declared unsafe by the Department of Education.
- h) The Department of Education shall be responsible for the training of the teaching and administrative personnel on how to manage students with discipline and violence problems. This training shall be based

upon conflict management and the early identification of violent situations. The Department of Education is responsible for keeping all its personnel duly informed about the rules for security and violence prevention, so they may know which steps to take in a crisis situation.

- i) The Department of Education shall promote the development of rapid response plans for crisis situations. Among these are plans for evacuation in case of fire, earthquakes, gas leaks and bomb or terrorist threats. Each component of the school system shall clearly understand its role in the crisis plan. The plan shall include a strategy for communicating with security agencies such as the Puerto Rico Police, the Firefighters Corps, Medical Emergencies and the Commonwealth Emergency Management and Disaster Administration Agency. Moreover, a plan shall be established for communicating with the parents and the communications media in case of emergency.
- j) The Department of Education shall ensure compliance with the prevention and orientation programs directed toward the reduction of violent incidents and conflict management in the schools. These training programs shall emphasize problem solving, social interaction, peer pressure management, understanding of values and conflict management skills.
- k) The Department of Education shall use alternative educational environments for those students who have faced school violence problems so as to guarantee a safe school community.

#### Section 3.02.– Responsibilities of the Students

- a) To comply with the General Regulations for the Students of the Puerto Rico Public Education System. Students shall try to resolve problems in non-violent ways and through dialogue. Maintain respect for their

fellow students, their teachers and the school authorities.

- b) Students shall report any violent act, crime, vandalism and threat of which they become aware to the school director, a teacher or to a parent or guardian.
- c) Students shall actively participate in the crime prevention programs of their school.
- d) Students shall cooperate with the school administration in the identification of places that are conducive to delinquent behavior within the school.
- e) Students shall learn how to avoid becoming victims of a crime within the school. In order to achieve this, they shall stay away from dangerous places with poor lighting and visibility.
- f) Students shall seek help from any member of the school community when they face a situation that may turn out to be dangerous to their physical integrity or safety.

### Section 3.03.– Responsibilities of the Parents

- a) To promote communication with their children so that they may become actively integrated with the activities in which they participate within the school environment.
- b) To visit the school regularly to verify the academic performance of their children and obtain the academic progress report of their children at the end of each semester.
- c) To be consistent in the disciplinary messages they give to their children. Parents are responsible for communicating their views on violence, crime and the use of illegal substances and self-defense. Beyond punishing their children, parents shall provide rewards and incentives for good behavior that would prevent future incidents of

undisciplined conduct.

- d) Parents shall stimulate social behavior in their children through role modeling. Through their daily activities, parents may teach their children how to establish social interactions, discuss their differences, solve conflicts, and work with frustration in problem solving, as well as anger and stress management. This behavior role modeling by the parents shall be a deterrent in view of other negative behavior that may attempt to influence the young in their social environment.
- e) Parents shall become actively involved in organizations such as the School Council and in school and community activities. Active participation in these organizations shall give parents the opportunity to better know about the needs of their children, to better know their teachers, and to ensure that their children are able to satisfy their needs fully when they are not present. Parental presence in school activities gives continuity to the social role modeling efforts that take place in the home.
- f) Parents who own firearms shall keep them out of the reach of minors.
- g) To limit the exposure of the children to the violent environments and behavior projected through mass media. Children who watch violent acts in television programs, movies, cartoons, the Internet or video games could face problems in dealing with the unrealistic representations of violence shown by these media. Parents are responsible for advising their children and supervising the contents of what the students have access at home.

#### Section 3.04.– Responsibilities of the Private Sector

- a) The private sector may provide support for the educational efforts of the Government by adopting a school and helping to develop its

physical facilities and improve its environment.

- b) The private sector may provide training in basic labor skills. The training programs may be focused on inter-personal skills, computer management, and participation in meetings and teamwork. These training programs may help adolescents to make a more direct transition into the working world when they finish high school.
- c) The private sector may provide job opportunities to the students after classes, during summer and Christmas breaks and internships that allow them to stay away from environments that tend toward violence, provided that they comply with the applicable laws and regulations. It is presumed that these job opportunities shall help the students to value the significance of work.
- d) The private sector may support school programs and activities and the acquisition of resources to improve the learning environment in the schools.
- e) To effectively fulfill the purpose of this Act, the participating private businesses shall provide the parents with the time for them to become actively involved in those conferences, activities and programs promoted by the school. In this manner, it shall be presumed that parents shall attend their children's activities with greater regularity and maintain in closer contact with the members of the school community.

#### Section 3.05.– Responsibilities of Elected Officers and Government Agencies

- a) Elected officers are the responsible for promoting legislation directed toward the reduction of school violence and the development of safe schools, provided that the resources of the Commonwealth so allow.
- b) Police Officers and School Guards I and II shall be responsible for

institutional order within one hundred (100) meters surrounding the school premises and in school sponsored activities, in accordance with the Regulations established to such effects. It is necessary that these Officers develop positive relationships with the components of the school community and exert maximum efforts to achieve a suitable environment for the development of the habit of responsibility and cooperation, and of sound school discipline.

- c) To give conferences and hold assemblies directed toward discussing topics such as school violence prevention, prevention of drug use in the schools, conflict management in the school environment, etc.
- d) Government agencies shall support and actively participate in school activities in order to promote a safe and wholesome environment.
- e) To support research projects directed toward the study of the school violence problem. The information from these research projects may serve as the foundation upon which to generate legislation or initiatives that reduce violence in our schools.
- f) To provide the necessary funds for the implementation of security initiatives in the schools, such as the installation of security devices, programs for monitoring the statistics of criminal and violent incidents in the schools, etc.
- g) To establish inter-agency collaborative agreements with federal agencies, municipalities and the private sector in order to promote school security.

#### Section 4.00.– Severability Clause

Should any clause, paragraph, section, subsection or part of this Act were to be declared null or unconstitutional by a competent court, the ruling to that effect shall not affect, prejudice or invalidate the rest of this Act, not even the subsections

of the same section or part thereof so declared null or unconstitutional.

Section 5.00.— This Act shall take effect at the beginning of the next school year after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 110 (S.B. 611) of the 3<sup>rd</sup> Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to create the Bill of Rights and Responsibilities of the School Community for Security in the Schools,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 14<sup>th</sup> of December of 2007.

Francisco J. Domenech  
Director