

2021 -- S 0465

LC002315

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO EDUCATION -- COMPULSORY ATTENDANCE -- SEE TITLE 16
CHAPTER 97 - THE RHODE ISLAND BOARD OF EDUCATION ACT

Introduced By: Senator Michael J. McCaffrey

Date Introduced: March 04, 2021

Referred To: Senate 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. 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

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

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

14 (1) Alternative-learning plans shall include age-appropriate academic rigor and the
15 flexibility to incorporate the pupil's interests and manner of learning. These plans may include, but
16 are not limited to, such components, or combination of components, of extended learning
17 opportunities as independent study, private instruction, performing groups, internships, community
18 service, apprenticeships, and online courses that are currently funded and available to the school
19 department and/or the community.

20 (2) Alternative-learning plans shall be developed, and amended if necessary, in
21 consultation with the pupil, a school guidance counselor, the school principal, and at least one
22 parent or guardian of the pupil, and submitted to the superintendent for approval.

23 (3) If the superintendent does not approve the alternative-learning plan, the parent or
24 guardian of the pupil may appeal such decision to the school committee. A parent or guardian may
25 appeal the decision of the school committee to the commissioner of education pursuant to chapter
26 39 of title 16.

27 (c) Nothing in this section shall be deemed to limit or otherwise interfere with the rights of
28 teachers and other school employees to collectively bargain pursuant to chapters 9.3 and 9.4 of title
29 28 or to allow any school committee to abrogate any agreement reached by collective bargaining.

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

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

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO EDUCATION -- COMPULSORY ATTENDANCE -- SEE TITLE 16
CHAPTER 97 - THE RHODE ISLAND BOARD OF EDUCATION ACT

- 1 This act would provide that the public schools shall be responsible for attendance data
- 2 monitoring and detection of emergent truant behavior.
- 3 This act would take effect upon passage.

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