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April 18, 2024

VIA EMAIL AND MAIL

Angélica Infante-Green, Commissioner
R.I. Department of Education
255 Westminster Street
Providence, RI 02903

Patricia DiCenso, Chair
Council on Elementary and Secondary Education
255 Westminster Street
Providence, RI 02903

Dear Commissioner Infante-Green and Chair DiCenso:

I am writing to request that RIDE and the Council on Elementary and Secondary Education take action to ensure that school districts are complying with an important state law designed to address the very serious problem of racial and other disparities in the use of out-of-school suspensions on children.

In 2016, the Rhode Island General Assembly passed legislation aimed at reforming school disciplinary protocols with the essential goals of reducing lost education time due to out-of-school suspensions and mitigating the stark and harmful disparities in suspension rates for BIPOC students and students with disabilities. Additionally contained in this statute is a requirement – codified at R.I.G.L. § 16-2-17(d) – that school districts review their own discipline data and determine if “the discipline imposed has a disproportionate impact on students based on race, ethnicity or disability status and to appropriately respond to any such disparity.” If a disparity exists, the school district must submit a report to the council on elementary and secondary education describing, among other factors, the “corrective actions to address the disparity.”

For the past few years, the ACLU of Rhode Island has submitted requests to RIDE, under the state Access to Public Records Act, for any reports submitted by school districts in accordance with this statutory requirement. Each time we have received an answer to this request, we have been told that there are no responsive records, even though an analysis of suspension data shows that nearly every district displays disparities, either for BIPOC students or students with disabilities or, oftentimes, both.¹ That is to say, statewide, both BIPOC students and students with disabilities

¹ The ACLU of Rhode Island has been documenting these disparities for more than a decade. For our most recent analysis, see our report “*Still Oversuspended and Underserved: Continued Disparities in Suspension Rates in Rhode Island*” (March 2023); <https://www.riaclu.org/en/publications/report-still-oversuspended-and-underserved-continued-disparities-suspension-rates-rhode>

are regularly over-suspended compared to their peers, a sobering statistic which holds true across age groups and across decades of suspension data.

We write to you today to urge that RIDE and the Council take substantive steps to ensure compliance with this critical provision of the statute. The reporting requirement is a key component of ensuring oversight over the collection of suspension data, guaranteeing that districts are holding themselves accountable for any disparities that the data show, and implementing a process by which Rhode Island school districts can curb the school-to-prison-pipeline. The issue is simple – if districts are not even reviewing, much less addressing, their own data, how can they meaningfully and thoughtfully create equitable educational experiences for all of their students? Our requests for this information show that compliance with this state law is not a priority for districts, but it must be made one if the state is to meaningfully address the starkly disproportionate issuance of out-of-school suspensions to BIPOC students and students with disabilities.

In pursuit of the mutual goal that we share to provide enriching education to all students in Rhode Island, we specifically ask that RIDE begin enforcing the review required by this state statute. Specifically, we ask that your agency follow up with districts and require that they submit a report confirming that, in accordance with the law, they conducted a review of their suspension data for the past school year and, if disparities were found, that they additionally submit a concrete plan for addressing those disparities. Given the lack of submissions since the passage of this law nearly eight years ago, we believe the time has come for RIDE and the Council to demand compliance. We further would ask RIDE to begin requiring its submission at the time districts present their annual suspension data to your agency.

We hope that you will agree with our organization that fulfillment of the intent of this important law which centers antidiscrimination and equity must be prioritized, and that school districts must be held accountable by RIDE to ensure compliance with it. Thank you for your attention to this request, and I look forward to hearing back from you about it.

Sincerely,

A handwritten signature in black ink that reads "Steven Brown". The signature is fluid and cursive, with the first name "Steven" and last name "Brown" clearly distinguishable.

Steven Brown
Executive Director

cc: Council on Elementary and Secondary Education (via email only)