



128 Dorrance Street, Suite 400  
Providence, RI 02903  
Phone: (401) 831-7171  
Fax: (401) 831-7175  
[www.riaclu.org](http://www.riaclu.org)  
[info@riaclu.org](mailto:info@riaclu.org)

**TESTIMONY ON 21 – H 5933,  
AN ACT RELATING TO EDUCATION – SCHOOL COMMITTEES AND SUPERINTENDENTS  
April 28, 2021**

As an organization that has long advocated for restricting the use of out-of-school suspensions to students, and that has long highlighted the stark disparities of treatment evident within the current suspension model, we generally support the important concept and goals contained within this legislation.

The prevalence of out-of-school suspensions in Rhode Island, and the racial disparities and disparities for students with disabilities, are alarming, and we applaud attempts to address them. In the 2016-2017, 2017-2018, and 2018-2019 school years, for example, Black students were consistently suspended at rates more than double the rates at which white students were given suspensions. Latinx students experience similar disparities in suspensions, with rates more than 1.5 times those for white students across those same three school years. Students with disabilities fared no better, as they were consistently suspended at over twice the rate at which we would expect their population to be suspended. This bill appropriately touches upon the need for restorative justice measures, appropriate intervention and counseling supports, and the reduction of juvenile interaction with the criminal justice system.

However, while it outlines a tiered system which must be implemented prior to a student being given an out-of-school suspension, the legislation would still allow for suspensions of students for conduct that does not warrant suspension in any event. That is, regardless of the tiered steps taken to address the student's behavior, a first-grade student who engages in minor misconduct should not be subjected to interventions that may eventually result in a suspension.

It is our opinion that, especially for vague and subjective offenses – such as “insubordination” or “disrespect” – which are currently disciplined at high rates, there should not even be a lingering threat of an out-of-school suspension at the end of a tiered disciplinary structure. The ability should be removed from law entirely.

In short, we applaud this bill's recognition of the need for enhanced behavioral support for students to avoid overly punitive disciplinary procedures that students are currently subjected to. However, we encourage the committee to consider alternate legislation, such as H 5234, sponsored by Representative Diaz, which would specifically restrict the use of out-of-school suspensions on K-5 students in almost all circumstances. As long as an option exists for students to be removed from the classroom, no matter how extensive the process may be, there is an inappropriate risk of students losing valuable class time and social emotional development which, especially in the context of the past year, should be avoided more than ever.

Thank you for your consideration of our views.

Submitted by: Hannah Stern, Policy Associate