

1 Introduced by
2 Referred to Committee on
3 Date:
4 Subject: Education; attendance and discipline; chronic absenteeism; truancy
5 Statement of purpose of bill as introduced: This bill proposes to make
6 amendments to 16 V.S.A. chapter 25 to define chronic absenteeism and require
7 the Agency of Education to develop a model policy to address chronic
8 absenteeism

9 An act relating to addressing and preventing chronic absenteeism

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

11 * * * Chronic Absenteeism * * *

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

13 Subchapter 3. Compulsory Attendance

14 § 1120. DEFINITIONS

15 As used in this chapter:

16 (1) “Absence” means a student who is, for at least half the school day
17 when school is open, not physically on school grounds or who is not receiving
18 educational services or programming elsewhere pursuant to a program or plan
19 approved by the district.

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

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

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

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

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

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

17 (5) “Truancy” means a student who accumulates 20 or more unexcused
18 absences either within the same school year or within a district’s or approved
19 independent school’s last 175 consecutive student attendance days, regardless
20 of whether the absences were within the same school year.

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

6 § 1121. ATTENDANCE BY CHILDREN OF SCHOOL AGE REQUIRED

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

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

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

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

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

21 § 1122. STUDENTS UNDER 6 AND OVER 16 YEARS OF AGE

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

13 § 1123. ~~ATTENDANCE~~ SCHOOL ABSENCE MAY BE EXCUSED

14 (a) The superintendent of a public school or designee or the head of school
15 of an approved independent school or designee may excuse, ~~in writing,~~ ~~any~~
16 ~~student from attending the school for a definite time, but for not more than ten~~
17 ~~consecutive school days and only for emergencies or for absence from town a~~
18 student's absence for all or part of the school day for the following reasons:

19 (1) physical or mental illness of the student;

20 (2) family emergency or death in the family;

21 (3) quarantine in the home;

- 1 (4) student’s medical, dental, mental health, or substance use treatment
2 appointment;
- 3 (5) family observance of religious holidays;
- 4 (6) legal activities, such as a student’s court appearance;
- 5 (7) driving examinations;
- 6 (8) college or other postsecondary program visitations;
- 7 (9) legal or administrative proceedings related to the placement of the
8 student by the State;
- 9 (10) absences due to transitions in the student’s living situation as a
10 result of the student experiencing homelessness;
- 11 (11) pre-enlistment or deployment activities of the student or their
12 parent or legal guardian; or
- 13 (12) other reasons not specified in subdivisions (1) through (11) of this
14 subsection with approval of the Secretary.
- 15 ~~(b) The superintendent of an elementary school held for more than 175~~
16 ~~school days in a school year may excuse, in writing, a student of the school~~
17 ~~from attending more than 175 days or designee or the head of school for an~~
18 approved independent school or designee may excuse a student from
19 attendance for preplanned family commitments or activities of which the
20 school has been notified in advance. Preapproved absences shall not exceed 10
21 cumulative school days in each school year.

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

3 § 1124. RESPONSE TO CHRONIC ABSENTEEISM

4 (a) To minimize each student’s loss of educational and developmental
5 opportunities, and to ensure equity in the treatment of absenteeism and truancy
6 for all students and families, each school district and each approved
7 independent school shall develop, adopt, ensure the enforcement of, and make
8 available in the manner described under subdivision 563(1) of this title a policy
9 that is designed to prevent and respond to chronic absenteeism and truancy that
10 shall be at least as stringent as the model policy developed by the Agency.

11 Each superintendent and head of school of an approved independent school
12 shall develop and implement procedures to carry out such policies. The policy
13 shall be consistent with definitions in this chapter. A superintendent or a head
14 of school for an approved independent school shall also ensure that data on
15 student absences is collected and recorded in accordance with Agency of
16 Education requirements. Any school board or approved independent school
17 that fails to adopt a policy shall be presumed to have adopted the most current
18 model policy published by the Agency.

19 (b) The Agency of Education shall develop, and review at least annually, a
20 model policy on the prevention of chronic absenteeism and truancy. This
21 policy shall include a template for documentation of actions taken according to

1 the policy to address the absence, which shall constitute the truancy reporting
2 protocol. Each supervisory union, supervisory district, or approved
3 independent school’s policy shall meet or exceed requirements specified in the
4 Agency of Education’s model policy.

5 * * *

6 § 1126. FAILURE TO ATTEND; NOTICE

7 When a student between ~~the ages of~~ six and 16 years of age, who is not
8 ~~excused or~~ exempted from school attendance by one of the authorized
9 individuals in accordance with section 1121 of this chapter, fails to enter
10 school at the beginning of the academic year or, being enrolled, ~~fails to attend~~
11 ~~the school~~ accumulates 20 or more unexcused absences within either the same
12 school year or within the last 175 consecutive student attendance days, and
13 when a student who is under six years of age or at least 16 years of age
14 becomes enrolled in a public school in grades kindergarten through grade 12
15 and ~~fails to attend~~ accumulates 20 or more unexcused absences either within
16 the same school year or within the last 175 consecutive student attendance
17 days, the ~~teacher or~~ principal shall notify ~~the truant officer and either the~~
18 superintendent ~~or the school board~~, unless the teacher or principal is satisfied
19 ~~that the student is absent on account of illness~~. For Vermont resident students,
20 the head of school of an approved independent school or designee shall notify
21 the superintendent of the student’s district of residence. Upon review of the

1 truancy reporting protocol, the superintendent shall, if warranted, notify the
2 truant officer and Centralized Intake and Emergency Services of DCF Family
3 Services Division.

4 § 1127. NOTICE AND COMPLAINT BY TRUANT OFFICER; PENALTY

5 (a) The truant officer, upon receiving the notice and truancy reporting
6 protocol provided in section 1126 of this title, shall inquire into the cause of
7 the nonattendance of the child. ~~If he or she~~ the truant officer finds that the
8 ~~child is absent without cause~~ child's absences are not excusable under section
9 1123 of this chapter, the truant officer shall give written notice to the ~~person~~
10 ~~having the control of the child that the child is absent from school without~~
11 ~~cause and shall also notify that person to cause the child to attend school~~
12 ~~regularly thereafter~~ parent or guardian that they must comply with the
13 obligations of section 1122 of this chapter.

14 (b) ~~When, after receiving notice, a person fails, without legal excuse, to~~
15 ~~cause a child to attend school as required by this chapter, he or she shall be~~
16 ~~fined not more than \$1,000.00 pursuant to subsection (c) of this section~~ If the
17 parent or guardian continues to fail, without legal excuse, to cause a child to
18 attend school as required by this chapter after having received the written
19 notice required pursuant to subsection (a) of this section, the truant officer shall
20 enter a complaint to the State's Attorney of the count and shall provide a

1 statement of the evidence and truancy reporting protocol upon which the
2 complaint is based.

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

14 § 1128. ~~LEGAL PUPIL TAKEN TO SCHOOL; NONRESIDENT CHILD~~
15 ~~LIVING IN DISTRICT~~

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

1 assignments to a student who has been expelled, except that the school shall
2 provide educational access to the extent otherwise required by law.

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

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

7 (b) School boards and the governing bodies of approved independent
8 schools shall adopt and implement a chronic absenteeism policy as required by
9 16 V.S.A. § 1124 on or before July 1, 2028.

10 Sec. 4. REPEAL

11 16 V.S.A. § 1076 (penalties) is repealed.

12 Sec. 5. EFFECTIVE DATE

13 This act shall take effect on July 1, 2026.