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ACLU OF RI POSITION: OPPOSE

TESTIMONY IN OPPOSITION TO 21 – S 456, AN ACT RELATING TO EDUCATION – HEALTH AND SAFETY OF PUPILS April 12, 2021

While protecting student safety is an important goal, the ACLU of RI has long expressed concerns about, and opposition to, measures which seek to do so through the deployment of law enforcement officers or other similar personnel. As such, we are strongly opposed to this legislation which would create a school security committee that, among other responsibilities, would be tasked with facilitating programs for the presence of “armed security personnel” in every school and the mandating of expansive school surveillance initiatives. It is inevitable that the enacting of this legislation would create a school system which effectively treats every student as a criminal suspect and turns schools into armed camps. We urge its swift and summary rejection.

Most likely, the implementation of these “armed security personnel” would be through the mechanism of School Resource Officers, or SROs. While purportedly aimed at protecting the student body from violence, these officers are often relied upon to mete out routine school discipline, and the tools that police have at their disposal to combat unruly behavior are often not appropriate in the school setting. From an open records request we filed a few years ago, we discovered that many incident reports documented examples of escalation of minor infractions (such as wearing a hat in violation of a school dress code) turning into arrests for open-ended crimes such as disorderly conduct. That is, a police presence often led to arrests for minor misconduct that could and should – and otherwise would – have been treated internally as a school disciplinary matter.

It is also important to note that disciplinary and enforcement protocols in schools disproportionately affect students of color, students with disabilities, and LGBTQ students. The ACLU has released multiple studies within the past few years which show a consistent discrepancy in the rates that these students are suspended in Rhode Island, and statistics document that these vulnerable groups are much more likely to be arrested for school misconduct than other students. And, critically, the increased presence of SROs redefines as criminal justice problems behavior issues that may be rooted in social, psychological, or academic problems, for which involvement in the juvenile justice system is hardly the solution.

In just the past year, for example, our organization has filed two lawsuits on behalf of marginalized students who faced extremely inappropriate action and violence at the hands of a school SRO. One was on behalf of a Black, female, middle-school honors student in Pawtucket who was unlawfully handcuffed and arrested by an SRO; the second was on behalf of a special education student in Narragansett who was thrown to the ground by an SRO solely because the student made a rude gesture at the officer.

We are equally concerned about the extremely harmful impact that the implementation of “surveillance and camera systems” could have on the school environment. Not only could this serve to suppress both intellectual freedom and student freedom of speech by impacting the comfort that students feel to engage with controversial but important academic subjects, private conversations, or different student activity groups, it could also undermine a student’s expectation of privacy and create an environment where students are constantly under fear of being watched by unknown administrative or school staff.

However, in its worst application, it could also serve to falsely and inappropriately criminalize the school environment through, for example, attempts to identify students as safety threats. As with the enforcement of school disciplinary measures, we are extremely worried that this would only magnify the disproportionate subjection of marginalized students such as BIPOC students, students with disabilities, or LGBTQ+ students to harmful punitive action.

Aside from both the increased presence of SROs and extensive surveillance, the composition of the school security committee contains personnel who have absolutely no background with the actual needs of schools and students. The assignment of two individuals from the “firearms community,” chosen by the local NRA chapter, is disturbing enough – the fact that there is no condition that either of these people have *any* qualifications in education is even more distressing and alarming.

Finally, the fact that the meetings of this committee and any of the documents it produces would not be subject to either the Open Meetings Act or the Access to Public Records Act is an unacceptable exemption. If such harsh and severe policies would be implemented in schools, it is the bare minimum that community members and parents have the opportunity for oversight and commentary. This legislation would deliberately subvert and remove this ability.

The most effective and comprehensive approach to addressing school safety is to ensure that community needs are being met and that student well-being is at the forefront. Schools need more counselors and mental health and social service resources, not an increased law enforcement presence. This bill would needlessly subject students to measures which are not only contrary to their behavioral and mental health needs, but would effectively turn the school environment into one which mirrors the carceral system. We strongly oppose this legislation and urge its rejection.

Thank you for your consideration.