

ACLU OF RI POSITION: OPPOSE

**TESTIMONY IN OPPOSITION TO 21 – H 5354
AN ACT RELATING TO EDUCATION – ANTI-BULLYING BILL OF RIGHTS ACT
March 10, 2021**

The ACLU of RI is appreciative of the opportunity to provide commentary on this legislation which would create an “Anti-bullying Bill of Rights Act.” While we certainly understand the desire to address the important issue of bullying in schools, there are already a number of laws on the books that do so. In going beyond those laws, there are several provisions within this proposal which significantly infringe upon the rights of students and will encourage punitive and inappropriate measures. We therefore urge rejection of the legislation for the following reasons:

- Under 16-110-6, schools would be required to report all incidents of “harassment, intimidation, or bullying,” including disciplinary measures of all students engaged in “harassment, intimidation, or bullying,” and training or programs implemented to reduce such acts. Districts and schools would then receive a “grade” to assess their efforts in this area, and this “grade” would be required to be posted publicly on the home webpage of both the individual school and the district that the school is in. This is particularly concerning because this grade could either only serve to publicly shame schools who receive a poor grade according to this arbitrary scale, or schools could avoid confronting genuine issues of bullying for fear of receiving a poor score.
- The provisions under 16-110-9 contain language delineating what offenses can serve as the basis for student suspension and expulsion under this statute. Not only are these provisions extraordinary broad, but they further directly contradict the current state law (16-2-17) which is in place to ensure that students cannot be suspended for vague and subjective offenses such as “willful disobedience” or “open defiance of [...] authority,” as outlined within this legislation. The effect of encouraging out-of-school suspensions for this type of conduct only promotes the school-to-prison pipeline, and is likely to engender more misbehavior, not less.
- 16-110-13 would establish a program that would explicitly engage law enforcement officers in the school community and bullying intervention programs. It is the perspective

of our organization that the use of law enforcement personnel on school campuses often inappropriately redefines normal adolescent behaviors into issues of criminal justice, which is why we believe that they should not be present on school campuses generally. For issues of bullying especially, students should have access to personnel who are supportive, appropriately trained, and cognizant of the unique behavioral and social-emotional needs of students, not law enforcement personnel who have the capacity to inflict overly punitive measures on students experiencing interpersonal issues.

- 16-110-14 would create a training course for school resource officers and other school personnel who would serve as a liaison to law enforcement. For the reasons stated above, we oppose this section.
- 16-110-15 would permit schools to address incidents related to “harassment, intimidation, or bullying” which occur off of school grounds. This is an overreach of the school’s jurisdiction, Schools should not have the ability to monitor students 24 hours a day and punish them for acts which occur outside of the school setting and may have no impact at all on school activities.
- 16-110-20 instructs districts to implement methods to “identify and assist student populations at high risk of harassment, intimidation, or bullying.” It is unclear how districts would be instructed to do so, but we are extremely concerned about the “tracking” systems that this could encourage to potentially identify such students.

Overall, we find that this bill is far too broad a scope and does not contain appropriate, narrowly tailored provisions to meaningfully and deliberately combat bullying on school campuses. As is true of school discipline generally, implementation of these provisions will almost certainly fall most heavily on marginalized groups, including BIPOC students, students with disabilities, and LGBTQ+ students. We urge rejection of this legislation.

Thank you for your consideration.