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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

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A N A C T

RELATING TO EDUCATION -- COMPULSORY ATTENDANCE

Introduced By: Representatives O'Brien, Dawson, Shanley, Noret, Serpa, Fellela,
Azzinaro, Kennedy, Corvese, and Solomon

Date Introduced: May 08, 2026

Referred To: House Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 16-19-1 and 16-19-2 of the General Laws in Chapter 16-19 entitled
2 "Compulsory Attendance [See Title 16 Chapter 97 — The Rhode Island Board of Education Act]"
3 are hereby amended to read as follows:

4 **16-19-1. Attendance required.**

5 (a) Every child who has completed, or will have completed, six (6) years of life on or before
6 September 1 of any school year, or is enrolled in kindergarten, and has not completed eighteen (18)
7 years of life, shall regularly attend some public day school during all the days and hours that the
8 public schools are in session in the city or town in which the child resides. The public school shall
9 be responsible for regular attendance data monitoring of all students and early identification of
10 emergent truant behavior. Prior to referring truant students to family court, schools must do their
11 due diligence to assure all interventions have taken place. This includes, and is not limited to:

12 (1) Consultation with the parent or guardian; and

13 (2) Coordination with the student's school-identified support team such as the
14 individualized education plan, behavioral support, or attendance teams.

15 Every person having under his or her control a child, as described in this section, shall
16 cause the child to attend school as required by this section, and for every neglect of this duty, the
17 person having control of the child shall be fined not exceeding fifty dollars (\$50.00) for each day,
18 or part of a day, that the child fails to attend school, and if the total of these days is more than thirty
19 (30) school days during any school year, then the person shall, upon conviction, be imprisoned not

1 exceeding six (6) months or shall be fined not more than five hundred dollars (\$500), or both;
2 provided, that if the person so charged shall prove that the child has attended, for the required period
3 of time, a private day school approved by the commissioner of elementary and secondary education
4 pursuant to § 16-60-6(10); or a course of at-home instruction approved by the school committee of
5 the town where the child resides, [pursuant to § 16-19-2](#); or has been accepted into an accredited
6 postsecondary education program; or has obtained a waiver under subsection (b); or that the
7 physical or mental condition of the child was such as to render his or her attendance at school
8 inexpedient or impracticable; or that the child was excluded from school by virtue of some other
9 general law or regulation, then attendance shall not be obligatory nor shall the penalty be incurred.

10 (b) A waiver to the compulsory attendance requirement may be granted by the
11 superintendent only upon proof that the pupil has an alternative learning plan for obtaining either
12 a high school diploma or its equivalent.

13 (1) Alternative-learning plans shall include age-appropriate academic rigor and the
14 flexibility to incorporate the pupil's interests and manner of learning. These plans may include, but
15 are not limited to, such components, or combination of components, of extended learning
16 opportunities as independent study, private instruction, performing groups, internships, community
17 service, apprenticeships, and online courses that are currently funded and available to the school
18 department and/or the community. In developing these alternative-learning plans, consideration
19 shall be given to the unique difficulties and interruptions that many students are experiencing
20 because of the COVID-19 pandemic. Accordingly, these alternative-learning plans may incorporate
21 alternatives and extended breaks in study that would not be considered preferable under non-
22 pandemic circumstances.

23 (2) Alternative-learning plans shall be developed, and amended if necessary, in
24 consultation with the pupil, a school guidance counselor, the school principal, and at least one
25 parent or guardian of the pupil, and submitted to the superintendent for approval. An alternative-
26 learning plan may, but is not required to, incorporate an extended withdrawal as set forth in this
27 section.

28 (3)(i) If the superintendent does not approve the alternative-learning plan, the parent or
29 guardian of the pupil may appeal such decision to the school committee. A parent or guardian may
30 appeal the decision of the school committee to the commissioner of education pursuant to chapter
31 39 of this title (hereinafter collectively referred to as the "reviewing body").

32 (ii) In making decisions regarding the approval of an alternative-learning plan,
33 consideration shall be given to the unique difficulties and interruptions that many students are
34 experiencing because of the COVID-19 pandemic. Accordingly, alternative-learning plans may be

1 approved that may incorporate alternatives and extended breaks in study that would not be
2 considered preferable under non-pandemic circumstances. The provisions of this section shall not
3 require the approval of an alternative-learning plan that the reviewing body determines is not in the
4 best interests of the child.

