

2012 -- H 7287 SUBSTITUTE A

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO EDUCATION - COMPULSORY ATTENDANCE

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

Date Introduced: January 31, 2012

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 eighteen (18) 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 has been accepted into an accredited
17 postsecondary education program, or has obtained a waiver under subsection (b) of this section,
18 or that the physical or mental condition of the child was such as to render his or her attendance at
19 school inexpedient or impracticable, or that the child was excluded from school by virtue of some

1 other general law or regulation, then attendance shall not be obligatory nor shall the penalty be
2 incurred.

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

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

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

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

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

23 [\(d\) No school shall use a student's truancy or absenteeism as the sole basis for using an](#)
24 [out-of-school suspension as a disciplinary action.](#)

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

27 **16-21-27. Alternative education programs.** -- Each school district shall adopt a plan to
28 ensure continued education of students who are removed from the classroom because of a
29 suspension of more than ten (10) days or who are chronically truant. The plan shall be adopted by
30 the school committee and shall be submitted to Rhode Island department of elementary and
31 secondary education as part of its annual strategic plan submission.

1 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 - COMPULSORY ATTENDANCE

- 1 This act would prohibit schools from considering a students truancy or absenteeism as a
- 2 basis for using an out-of-school suspension as a disciplinary action.
- 3 This at would take effect upon passage.

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