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ACLU OF RI POSITION: AMEND

TESTIMONY ON 23-H 6422, House Resolution Creating a Legislative Study Commission to Evaluate and Provide Recommendations on Mandated Safety Protocols for Rhode Island Schools May 23, 2023

In light of the highly publicized “swatting” incidents that some schools were subject to this past year, we can certainly understand the impetus behind this proposed commission. And the numerous questions posed in the resolution for consideration by the commission make sense. As the resolution suggests, the police responses to these false calls, which often necessitate lockdowns, can cause trauma almost as much as the false calls themselves can.

The best way to respond to this issue deserves the thorough public consideration that this resolution seeks. In that regard, though, we want to emphasize the word “public.” In the past few years, over our objections, the General Assembly has passed broadly worded legislation that provides for a great deal of secrecy when schools discuss security matters.¹ Obviously, to some extent, such secrecy is warranted. But we believe that parents, school employees, and students should expect some level of transparency as to the processes which are being considered and potentially implemented, especially because they may immediately impact the school environment and the educational experience and because meaningful public input is otherwise impossible to provide.

For these reasons, we urge that the resolution include a provision that will set an openness standard for the Commission by specifying that its meetings will be held in public except to the extent absolutely necessary for clearly articulated security reasons. Otherwise, we are concerned that, upon convening, it may default to an undue level of secrecy authorized by current law and impede the appropriate community input and engagement that this important issue deserves.

Thank you for your consideration.

¹ For example, the Access to Public Records Act was amended to authorize an exemption for “[a]ll documents prepared by school districts intended to be used by school districts in protecting the safety of their students from potential and actual threats.” (emphasis added) Similarly, the Open Meetings Act has a broad exemption for any “[d]iscussion regarding the matter of security.”