ACLU
AMERICAN CIVIL LIBERTIES UNION of RHODE ISLAND

TESTIMONY IN SUPPORT OF 18-S 2181,
A JOINT RESOLUTION PROPOSING A CONSTITUTIONAL AMENDMENT REGARDING EDUCATION
April 11, 2018

The ACLU of Rhode Island supports this amendment, which would constitutionally establish the right to an adequate education for Rhode Island's youth as a fundamental and judicially enforceable right.

More than twenty years ago, in *City of Pawtucket v. Sundlun*, the ACLU filed a "friend of the court" brief in support of the lawsuit brought by a number of municipalities that "challenged the means by which the General Assembly fulfills its constitutional mandate to provide public education in Rhode Island." 662 A.2d 40, 42 (R.I. 1995). Unfortunately, the R.I. Supreme Court rejected a lower court ruling that Article XII, Section 1 of our state Constitution guaranteed children the right to an "equal, adequate and meaningful education." Just as unfortunately, four years ago, the Supreme Court reaffirmed that decision. *Woonsocket School Committee v. Chafee*, 89 A.32d 778 (R.I. 2014). The Court said it was "sensitive" to the concerns that the state's school funding formula created unfair disparities between poor, urban schools and more affluent communities, but that it was bound by the *Sundlun* precedent to reject this newer constitutional challenge to the formula.

By revising the language in this Article to be more explicit about its goal and specifying that this right is judicially enforceable, Rhode Island will follow the lead of many other states in recognizing the importance of this right. In fact, we would be joining four of our New England neighbors that have a similar guaranteed right to a meaningful education.

We commend the sponsor for introducing this important proposal, and we look forward to supporting efforts to resolve the problem that left children in poorer school districts without a remedy for unequal educational opportunities back in 1995.