

Dear Chairperson McNamara and Members of the House Education Committee,

I am writing to express my vehement opposition to House Bill 8531. As a resident, taxpayer, and homeschooling parent in Rhode Island, I am deeply concerned that this legislation severely oversteps the bounds of state authority and directly infringes upon federally protected constitutional rights.

For decades, Rhode Island has maintained a functional balance regarding at-home instruction. Parents file a notice of intent, and local districts ensure the law's basic structural requirements are met. H 8531 destroys this balance by introducing highly subjective standards, allowing local school committees to deny or defer homeschooling based on vague metrics like the "best interest of the child" or an arbitrary determination of a parent's "competency" or "capacity."

This bill directly violates the fundamental rights of parents to direct the upbringing and education of their children—a right explicitly protected under the Due Process Clause of the Fourteenth Amendment of the U.S. Supreme Court (*Meyer v. Nebraska*, *Pierce v. Society of Sisters*). A fit parent, not a government committee, is the ultimate arbiter of a child's best interests.

Furthermore, H 8531 presents severe issues regarding due process and equal protection:

**Discriminatory Barriers for Neurodivergent Children:** Subsection (d) grants committees the authority to review and potentially deny homeschooling for children with IEPs or 504 plans based on a subjective evaluation of parental "capacity." My children are neurodivergent (Autism and ADHD). The rigid public school system heavily struggles to accommodate their needs. One-on-one, customized home instruction is a medical and educational necessity for them. A local school board is entirely unqualified to judge a parent's personal, specialized accommodations for their own disabled children.

**Inversion of the Burden of Proof:** The bill dictates that a mere unproven allegation or pending attendance petition strips a family of their rights, forcing fit parents to prove their "good faith" and "competency." This turns the presumption of innocence on its head.

Elimination of Judicial Review: By declaring that an administrative appeal to the Department of Elementary and Secondary Education is "final" (Subsection f), this bill attempts to block citizens from their constitutional right to seek relief in a court of law when their fundamental liberties are infringed upon. Denying citizens access to an impartial court of law to defend a fundamental right is a massive violation of procedural due process.

H 8531 uses the guise of truancy enforcement to strip fit, law-abiding parents of their parental autonomy and trap children in educational environments that do not serve them. I urge this committee to protect parental rights, uphold the U.S. Constitution, and vote NO on H 8531.

Sincerely,

Sergio DeSimone

Narragansett, RI