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Chair and Members
House Committee on Education
Rhode Island General Assembly
82 Smith Street
Providence, RI 02903

RE: OPPOSITION to H 8531 An Act Relating to Education Compulsory Attendance (Introduced May 8, 2026; Referred to House Education)

Dear Chair and Members of the House Committee on Education:

I write strongly in opposition to House Bill 8531. I am a Rhode Island parent of two children, and I write from direct experience with how Rhode Island's public schools treat children whose learning profiles fall outside the standard mold.

My daughter thrived in our local public schools. Her experience is, in many respects, the case the system was designed to produce, a confident, engaged student whose needs the building was built to meet. I am grateful for that, and I do not take it for granted. But not every child fits in the same box, and the same district that served her well was unable to serve my son.

My son is autistic. Over a three-year period, on three separate occasions, I voluntarily withdrew him from school in order to give the district time and space to make the changes necessary to create a safe environment and to implement the neuroaffirming practices he needed in order to return. Each time, I returned him in good faith when the district indicated it was ready. Each time, the necessary changes ultimately did not take hold. We are now a year and a half past his final withdrawal, and my son and our family remain in active counseling to address the post-traumatic stress associated with his school experience. The harm caused inside that building has outlasted the building itself.

What I have just described is exactly the fact pattern the new language in H 8531 would punish. My son's attendance record during the years the district was failing him. The absences, the early dismissals for sensory crises, the days he could not get through the door, would qualify under the new triggers proposed in § 16-19-2(b)(1) to delay, defer, or deny our access to at-home instruction, and the new (b)(2) would have required him to remain enrolled in that same building for up to nine more weeks while the committee considered the application. The new framework does not catch families who are neglecting their children's education. It catches families whose children are being harmed by the system and who have run out of any other way to protect them.

I respectfully urge the Committee to hold H 8531, or at minimum to strip out the provisions identified below before any further consideration.

Scope of this opposition

My objection is to the new language added by H 8531 specifically the denial-and-deferral framework that the bill inserts at § 16-19-2(b), (c), (d), (e), and (f), together with the corresponding new title of § 16-19-2 ("Enforcement safeguards — Due process").

1. The denial triggers the bill would add at § 16-19-2(b)(1) rest on a flawed premise about what truancy and absenteeism mean for neurodivergent children.

New subsection (b)(1) would let a school committee deny or defer at-home instruction based on pending or recent truancy petitions and attendance-related civil or criminal charges. That premise, that these filings signal parents who should not be trusted to homeschool, is exactly backwards for the autistic, anxious, PDA-profile, and otherwise neurodivergent students who make up the fastest-growing share of Rhode Island's special education population. Chronic absenteeism in these children is, in the overwhelming majority of cases, a symptom of a school environment that has failed the child, not evidence of a parent who is failing the child. "School can't," what is often mislabeled as school refusal, is a recognized response to sensory overload, denied accommodations, bullying, restraint and seclusion incidents, and the cumulative toll of being asked to mask in environments not built for neurological diversity.

Penalizing the at-home instruction application of a child who could not tolerate the school environment converts into a weapon against the family that is trying to escape the failure. That is what the new (b)(1) triggers would authorize.

2. The new 12-month look-back triggers in § 16-19-2(b)(1)(ii) and (b)(1)(iii) will overwhelmingly capture the families with the most legitimate reason to seek at-home instruction.

In Rhode Island, attendance-related petitions and charges are filed liberally, and frequently before, not after, districts have exhausted their child-find, evaluation, and manifestation-determination obligations under IDEA. The new pending-petition trigger in (b)(1)(i), the new 12-month look-back on dismissed or pending petitions in (b)(1)(ii), and the new 12-month look-back on civil or criminal attendance charges in (b)(1)(iii) do not describe the small population of parents engaged in genuine educational neglect. They describe the much larger population of parents whose children are in crisis and who have already exhausted the IEP process before reaching the decision to withdraw.

A parent should not have to wait twelve months in a building that is harming their child in order to qualify, in the school committee's view, for the right to teach that child at home. That is what the new (b)(1)(ii) and (b)(1)(iii) would require. The drafting captures the wrong families.

3. The new § 16-19-2(b)(2) — forced re-enrollment during review — is the single most dangerous provision in the bill.

New subsection (b)(2) provides that a child enrolled in public school at the time an at-home instruction plan is submitted *"shall remain enrolled and shall attend school pending the committee's decision"*, except for narrowly defined medical or safety reasons left to the superintendent's discretion which is subjective at best. Read together with the new 30-day deferral period in (b)(3) and the new additional 15-day extension that the same subsection permits, this provision authorizes the State to compel an enrolled child to continue attending the very school the parent has just formally identified as the source of harm, for up to 45 school days, roughly nine weeks.

