

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

ordinance/truancy

CHAPTER 1998-53

No. 621

AN ORDINANCE

ESTABLISHING A TRUANCY

BOARD WITHIN THE CITY OF PROVIDENCE, AS AMENDED

Effective ~~XXXXXXX~~ November 13, 1998

Be it ordained by the City of Providence:

SECTION 1. Establishment.

Pursuant to Rhode Island General Laws, Section 16-19-8, there is hereby established within the City a "Truancy Board" having the powers set forth in this article for the purpose of hearing all cases referred to such board by the Superintendent of the Providence School Department, or his or her designee. The Superintendent shall exercise such referral with respect to children who are between the ages of 6 and 16 inclusive, who are residents in the city, and who are allegedly in violation of Chapter 19 of Title 16, entitled "Compulsory Attendance" of the General Laws of the State of Rhode Island.

SECTION 2. Referral of truant offenders to board.

(a) Any child between the ages of 6 and 16, inclusive, who is a resident of the city and who, allegedly, shall have violated Chapter 19 of Title 16, may request a hearing before the Truancy Board rather than being referred to the family court; provided, however, that said referral to the Truancy Board is made with the approval of the Superintendent of the Providence School Department or his or her designee and further provided that referral to said Truancy Board shall not be available to any child:

(1) Who shall have been twice previously referred to said Board or who shall have been once previously referred to said Board and refused or failed to abide by the sanctions imposed by said Board; or

(2) Who at the time of the truancy was within the custody and control of family court, "not to include guardianship matters."

(b) The Superintendent of the Providence School Department or his or her designee may refer any other child allegedly in violation of R.I.G.L. 16-19-1 et seq. to the Truancy Board when, in the opinion of the Superintendent of the Providence School Department or his or her designee, such referral would be beneficial to that child and the community.

(c) No referral to said board shall be made by the Superintendent of the Providence School Department or his or her designee until such child, together with his/her legal guardians, shall have in writing:

No.

CHAPTER

AN ORDINANCE Establishing a
Truancy Board Within the City
of Providence, as Amended

IN CITY COUNCIL

June 18, 1998
FIRST READING

REFERRED TO COMMITTEE ON
ORDINANCES

Michael R. Clement CLERK

THE COMMITTEE ON

Ordinances
Recommends

Barbara A. Cairns
7/22/98 Clerk

THE COMMITTEE ON
ORDINANCES

Approves Passage of
The Within Ordinance

Barbara A. Cairns
10/6/98 Clerk

Councilman Fleggi - Councilman Hassett

(1) waived such child's right to a hearing in the Family Court with respect to the non-attendance at school,

(2) admitted to being a habitual truant,

(3) agreed to abide by the decision of said Board;

(4) acknowledged that failure to comply with the decision of said Board may result in the referral of said child to the Family Court for truancy by the Superintendent of the Providence School Department or his or her designee.

SECTION 3. Refusal of referral.

The Board, after investigation, may refuse to hear any case in which it appears that a child was wrongfully referred to it in violation of Section 2. In addition, the board may refuse to hear any case in which the child refuses to supply the board with requested information, fails to appear when requested or refuses to cooperate with the proceedings of the Board. The Board shall immediately notify the Superintendent, in writing, of any case which it refuses to hear, and the Superintendent shall take whatever further action that he/she deems necessary, including referral to the Family Court.

SECTION 4. Legal representation.

Any child shall be entitled to be represented by counsel and be entitled to present evidence at said hearing. The costs for any legal representation or any other costs incurred by the child shall be at the child's own expense.

SECTION 5. Powers and duties; imposition of sanctions.

(a) The Board shall hear all cases approved by or referred to it by the Superintendent within the parameters of Section 5(b).

(b) The Board may impose sanctions for a period not to exceed six months. Sanctions may consist of, but shall not be limited to public service, referral to counseling, curfews, restrictions on employment, or any combination of the above. In imposing sanctions, the board shall consider the length of the truancy, the prior record of the child, and any mitigating circumstances involved.

(c) The Board shall have the right to levy hearing costs against the child.

SECTION 6. Meetings and rules of procedure.

(a) The Board shall meet not fewer than one time each month and Board meetings shall comply with the Open Meetings Act, R.I.G.L. § 42-46-1, et seq. Whenever a hearing is scheduled with respect to a particular child, the child, his or her legal guardian(s), and the truant officer, shall be notified in writing of the same. Said notice shall set forth the nature of the allegations against the child, the time and place of the hearing, and shall state the child's right to be represented by counsel at the child's own expense.

(b) A majority of the members of the board shall constitute a quorum, and its proceedings shall be closed to the public. The board shall elect one of its

members as its chairperson and one as its vice-chairperson. In the absence of the chairperson, the vice-chairperson shall be the presiding officer. A majority of the members present shall be required to take any action. The board shall have the power from time to time to draft rules governing its proceedings or to amend or repeal any rules therefore adopted, and not inconsistent with this article.

SECTION 7. Membership, term of office.

(a) The membership of the Board shall consist of five (5) persons each of whom shall be appointed by the City Council. Each appointee shall have been a resident of the City for not fewer than five (5) years and may be a member of the clergy, law enforcement, the judiciary or shall have knowledge and/or experience in education, probation and parole, human services, community youth programs, or such training and experience so as to benefit the juvenile appearing before the Board.

Upon enactment of this Article, the City Council shall appoint one (1) member to a term which shall expire on January 1, 2000; (2) members to terms which shall expire on January 1, 2001; two (2) members to terms which shall expire on January 1, 2002. Thereafter, upon expiration of a term, the City Council shall make appointment(s) for three (3) years terms.

In the event of a vacancy occurring in the office of a member by death, resignation or otherwise, such vacancy shall be filled in like manner as the original appointment, but only for the remainder of the term of the former member. No member of the board shall be entitled to receive any pension service credits by reason of his or her service of the board. Any appointee may be removed when, after appropriate notice and hearing, the majority of council persons then in attendance finds just cause exists for such removal.

SECTION 8. Effective date and notice to Family Court.

This article shall apply to all children who are truant after the date of enactment of this Ordinance. Upon establishment of the Board and pursuant to Rhode Island General Laws, Section 16-19-8, prior to hearing any compulsory attendance cases, the Board shall inform the Chief Judge of the Family Court, in writing, of the Board's establishment and its plan to hear compulsory attendance cases.

SECTION 9. This Ordinance shall take effect upon passage and publication as prescribed by law.

IN CITY COUNCIL
OCT 15 1998
FIRST READING
READ AND PASSED

Michael R. Clement CLERK

IN CITY
COUNCIL

NOV 5 1998
FINAL READING
READ AND PASSED

Epiphany V. Fargnoli
PRESIDENT
Michael R. Clement
CLERK

Effective without the Mayor's
Signature:

Michael R. Clement
Michael R. Clement, City Clerk