

Timothy Duffy 2021 – H 5421 Support

Dear Chair Shanley:

If 2020 proved anything, it has exposed the savage inequalities facing people of color. From a lack of adequate medical treatment for COVID-19 to a digital divide that puts inner-city kids at a distance-learning disadvantage to the deaths of minorities at the hands of law enforcement, 2020 was a year of pain and suffering. The work to rectify these injustices will be long and hard.

One thing we can do in our small state is to make education a constitutional right for all Rhode Islanders. The moment is very propitious for advancing bills 2021 – H 5421 and put the question of a right to an education before the voters in 2022.

Prior to the pandemic, Rhode Island education was at a crossroads. The state takeover of Providence, our largest school district, and the dismal performance of our urban core schools demonstrated the need for system accountability and more significant resource investment. COVID-19 has exacerbated these inequities. Some of our inner-city districts struggled to provide distance-learning instruction. Many students had limited access to the internet or lacked the technology to engage in virtual schooling.

In recent years, Rhode Island has sought to replicate the success of Massachusetts' educational system. The adoption of RICAS assessments, adjustments to our standards, and the continued funding of the education formula have brought new hope that our students can succeed like their northern neighbors. The General Assembly's commendable implementation of Massachusetts-based education reforms in 2019, such as site-based management and decentralized school governance, aims to eliminate administrative red tape and allow decisions to be made closest to the student.

Massachusetts students, however, have one advantage ours do not — in the commonwealth, education is a constitutional right. Twenty-eight years ago, the Massachusetts Supreme Judicial Court found that the Bay State's method of funding education violated its constitution. The commonwealth moved quickly to increase funding and enact comprehensive education reform. In the intervening 28 years, Massachusetts has dramatically transformed its education system,

and now its students outperform their peers nationally. Massachusetts students also rank near the top in international assessments, such as PISA and STEM.

In contrast, Rhode Island's constitution does not, according to the state Supreme Court, guarantee education as a right for any of its citizens.

In 1994, Superior Court Judge Thomas Needham, in a case brought by Pawtucket and Woonsocket, ruled "that there is a fundamental and constitutional right for each child to an opportunity to receive an education in Rhode Island." In a 1995 opinion, Justice Victoria Lederberg, writing for the entire Supreme Court, overturned Judge Needham's ruling and held that "the history of Article 12 dictates that such a conclusion is clearly wrong. The education clause confers no such right, nor does it guarantee an "equal, adequate, and meaningful education."

The Rhode Island legislature has an opportunity to correct this oversight by putting an amendment to Article I before the voters in the 2022 election. 2021 – H 5421, by Rep. Mary Messier, would establish that "public education is a fundamental right of all Rhode Island residents."

Given the great turmoil the nation is currently experiencing, we should heed the words of Thomas Jefferson, that "an educated citizenry is a vital requisite for our survival as a free people."

Education also is the cornerstone of racial and economic equality, the road to a higher standard of living, and an essential right that should be afforded all Rhode Islanders. The General Assembly can provide our citizens with the opportunity to succeed by enacting 2021 – H 5421 and letting the voters decide this critical issue.

Timothy C. Duffy
Executive Director
Rhode Island Association of School Committees.