

2010 -- S 2928

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

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A N A C T

RELATING TO EDUCATION -- COMPULSORY ATTENDANCE

Introduced By: Senators DiPalma, Gallo, Pichardo, Lanzi, and Metts

Date Introduced: May 25, 2010

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  
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, participation in college credit bearing  
17 courses, performing groups, internships, community service, apprenticeships, and online courses  
18 that are currently funded and available to the school department and/or the community.

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

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

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

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

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

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

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

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

8 (4) The withdrawal is:

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

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

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

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

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

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

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

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

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

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

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

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

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

7           (ii) Alternative learning plans shall be developed, and amended if necessary, in  
8 consultation with the pupil, a school guidance counselor, the school principal and at least one  
9 parent or guardian of the pupil, and submitted to the school district superintendent for approval.  
10 Said plans shall utilize resources that are currently funded and available to the school department  
11 and/or the community.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
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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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