For an autistic child in burnout, an anxious child in active school avoidance, or a child whose behaviors are escalating because the building cannot meet sensory and regulatory needs, nine more weeks is not a procedural inconvenience. It is nine more weeks of compounding trauma, regression, and lost developmental ground that may take years to recover. The new language contains no exception for educational distress, regression, suicidal ideation, autistic burnout, or the routine reality that a child has reached the limit of what their nervous system can sustain.

New subsection (b)(2) converts the at-home instruction approval process into a state-mandated holding pen, and it hands the very district that failed the child the power to keep that child inside the failing environment for two additional months. It should be struck in its entirety.

4. The new § 16-19-2(d) committee review of accommodation capacity creates a flagrant conflict of interest against IEP and 504 families.

New subsection (d) authorizes the school committee to evaluate whether the parent has the "capacity or resources to implement necessary accommodations in a manner consistent with the child's documented needs" for a child with an IEP, a 504 plan, or other documented special education needs, and to deny at-home instruction approval on that basis.

This is not a neutral fitness review. The new language allows the same district whose teachers may not have been trained in autism, whose IEP team may have produced an inadequate plan or failed to follow the plan, and whose general education classrooms were not neurologically accessible or accommodating for the child's needs, the district whose failure prompted the withdrawal, in the first place, to sit in judgment of whether the parent can implement the very supports that *the district itself could not deliver*. Districts have a direct, well-documented financial interest in continued per-pupil enrollments as well as keeping students in-district, requiring families to fight for more adequate placement. As a former school finance director, I know this first-hand.

The new language provides no firewall against this conflict, no independent reviewer, no presumption in favor of the parent who has been doing the de facto implementation work all along, and no mechanism to credit the parent's documented expertise in their own child. New subsection (d) is the provision I find most legally and morally indefensible in the entire bill. It must be removed.

5. The new standards in § 16-19-2(b)(1)(iv), (c)(1), and (f)(2) are unconstitutionally vague.

The new language authorizes denials under standards *"competency," "capacity," "good faith," "best interest of the child"* that new subsection (f)(2) then directs the Department of Elementary and Secondary Education to define by regulation *after enactment*. The General Assembly is being asked to enact a denial framework whose operative terms do not yet exist. Parents will face deprivations of a fundamental parental right, under standards that have not been written, and that will then vary across all Rhode Island LEAs. That is not constitutionally adequate notice, and it invites the very inconsistency the new framework claims to remedy.

6. The new framework is unnecessary adequate tools for genuine educational neglect already exist.

Rhode Island already has a robust framework for addressing actual educational neglect: DCYF referrals, family court jurisdiction, existing compulsory-attendance enforcement under § 16-19-1, and the longstanding statutory authority of school committees to disapprove at-home instruction that fails to meet the substantive requirements of existing § 16-19-2(a). The new (b) through (f) language does not close any real loophole. It expands school-committee discretion into a domain, assessing the legitimacy of a family's educational judgment for a child the district has been unable to serve, where school committees have neither expertise nor appropriate institutional neutrality.

Recommendation

I respectfully request that the Committee take the following action with respect to the new language H 8531 would add:

1. Hold H 8531 for further study, with formal input from the Rhode Island homeschool community, the disability rights bar, special education advocates, and parents of neurodivergent children whose IEPs were not implemented.
2. If the Committee proceeds with any version of this bill, at minimum strike the following new language in its entirety: (a) new § 16-19-2(b)(2) (forced re-enrollment during review); and (b) new § 16-19-2(d) (school-committee review of accommodation capacity for IEP and 504 children).
3. Replace the new 12-month look-back triggers in § 16-19-2(b)(1)(ii) and (b)(1)(iii) with a much narrower standard requiring a final adjudication of educational neglect not the mere filing of a pending or dismissed petition or charge.
4. Require, in any tightened framework, an independent reviewer outside the child's resident district where the proposed at-home instruction plan concerns a child with an IEP or 504 plan, to remove the structural conflict of interest the new (d) would otherwise create.

5. Refer any tightened framework to a joint study commission that includes representation from the homeschool community and the neurodiversity advocacy community before further committee action.

I regret that a prior commitment prevents me from appearing in person at the hearing scheduled for Tuesday, May 19, 2026. I respectfully ask that this written testimony be entered into the record for that hearing, and I am available to testify in person at any future hearing on this bill, and to provide further documentation regarding the relationship between school environment and attendance for neurodivergent children.

Thank you for your consideration.

Respectfully,

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