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LC005509/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

**RELATING TO EDUCATION -- RESIDENCE OF CHILDREN FOR SCHOOL PURPOSES --
IN-DISTRICT ACCESS TO OPEN PUBLIC SCHOOL SEATS**

Introduced By: Senators Famiglietti, Dimitri, Tikoian, Appollonio, Thompson, Patalano,
Burke, Britto, Vargas, and Valverde

Date Introduced: February 27, 2026

Referred To: Senate Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Findings and purpose.

2 (1) Rhode Island's public education system guarantees every child the right to attend school
3 in their city or town of residence, pursuant to R.I. Gen. Laws §16-64-1.

4 (2) In practice, many districts assign students to specific schools within the district based
5 on geographic zones or catchment areas.

6 (3) Such boundaries were designed for administrative convenience, not to limit equitable
7 access to public education.

8 (4) It is contrary to the public interest that open seats remain unfilled in one part of a district
9 while students elsewhere face overcrowding or lack access to quality options.

10 (5) Every publicly funded seat should be made available to students residing in the same
11 district before the district seeks additional resources or capital expansion.

12 (6) Therefore, the General Assembly declares that within-district access to open public
13 school seats is a matter of fairness, efficiency, and educational opportunity.

14 SECTION 2. Section 16-64-1 of the General Laws in Chapter 16-64 entitled "Residence
15 of Children for School Purposes" is hereby amended to read as follows:

16 **16-64-1. Residency of children for school purposes.**

17 (a) Except as provided by law or by agreement, a child shall be enrolled in the school
18 system of the city or town where he or she resides. A child shall be deemed to be a resident of the

1 city or town where his or her parents reside. If the child's parents reside in different cities or towns
2 the child shall be deemed to be a resident of the city or town in which the parent having actual
3 custody of the child resides. In cases where a child has no living parents, has been abandoned by
4 his or her parents, or when parents are unable to care for their child on account of parental illness
5 or family break-up, the child shall be deemed to be a resident of the city or town where the child
6 lives with his or her legal guardian, natural guardian, or other person acting in loco parentis to the
7 child. An emancipated minor shall be deemed to be a resident of the city or town where he or she
8 lives. Children placed in group homes, in foster care, in child caring facilities, or by a Rhode Island
9 state agency or a Rhode Island licensed child placing agency shall be deemed to be residents of the
10 city or town where the group home, child caring facility, or foster home is located for the purposes
11 of enrollment, and this city or town shall be reimbursed or the child's education shall be paid for in
12 accordance with § 16-64-1.1. In all other cases a child's residence shall be determined in
13 accordance with the applicable rules of the common law. Where a child is a resident in a dwelling
14 which lies in more than one municipality, the parent(s) or guardian shall choose which school
15 district the child shall attend without payment of costs as tuition.

16 (b) In-district access to open seats.

17 (1) Each school district shall ensure that any public school with available seats, after
18 completion of the initial enrollment period for students residing in that school's designated
19 attendance area, shall make such seats available to other students residing within the same school
20 district. Nothing herein shall prevent any public school district from establishing rules and
21 regulations that permit the district to keep a certain amount of seats available for students who
22 move into the district after the initial enrollment period is completed.

23 (2) The Rhode Island department of education ("RIDE") shall, within twelve (12) months
24 of the effective date of this subsection, by regulation, establish procedures governing the
25 identification, public posting, and equitable assignment of such open seats including, but not
26 limited to, timelines, application processes, and lottery mechanisms when applications exceed
27 available capacity.

28 (3) Districts may give enrollment priority to siblings of currently enrolled students, students
29 requiring specialized programs not offered elsewhere, or students residing nearest to the school;
30 provided that, such priorities are applied consistently and transparently.

31 (4) No student shall be denied participation in the in-district open seat process on the basis
32 of race, ethnicity, language status, disability, or socioeconomic status.

33 (5) Districts shall annually report to RIDE the number of available seats, applications
34 received, and placements made under this subsection.

1 (6) Nothing herein shall be construed to have any impact on the districts existing
2 transportation policies.

3 (7) RIDE shall compile and publicly release this data by October 1 of each year.

4 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO EDUCATION -- RESIDENCE OF CHILDREN FOR SCHOOL PURPOSES --
IN-DISTRICT ACCESS TO OPEN PUBLIC SCHOOL SEATS

1 This act would ensure that any public school with available seats, after completion of the
2 initial enrollment period for students residing in that school's designated attendance area, would
3 make such seats available to other students residing within the same school district.

4 This act would take effect upon passage.

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