



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

August 6, 2019

Acting Superintendent Frances Gallo
Providence School District
797 Westminster Street
Providence, RI 02903

(by mail and email)

Dear Superintendent Gallo:

Between the comments made on May 29th at the joint meeting of the Providence School Board and the Providence City Council – during which then-Superintendent Maher attributed the disproportionate punishment of Black and Latinx students in the Providence schools directly to racism – and the release of the devastating Johns Hopkins report in June, there has been a clear recognition among policymakers of the critical need to address the intersection of equity and disciplinary protocol in the City’s schools in a serious and meaningful way.

The ACLU of Rhode Island agrees, but we believe it is essential to recognize how deep-seated this issue of disparate punishment is in light of the harm it inflicts on the students most affected by it, and it is just as crucial to institute some immediate but simple remedies to address it. The purpose of this letter is to address both of these points.

For several years, our organization has released reports documenting and detailing the persistently disproportionate use of disciplinary action and suspensions against students of color, as well as students with disabilities – not only in Providence, but across the state.

We have now examined the discipline data for Providence for the academic year 2017-2018, the most recent school year for which data is available. Despite a significant reduction in the overall number of suspensions issued to students,¹ the data continues to document a distressing picture for Providence Public Schools: students of color, and especially Black students, remain disproportionately affected by the use of out-of-school suspensions, and are particularly issued suspensions for relatively minor and often subjective types of “misconduct,” such as insubordination and disrespect.

Alarming, the range of students most affected by this disparity are Black students in *Kindergarten through 5th grade*, grades at which any suspensions at all seem suspect and counter-

¹ This has been a statewide phenomenon in the last few years, due in large part to the passage of a 2015 law barring schools from suspending students for being truant. Somewhat disturbingly, however, both the Johns Hopkins report and the presentation provided by Young Voices at the May 29th joint committee meeting suggest that this number has been manipulated in Providence, with students sometimes being suspended but having their removals instead recorded as “parental dismissals” in order to depress the number of suspensions actually being recorded.

productive. In the 2017-2018 school year, Black students in those grades were three times as likely to be suspended as their white classmates. Incredibly, in that year alone, a total of 201 suspensions of students in those early grades was reported, including 46 suspensions for Kindergarteners and first graders, and the vast majority of suspensions of these vulnerable children were for offenses such as “disorderly conduct” or “use of obscene language.” In addition, across all age groups, not only were Black students suspended more often, but the average duration of both their suspensions and those of Latinx students were 21 percent longer than the average duration of a suspension meted out to a white student.

These disparities have remained incorrigibly steady over time. During the 2014-2015 school year, the percentage of suspensions issued to Black students in the Providence public school district was 25.7 percent; during 2017-2018 school year, that percentage was 24 percent. Across these time periods, the percentage of Black students in the student body has consistently stayed around 16 percent.

Disturbing disparities also exist for students with disabilities, and particularly students with Individualized Educational Programs, or IEPs. In 2017-2018, students with IEPs composed 15 percent of the total population in Providence public schools, while making up 28 percent of all suspensions. Unfortunately, the percentage has only risen over the past few years. According to data from the 2013-2014 school year, students with IEPs composed a similar percentage of the population at 15.6 percent but represented 24.7 percent of suspended students.

In an effort to address the widespread overuse of out-of-school suspensions, a law enacted by the General Assembly in 2016 bars of such suspensions for non-disruptive misbehavior, R.I.G.L. §16-2-17.1. Yet our analysis of the 2017-2018 Providence data, as described above, shows that this important safeguard against the overuse of suspensions, and the severe consequences that often flow from that, is routinely being ignored to the great detriment of the affected students. This law, and accurate and intentional compliance with it, is particularly critical because usage of unnecessary disciplinary actions can push marginalized students onto a path that leads to dropping out of school, and the over-disciplining of normal adolescent misbehavior can shuttle a student towards incarceration before they even become an adult.

We know that you and other school officials are looking to broad and long-term solutions, including strengthening restorative justice programs and similar approaches, which will understandably take time to implement properly and fully. However, there are a few key concrete steps that Providence can and should take immediately when the school session starts. Specifically:

- Beginning in the 2019-2020 school year, administrators must begin immediately recording out-of-school suspensions accurately to reflect the standards currently required by law. Suspension notices should specifically reference the standards in the 2016 law to confirm that the suspension is justified under that law.
- The Administration should bar certain vague and open-ended infractions from serving as the grounds for an out-of-school suspension.

- Elementary students should never be given out-of-school suspensions for any misconduct in the absence of evidence that it creates a clear and present danger to the health or safety of students or staff.
- Rhode Island state law, R.I.G.L. §16-2-17(d), requires school districts to provide reports to the council on elementary and secondary education on corrective actions they are taking to address suspension disparities on the basis of race and disability, should data show that such disparities exist. Yet despite the clear, uncontested long-term data showing these disparities in the Providence school system, Providence has never submitted such a report. One should be prepared immediately.

Honest portrayal and recognition of the depth of this issue is an important first step, and we appreciate the recent frank discussion surrounding the inequities and failures on many levels of Providence's school system. As the new school year approaches, however, meaningful action must be taken to rectify the many complex matters which have been brought to the forefront.

We urge you to promptly implement the recommendations we have proposed, along with others, in order to truly ensure a more equitable future for all students in Rhode Island. Thank you for your consideration of these important matters.

Sincerely,

Steven Brown
Executive Director

Hannah Stern
Policy Associate

cc: Providence School Board
RIDE Commissioner Angelica Infante-Green
The Hon. Jorge Elorza