5 (iii) In addition, this section authorizes the granting of an extended withdrawal from school.
6 An extended withdrawal from school is a withdrawal that may be authorized that is not intended to
7 be a permanent withdrawal but that is extended because of unique difficulties and interruptions that
8 many students are experiencing because of the COVID-19 pandemic. A student in an extended
9 withdrawal shall still be considered to be enrolled in school and will not need to be re-enrolled for
10 purposes of returning to the student's regular classes. An extended withdrawal may authorize a
11 student to be excused from taking any classes during the withdrawal period or to undertake a
12 reduced number of classes than the student would otherwise take as an enrolled student. An
13 extended withdrawal shall include provisions to periodically monitor and check-in on the status of
14 the student and the student's ability to return to the public school learning environment. An
15 extended withdrawal pursuant to this subsection may be granted to any student, regardless of age.

16 (c) Nothing in this section shall be deemed to limit or otherwise interfere with the rights of
17 teachers and other school employees to collectively bargain pursuant to chapters 9.3 and 9.4 of title
18 28 or to allow any school committee to abrogate any agreement reached by collective bargaining.

19 (d) No school shall use a student's truancy or absenteeism as the sole basis for using an
20 out-of-school suspension as a disciplinary action.

21 **16-19-2. Approval of private schools—Requirements—Review Approval of private**
22 **schools and at-home instruction -- Enforcement safeguards -- Due process.**

23 (a) For the purposes of this chapter a private school or at-home instruction shall be
24 approved only when it complies with the following requirements: (1) that the period of attendance
25 of the pupils in the school or in the home instruction is substantially equal to that required by law
26 in public schools; (2) that registers are kept and returned to the school committee, the
27 superintendent of schools, truant officers, and the department of elementary and secondary
28 education in relation to the attendance of pupils, and are made the same as registers kept by the
29 public schools; (3) that reading, writing, geography, arithmetic, the history of the United States, the
30 history of Rhode Island, and the principles of American government shall be taught in the English
31 language substantially to the same extent as these subjects are required to be taught in the public
32 schools, and that the teaching of the English language and of other subjects indicated in this section
33 shall be thorough and efficient; provided, however, that nothing contained in this section shall be
34 construed or operate to deny the right to teach in private schools or in at-home instruction any of

1 the subjects or any other subject in any other language in addition to the teaching in English as
2 prescribed in this section; provided, further, that any interested person resident in any city or town
3 aggrieved by the action of the school committee of the city or town either in approving or refusing
4 to approve at-home instruction may appeal the action to the department of elementary and
5 secondary education. The department of elementary and secondary education, after notice to the
6 parties interested of the time and place of a hearing, shall examine and decide the appeal without
7 cost to the parties. The commissioner of elementary and secondary education shall also grant a
8 hearing to any party aggrieved by a refusal to approve a private school pursuant to § 16-60-6(10).
9 The decision of the board of regents for elementary and secondary education shall, if an appeal is
10 made to the board, be final.

11 (b) Notwithstanding any other provision of law, a local school committee may deny
12 approval of, or defer action upon, a proposed course of at-home instruction when the committee
13 finds, based on specific facts in the record, that approval at that time would be inconsistent with
14 law or not in the best interest of the child.

15 (1) The committee may deny or defer approval where:

16 (i) A truancy, habitual truancy, or other attendance-related petition has been filed by the
17 school department against the child and remains pending;

18 (ii) The child has been the subject of such a petition within the preceding twelve (12)
19 months;

20 (iii) A parent, guardian, or other individual having care, custody or control of the child has
21 been charged, civilly or criminally, with an offense or violation arising from failure to comply with
22 compulsory attendance requirements, and the charge remains pending or was filed within the
23 preceding twelve (12) months; or

24 (iv) The committee determines that the proposed primary instructor or instruction lacks the
25 competency and the capacity necessary to provide instruction, including the capacity to maintain
26 required attendance records and reporting.

27 (2) When a request for at-home instruction is submitted for a child who is enrolled in a
28 public school at the time of submission, the child shall remain enrolled and shall attend school
29 pending the committee's decision, unless the superintendent determines that temporary alternative
30 arrangements are required for documented medical or safety reasons.

