

2024 -- H 8190 SUBSTITUTE A

LC005883/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO EDUCATION -- ATTENDANCE FOR SUCCESS ACT

Introduced By: Representatives McNamara, Ackerman, Donovan, Cotter, McGaw, J. Lombardi, Voas, and Stewart

Date Introduced: April 24, 2024

Referred To: House Education

(Dept. of Education (RIDE))

It is enacted by the General Assembly as follows:

1 SECTION 1. This act shall be known and may be cited as the "Attendance for Success
2 Act."

3 SECTION 2. Chapter 16-19 of the General Laws entitled "Compulsory Attendance [See
4 Title 16 Chapter 97 — The Rhode Island Board of Education Act]" is hereby amended by adding
5 thereto the following sections:

6 **16-19-11. Attendance for success act - Definitions.**

7 As used in §§ 16-19-11 through 16-19-19, inclusive, the following words and terms shall
8 have the following meanings unless the context clearly indicates otherwise:

9 (1) "Absent" means not in attendance for at least fifty percent (50%) of a "school day" as
10 defined in this section; provided that, "absent" does not apply to participation in interscholastic
11 extracurricular activities;

12 (2) "Act" means this "attendance for success act," as codified in §§ 16-19-11 through 16-
13 19 -19;

14 (3) "Attendance improvement plan" means a tiered data-informed system for public
15 schools and school districts to identify students who are chronically or excessively absent and to
16 aid public schools in developing whole-school prevention strategies and targeted interventions, and
17 may include programs to enable students to remove absences from their record; provided that, the
18 programs shall be in compliance with regulations to be developed by the commissioner for
19 elementary and secondary education and shall be approved by the commissioner. Each of the tiers

1 is defined as follows:

2 (i) "Whole school prevention" means universal, whole school prevention strategies for all
3 students, including students who have missed less than five percent (5%) of classes or school days
4 for any reason;

5 (ii) "Individualized prevention" means targeted prevention strategies for individual
6 students who are missing five percent (5%) or more but less than ten percent (10%) of classes or
7 school days for any reason;

8 (iii) "Early intervention" means interventions for students who are missing ten percent
9 (10%) or more but less than twenty percent (20%) of classes or school days for any reason; and

10 (iv) "Intensive support" means interventions for students who are missing twenty percent
11 (20%) or more of classes or school days for any reason;

12 (4) "Attendance team" means a group of school-based administrators, teachers, staff, other
13 school personnel and community members who collaborate to implement an attendance
14 improvement plan;

15 (5) "Chronic absence rate" means the percentage of students, in the aggregate and
16 disaggregated by the subgroups required for reporting pursuant to the federal Every Student
17 Succeeds Act (20 U.S.C. §6301), in a school and a school district who have been enrolled for at
18 least ten (10) days and who have missed ten percent (10%) or more of school days since the
19 beginning of the school year;

20 (6) "Chronically absent" or "chronic absenteeism" means a student who has been enrolled
21 for more than ten (10) days and has been absent, for any reason, whether excused or not, for ten
22 percent (10%) or more of the school days during any given school year;

23 (7) "Department" means the Rhode Island department of elementary and secondary
24 education;

25 (8) "Excessively absent" or "excessive absenteeism" means a student who is identified as
26 needing intensive support and has not responded to intervention efforts implemented by the public
27 school;

28 (9) "Excused absence" means an absence from a class or school day for a death in the
29 family, medical absence, religious instruction or tribal obligations or any other allowable excuse
30 pursuant to this chapter and the policies of the local educational agency;

31 (10) "Interscholastic extracurricular activities" means those activities sponsored by a public
32 school or an organization whose principal purpose is the regulation, direction, administration and
33 supervision of interscholastic extracurricular activities in public schools;

34 (11) "Local educational agency" or "LEA" means a public board of education or other

