

RHODE ISLAND

- Compulsory Attendance Ages:** Age 6 as of September 1, but not yet age 18; or is age 16 and is in an accredited college program, or has a waiver from the school superintendent following his approval of an “alternative learning plan.” General Laws of Rhode Island § 16-19-1(a). The increase to age 18 became effective 7-13-2011.
- Required Days of Instruction:** Rather than requiring “instruction” for any particular amount of time, state law requires “a period of attendance” substantially equal to what the laws require for public schools, i.e., 180 days. 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.