

STATE OF RHODE ISLAND
PROVIDENCE, SC

SUPERIOR COURT

ELIZABETH BOYER., individually, and by and for her
minor son, JEREMY BOWEN;
et al.,

C.A. No. 2010-1858

v.

CHIEF JUDGE JEREMIAH S. JEREMIAH;
et al.

CONSENT ORDER

WHEREAS, plaintiffs, on behalf of themselves and all others similarly situated, filed suit on March 29, 2010, against, among others, the City of Woonsocket and Robert Gerardi, in his official capacity as superintendent of the schools of the City of Woonsocket (hereinafter, collectively the "Woonsocket Defendants"), *Complaint*, ¶¶ 39, 40; and

WHEREAS, plaintiffs' lawsuit alleges that the Woonsocket Defendants do not provide plaintiffs with sufficient notice of the conduct that will result in commencement of truancy proceedings or in punishment for being "truant," and that as a result, the Woonsocket Education Department, its officials, administrators and employees "routinely enforce truancy laws in an arbitrary and capricious manner in violation of federal and state constitutional law, *Complaint*, ¶¶ 69, 74, 76, 297-299; and

WHEREAS, plaintiffs' lawsuit also alleges that the Woonsocket Defendants fail to ensure that the students against whom they initiate truancy proceedings are served with a copy of the summons and truancy petition in the manner required by federal and state constitutional law and state statutory law, *Complaint*, ¶¶ 85-87, 302; and

WHEREAS, plaintiffs filed a motion for class certification at the same time they

SUPERIOR COURT
FILED
HENRY S. KINCH JR., CLERK

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filed their Complaint, asking the court to certify a class consisting of, among others, all public school students who are enrolled, could be enrolled, or in the future will be enrolled, in Woonsocket public schools and who have been, or in the future will be, the subject of a truancy petition submitted to the Family Court, and their parents or legal guardians; and

WHEREAS, the Woonsocket Defendants have yet to answer the Complaint or the Motion for Class Certification but are desirous of settling this lawsuit;

NOW THEREFORE, Plaintiffs and the Woonsocket Defendants, on behalf of themselves, the Woonsocket Education Department, and the Department's agents and employees, hereby agree that the following judgment/order may enter:

1. Effective as of the date of this Judgment/Order, the Woonsocket Defendants, the Woonsocket Education Department and the Department's agents and employees shall cease their involvement and the involvement of the Woonsocket public schools with the Rhode Island Family Court's Truancy Court program.
2. The Woonsocket Defendants, the Woonsocket Education Department and the Department's agents and employees shall not serve any summons to appear in Truancy Court on any student enrolled in the Woonsocket public school system or residing in Woonsocket or on the parent(s) or legal guardian(s) of any such student. Woonsocket Defendants and the Woonsocket public schools shall not host any further Truancy Court hearings in Woonsocket public schools or on other property owned, leased or otherwise managed by the City of Woonsocket or the Woonsocket Education Department.
3. The Woonsocket Defendants, the Woonsocket Education Department and

the Department's agents and employees shall forthwith take all steps necessary to seek the dismissal of all truancy cases involving any student attending a Woonsocket public school that are currently before the Truancy Court.

4. To the extent the Woonsocket Defendants, the Woonsocket Education Department and the Department's agents and employees initiate any waywardness proceedings in the Rhode Island Family Court based upon a student's alleged truancy:

a. Before initiating any such proceeding, school personnel shall undertake all reasonable, educationally sound, corrective actions to address the student's attendance issues, and document in writing the actions taken.

b. No such proceeding shall be initiated against a student who does not have at least ten (10) unexcused absences during any given semester.

c. Absences resulting from illness, a diagnosed chronic medical condition, diagnosed mental health issues, a legitimate fear of being bullied, an in or out-of-school suspension, a documented family emergency (e.g., a childcare emergency, funeral, illness of parent, etc.) or other good cause, shall not be considered unexcused.

d. Students shall not be required to provide a note from a physician or other health care professional for absences resulting from illness unless the student has been absent for more than five (5) consecutive school days as a result of the illness.

e. No such proceeding shall be initiated against a student for failing to complete his/her school work or homework, for misbehaving at school, for receiving poor grades, or to ensure that he/she receives the services to which

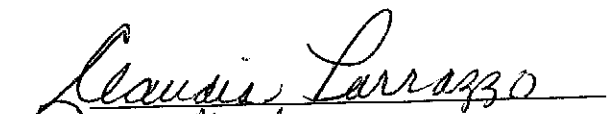
he/she may otherwise be entitled under state and federal disability and education laws.

f. All waywardness petitions shall be served on children and their parents/guardians: (i) no less than 15 calendar days in advance of the hearing; (ii) together with an attached summons; (iii) with information as to the time, place, and nature of the hearing, a plain statement of the matters asserted, the dates of the alleged unexcused absences, and a statement as to the right of all parties to present evidence on the child's behalf and to be represented by counsel, and to have counsel appointed if the family cannot afford one; (iv) in a manner that complies with R.I. Gen. Laws § 14-1-17 and R.I. R. Juv. P. 6.

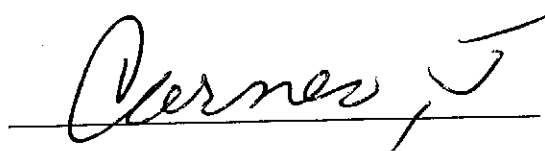
5. Plaintiffs hereby dismiss their claims against the Woonsocket Defendants without prejudice and without costs or attorney's fees and shall not re-institute or refile such claims so long as the Woonsocket Defendants comply with Paragraphs 1 and 4.

By order:

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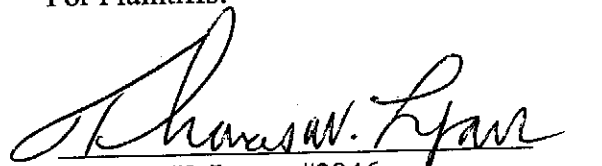
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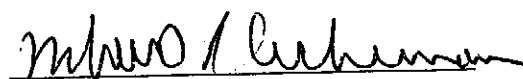
C. Bernes, J

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For Woonsocket Defendants:



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I hereby certify that on this 12th day of May, 2010, a copy of the within was sent to the above counsel by regular mail, postage prepaid.