1 public authority legally constituted within the state for either administrative control or direction of,
2 or to perform a service function for, public elementary or secondary schools in a city, school
3 district, or other political subdivision of the state, or for a combination of school districts as are
4 recognized in the state as an administrative agency for its public elementary schools or secondary
5 schools, and includes the governing body of a charter school;

6 (12) "Medical absence" or "medically absent" means that a student is not in attendance for
7 a class or a school day for a parent- or doctor-authorized medical reason or the student is a pregnant
8 or parenting student;

9 (13) "Parent" means: (i) A biological or adoptive parent of a child; (ii) A foster parent,
10 unless state law, regulations, or contractual obligations with a state or local entity prohibit a foster
11 parent from acting as a parent; (iii) A guardian generally authorized to act as the child's parent, or
12 authorized to make educational decisions for the child (but not the state if the child is a ward of the
13 state); (iv) An individual acting in the place of a biological or adoptive parent (including a
14 grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally
15 responsible for the child's welfare; or (v) A surrogate parent who has been appointed in accordance
16 with applicable state or federal law.

17 (14) "Schools" means all public elementary and secondary schools located within the state,
18 including all charter public schools established pursuant to the provisions of chapter 77 of title 16
19 ("establishment of charter public schools"), chapter 77.2 of title 16 ("district charter schools"),
20 chapter 77.3 of title 16 ("independent charter schools"), and chapter 77.4 of title 16 ("mayoral
21 academies");

22 (15) "School-age person" means every child who has completed, or will have completed,
23 six (6) years of life on or before September 1 of any school year, or is enrolled in kindergarten, and
24 has not completed eighteen (18) years of life;

25 (16) "School day" means a period of time which consists of not less than five and a half
26 (5.5) hours (three hundred and thirty (330) minutes) of actual school work excluding lunch, recess
27 periods, study halls, homeroom, common planning time, student passing time and pre- and post-
28 school teacher time and any other time that is not actual instructional time.

29 (17) "School principal" means and includes the head administrator of a public elementary
30 or secondary school and includes charter schools; and

31 (18) "Unexcused absence" means an absence from a class or school day for which the
32 student does not have an allowable excuse pursuant to the attendance for success act or policies of
33 the LEA.

34 **16-19-12. School attendance.**

1 (a) Every school-age person shall attend public school, private school, home school or a
2 state institution until the school-age person is at least eighteen (18) years of age unless that school-
3 age person has graduated from high school, received a high school equivalency credential, is
4 participating in an approved alternative learning plan or is otherwise legally excused from
5 attendance under state law.

6 (b) A school-age person subject to the provisions of this chapter shall attend school for at
7 least the length of time of the school year that is established by that school-age person's LEA, which
8 shall not excuse a school-age person from attending school except as contemplated in this section.

9 (c) The parent of a school-age person subject to the provisions of this chapter is responsible
10 for the school attendance of that school-age person.

11 (d) LEAs shall enforce the provisions of this chapter for students enrolled in their schools.

12 **16-19-13. School attendance policies.**

13 (a) Local education agencies shall maintain an attendance policy that:

14 (1) Provides that all schools shall take attendance every school day and shall report the
15 result to the LEA;

16 (2) Establishes an early warning system that includes evidence-based metrics to identify
17 students at risk of chronic absenteeism or excessive absenteeism;

18 (3) Provides for early identification of chronically absent and excessively absent students;

19 (4) Employs an attendance improvement plan that focuses on:

20 (i) Keeping students in an educational setting;

21 (ii) Prohibiting out-of-school suspension or expulsion as the punishment for absences;

22 (iii) Assisting a student's family to remove barriers to the student's regular school
23 attendance or attendance in another educational setting; and

24 (iv) Providing additional educational opportunities to students who are struggling with
25 attendance;

26 (5) Limits the ability of a student to withdraw only after all intervention efforts by the
27 school to keep the student in an educational setting have been exhausted;

28 (6) Requires that accurate class attendance be taken for every instructional class and school
29 day in a school or school program;

30 (7) Provides that a school shall differentiate between different types of absences consistent
31 with this chapter;

