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ACLU OF RI POSITION: AMEND

TESTIMONY ON 23-H 5099 and H-5200 Budget Amendment #9, RELATING TO EDUCATION -- RHODE ISLAND HOPE SCHOLARSHIP ACT April 20, 2023

H-5009 and Governor's Budget Amendment #9 would establish the "Rhode Island Hope Scholarship Act" for Rhode Island College, which would be similar to the current successful CCRI "Rhode Island Promise Program" that provides free tuition to students attending CCRI who meet certain criteria. We laud the goal of further expanding students' access to higher education. However, based on the ACLU's experience with Rhode Island Promise, we urge amendments to the legislation that would ensure that the Hope Scholarship program comports with anti-discrimination laws and properly accommodates students with disabilities.

Unintentionally, R.I. Promise's initial implementation presented an obstacle for some students with disabilities. According to the program's guidelines, students generally had to enroll full-time in order to be eligible for the tuition waiver. The guidelines also recognized that for some students with disabilities, a full course load was unrealistic, and therefore they were allowed to participate in the program with a reduced course load. After the program started, however, we received a complaint from a student who qualified for a reduced course load because of her disabilities, but the State refused to fund her third year of attendance at CCRI necessitated by that reduced workload.

On the student's behalf, we wrote CCRI officials and pointed out the unfairness of recognizing that some students with disabilities need extra time to complete their work, yet refusing to pay for that time, as it undermined both the point of the free tuition program and the college's acknowledgment of the accommodations that must be provided those students. Just as importantly, we argued that such a practice violated federal and state anti-discrimination laws, including Title II of the Americans with Disabilities Act, which protects qualified individuals from discrimination on the basis of their disability in services and programs provided by the State.

College officials quickly acknowledged the problem and revised their manual to specify that students with disabilities remained eligible for the program based on their number of attempted credits, not the length of time they took courses. Two years ago, the General Assembly codified the protection of students with disabilities in making the RI Promise program permanent. *See* R.I.G.L. §16-107-6(b)(iii).

In order to avert any confusion in the implementation of the Hope Scholarship program, we would therefore urge that similar clarifying language be included in this legislation. This will ensure that students with disabilities are not unlawfully prevented from having an equal opportunity to benefit from this important new scholarship program.

Thank you for considering our views.