

POSITION: AMEND

**TESTIMONY ON 25-H 5165,
RELATING TO THE ESTABLISHMENT OF SCHOOL IMPROVEMENT TEAMS
February 25, 2025**

This testimony is submitted on behalf of the American Civil Liberties Union of Rhode Island, the Mental Health Advocate, and the Mental Health Association of Rhode Island.

This legislation would require school committees to “establish a safety and behavioral health committee,” one of the key goals of which would be to ensure that the school district has a policy “to provide mental health support to students in need.” We strongly support this goal, but we also urge a few amendments to the legislation to ensure that students’ privacy rights are respected and to avoid the enactment of punitive measures in addressing the behavior of students with mental health needs.

In addition to the goal noted above, this committee would also be tasked with promoting policies that “address student behaviors to minimize disruptions of the learning environment” and with making recommendations “to improve student safety.” We are concerned that directives like these might prompt the committee to look at punitive disciplinary approaches, rather than more appropriate assistive measures, as the way to address the conduct of students with mental health needs. We would therefore suggest two amendments to address this concern: On Page 2, line 21, after the word “students”, add the words “in a non-punitive manner”, and add that same language on Page 2, line 30, after the word “outcomes”.

We are also concerned that one of the missions given this committee – to “monitor[] behavioral incidents” – could run afoul of federal laws protecting the confidentiality of student records. The federal law known as FERPA (the Family Educational Rights and Privacy Act) would seem to preclude disclosure of details surrounding “behavioral incidents” which this bill seeks to have the committee monitor and discuss. Instead, we believe the committee must keep its focus on policy issues, as the bill itself generally focuses on. We would therefore urge two amendments to clarify this limitation: by deleting the words “Monitoring behavioral incidents and” on Page 2, line 24, and by adding at the end of Page 2, line 32, “but shall not have access to any personally identifiable student information.”

With these amendments, we believe this bill could provide a useful resource to school districts to service students with mental health needs. Thank you for considering our views.

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