32 (8) Requires each school to document the following for each chronically or excessively
33 absent student:

34 (i) Attempts by the school to notify a parent that the student was absent from class or the

1 school day;

2 (ii) Attempts to improve attendance by talking to a student or parent to identify barriers to
3 school attendance, identify solutions to improve the student's attendance behavior and discuss
4 necessary interventions for the student or the student's family; and

5 (iii) Intervention strategies implemented to support keeping the student in an educational
6 setting, including additional educational opportunities offered to the student;

7 (9) Requires a student or the parent of a student who intends to claim excused absence to
8 communicate the student's status to the appropriate school personnel and to provide required
9 documentation; and

10 (10) Encourages and supports compliant data sharing, pursuant to the federal Family
11 Educational Rights and Privacy Act of 1974, commonly known as "FERPA" (20 U.S.C. §1232g),
12 between schools and community-based organizations that provide services to students for the
13 purpose of providing more personalized interventions and specialized supports as part of the public
14 school's attendance improvement plan.

15 (b) LEAs shall review and approve their school attendance policies.

16 (c) LEAs shall report absences, chronic absences and excessive absences data to the
17 department at each of the reporting dates under this chapter and at the end of the school year and
18 shall document intervention efforts made to keep students in an educational setting. The department
19 shall compile the reports and require LEAs to certify that the information is being reported
20 consistently and correctly.

21 (d) Schools shall provide a copy of its attendance policy to all parents of students in that
22 school and publish the policy on the school's website. The attendance policy shall include:

23 (1) The rights and obligations of parents and students pursuant to this chapter;
24 (2) The prevention strategies that will be implemented to ensure that students attend
25 classes; and

26 (3) Details about consequences of failing to adhere to the attendance policy.

27 (e) Schools shall provide a parent, within five (5) days of the parent's written request, with
28 access to the attendance data of that parent's child, including information about any intervention
29 strategies that have been employed to help the student improve the student's attendance.

30 (f) Upon request by the department and/or a parent, LEAs shall provide the chronic absence
31 rate from the most current reporting date or end-of-year report, in the aggregate and disaggregated
32 by subgroups, for all its schools.

33 (g) The commissioner of elementary and secondary education shall promulgate rules and
34 regulations pertaining to any program designed to result in the removal of absences from a student

1 record, and no such program shall be legally effective until approved by the commissioner.

2 **16-19-14. Plans and additional support.**

3 (a) LEAs shall differentiate schools based on their chronic absence rates into no fewer than
4 four (4) categories.

5 (b) LEAs shall differentiate student subgroups based on their chronic absence rates into no
6 fewer than four (4) categories.

7 (c) Using the differentiation scheme pursuant to subsections (a) and (b) of this section,
8 LEAs shall develop attendance improvement plans that include the following elements:

9 (1) Specific supports and resources available to schools at each level to further the
10 implementation of its attendance improvement plans;

11 (2) Attendance improvement targets for schools or subpopulations with chronic absence
12 rates of ten percent (10%) or greater, developed in collaboration with each school; and

13 (3) An attendance improvement target for school districts with chronic absence rates of ten
14 percent (10%) or greater.

15 (d) Each LEA shall report its attendance improvement plan to the department no later than
16 forty-five (45) days after the beginning of the school year. The department may allow a school
17 committee or other LEA to report its attendance improvement plan as part of its strategic plan
18 and/or school improvement plan.

19 (e) At the end of each school year, each LEA shall report to the public on its website the
20 progress made on its attendance improvement plan, which shall include:

21 (1) A description of the supports and resources provided to schools at each tier of the
22 attendance improvement plan;

23 (2) The extent to which schools with chronic absence rates greater than ten percent (10%)
24 achieved their attendance improvement targets;

25 (3) The extent to which the LEA has achieved its attendance improvement targets;

26 (4) Barriers and challenges to reducing chronic absence rates, as reported by school
27 personnel;

28 (5) Effective school-based practices, as evidenced by decreased chronic absence rates; and

29 (6) Recommendations for improvement during the next school year at both the school and
30 district level.

