

Education

Kevin Charboneau <Kevin.Charboneau@ncsuvt.org>

Wed 1/21/2015 10:59 AM

Inbox

To: Michael Marcotte <MMarcotte@leg.state.vt.us>; John Rodgers <JRodgers@leg.state.vt.us>; Robert Starr <RStarr@leg.state.vt.us>; Gary Viens <GViens@leg.state.vt.us>;

Dear Sirs,

My name is Kevin Charboneau and I am a Truant Officer for the North Country Supervisory Union in the northern half of Orleans County and have been for over 3 years. I am retired Vermont State Police Sergeant and have over 25 years of law enforcement experience.

In my current position I investigate truant students from the schools within the supervisory union. In doing this I occasionally make home visits and ascertain the cause of the students absence's. Typically the students I deal with have been absent 15 or more days in the first half of the school year. Generally speaking there are approximately 50 or more students who fit in this category in my area.

Keith Flynn, while still a Orleans County States Attorney, established a Truancy Board made up of several community agencies, including Probation and Parole, the States Attorney office, mental health, Department of Children and Families (DCF), and Northeast Kingdom Community Action (NEKCA). When a student accumulates numerous unexcused absences the name is brought up to this board and additional community supports are looked at to help resolve the students truancy. We have found that often times this works, but not always.....

The Vermont Statutes are outdated on this matter and offer no real incentive/penalty for parents to keep their children in school. Title 16 VSA 1127 offers a penalty of \$1,000 to the parent/custodian of a truant child, which needs to be prosecuted through the States Attorney's office. T33VSA 5102(3)(D), 5309(a) also provides an opportunity for DCF to get involved. I realize these are not high priority cases and they are often brushed aside.

The problem arises when the State expects attendance at school for students ages 6 to 16, and offers numerous programs to these students, but they do not show up. My experience, both as a VSP Trooper and Truant Officer, is that the families who could benefit the most from the State offerings are the same ones who do not see the value in education and let their children be absent from school. A drive down Main Street Newport and you'll see numerous people living on State's assistance and their children right there beside them or, as often is the case, running around unsupervised. I know that children see their parents as their first role models, good or bad. When they see their parents not availing themselves to education, not working and living on public assistance, they do likewise.

The problem is amplified as more money is given to the schools for various programs in hopes to rectify this problem, for example college vouchers for high school students to take up to two college courses per

year, kindergarten, school psychologists, counselors and all the resources to assist students with special needs. What good is this money if the children that most need it are not coming to school to take advantage of it? There are no real consequences for parents and children do not attend. Another example is our alternative program, Turning Points. An excellent program that deals with the most troubled students truly in need. The families are often dysfunctional and this program offers a much needed and valuable resource for these students and families. The cost for the school district to send students there is an additional \$49,000 per student per year. Money well, spent if the student shows up. But again, the families of these students often times cannot control their children or do not care what they do. The results are money wasted and another generation of uneducated people that will ultimately resort to public assistance. The cycle continues....

The problems are can be identified as parental apathy and children who are not under the control or supervision of their parents. The current laws do not work and we are asking more from an already overburdened system (DCF) when they are involved as well as tying up the States Attorney's office for prosecution of a monetary fine when the parents are unable to pay. The process needs to be streamlined and effective with the goal of making students attend school.

In grade school, DCF will sometimes get involved and make a difference as the student's family typically will have other issues as well. Perhaps this law could be tweaked somewhat to give DCF more authority in these cases. When the student gets to high school they become more rebellious and harder for parents to control (ask any parent with teenagers!). One proposal that I have is to make truancy a ticketable offense, much like underage drinking tickets. It would be a civil ticket issued to the student (say ages 14 and up) that mandates they enter a program (again like the underage ticket) and monitors their daily attendance at school. If they fail to attend they get a fine and possible license suspension. Subsequent offense could lead to court action. The infrastructure and agencies already exist in each county to deal with under age drinking, so no new agencies are needed, just a new law. For reference look at Title 7VSA chapter 21 and just model it for school attendance. The law is essentially written and its in use and effective for underage drinking, why not for truancy?

I think by doing this we may be able to target truant students and encourage school attendance, and give teeth to the laws.

Respectfully submitted,

Kevin Charboneau

VERMONT **GENERAL ASSEMBLY****The Vermont Statutes Online****Title 16 : Education****Chapter 025 : Attendance And Discipline****Subchapter 003 : Compulsory Attendance****§ 1125. Truant officers**

(a) A school board shall annually appoint one or more truant officers and record their appointments with the clerk of the school district on or before July 3. State police, sheriffs, deputy sheriffs, constables, and police officers shall be truant officers ex officio.

(b) Truant officers shall receive remuneration for time actually spent in performance of their duties and shall be allowed their necessary expenses incurred in connection therewith. (Added 1969, No. 298 (Adj. Sess.), § 73.)

VERMONT **GENERAL ASSEMBLY****The Vermont Statutes Online****Title 16 : Education****Chapter 025 : Attendance And Discipline****Subchapter 003 : Compulsory Attendance****§ 1127. Notice and complaint by truant officer; penalty**

(a) The truant officer, upon receiving the notice provided in section 1126 of this title, shall inquire into the cause of the nonattendance of the child. If he or she finds that the child is absent without cause, 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.

