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ACLU OF RI POSITION: SUPPORT

TESTIMONY IN SUPPORT OF 23-S 189, AN ACT RELATING TO EDUCATION – SCHOOL COMMITTEES AND SUPERINTENDENTS April 19, 2023

The ACLU of Rhode Island strongly supports this legislation, which would restrict a school's ability to arbitrarily administer out-of-school suspensions to our youngest and most vulnerable students in grades K-5. These suspensions not only deprive young children of the education they deserve, but they represent a distressingly early invitation into the school-to-prison pipeline.

Six years ago, recognizing that students were being over-suspended, the General Assembly passed an important law – which this bill amends – designed to limit the use of out-of-school suspensions only to necessary occasions. Although this law has been very helpful, a review of three years of discipline data since its enactment demonstrates that it has not been as effective as intended, making amendments to strengthen the statute essential. Disparities in terms of race and disability remain high; students, especially young students, are still being inappropriately pulled from the classroom at concerning rates; and schools and school districts are not conforming to current statutory reporting requirements to facilitate accountability and responsibility for their discipline rates. Even though this particular data set is not collected, we also know that LGBTQ students face disciplinary discrimination as well.

For almost two decades, our organization has been examining the discipline data reported by school districts. We have analyzed it for both disparities – particularly for students of color and students with IEPs – and the number of out-of-school suspensions issued for vague and subjective offenses, such as those coded as “disrespect” or “insubordination,” which should not escalate to the extended removal of a student from the classroom.

Consistently, over the past years, *nearly every single school district that reports suspension data has displayed a disparity in out-of-school suspensions for students of color, students with disabilities, or both*, and a number of districts reported *alarming rates of suspension for K-5 students*. However, *not a single district* has ever submitted, as we believe is required by the current statute, a report to the Council on Elementary and Secondary Education which acknowledges such problematic trends and outlines a plan to combat them. It is clear, especially with the perspective of the last three years of data we have analyzed, that more must be done in order to combat these persistent and systemic problems.

In fact, in 2018-2019, Black students statewide were over-suspended at a rate 1.76 times that which would be expected for their population; Hispanic students were over-suspended at a rate 1.31 times that which would be expected for their population; and white students, while comprising the largest demographic of students in the state, were the subject of out-of-school suspensions at a rate only .71 times that which would be expected for their population. Students with disabilities served suspensions at a rate more than double that which would be expected for their population.

Even more concerningly, Rhode Island's K-5 students were pulled out of the classroom at alarming rates, with a cumulative of 2,162 instructional days missed during the 2018-2019 school year, with a total of 1,459 out-of-school suspensions overall being issued to K-5 students. 727 of these instructional days were missed because a K-5 student was serving an out-of-school suspension for such vague – and not unexpected for a young child – behavior as “insubordination” or “disrespect.” Disrespectful conduct should be addressed at that age, but through behavioral support and intervention, not out-of-school punishment.

These suspensions cause real and tangible harm. Students who are suspended from school are more likely to become involved with the criminal justice system, whether due to the behaviors which they engage in when they are excluded from school or because schools escalate in-school incidents and inappropriately refer students to school resource officers (SROs) or other law enforcement. The more a student is removed from the classroom, and the more often they are subjected to punitive disciplinary measures which do not appropriately incorporate mental and behavioral supports, the more they are likely to suffer academically or drop out of school.

Although such suspensions are harmful in general, students of color and students with disabilities are the most disproportionately affected by their use, mirroring a systemic bias which can be traced throughout the criminal justice system as a whole.

This critical legislation will help stem the flow of out-of-school suspensions to our most vulnerable students. Most importantly, it will substantially limit the instances under which a student in grades K-5 can be forced out of school for offenses that pose no threat to others and which are normal behavioral issues for a young child. Children at that age need social-emotional supports, not school suspension. The bill would also require, even if no disparities are evident, every school district to conform to reporting requirements so that there is district-level accountability and responsibility in examining the reported discipline data.

We encourage the General Assembly to review the most recent report, as well as previous reports, that the ACLU has issued on the school-to-prison pipeline – available on our website at riaclu.org – and consider the ramifications of allowing these harmful discipline trends to continue through another school year. Every single suspension causes significant and often irreparable harm for a student, and it is imperative that Rhode Island confront this issue swiftly and comprehensively, especially on behalf of the state's youngest and most vulnerable students.

Thank you for your consideration.