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ACLU OF RI POSITION: AMEND

TESTIMONY ON 24-H 8190, AN ACT RELATING TO EDUCATION – ATTENDANCE FOR SUCCESS ACT May 9, 2024

The ACLU of Rhode Island appreciates this bill's concept of trying to dig deeper into school districts and schools that have chronic attendance problems, and to provide supportive services to families where excessive absenteeism appears to be an issue. We believe that a family-oriented supportive approach to this problem is critical and much more effective than punitive measures, such as the use of "truancy courts," which have often been more punishing than remedial and created more problems than they have solved in dealing with students who are chronically absent.

In light of the comprehensive nature of this legislation, we would encourage clarification in a few places to promote this goal, as briefly summarized below.

* The bill appropriately requires school policies to differentiate between types of absences, such as excused and unexcused. But some of the provisions dealing with intervention due to chronic absences do not appear to make that distinction. Particularly in the case of excused absences, the use of attendance review teams may be unnecessary and even counterproductive.

* Particularly since a number of "chronic" absences may involve students with disabilities who are legitimately absent from school, we would urge the inclusion of language reminding schools and school attendance teams of their need to ensure such students are being provided the procedural and substantive rights due them under state and federal law. On that topic, we also believe it would be useful if the bill specifically obligated a school to consider whether the basis for a student's absences (e.g., anxiety) is such that an evaluation should be conducted to determine if the student has a disability requiring an IEP or 504 plan.

* It would be helpful if the bill were clearer about the voluntary or involuntary nature of the services being offered to students and families by the school attendance teams. The remedial thrust of this bill could change significantly if coercive measures come to the forefront. As noted above, punitive approaches may further alienate students and their families, who are already struggling with barriers to regular school attendance, from participation in and cooperation with school programs.

* The bill requires reporting of excessively absent students to the truancy officer for possible family court proceedings. [Page 10, lines 27-21.] But other than giving the family "written notice of excessive absenteeism," it is unclear whether the school must demonstrate it has first exhausted all supportive measures before taking this punitive route. This section also references contacting DCYF if there is a suspicion that absences are the result of "educational neglect," but that term is not defined and could lead to excessive and potentially counter-productive involvement by that agency.

We hope these general comments are helpful. Thank you for considering our views and suggestions on this important matter.