

**COMMENTARY ON 20 – H 7043 AND 20 – H 7069
RELATING TO EDUCATION
January 29, 2020**

The ACLU of RI appreciates the opportunity to provide commentary on two bills being heard tonight, H 7043 and H 7069, which concern the funding of field trips in Rhode Island public schools. We recognize that this topic has caused considerable confusion and ignited conversations about the importance of academically enriching activities outside of the classroom. The ACLU is in agreement that these educational experiences provide unique and formative opportunities for students; however, it is just as critical that the funding for these activities does not conflict with the underlying principle that public education should be accessible and equitable regardless of the economic status of a student and their family. It is within this context that we deliver our testimony today.

For the convenience of the committee, we will be addressing each of the pieces of legislation individually.

H 7069

At the heart of the decision from former-Commissioner Wagner on field trip funding is the idea that parents cannot be required to pay fees for their students' education, including school-sponsored field trips, and that such activities must be available to all. We appreciate the fact that this legislation recognizes this in attempting to clarify the current law. However, we do not believe it provides sufficient clarification that all funding requested from a student or the student's parents or guardian must be strictly and exclusively voluntary, and we would urge the addition of language to do so.

The bill further authorizes a system (16-38-6(e), lines 9-12) by which the occurrence of an activity may be contingent on fundraising and a "minimum goal" for funding, presumably relying on funding from parents or the school community. Although we are sure that the implication is unintentional, this language would likely generate situations in which parents and guardians may feel obligated to contribute, whether they can afford it or not.

To mitigate these concerns, we offer the following amendments to this legislation that both comport with the Commissioner's ruling and make clear that school districts are free to accept donations to fund school-sponsored activities:

16-38-6 (e) The provisions of this section shall not prohibit a school district from requesting a contribution of money from a student or the student's parent or legal guardian to pay-make a

donation, in whole or in part, for the cost of district-sponsored field trips, dances, clubs, and other district sponsored or based programs of extracurricular activities (“activities”), provided that the district shall pay for the costs to attend and participate in these activities to meet any deficit and provided that all requests for contributions include a written statement that all contributions are voluntary, and no student will be denied participation or attendance for failure to contribute. No students shall be individually identified in regard to these contributions. ~~The provisions of this section shall not prohibit a school district from establishing a minimum goal for fundraising and to receive contributions or gifts of money as a prerequisite to determining whether the district shall undertake or participate in an activity.~~

H 7043

While this legislation reflects similar issues as H 7069, it suggests that parents might be forced to reveal their financial status for their student(s) to participate in field trips.

As RIDE noted over a decade ago, a charitable waiver system for students unable to afford school trip fees raises concerns of its own: “Even a complete waiver of a fee in the case of a poor family puts that family in the distressing position of having to ask for charity to obtain a public service. Slightly better off families who would not qualify for a complete or partial fee waiver will be forced to choose between needed family expenditures and the payment of school fees.”

Because this bill could place families in the stigmatizing position of either asking for charity or contributing a fee which they may not be able to afford, we offer the following amendment to ensure that neither of these concerning situations occur:

16-38-6 (a) This prohibition does not apply to school sponsored field trips in which parents can be asked for funding as long as the school district provides funding to any student whose family cannot afford the cost of the trip. such requests are accompanied by a written statement that all contributions are voluntary and that no student will be barred from participation or attendance based on failure to contribute.

Thank you for your consideration.