31 (f) Attendance teams may be formed, in whole or in part, from preexisting groups or teams
32 within a school or may be formed for the explicit purpose of improving school attendance. Schools
33 shall reserve time for school personnel to collaborate as an attendance team.

34 (g) LEAs shall provide support and guidance to attendance teams on chronic absenteeism.

1 such as poverty, violence, poor health, transportation and school scheduling options when these are
2 identified as barriers to school attendance.

3 **16-19-15. Enforcement.**

4 (a) Schools shall initiate the enforcement of the provisions of this chapter for its enrolled
5 students. The enforcement policies of a school shall focus on prevention and intervention.

6 (b) Beginning in the 2025-2026 school year, a school with five percent (5%) or greater of
7 students with a chronic absence rate during the prior school year, or with five percent (5%) or
8 greater of one or more subgroups of students with a chronic absence rate during the prior school
9 year, shall develop an attendance improvement plan to be submitted to the department as part of
10 the school's strategic plan and/or school improvement plan.

11 (c) Schools, regardless of their chronic absence rate, shall develop and implement a whole
12 school absence prevention strategy to be reported to the department as part of the school's strategic
13 plan and/or school improvement plan.

14 (d) An attendance improvement plan shall include:

15 (1) Attendance data for each of the preceding two (2) school years and the current school
16 year, including:

17 (i) The school's overall absence rate;

18 (ii) Chronic absence rates disaggregated by student subpopulation; and

19 (iii) Chronic absence rates disaggregated by grade level;

20 (2) School-wide identification of potential root causes of chronic and excessive
21 absenteeism through one or more of the following:

22 (i) National or local research;

23 (ii) Analysis of supportive factors and barriers;

24 (iii) Student surveys or focus groups;

25 (iv) Youth participatory research; or

26 (v) Other appropriate school-based research methods;

27 (3) Identification of strategies for each tier of the attendance improvement plan;

28 (4) Identification of performance measures for each strategy; and

29 (5) A data-collection plan for performance measures.

30 (e) Schools shall provide interventions to students who are absent or chronically absent,
31 which may include:

32 (1) Assessing student and family needs and matching those needs with appropriate public
33 or private providers, including civic and corporate sponsors;

34 (2) Making referrals to health care and social service providers;

1 (3) Collaborating and coordinating with health and social service agencies and
2 organizations through school-based and off-site delivery systems;

3 (4) Recruiting service providers and business, community and civic organizations to
4 provide needed services and goods that are not otherwise available to a student or the student's
5 family;

6 (5) Establishing partnerships between the public school and community organizations,
7 such as civic, business and professional groups and organizations and recreational, social and out-
8 of-school programs;

9 (6) Identifying and coordinating age-appropriate resources for students in need of:

10 (i) Counseling, training and placement for employment;

11 (ii) Drug and alcohol abuse counseling;

12 (iii) Family crisis counseling; and

13 (iv) Mental health counseling;

14 (7) Promoting family support and parent education programs;

15 (8) Seeking out other services or goods that a student or the student's family needs to assist
16 the student to stay in school and succeed;

17 (9) A research-based and data-driven mentorship model that addresses and attempts to
18 reduce chronic absenteeism through the use of mentors, such as students, teachers, administrators,
19 intramural and interscholastic athletic coaches, school resource officers and community partners;
20 and

21 (10) Incentives and rewards that recognize schools and students that improve attendance
22 and reduce the school chronic absenteeism rate.

23 (f) Beginning on the first day of school, a classroom teacher or that teacher's adult designee
24 shall be responsible for taking accurate attendance for every class and reporting absences to the
25 attendance team.

26 **16-19-16. Special situations and interscholastic athletics.**

27 (a) A student may be excused for parent- or doctor-authorized medical reasons.

