

Dear Sir,

I retired from the Vermont State Police and now work as a Truant Officer for the North Country Supervisory Union, Newport, VT. We have a functioning Truancy Board started by Keith Flynn when he was the Orleans County States Attorney. We have had success, in many cases, in getting students to attend school, however there are problems with the current system of dealing with Truant students at our current mandatory age of attendance (up to age 16).

The laws governing truancy are outdated. Currently if a student is truant they are referred to the Truant Board to try and provide any services that might be needed. This is after the school has done what they can to encourage attendance. With a variety of local agencies represented on the Board very often one, or more, of these agencies can assist the student and/or their family.

In those cases wherein the student just does not want to go to school and we've expended all of our options, it's referred to me. I have two options: A CHINS on the student and a criminal charge on the parents. There are issues with both.

A CHINS on the student. A CHINS is defined as a Child In Need of Care and Supervision, in this case it'll be for Educational Neglect (Title 33 Vermont Statutes Annotated section 5102 (3)(D)). A Truant Officer completes an affidavit which is sent to the States Attorney and the proceedings are held in the Family Court. The State presents it's case to the Judge explaining why DCF needs to be involved to encourage school attendance.

Here are the problems:

1. DCF does not view truancy CHINS as a priority. Prior to sending an affidavit to court I contact the DCF hotline number and report the student as truant. DCF has a policy that they will NOT get involved if there are fewer than 20 unexcused absences, not total absences. Even the 'excused' absences are often not substantiated with paperwork (i.e. Dr's note or some other documentation), but DCF will not count them.
2. In the cases where DCF has been ordered by the court to be involved, they will close the case as quickly as possible, most generally within a couple of months and definitely by the end of the school year. The process then has to start over the following year if truancy continues.
3. DCF will not get involved in children 16 years and over. Period.
4. The court process, from the submission of the affidavit up to the court hearing will take a couple of months, minimum. Just to give you an idea, the States Attorney requires paperwork two weeks before a hearing date. In a CHINS case they typically aren't scheduled, so the States Attorney will have to review the affidavit and schedule a hearing. By the time everything is in motion the school year is almost over.

The criminal charges on the parent/guardian, Educational Neglect T16VSA1127, is a set fine of \$1,000. Very often truant students come from poor families that cannot afford a fine. As a result the States Attorney will not file charges.

By increasing the mandatory school age, without modifying the truancy laws, will result in frustration for the school and teachers. The students, aged 16 and above, may or may not attend with no consequences. One common denominator I've witnessed is that parents of truant students just don't care about school attendance, and the students don't care.

I have, in the past, spoken with Rep. Michael Marcotte and Rep. Gary Viens about the issues relating to truancy. If the mandatory school age is raised, then the sanctions for students who choose not to attend must also be addressed, which means law changes.

I respectfully suggest a couple of ideas, which would not only streamline the Truancy Process, but hold students accountable. It's important to understand DCF will not change its policies, so trying to change CHINS would be a waste of time. This process works well with grade school students, who have several years before they are 16.

1. Students aged 16 and above- By the time a student is 16, they know everything (just ask them!) and their parents have little or no control of them. One thing that just about every student wants is a drivers license. Currently underage drinkers and smokers are given a Vermont Traffic Ticket with a fine attached. They do not pay the fine, but participate in a program run by a local agency, similar to Court Diversion. They pay a nominal fee, and enroll in the 'program'. The worker of this agency monitors the student and encourages attendance. Upon successful completion, the ticket is dismissed. The benefits are that the States Attorney and Courts are not tied up; A ticket (civil violation) can be issued by the Truancy Officer; The infrastructure is already in place for the underage drinking and smoking tickets; The student has a reason to attend school, failure=fine and/or loss of license. They can have set time for the student to be in the program. If a student successfully completes the program, but is truant again, then it is very easy to issue a ticket and start again. After X amount of repeat violations, then an affidavit can be submitted to court (as in underage drinking tickets).
2. Parents of Truant students can be issued a ticket for T16VSA1127. Since the penalty is a set fine, this just removes the burden from the States Attorney, Court, and the paperwork that has to be done by the truant officer.

This won't be 100% effective, but definitely better than what we have now. The bonus would be a streamlined process, freeing up the States Attorney and Court, and using a system that's already in place in every county. The money from tickets normally goes to either the General Fund or individual towns. Since these offenses are violation of the Education Law, why can't the money from any fines go into the Education Fund? Also there is a process in place