31 (3) A deferral under this subsection shall be for a reasonable, defined period not to exceed
32 thirty (30) school days, during which the committee shall provide the parent or guardian with an
33 opportunity to submit documentation and to be heard regarding good cause, good faith for at-home
34 instruction, as well as competency and capacity pursuant to subsection (c) of this section. The

1 committee may extend the deferral once, for good cause shown and with written findings, for a
2 period not to exceed an additional fifteen (15) school days.

3 (4) A denial under this subsection shall be based on written findings that address:

4 (i) The nature and procedural posture of any pending truancy petition against the child, or
5 any criminal or civil charges against a parent, guardian or individual having care, custody, or
6 control of the child;

7 (ii) Why approval at that time would be inconsistent with law or not in the best interest of
8 the child; and

9 (iii) Why the evidence submitted by the parent, guardian or individual having care, custody,
10 or control of the child pursuant to subsection (c) of this section did not demonstrate good faith and
11 capacity or did not demonstrate the competency of the proposed instruction.

12 (c)(1) A denial or deferral shall not be issued, and a deferred request shall be approved, if
13 the parent, guardian or individual having care, custody, or control of the child demonstrates,
14 through documentation or testimony, that:

15 (i) The child's failure to attend school occurred for good cause including, but not limited
16 to, documented medical circumstances, documented safety concerns, documented disability-related
17 needs, or other substantial reasons beyond the control of the parent, guardian or individual having
18 care, custody, or control of the child;

19 (ii) The proposed at-home instruction is offered in good faith as a bona fide educational
20 program and is not primarily intended to evade compulsory attendance enforcement; and

21 (iii) The proposed instruction is reasonably capable of complying with this section,
22 including maintaining required attendance substantially equal to public schools, maintaining and
23 producing required registers, and providing thorough and efficient instruction.

24 (2) For purposes of this subsection, a "competent instructor" means a parent, guardian or
25 individual having care, custody, or control of the child with demonstrated ability to provide
26 instruction, a qualified third-party instructor, or an accredited distance-learning program and any
27 other person as defined by the department of elementary and secondary education pursuant to the
28 provisions of subsection (f)(2) of this section; provided that, the parent, guardian or individual
29 having care, custody, or control of the child retains responsibility for compliance with attendance
30 and reporting requirements under this chapter.

31 (d) Where a child is subject to a Section 504 plan, an individualized education program
32 (IEP), or other documented special education needs, the school committee may consider whether
33 the proposed at-home instruction reasonably provides for the accommodations, services, or
34 supports necessary for the child to access instruction. Approval may be denied only upon written

1 findings that the parent, guardian or individual having care, custody, or control of the child, the
2 proposed instructor, or the proposed instruction, lacks the capacity or resources to implement
3 necessary accommodations in a manner consistent with the child’s documented needs, and only
4 after the parent, guardian or individual having care, custody, or control of the child has been
5 afforded the opportunity to submit a proposed accommodation plan.

6 (e) Any denial or deferral under this section shall be issued in writing and shall state the
7 specific factual basis for the committee’s action, including any findings required pursuant to this
8 section where applicable. The written decision shall identify the evidence relied upon, shall inform
9 the parent, guardian or individual having care, custody, or control of the child of the right to appeal,
10 and shall be provided within five (5) school days of the committee’s vote or determination.

11 (f)(1) A parent, guardian or individual having care, custody, or control of the child
12 aggrieved by a denial or deferral under this section may appeal to the department of elementary
13 and secondary education within thirty (30) days of receipt of the written decision. The department
14 shall review the record for compliance with this chapter and issue a written decision. The
15 department’s decision shall be final.

16 (2) The department of elementary and secondary education is authorized to promulgate
17 rules and regulations necessary to implement the provisions of this section, including definitions
18 of “good faith,” “capacity,” and “competent instructor,” the standards for hearings and
19 documentation, the timeliness for decisions and appeals, and the standards for review of denials or
20 deferrals.

21 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO EDUCATION -- COMPULSORY ATTENDANCE

1 This act would amend the provisions of compulsory attendance to authorize school
2 committees to deny or defer approval of a proposed course of at-home instruction where the filing
3 of a truancy or educational neglect petition, or attendance-related civil or criminal charges, raises
4 legitimate concerns about the content or enforcement of the education plan.

5 This act would take effect upon passage.

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