

## RHODE ISLAND

- Compulsory Attendance Ages:** “completed six (6) years of life on or before September 1 of any school year and not completed sixteen (16) years of life.” General Laws of Rhode Island § 16-19-1(a).  
A child age 16 or older who is “enrolled in school” must have written parental permission to stop schooling before age 18. § 16-19-1(b).
- Required Days of Instruction:** “substantially equal to that required by law in public schools.” R.I. Gen. Laws § 16-19-2.
- Required Subjects:** Reading, writing, geography, arithmetic, civics (§ 16-22-2), English (§ 16-19-2), health and physical education. § 16-22-4. The Commissioner of Education confirmed that home schools are required to teach health and physical education in *Gauvin v. Scituate School Committee*, (R.I. Comm’r. Educ. July 5, 1990).

**Home School Statute:** R.I. Gen. Laws § 16-19-1.

1. A child may receive a “course of at-home instruction approved by school committee of the town wherein the child resides” if the following requirements are met:
  - a. the period of attendance is “substantially equal” to that of the public schools,
  - b. an attendance register is kept, and
  - c. the teaching in the required subjects listed above is “thorough and efficient.” R.I. Gen. Laws § 16-19-2.
2. If the local school committee denies parents the right to home school, the parents may appeal to the Department of Education and have a right to a hearing. R.I. Gen. Laws § 16-19-2.
3. Commissioner ruled that it is a “Constitutional right” to educate one’s children. *Payne v. New Shoreham School Department*, R.I. Comm’r. of Educ. Sept. 15, 1987, at 8.

**Note:** The Commissioner of Education ruled in an appeal brought by HSLDA “that home visitation cannot be mandated by public school authorities over parental objection.” *Kindstedt v. East Greenwich School Committee* (R.I. Comm’r Educ. August 7, 1986). In addition, the Commissioner held “it is our view that both the Fourth Amendment and also the constitutionally derived right to privacy ... protect individuals from unwanted and warrantless visits to the home by agents of the state under circumstances such as those present here.” *Kindstedt*, slip op. At 5, n. 12.

**Alternative Statutes Allowing for Home Schools:** R.I. Gen. Laws § 16-19-1.

In some school districts, parents may present a certificate that their child attends a local private school's satellite program in lieu of complying with the home school statute described above.

**Teacher Qualifications:** None.

**Standardized Tests:** Not required by statute. However, the Commissioner of Education has ruled that local school districts have the authority to require some type of evaluation under their "approval" authority as long as they "accommodate the preferences of parents for certain mechanisms for measurement." *Thifault v. North Smithfield School Committee*, (R.I. Comm'r. Educ. July 2, 1990 at 7-8).

If the parents choose standardized testing, the Commissioner ruled that religious home schoolers, under the first Amendment, have the right to choose their standardized test *and* the testing site. *Thifault*, slip op. at 13-14. The Commissioner held: "we cannot discern the presence of any administrative burdens placed on the School Committee by accommodation of the parents' choice of standardized test. Thus, we do not find the School Committee's test choice (or its requirement that children be tested in the public school) to be the "least restrictive alternative." *Thifault*, at 13-14.

**Religious Freedom Act:** R.I. Gen. Laws § 42-80.1-1 et seq.

The Religious Freedom Restoration Act (RFRA), passed with the help of HSLDA members, gives religious home schoolers another legal means to protect their right to home school. If the parents' free exercise of religion is substantially burdened by having to comply with the homeschool law, the parents may use the RFRA as a defense or file suit against the state. Under this statute, the burden is on the state to prove that its requirement "furthers a compelling state interest" and is the "least restrictive means" of fulfilling its interest that children be educated. This Act restores the highest protection of the individual's right to freely exercise his religious beliefs taken away by the U.S. Supreme Court in its 1997 *City of Boerne* decision. 520 U.S. 507.