

2021 -- H 5823

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO EDUCATION -- RESIDENCE OF CHILDREN FOR SCHOOL PURPOSES

Introduced By: Representatives Vella-Wilkinson, Noret, Azzinaro, and Filippi

Date Introduced: February 24, 2021

Referred To: House Education

It is enacted by the General Assembly as follows:

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

3 **16-64-1. Residency of children for school purposes.**

4 (a) Except as provided by law or by agreement, a child shall be enrolled in the school
5 system of the city or town where he or she resides. A child shall be deemed to be a resident of the
6 city or town where his or her parents reside. If the child's parents reside in different cities or towns
7 the child shall be deemed to be a resident of the city or town in which the parent having actual
8 custody of the child resides. In cases where a child has no living parents, has been abandoned by
9 his or her parents, or when parents are unable to care for their child on account of parental illness
10 or family break-up, the child shall be deemed to be a resident of the city or town where the child
11 lives with his or her legal guardian, natural guardian, or other person acting in loco parentis to the
12 child. An emancipated minor shall be deemed to be a resident of the city or town where he or she
13 lives. Children placed in group homes, in foster care, in child caring facilities, or by a Rhode Island
14 state agency or a Rhode Island licensed child placing agency shall be deemed to be residents of the
15 city or town where the group home, child caring facility, or foster home is located for the purposes
16 of enrollment, and this city or town shall be reimbursed or the child's education shall be paid for in
17 accordance with § 16-64-1.1. In all other cases a child's residence shall be determined in accordance
18 with the applicable rules of the common law. Where a child is a resident in a dwelling which lies
19 in more than one municipality, the parent(s) or guardian shall choose which school district the child

1 shall attend without payment of costs as tuition.

2 (b) Notwithstanding the provisions of subsection (a) of this section, a military-connected
3 student whose parent or guardian is being relocated to the state under military orders and is
4 transferred to or is pending transfer to a military installation within the state, shall be deemed to be
5 a resident pupil of the school system of the city or town where the parent or guardian is being
6 ordered to relocate or where the parent or guardian intends to reside as a result of the relocation,
7 for the purposes of enrollment. A school or school district shall permit military-connected students
8 to enroll preliminarily by remote registration without charge and shall not require the parents or
9 guardians of the military-connected student or the student himself or herself to physically appear
10 at a location within the district to register the student, if a parent or guardian presents evidence of
11 military orders that a parent or guardian will be stationed in this state during the current or following
12 school year. The parent or guardian may use an address within the school district where the
13 military-connected student is to be enrolled of a temporary on-base billeting facility, a purchased
14 or leased home or apartment, or federal government or public-private venture off-base military
15 housing. Proof of required residency shall not be required at the time of the remote registration but
16 shall be required within ten (10) days of the student's attendance in the school of the city or town
17 where he or she resides. For purposes of this section, "military-connected student" means a student
18 who is the dependent of either a person in the active military service of the United States or in a
19 full-time status during active service with a force of the Rhode Island national guard.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would provide that children of military personnel transferred to Rhode Island
2 pursuant to military orders may register the children for school without physically appearing for
3 the registration.

4 This act would take effect upon passage.

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