Introduced by

Referred to Committee on

Date:

Subject: Education; attendance and discipline; chronic absenteeism; truancy

Statement of purpose of bill as introduced: This bill proposes to make amendments to 16 V.S.A. chapter 25 to define chronic absenteeism and require the Agency of Education to develop a model policy to address chronic absenteeism

An act relating to addressing and preventing chronic absenteeism

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 16 V.S.A. chapter 25, subchapter 3 is amended to read:

Subchapter 3. Compulsory Attendance

§ 1120. DEFINITIONS

As used in this chapter:

(1) "Absence" means a student who is, for at least half the school day when school is open, not physically on school grounds or who is not receiving or attending educational, cocurricular, or athletic services or programming elsewhere pursuant to a program or plan approved by:

(A) the district, if the student is enrolled in a public school; or

(B) an approved independent school if the student is enrolled in an approved independent school

(2) "Chronic absenteeism" means a student who is absent for any reason for 10 percent or more of a district's or approved independent school's student attendance days within one school year, regardless of whether the absences are considered excused or unexcused.

(3) "Excused absence" means an absence that is approved by the superintendent or designee, or the head of school or designee for an approved independent school, pursuant to section 1123 of this chapter, either before or after the date or dates of the student's absence. Excused absences shall include days of in- or out-of-school suspension.

(4) "Parent or guardian" shall have their ordinary meanings; provided, however, that they shall also mean a student in the following situations:

(A) the student has reached the age of majority; or

(B) the student is an independent student as that term is defined under subsection 1075(h) of this chapter; or

(C) the student qualifies as an "unaccompanied youth" under the McKinney-Vento Homeless Assistance Act, 42 U.S.C. §§ 11431–11435.

(5) "Truancy" means a student who accumulates 20 or more unexcused absences either within the same school year or within a district's or approved

independent school's last 175 consecutive student attendance days, regardless of whether the absences were within the same school year.

(6) "Unexcused absence" means any student absence that does not fit one of the categories of excused absences. Failure of the parent or guardian to provide justification for the absence if requested by the superintendent or the head of school for an approved independent school shall also constitute an unexcused absence.

§ 1121. ATTENDANCE BY CHILDREN OF SCHOOL AGE REQUIRED

~~A person having the control~~ The parent or guardian of a child between ~~the ages of~~ six and 16 years of age shall cause the child to attend a public school, an approved or recognized independent school, an approved education program, or a home study program for the full number of days for which that school is held, unless the child:

(1) per medical recommendation, is mentally or physically unable so to attend; ~~or~~

(2) has completed the ~~tenth~~ 10th grade; ~~or~~

(3) is excused by the superintendent or designee, or the head of school for an approved independent school or designee, ~~or a majority of the school directors~~ as provided in this chapter; or

(4) is enrolled in and attending a postsecondary school, as defined in subdivision 176(b)(1) of this title, which is approved or accredited in Vermont or another state.

§ 1122. STUDENTS UNDER 6 AND OVER 16 YEARS OF AGE

~~A person having the control~~ The parent or guardian of a child who is under six years of age or over 16 years of age who ~~allows the child to become enrolled~~ enrolls the child in grades kindergarten through grade 12 in a public school or approved independent school shall ~~cause~~ ensure that the child ~~to attend~~ attends the school continually for the full number of ~~the~~ school days of the term in which ~~he or she~~ the child is enrolled~~, unless the child is mentally or physically unable to continue or is excused in writing by the superintendent or a majority of the school directors~~. In case of such enrollment, the ~~person and the teacher, child,~~ the parent or guardian and the superintendent~~, and school directors~~ or designee or the head of school for an approved independent school or designee shall be under the laws and subject to the penalties relating to the attendance of children between ~~the ages of~~ six and 16 years of age.