(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.

(c) The truant officer shall enter a complaint to the town grand juror of the town in which such person resides, or to the State's Attorney of the county, and shall provide a statement of the evidence upon which the complaint is based. The grand juror or State's Attorney shall prosecute the person. In the 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 (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. (Amended 1981, No. 151 (Adj. Sess.), § 3; 1987, No. 97, § 6, eff. June 23, 1987; 1991, No. 24, § 11; 2013, No. 92 (Adj. Sess.), § 122, eff. Feb. 14, 2014.)

VERMONT GENERAL ASSEMBLY

The Vermont Statutes Online

Title 07 : Alcoholic Beverages

Chapter 021 : Penalties

§ 656. Person under 21 years of age misrepresenting age, procuring, possessing, or consuming alcoholic beverages; first or second offense; civil violation

(a)(1) Prohibited conduct. A person under 21 years of age shall not:

(A) falsely represent his or her age for the purpose of procuring or attempting to procure malt or vinous beverages or spirituous liquor from any licensee, State liquor agency, or other person or persons;

(B) possess malt or vinous beverages or spirituous liquor for the purpose of consumption by himself or herself or other minors, except in the regular performance of duties as an employee of a licensee licensed to sell alcoholic liquor; or

(C) consume malt or vinous beverages or spirituous liquors. A violation of this subdivision may be prosecuted in a jurisdiction where the minor has consumed malt or vinous beverages or spirituous liquors or in a jurisdiction where the indicators of consumption are observed.

(2) Offense. Except as otherwise provided in section 657 of this title, a person under 21 years of age who knowingly and unlawfully violates subdivision (1) of this subsection commits a civil violation and shall be referred to the Court Diversion Program for the purpose of enrollment in the Youth Substance Abuse Safety Program. A person who fails to complete the program successfully shall be subject to:

(A) a civil penalty of \$300.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 90 days, for a first offense; and

(B) a civil penalty of not more than \$600.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 180 days, for a second offense.

(b) Issuance of Notice of Violation. A law enforcement officer shall issue a person under 21 years of age who violates this section a notice of violation, in a form approved by the Court Administrator. The notice of violation shall require the person to provide his or her name and address and shall explain procedures under this section, including that:

(1) the person shall contact the Diversion Program in the county where the offense occurred within 15 days;

(2) failure to contact the Diversion Program within 15 days will result in the case being referred to the Judicial Bureau, where the person, if found liable for the violation, will be subject to a civil penalty and a suspension of the person's operator's license and may face substantially increased insurance rates;

(3) no money should be submitted to pay any penalty until after adjudication; and

(4) the person shall notify the Diversion Program if the person's address changes.

(c) Summons and Complaint. When a person is issued a notice of violation under this section, the law enforcement officer shall complete a summons and complaint for the offense and send it to the Diversion Program in the county where the offense occurred. The summons and complaint shall not be filed with the Judicial Bureau at that time.

(d) Registration in Youth Substance Abuse Safety Program. Within 15 days after receiving a notice of violation, the person shall contact the Diversion Program in the county where the offense occurred and register for the Youth Substance Abuse Safety Program. If the person fails to do so, the Diversion Program shall file the summons and complaint with the Judicial Bureau for adjudication under 4 V.S.A. chapter 29. The Diversion Program shall provide a copy of the summons and complaint to the law enforcement officer who issued the notice of violation and shall provide two copies to the person charged with the violation.

(e) Notice to Report to Diversion. Upon receipt from a law enforcement officer of a summons and complaint completed under this section, the Diversion Program shall send the person a notice to report to the Diversion Program. The notice to report shall provide that:

(1) The person is required to complete all conditions related to the offense imposed by the Diversion Program, including substance abuse screening and, if deemed appropriate following the screening, substance abuse education or substance abuse counseling, or both.

(2) If the person does not satisfactorily complete the substance abuse screening, any required substance abuse education or substance abuse counseling, or any other condition related to the offense imposed by the Diversion Program, the case will be referred to the Judicial Bureau, where the person, if found liable for the violation, shall be assessed a civil penalty, the person's driver's license will be suspended, and the person's automobile insurance rates may increase substantially.

(3) If the person satisfactorily completes the substance abuse screening, any required substance abuse education or substance abuse counseling, and any other condition related to the offense imposed by the Diversion Program, no penalty shall be imposed and the person's operator's license shall not be suspended.

(f)(1) Diversion Program Requirements. Upon being contacted by a person who has been issued a notice of violation, the Diversion Program shall register the person in the Youth Substance Abuse Safety Program. Pursuant to the Youth Substance Abuse Safety Program, the Diversion Program shall impose conditions on the person. The conditions imposed shall include only conditions related to the offense and in every case shall include a condition requiring satisfactory completion of substance abuse screening using an evidence-based tool and, if deemed appropriate following the screening, substance abuse assessment and substance abuse education or substance abuse counseling, or both. If the screener recommends substance abuse counseling, the person shall choose a state-certified or state-licensed substance abuse counselor or substance abuse treatment provider to provide the services.