28 (b) LEAs shall maintain an attendance policy that provides:

29 (1) At least ten (10) days of medical absences during the school year for a student who
30 provides documentation of the birth of the student's child;

31 (2) Four (4) days of excused absences for a student who provides appropriate
32 documentation of pregnancy or that the student is the parent of a child under the age of thirteen
33 (13) years of age needing care; and

34 (3) Absences shall be considered as excused if the student is required to attend or

1 participate in a court hearing and/or other legal activity provided that the state or private agency
2 involved with the student provides documentation as to the student's need to attend.

3 (c) An LEA that has an alternative school for, among others, pregnant and parenting
4 students and that allows for off-site attendance through online education, shall not count students
5 as absent as long as the students are online with the public school or other appropriate virtual course
6 and complete their class assignments.

7 (d) A student may, subject to the approval of the school principal, be absent from school
8 to participate in religious instruction for not more than one class period per school day with the
9 written consent of the student's parent at a time that is not in conflict with the academic program of
10 the school. Schools shall not assume responsibility for the religious instruction of any student or
11 permit religious instruction to be conducted on school property.

12 (e) Students, with the written consent of the student's parent and subject to the approval of
13 the school principal, may be absent from school to participate in cultural and/or religious
14 obligations.

15 (f) Schools shall provide time for the student to make up the school work missed during
16 the absences contemplated in subsections (a) through (e) of this section. This time may include, but
17 is not limited to, extra time and extension of due dates or deadlines within which to complete and
18 submit classwork, homework assignments, and other school work.

19 (g) The department's commissioner may issue a waiver relating to the number of absences
20 for participation in any state or national competition that is not an interscholastic extracurricular
21 activity and shall develop a procedure for petitioning cumulative provision eligibility cases, similar
22 to other eligibility situations.

23 **16-19-17. Chronically and excessively absent students.**

24 (a) Schools shall provide interventions for students who are missing school, depending on
25 the number of absences. The process for notification and interventions shall be as follows:

26 (1) For a student who has been identified as in need of individualized prevention, the
27 attendance team shall:

28 (i) For an elementary student, talk to the parent and inform the parent of the student's
29 attendance history, the impact of student absences on student academic outcomes, the interventions
30 or services available to the student or family and the consequences of further absences; and

31 (ii) For a middle or high school student, talk to the parent and the student about the student's
32 attendance history and the impact of student absences on student academic outcomes, interventions
33 or services available to the student or family and the consequences of further absences;

34 (2) For a student who has been identified as in need of early intervention, the attendance

1 team shall notify the parent in writing by mail or personal service on the parent of the student's
2 absenteeism. The notice shall include a date, time and place for the parent to meet with the public
3 school to develop intervention strategies that focus on keeping the student in an educational setting.
4 The attendance team shall be convened to establish a specific intervention plan for the student that
5 includes establishing weekly progress monitoring and a contract for attendance; and

6 (3) For a student who has been identified as in need of intensive support, the attendance
7 team shall:

8 (i) Give written notice to the parent, including a date, time and place for the parent to meet
9 with the school principal and the attendance team;

10 (ii) Establish nonpunitive consequences at the school level;

11 (iii) Identify appropriate specialized supports that may be needed to help the student
12 address the underlying causes of excessive absenteeism; and

13 (iv) Apprise the student and the parent of the consequences of further absences.

14 (b) The school principal shall consult with a student's teacher and initiate meetings with
15 the teacher, the student and the parent if the alleged cause of absence from class is teacher-student
16 incompatibility.

17 (c) LEAs shall initiate the enforcement of the provisions of this chapter for excessively
18 absent students.

19 (d) If unexcused absences continue after written notice of excessive absenteeism as
20 provided in this section, the LEA, after consultation with the local superintendent or head
21 administrator of a charter school, shall report the excessively absent student to its truant officer for
22 an investigation as to whether the student should be considered to be a wayward child as provided
23 in chapter 1 of title 14 ("proceedings in family court"), or a child in a family in need of family
24 services because of excessive absenteeism. The record of the public school's interventions and the
25 student's and parent's responses to the interventions shall be provided to the truant officer. The local
26 superintendent or head administrator of a charter school or other LEA shall provide the
27 documentation to the truant officer within ten (10) business days of the student being identified as
28 excessively absent.