§ 1123. ~~ATTENDANCE~~ SCHOOL ABSENCE MAY BE EXCUSED

(a) The superintendent of a public school or designee or the head of school of an approved independent school or designee may excuse~~, in writing, any student from attending the school for a definite time, but for not more than ten~~

~~consecutive school days and only for emergencies or for absence from town~~ a student's absence for all or part of the school day for the following reasons:

(1) physical or mental illness of the student;

(2) family emergency or death in the family;

(3) quarantine in the home;

(4) student's medical, dental, mental health, or substance use treatment appointment;

(5) family observance of religious holidays;

(6) legal activities, such as a student's court appearance;

(7) driving examinations;

(8) college or other postsecondary program visitations;

(9) legal or administrative proceedings related to the placement of the student by the State;

(10) absences due to transitions in the student's living situation as a result of the student experiencing homelessness;

(11) pre-enlistment or deployment activities of the student or their parent or legal guardian; or

(12) other reasons not specified in subdivisions (1) through (11) of this subsection with approval of the superintendent of a public school or designee or the head of school of an approved independent school or designee.

(b) The superintendent ~~of an elementary school held for more than 175 school days in a school year may excuse, in writing, a student of the school from attending more than 175 days~~ or designee or the head of school for an approved independent school or designee may excuse a student from attendance for preplanned family commitments or activities of which the school has been notified in advance. Preapproved absences shall not exceed 10 cumulative school days in each school year.

(c) The superintendent or designee or the head of school for an approved independent school or designee may request justification for an absence.

§ 1124. RESPONSE TO CHRONIC ABSENTEEISM

(a) The Agency of Education, in consultation with the Vermont School Boards Association, Vermont Superintendents Association, the Vermont Principals' Association, and the Vermont Independent School Association, shall develop, and review at least annually, a model policy on the prevention of chronic absenteeism and truancy. This policy shall include a template for documentation of actions taken according to the policy to address the absence, which shall constitute the truancy reporting protocol. The policy shall also include a template for standard documentation to be provided to parents or guardians pursuant to section 1127 of this chapter.

(b) To minimize each student's loss of educational and developmental opportunities, and to ensure equity in the treatment of absenteeism and truancy

for all students and families, each school district and each approved independent school shall develop, adopt, ensure the enforcement of, and make available in the manner described under subdivision 563(1) of this title a policy that is designed to prevent and respond to chronic absenteeism and truancy that shall be at least as stringent as the model policy developed by the Agency. Each superintendent and head of school of an approved independent school shall develop and implement procedures to carry out such policies. The policy shall be consistent with definitions in this chapter. A superintendent or a head of school for an approved independent school shall also ensure that data on student absences is collected and recorded in accordance with Agency of Education requirements. Any school board or approved independent school that fails to adopt a policy shall be presumed to have adopted the most current model policy published by the Agency.

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§ 1126. FAILURE TO ATTEND; NOTICE

When a student between ~~the ages of~~ six and 16 years of age, who is not ~~excused or~~ exempted from school attendance by one of the authorized individuals in accordance with section 1121 of this chapter, fails to enter school at the beginning of the academic year or, being enrolled, ~~fails to attend the school~~ accumulates 20 or more unexcused absences within either the same school year or within the last 175 consecutive student attendance days, and

when a student who is under six years of age or at least 16 years of age becomes enrolled in a public school in grades kindergarten through grade 12 and ~~fails to attend~~ accumulates 20 or more unexcused absences either within the same school year or within the last 175 consecutive student attendance days, the ~~teacher or~~ principal shall notify ~~the truant officer and either~~ the superintendent ~~or the school board, unless the teacher or principal is satisfied that the student is absent on account of illness~~. For Vermont resident students, the head of school of an approved independent school or designee shall notify the superintendent of the student's district of residence. Upon review of the truancy reporting protocol, the superintendent shall notify the truant officer and Centralized Intake and Emergency Services of DCF Family Services Division.

§ 1127. NOTICE AND COMPLAINT BY TRUANT OFFICER; PENALTY

(a) The truant officer, upon receiving the notice and truancy reporting protocol provided in section 1126 of this title, shall inquire into the cause of the nonattendance of the child. If ~~he or she~~ the truant officer finds that the ~~child is absent without cause~~ child's absences are not excusable under section 1123 of this chapter, the truant officer shall give written notice to the ~~person having the control of the child that the child is absent from school without cause and shall also notify that person to cause the child to attend school regularly thereafter~~ parent or guardian that they must comply with the obligations of section 1122 of this chapter.