(2) Substance abuse screening required under this subsection shall be completed within 60 days after the Diversion Program receives a summons and complaint. The person shall complete all conditions at his or her own expense.

(3) When a person has satisfactorily completed substance abuse screening, any required substance abuse education or substance abuse counseling, and any other condition related to the offense which the Diversion Program has imposed, the diversion program shall:

(A) void the summons and complaint with no penalty due; and

(B) send copies of the voided summons and complaint to the Judicial Bureau and to the law enforcement officer who completed them. Before sending copies of the voided summons and complaint to the Judicial Bureau under this subdivision, the Diversion Program shall redact all language containing the person's name, address, Social Security number, and any other information which identifies the person.

(4) If a person does not satisfactorily complete substance abuse screening, any required substance abuse education or substance abuse counseling, or any other condition related to the offense imposed by the Diversion Program or if the person fails to pay the Diversion Program any required program fees, the Diversion Program shall file the summons and complaint with the Judicial Bureau for adjudication under 4 V.S.A. chapter 29. The Diversion Program shall provide a copy of the summons and complaint to the law enforcement officer who issued the notice of violation and shall provide two copies to the person charged with the violation.

(5) A person aggrieved by a decision of the Diversion Program or alcohol counselor may seek review of that decision pursuant to Rule 75 of the Vermont Rules of Civil Procedure.

(g) Failure to Pay Penalty. If a person fails to pay a penalty imposed under this section by the time ordered, the Judicial Bureau shall notify the Commissioner of Motor Vehicles, who shall suspend the person's operator's license and privilege to operate a motor vehicle until payment is made.

(h) Record of Adjudications. Upon adjudicating a person in violation of this section, the Judicial Bureau shall notify the Commissioner of Motor Vehicles, who shall maintain a record of all such adjudications which shall be separate from the registry maintained by the Department for motor vehicle driving records. The identity of a person in the registry shall be revealed only to a law enforcement officer determining whether the person has previously violated this section. (Added 1999, No. 160 (Adj. Sess.), § 8; amended 2003, No. 52, § 2, eff. Oct. 1, 2003; 2013, No. 76, § 9.)

County Diversion Programs

ADDISON
282 Boardman Street
PO Box 881
Middlebury, VT 05753
802-388-3888

BENNINGTON
439 Main Street
Bennington, VT 05201
802-447-1585

CALEDONIA
24 Bagley Street
St. Johnsbury, VT 05819
802-748-8732

CHITTENDEN
184 King Street
Burlington, VT 05401
802-864-1585

ESSEX
24 Bagley Street
St. Johnsbury, VT 05819
802-748-8732

FRANKLIN
5 Lemnah Drive
St. Albans, VT 05478
802-527-5560

GRAND ISLE
5 Lemnah Drive
St. Albans, VT 05478
802-527-5560

LAMOILLE
221 Main Street
PO Box 148
Hyde Park, VT 05655
802-888-5871

ORANGE
PO Box 58
Chelsea, VT 05038
802-685-3172

ORLEANS
273 Main Street, Suite 1
Newport, VT 05855
802-334-8224

RUTLAND
50 Center Street
Rutland, VT 05701
802-786-3840

WASHINGTON
322 North Main Street,
Suite 5
Barre, Vermont 05641
Phone: 802 479-1900

WINDHAM
32 Walnut Street
Brattleboro, VT 05302
802-257-0361

WINDSOR
211 North Main Street
PO Box 474
White River Jct, VT 05001
802-295-5078

NOTICE OF VIOLATION

You are being charged with a violation of law as indicated below.

_____ Minors Misrepresenting Age, Procuring, Possessing or Consuming Alcoholic Beverages (7 V.S.A. Section 656)

Complaint # _____

AND OR

_____ Marijuana Possession by a Person under 21 Years of Age, one ounce or less (18 V.S.A. Section 4230b)

Complaint # _____

1. As required by law, you must provide this officer with your correct name and address.
2. Within 15 DAYS, you must contact the County Diversion's Youth Substance Abuse Safety Program (YSASP) at the address or phone number circled to your left.
3. Do not send any money to pay any legal penalty at this time. There is a program fee required by the YSASP.
4. Until you have finished all conditions of the program, you must inform the YSASP office of any changes in your name or address.

If you contact the Youth Substance Abuse Program within 15 days and complete all conditions of the program, this violation will be voided and no penalty will be imposed.

If you fail to contact the Youth Substance Abuse Program within 15 days or fail to complete all conditions of the program, the ticket for this violation will be issued. At that time, you may contest the charge with the Judicial Bureau.

If the Judicial Bureau finds you in violation, you will have to pay a fine and your privilege to operate a motor vehicle in Vermont will be suspended. The cost of your car insurance may increase substantially. If you hold a license from another state, that state will revoke your privilege to operate a vehicle also.

You may have other tickets or citations. For example, if you were driving, you may have been given a ticket or criminal citation for operating a vehicle under the influence. Address your response to those tickets or citations to the Judicial Bureau or State's Attorney as explained on those documents.

Law Enforcement Officer Phone # Department Name

Date of violation _____