

2022 -- H 7062

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO EDUCATION – COMPULSORY ATTENDANCE

Introduced By: Representatives McNamara, Potter, Baginski, Casimiro, Giraldo, and S
Lima

Date Introduced: January 12, 2022

Referred To: House Education

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 "Compulsory
2 Attendance [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby
3 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. Every person having
9 under his or her control a child, as described in this section, shall cause the child to attend school
10 as required by this section, and for every neglect of this duty, the person having control of the child
11 shall be fined not exceeding fifty dollars (\$50.00) for each day, or part of a day, that the child fails
12 to attend school, and if the total of these days is more than thirty (30) school days during any school
13 year, then the person shall, upon conviction, be imprisoned not exceeding six (6) months or shall
14 be fined not more than five hundred dollars (\$500), or both; provided, that if the person so charged
15 shall prove that the child has attended, for the required period of time, a private day school approved
16 by the commissioner of elementary and secondary education pursuant to § 16-60-6(10); or a course
17 of at-home instruction approved by the school committee of the town where the child resides; or
18 has been accepted into an accredited postsecondary education program; or has obtained a waiver
19 under subsection (b); or that the physical or mental condition of the child was such as to render his

1 or her attendance at school inexpedient or impracticable; or that the child was excluded from school
2 by virtue of some other general law or regulation, then attendance shall not be obligatory nor shall
3 the penalty be incurred.

4 (b) A waiver to the compulsory attendance requirement may be granted by the
5 superintendent only upon proof that the pupil ~~is sixteen (16) years of age or older and~~ has an
6 alternative learning plan for obtaining either a high school diploma or its equivalent.

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

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

22 (3)(i) If the superintendent does not approve the alternative-learning plan, the parent or
23 guardian of the pupil may appeal such decision to the school committee. A parent or guardian may
24 appeal the decision of the school committee to the commissioner of education pursuant to chapter
25 39 of title 16 (hereinafter collectively referred to as the "reviewing body").

26 (ii) In making decisions regarding the approval of an alternative-learning plan,
27 consideration shall be given to the unique difficulties and interruptions that many students are
28 experiencing because of the COVID-19 pandemic. Accordingly, alternative-learning plans may be
29 approved which may incorporate alternatives and extended breaks in study which would not be
30 considered preferable under non-pandemic circumstances. The provisions of this section shall not
31 require the approval of an alternative-learning plan which the reviewing body determines is not in
32 the best interests of the child.

33 (iii) In addition, this section authorizes the granting of an extended withdrawal from school.
34 An extended withdrawal from school is a withdrawal that may be authorized which is not intended

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

10 (c) Nothing in this section shall be deemed to limit or otherwise interfere with the rights of
11 teachers and other school employees to collectively bargain pursuant to chapters 9.3 and 9.4 of title
12 28 or to allow any school committee to abrogate any agreement reached by collective bargaining.

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

15 SECTION 2. Section 16-67.1-3 of the General Laws in Chapter 16-67.1 entitled "Rhode
16 Island High School Dropout Prevention Act of 2007 [See Title 16 Chapter 97 - The Rhode Island
17 Board of Education Act]" is hereby amended to read as follows:

18 **16-67.1-3. Defining the age and protocol for a student to leave school.**

19 (a) Children who ~~have completed sixteen (16) years of life and who~~ have not yet attained
20 eighteen (18) years of age may not withdraw from school before graduation unless they have
21 previously developed an alternative learning plan in accordance with subsection 16-19-1(b) and,
22 after implementation of the plan:

23 (1) The student, the student's parent(s)/guardian and an administrator agree to the
24 withdrawal;

25 (2) At the exit interview, the student and the student's parent(s)/guardian provide written
26 acknowledgement of the withdrawal that meets the requirements of paragraph (4)(D) of this
27 subsection;

28 (3) The school principal provides written consent for the student to withdraw from school;
29 and/or

30 (4) The withdrawal is:

31 (i) Due to documented financial hardship and the need of the individual to be employed to
32 support the individual's family or a dependent;

33 (ii) Due to documented illness;

34 (iii) By order of a court that has jurisdiction over the student; or

1 (iv) Accompanied by a written acknowledgement of a withdrawal under subdivision (2) of
2 this subsection which must include a statement that the student and the student's parent(s)/guardian
3 understand that withdrawal from school is likely to reduce the student's future earnings and increase
4 the student's likelihood of being unemployed in the future;

5 (b) If a child of the age described in subsection (a) is habitually absent from school and the
6 school is unable to contact the parent(s)/guardian, the school may withdraw the child from
7 enrollment provided that its attempts to contact the parent(s)/guardian by telephone, regular and
8 registered mail, and home visit are documented. If a child who has been withdrawn from enrollment
9 under this subsection returns to school, or if the school mistakenly withdraws the child from
10 enrollment, the child shall immediately be re-enrolled.

11 (c) An extended withdrawal pursuant to § 16-19-1 may be authorized which is not intended
12 to be a permanent withdrawal but which is extended because of unique difficulties and interruptions
13 that many students are experiencing because of the COVID-19 pandemic.

14 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 provide that in developing alternative-learning plans, consideration shall be
2 given to the unique difficulties and interruptions that many students are experiencing because of
3 the COVID-19 pandemic. This act would also authorize the granting of an extended withdrawal
4 from school which is not intended to be a permanent withdrawal but which is extended because of
5 unique difficulties and interruptions that many students are experiencing because of the COVID-
6 19 pandemic.

7 This act would take effect upon passage.

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