

2011 -- H 5120

LC00388

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO EDUCATION -- COMPULSORY ATTENDANCE

Introduced By: Representatives Diaz, Slater, McNamara, Silva, and Serpa

Date Introduced: January 25, 2011

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-19-1 of the General Laws in Chapter 16-19 entitled  
2 "Compulsory Attendance" is hereby amended to read as follows:

3 **16-19-1. Attendance required.** -- (a) Every child who has completed or will have  
4 completed six (6) years of life on or before September 1 of any school year and has not completed  
5 sixteen (16) years of life shall regularly attend some public day school during all the days and  
6 hours that the public schools are in session in the city or town in which the child resides. Every  
7 person having under his or her control a child as described in this section shall cause the child to  
8 attend school as required by this section, and for every neglect of this duty the person having  
9 control of the child shall be fined not exceeding fifty dollars (\$50.00) for each day or part of a day  
10 that the child fails to attend school, and if the total of these days is more than thirty (30) school  
11 days during any school year, then the person shall, upon conviction, be imprisoned not exceeding  
12 six (6) months or shall be fined not more than five hundred dollars (\$500), or both; provided, that  
13 if the person so charged shall prove that the child has attended for the required period of time a  
14 private day school approved by the commissioner of elementary and secondary education  
15 pursuant to section 16-60-6(10), or a course of at-home instruction approved by the school  
16 committee of the town where the child resides, or that the physical or mental condition of the  
17 child was such as to render his or her attendance at school inexpedient or impracticable, or that  
18 the child was excluded from school by virtue of some general law or regulation, then attendance  
19 shall not be obligatory nor shall the penalty be incurred.

1 (b) Every child enrolled in school who completes or has completed sixteen (16) years of  
2 life and who has not yet attained eighteen (18) years of age shall regularly attend school during  
3 all the days and hours that the public schools are in session in the city or town in which the child  
4 resides unless the person having control of the child withdraws the child from enrollment in  
5 accordance with section 16-67.1-3. Provided, however, that nothing in this subsection or in  
6 subsection (a) of this section shall prohibit or limit cities or towns from enacting programs of  
7 early intervention and/or mediation in an effort to address the problems of students who are  
8 habitually late or absent from school.

9 (c) In those schools where the school suspension rate per one hundred (100) students  
10 exceeds the state average of suspensions per one hundred (100) students, the school principal  
11 shall establish a team of teachers, guidance counselors and parents to create a discipline plan for  
12 reducing discipline referrals and suspensions and increasing attendance, and an in-house  
13 suspension plan that serves students who are suspended for up to ten (10) days, maximizes the  
14 amount of time each student spends in school, includes academic and behavioral components, and  
15 promotes school engagement.

16 (d) No school shall use a student's habitual truancy or excessive absenteeism as the sole  
17 criterion for using an out-of-school suspension as a disciplinary action.

18 (e) Students who are not eligible for alternative education placement as defined in section  
19 16-21-27 shall take part in in-house suspension programs.

20 ~~(e)~~ (f) Nothing in this section shall be deemed to limit or otherwise interfere with the  
21 rights of teachers and other school employees to collectively bargain pursuant to chapters 9.3 and  
22 9.4 of title 28 or to allow any school committee to abrogate any agreement reached by collective  
23 bargaining.

24 SECTION 2. Section 16-21-27 of the General Laws in Chapter 16-21 entitled "Health  
25 and Safety of Pupils" is hereby amended to read as follows:

26 **16-21-27. Alternative education programs.** – (a) Each school district shall adopt a plan  
27 to ensure continued education of students who are removed from the classroom because of a  
28 suspension of more than ten (10) days ~~or who are chronically truant.~~ Chronic truancy or excessive  
29 absenteeism shall not be used as the sole criterion in placing a student in an alternative education  
30 program. The plan shall be adopted by the school committee and shall be submitted to Rhode  
31 Island department of elementary and secondary education as part of its annual strategic plan  
32 submission.

33 (b) Each school district shall review alternative placement and in-school suspension  
34 programs with the goals of helping schools maximize the amount of time students spend in

1 [school, developing resources to improve student behavior, and strengthening teachers' capacity to](#)  
2 [manage classroom behaviors and disruptions.](#)

3 SECTION 3. 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 require schools with excessive suspensions to establish a team of  
2 professionals to establish in-house suspension programs.

3           This act would take effect upon passage.

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