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ACLU OF RI POSITION: SUPPORT

TESTIMONY ON 21 – H 5605, AN ACT RELATING TO RHODE ISLAND PROMISE SCHOLARSHIP April 7, 2021

With an important caveat, the ACLU of Rhode Island appreciates the opportunity to provide testimony in support of H-5605, which would ensure that the Rhode Island Promise program – providing free tuition to students attending CCRI – would comport with anti-discrimination laws and accommodate students with disabilities.

This program has obviously been a very important and positive initiative, but late last year we learned that its implementation had presented an obstacle for some students with disabilities. According to the program's guidelines, students must generally enroll full-time in order to be eligible for the tuition waiver. The guidelines also recognize that for some students with disabilities, a full course load is unrealistic, and therefore they are allowed to participate in the program with a reduced course load (and with other reasonable accommodations). Last December, 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.

I am pleased to note that, as a result of our letter, college officials quickly acknowledged the problem. Since that time, the student who contacted us has been reimbursed for the tuition she paid for her third year at CCRI. Further, the college has revised their manual to note that an accommodation is available to allow students like our complainant to take up to 60 attempted credits under the program. We appreciate the college's prompt action, as without this reasonable accommodation, students with disabilities would be unlawfully prevented from having an equal opportunity to benefit from the scholarship program.

Our caveat concerning this bill is that it mandates reasonable accommodations for students enrolled at CCRI as of May 15, 2021. We have been working with the College in an attempt to obtain reimbursements for students who may have been inappropriately required to pay extra tuition in *prior years* of the RI Promise program. We would not want to see a bill passed that leaves out some students from the benefits of the College's remedial efforts. Thank you for considering our views.