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ACLU OF RI POSITION: OPPOSE

TESTIMONY IN OPPOSITION TO 21 – H 5748, AN ACT RELATING TO EDUCATION – CRIMINAL BACKGROUND CHECKS OF VOLUNTEERS AND INTERNS

March 1, 2021

The ACLU of RI opposes this legislation which would require a federal criminal background check upon any individual seeking to volunteer or intern at a school in Rhode Island. Current law requires a *state* criminal background check for such volunteers, a mandate which our organization has also long opposed. The expansion of this provision to a national scope would only further harm school communities and unnecessarily punish justice-involved parents.

The educational benefits of parental engagement in their child's schooling are innumerable, and it has been well-documented that such participation leads to increased student success and mental health. It should therefore be in the best interest of our communities to ensure equitable and expansive opportunity for parental engagement rather than explicitly limiting such involvement. Should this legislation pass, for example, a parent who has a criminal charge which even predates the birth of their child could be denied the opportunity for meaningful involvement in their child's schooling. In fact, a decade ago, we were [forced to sue a school district](#) that barred an active parent in the PTO from volunteering at her child's kindergarten because of a past criminal drug record. This type of restriction – and the demand that a loving parent get fingerprinted for the “privilege” of volunteering at their child's school – is exceptionally inappropriate for the parent-child-school relationship and limits opportunities for justice-involved individuals to engage with their communities, which can be a critical part of their ongoing rehabilitative process.

Such policies as the one contained within this legislation are especially concerning when one considers the disparate impact that over-policing and the criminalization of certain offenses, including but not limited to drug crimes, have had on BIPOC communities for decades. In addition, since federal background checks require the submission of fingerprints to a federal agency, this bill is almost certain to deter many immigrants – particularly undocumented family members – from participating in any way in their child's school activities. The General Assembly should not be in the business of restricting parental and guardian access to their students' educational experiences in this manner, particularly when it is likely that the disproportionate burden of these policies will fall on marginalized communities.

The current law's state background check requirements are already needlessly punishing and stigmatizing to parents and guardians who do not deserve to be shut out from their students' educational experiences. Since we do not believe the harm should be expanded, we urge rejection of this bill. Thank you for your consideration.