

2010 -- H 8067

LC02475

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO EDUCATION -- COMPULSORY ATTENDANCE

Introduced By: Representatives McNamara, and Diaz

Date Introduced: April 29, 2010

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 ~~sixteen (16)~~ eighteen (18) years of life shall regularly attend some public day school during all the
6 days and hours that the public schools are in session in the city or town in which the child resides.
7 Every person having under his or her control a child as described in this section shall cause the
8 child to attend school as required by this section, and for every neglect of this duty the person
9 having control of the child shall be fined not exceeding fifty dollars (\$50.00) for each day or part
10 of a day that the child fails to attend school, and if the total of these days is more than thirty (30)
11 school days during any school year, then the person shall, upon conviction, be imprisoned not
12 exceeding six (6) months or shall be fined not more than five hundred dollars (\$500), or both;
13 provided, that if the person so charged shall prove that the child has attended for the required
14 period of time a private day school approved by the commissioner of elementary and secondary
15 education pursuant to section 16-60-6(10), or a course of at-home instruction approved by the
16 school 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) ~~Every child enrolled in school who completes or has completed sixteen (16) years of~~
4 ~~life and who has not yet attained eighteen (18) years of age shall regularly attend school during~~
5 ~~all the days and hours that the public schools are in session in the city or town in which the child~~
6 ~~resides unless the person having control of the child withdraws the child from enrollment in~~
7 ~~accordance with section 16-67.1-3. Provided, however, that nothing in this subsection or in~~
8 ~~subsection (a) of this section shall prohibit or limit cities or towns from enacting programs of~~
9 ~~early intervention and/or mediation in an effort to address the problems of students who are~~
10 ~~habitually late or absent from school~~ A waiver to the compulsory attendance requirement may be
11 granted by the superintendent only upon proof that the pupil is sixteen (16) years of age or older
12 and has an alternative learning plan for obtaining either a high school diploma or its equivalent.

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

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

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

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

29 SECTION 2. Section 16-67.1-3 of the General Laws in Chapter 16-67.1 entitled "Rhode
30 Island High School Dropout Prevention Act of 2007" is hereby amended to read as follows:

31 **16-67.1-3. Defining the age and protocol for a student to leave school.** -- (a) Children
32 who have ~~completed sixteen (16) years of life and who have~~ not yet attained eighteen (18) years
33 of age may not withdraw from school before graduation unless:

34 (1) The student, the student's parent(s)/guardian and an administrator agree to the

1 withdrawal;

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

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

7 (4) The withdrawal is:

8 (i)~~(A)~~ Due to documented financial hardship and the need of the individual to be
9 employed to support the individual's family or a dependent;

10 (ii)~~(B)~~ Due to documented illness;

11 (iii)~~(C)~~ By order of a court that has jurisdiction over the student; ~~and~~ or

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

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

22 (c) The withdrawal of the child prior to attaining eighteen (18) years of age shall also be
23 permitted if the pupil:

24 (1) Has successfully completed all requirements for graduation and the school district is
25 prepared to issue a diploma; or

26 (2) Has obtained a G.E.D. certificate; or

27 (3) Has documented completion of a home school program at the high school level by
28 submitting a certificate or letter to the department of education; or

29 (4) Has been accepted in an accredited postsecondary education program; or

30 (5) Has been accepted into a vocation program recognized by the state; or

31 (6) Has obtained a waiver from the local superintendent of schools, which shall only be
32 granted upon proof that the pupil is sixteen (16) years of age or older and has an alternative
33 learning plan for obtaining either a high school diploma or its equivalent.

34 (i) Alternative learning plans shall include age-appropriate academic rigor and the

1 flexibility to incorporate the pupil's interest and manner of learning. These plans may include,
2 but are not limited to, such components or combination of components of extended learning
3 opportunities as independent study, private instruction, performing groups, internships,
4 community service, apprenticeships, and online courses.

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

8 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO EDUCATION -- COMPULSORY ATTENDANCE

1 This act would require compulsory school attendance until the age of eighteen (18) and
2 would allow the waiver of the compulsory attendance for pupils over the age of sixteen (16) who
3 are involved with an alternative learning plan.

4 This act would take effect upon passage.

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