(b) ~~When, after receiving notice, a person fails, without legal excuse, to cause a child to attend school as required by this chapter, he or she shall be fined not more than $1,000.00 pursuant to subsection (c) of this section~~ If the parent or guardian continues to fail, without legal excuse, to cause a child to attend school as required by this chapter after having received the written notice required pursuant to subsection (a) of this section, the truant officer shall enter a complaint to the State's Attorney of the count and shall provide a statement of the evidence and truancy reporting protocol upon which the complaint is based.

(c) ~~The truant officer shall enter a complaint to the State's Attorney of the county and shall provide a statement of the evidence upon which the complaint is based.~~ The State's Attorney shall ~~prosecute the person~~ take legal action with respect to a parent or guardian who allows, without legal cause, for a child to continue to accumulate unexcused absences after contact by a truant officer. In ~~the~~ a prosecution, the complaint, information, or indictment shall be deemed sufficient if it states that the ~~respondent (naming the respondent) having the control of a child of school age~~ parent or guardian (specifying if the applicable person is a parent or guardian and naming the person) of the child (naming the child) neglects to send that child to a public school or an approved or recognized independent school or a home study program as required by law.

§ 1128. ~~LEGAL PUPIL TAKEN TO SCHOOL; NONRESIDENT CHILD~~

~~LIVING IN DISTRICT~~

~~(a) A superintendent may and the truant officer shall stop a child between the ages of six and 16 years or a child 16 years of age or over and enrolled in public school, wherever found during school hours, and shall, unless such child is excused or exempted from school attendance, take the child to the school that she or he should attend.~~

~~(b) A child of legal school age who is not exempt from school attendance and who has not finished the elementary school course and is living in a district other than the place of legal residence shall, with the school board's approval, be admitted immediately to a school in the district where he or she is found. If the child is not admitted to school, then immediate action shall be taken by the truant officer to cause the return of the child to the district of his or her residence.~~ [Repealed.]

§ 1129. JURISDICTION OF NONRESIDENTS

The superintendent of a school in which a nonresident pupil is enrolled and a truant officer having jurisdiction of the pupils in such school shall have the same authority and jurisdiction over such nonresident pupil and the ~~person having the control of such pupil~~ parent or guardian as they have over resident pupils and the ~~persons having control~~ parent or guardian of such pupils.

Sec. 2. 16 V.S.A. § 1162 is amended to read:

§ 1162. SUSPENSION OR EXPULSION OF STUDENTS

* * *

(e) A public school or an approved independent school may provide access to alternative education, such as tutoring, instructional materials, and assignments to a student during any period of suspension of three or more days. A public school or an approved independent school may provide access to alternative education, such as tutoring, instructional materials, and assignments to a student who has been expelled, except that the school shall provide educational access to the extent otherwise required by law.

Sec. 3. PREVENTION OF CHRONIC ABSENTEEISM; AGENCY OF EDUCATION POLICY; IMPLEMENTATION

(a) On or before March 15, 2027, the Agency of Education shall submit a written update on the efforts made to develop the model policy required pursuant to 16 V.S.A. § 1124. The Agency shall include the most recent draft model policy and most recent draft templates required to be developed as part of the model policy.

(b) The Agency of Education shall adopt and publish the model policy required pursuant to 16 V.S.A. § 1124 on or before July 1, 2027.

(c) School boards and the governing bodies of approved independent schools shall adopt and implement a chronic absenteeism policy as required by 16 V.S.A. § 1124 on or before July 1, 2028.

Sec. 4. REPEAL

16 V.S.A. § 1076 (penalties) is repealed.

Sec. 5. HOME STUDY PROGRAM; ATTENDANCE REQUIREMENTS; AGENCY OF EDUCATION RECOMMENDATIONS

On or before December 1, 2026, the Agency of Education shall submit a written report to the House and Senate Committees on Education with recommendations for updates to Vermont's home study program law to improve oversight of home study programs and to ensure home study participants' compliance with attendance requirements.

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2026.