



State of Rhode Island
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Shepard Building
255 Westminster Street
Providence, Rhode Island 02903-3400

Angélica Infante-Green
Commissioner

July 22, 2024

Re: Compliance with R.I. Gen. Laws § 16-2-17 re Student Discipline Disproportionality

Dear Colleague:

I write to remind all superintendents of their legal obligation to annually review the student discipline data they report to RIDE to “determine whether the discipline imposed has a disproportionate impact on students based on race, ethnicity, or disability status,” and if such disparity exists, to then:

- (1) consult with representatives of the faculty to address the disparity; and
- (2) submit a report to the Council on Elementary and Secondary Education “describing the conduct of the student, the frequency of the conduct, prior disciplinary actions for the conduct, [and] any other relevant information and corrective actions to address the disparity.”

R.I. Gen. Laws § 16-2-17(d).

As you know, state law mandates that school committees prepare detailed reports on school discipline, which must include a wealth of specific data, and annually present these reports to the General Assembly. See R.I. Gen. Laws § 16-60-4(a)(21)(i). In addition, R.I. Gen. Laws § 16-2-17 (d) mandates that:

All school superintendents, or their designees, shall review annually, the discipline data for their school district, collected in accordance with the specifications set forth in § 16-60-4(a)(21), to determine whether the discipline imposed has a disproportionate impact on students based on race, ethnicity, or disability status and to appropriately respond to any such disparity. In addition to the data submitted, if a disparity exists, the school district shall submit a report to the council on elementary and secondary education describing the conduct of the student, the frequency of the conduct, prior disciplinary actions for the conduct, any other relevant information and corrective actions to address the disparity, after consultation with representatives of the faculty has been taken to address the disparity. The reports shall be deemed to be public records for purposes of title 38.

Id.

Telephone (401)222-4600 Fax (401)222-6178 TTY (800)745-5555 Voice (800)745-6575 Website: www.ride.ri.gov

The R.I. Board of Education does not discriminate on the basis of age, sex, sexual orientation, gender identity/expression, race, color, religion, national origin, or disability.

Dear Colleague
July 22, 2024
Page 2

There is no hard and fast rule or universally accepted guidance concerning how to determine discipline disproportionality based on race, ethnicity, or disability status. There is, however, quality guidance available. See, e.g., *Significant Disproportionality (Equity in IDEA): Essential Questions and Answers* (Office of Special Education Programs, Office of Special Education and Rehabilitative Services, U.S. Department of Education, March, 2017) (available at <https://sites.ed.gov/idea/idea-files/significant-disproportionality-equity-in-idea-essential-questions-and-answers-and-a-model-state-timeline/>); *Success Gaps Toolkit: Addressing Equity, Inclusion, and Opportunity* (IDEA Data Center) (available at <https://ideadata.org/toolkits/>); *Significant Disproportionality Calculator and User's Guide* (IDEA Data Center) (available at <https://ideadata.org/resources/resource/2495/significant-disproportionality-calculator-and-users-guide>); see also David Lopez, Amanda Nabors and John Jacobs, *Using Quantitative Data to Identify and Address Inequities: An Introduction for Practitioners* (West Ed., 2023) (available at <https://www.wested.org/resources/quantitative-data-to-address-inequities/#>); María G. Hernández, David M. Lopez, Reed Swier, *Dismantling Disproportionality: A Culturally Responsive-Sustaining Systems Approach* (Teachers College Press, 2022); Catherine Kramarczuk Voulgarides, Edward Fergus, and Kathleen A. King Thorius, *Pursuing Equity: Disproportionality in Special Education and the Reframing of Technical Solutions to Address Systemic Inequities*, *Review of Research in Education*, Vol. 41, No. 1 (2017) (available at <https://doi.org/10.3102/0091732X166869>) and Julie Bollmer, James Bethel, Roberta Garrison-Mogren, and Marsha Brauen, *Using the Risk Ratio to Assess Racial/Ethnic Disproportionality in Special Education at the School-District Level*, *The Journal of Special Education*, Vol. 41, No. 3 (2007).

I hope this has been helpful.

Sincerely,



Angélica Infante-Green,
Commissioner of Education

AIG/cb