

2016 -- H 7845 SUBSTITUTE A

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LC005265/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO EDUCATION-COMPULSORY ATTENDANCE

Introduced By: Representatives O'Brien, McKiernan, Almeida, Carnevale, and Marshall

Date Introduced: March 03, 2016

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-2-27 of the General Laws in Chapter 16-2 entitled "School
2 Committees and Superintendents [See Title 16 Chapter 97 - The Rhode Island Board of
3 Education Act]" is hereby amended to read as follows:

4 **16-2-27. Eligibility for attendance -- Kindergarten. --** Every child who has attained or
5 will have attained five (5) years of age on or before September 1 of any school year shall be
6 eligible to attend kindergarten during all the days that the kindergartens are in session during the
7 school year. [If a child is enrolled in kindergarten, the attendance requirements of §16-19-1 shall](#)
8 [apply.](#)

9 SECTION 2. Section 16-19-1 of the General Laws in Chapter 16-19 entitled
10 "Compulsory Attendance [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]"
11 is hereby amended to read as follows:

12 **16-19-1. Attendance required. --** (a) Every child who has completed or will have
13 completed six (6) years of life on or before September 1 of any school year, [or is enrolled in](#)
14 [kindergarten](#), and has not completed eighteen (18) years of life shall regularly attend some public
15 day school during all the days and hours that the public schools are in session in the city or town
16 in which the child resides. Every person having under his or her control a child as described in
17 this section shall cause the child to attend school as required by this section, and for every neglect
18 of this duty the person having control of the child shall be fined not exceeding fifty dollars
19 (\$50.00) for each day or part of a day that the child fails to attend school, and if the total of these

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

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

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

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

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

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

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

1 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 broaden the law on compulsory school attendance so that it would apply
2 to all children enrolled in kindergarten.

3 This act would take effect upon passage.

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