29 (e) Nothing in this section shall prevent school personnel from contacting the state
30 department of children, youth and families as required by § 40-11-3 should personnel have
31 reasonable cause to know or suspect that a school-age person's chronic or excessive absences are
32 the result of educational neglect.

33 **16-19-18. Reporting requirements.**

34 (a) For each reporting date and at the end of the year, each LEA shall report:

1 (1) The total number of days missed for excused and unexcused absences for each student
2 in each school, the total number of days each student was enrolled and in which tier each student
3 with absences fell during the reporting period, along with the student's demographics; and

4 (2) The number of students at each school who were referred to the state department of
5 children, youth and families because of excessive absences in the aggregate and disaggregated by
6 subgroups.

7 (b) The department shall compile a report by school and district that includes:

8 (1) The total number and percent of students who were in each tier of chronic absenteeism
9 or were excessively absent at each school and school district in the aggregate for each school and
10 school district and disaggregated by subgroups;

11 (2) The average number of excused and unexcused absences per student for all students
12 and subgroups, not including interscholastic extracurricular activities; and

13 (3) A calculated chronic absenteeism rate for the school district for all students and for
14 each subgroup.

15 **16-19-19. Support for students who experience disruption in their education.**

16 (a) For purposes of this section, "a student who has experienced a disruption in the student's
17 education" means a student who experiences one or more changes in public school or school district
18 enrollment during a single school year as the result of:

19 (1) Homelessness as defined in the federal McKinney-Vento Homeless Assistance Act (42
20 U.S.C. §11431 et seq.) and as determined by the public school or school district;

21 (2) Adjudication:

22 (i) As an abused or neglected child as determined by the state department of children, youth
23 and families;

24 (ii) As part of a family in need of court-ordered services or voluntary placement; or

25 (iii) As a delinquent if the parent wishes to disclose the adjudication of delinquency; or

26 (3) Placement in a mental health treatment facility or habilitation program for
27 developmental disabilities or placement in treatment foster care.

28 (b) When a student who has experienced a disruption in the student's education transfers to
29 a new school or district, the receiving school or district shall communicate with the sending school
30 or district within two (2) days of the student's enrollment. The sending school or district shall
31 provide the receiving public school or district with any requested records within two (2) days of
32 having received the receiving school's or district's communication.

33 (c) A student who has experienced a disruption in the student's education because of
34 transferring to a new school as the result of circumstances set forth in this section shall have:

1 (1) Priority placement in classes that meet state graduation requirements; and
2 (2) Timely placement in elective classes that are comparable to those in which the student
3 was enrolled at the student's previous school or schools as soon as the school or school district
4 receives verification from the student's records.

5 (d) For a student who has experienced a disruption in the student's education at any time
6 during the student's high school enrollment, LEAs shall ensure:

7 (1) Acceptance of the student's state graduation requirements;

8 (2) Equal access to participation in sports and other extracurricular activities, career and
9 technical programs or other special programs for which the student qualifies;

10 (3) Timely assistance and advice from counselors to improve the student's college or career
11 readiness; and

12 (4) That the student receives all special education services to which the student is entitled.

13 SECTION 3. This act shall take effect on August 1, 2024, and shall supersede all
14 previously-enacted conflicting provisions of law.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION -- ATTENDANCE FOR SUCCESS ACT

1 This act would establish the "Attendance for Success Act." This act would focus on student
2 attendance in schools, with a special emphasis on chronically absent students. This act would
3 mandate requirements for attendance policies, and provide for multiple plans, reporting
4 requirements and supports to address student absenteeism from school.

5 This act would take effect on August 1, 2024, and would supersede all previously-enacted
6 conflicting provisions of law.

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