

## Written Testimony in Opposition to H.B. 8531

Good afternoon,

My name is Michelle J. Mercure. I am a journalist, a special education advocate, a member of the Protection and Advocacy for Individuals with Mental Illness Council, also known as PAIMI, and a homeschooling mother. I strongly oppose H.B. 8531.

My concern with this bill is that it blurs two very different issues: homeschool approval and child protection.

It has taken me three years, with outside support from occupational therapists and my son's mental health therapist, to begin to undo the harm that public school caused him. I do not need to share every detail of my child's trauma to make this point: H.B. 8531 could leave a child like mine trapped in a school system that is actively harming them, simply because a school committee decides a parent has not proven enough.

Even a waiting period for approval could negatively impact a child whose needs cannot be met by the public school system.

Rhode Island already regulates at-home instruction. The Rhode Island Department of Education explains that at-home instruction programs must be approved by the local school committee under Rhode Island law, and that instruction must include required subjects and attendance substantially equal to that required in public schools.

H.B. 8531 would go further. Too far. The bill would allow a local school committee to "deny approval of, or defer action upon" a proposed course of at-home instruction if the committee finds that approval would be "not in the best interest of the child."

### **That standard is dangerously broad.**

A school committee should not be given broad power to decide whether a parent has earned the right to remove a child from a school environment that may be harming them. Before homeschooling, my son was coming home from school with marks on his body after being restrained by school staff. When I called DCYF, I was told they do not investigate school staff.

That is the painful irony of this bill: it claims to protect children while giving more power to the same systems some children need protection from.

The United States Supreme Court has long recognized that parents have a constitutional liberty interest in directing the upbringing and education of their children. In *Pierce v. Society of Sisters*, the Court said the state does not have a general power "to standardize its children by forcing them to accept instruction from public teachers only."

That principle matters here. The state may require children to be educated. The state may set reasonable requirements. But the state should not create a vague approval process that allows a school committee to second-guess fit parents who are trying to remove their child from a system that may have already caused harm, or that simply does not fit their intellectual, emotional, or developmental needs.

If there is a true concern of abuse or neglect, Rhode Island already has a child-protection system through DCYF, including a statewide hotline for reports of child abuse and neglect. Rhode Island law requires anyone with reasonable cause to know or suspect child abuse or neglect to report that information within 24 hours.

That serious responsibility belongs in the child-protection system. It should not be blurred into a school committee's homeschool approval process.

Please oppose H.B. 8531.

Respectfully submitted,

**Michelle J. Mercure**