

1 H.930

2 An act relating to addressing and preventing chronic absenteeism

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

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

5 Subchapter 3. Compulsory Attendance

6 § 1120. DEFINITIONS

7 As used in this chapter:

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

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

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

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

19 (3) “Excused absence” means an absence that is approved by the
20 superintendent or designee, or the head of school or designee for an approved
21 independent school, pursuant to section 1123 of this chapter, either before or

1 after the date or dates of the student’s absence. Excused absences shall include
2 days of in- or out-of-school suspension.

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

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

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

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

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

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

19 § 1121. ATTENDANCE BY CHILDREN OF SCHOOL AGE REQUIRED

20 ~~A person having the control~~ The parent or guardian of a child between ~~the~~
21 ~~ages of six and 16 years~~ of age shall cause the child to attend a public school,

1 an approved or recognized independent school, an approved education
2 program, or a home study program for the full number of days for which that
3 school is held, unless the child:

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

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

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

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

13 § 1122. STUDENTS UNDER 6 AND OVER 16 YEARS OF AGE

14 ~~A person having the control~~ The parent or guardian of a child who is under
15 six years of age or over 16 years of age who allows the child to become
16 ~~enrolled~~ enrolls the child in kindergarten through grade 12 in a public school or
17 approved independent school shall ~~cause~~ ensure that the child ~~to attend~~ attends
18 the school continually for the full number of ~~the~~ school days of the term in
19 which ~~he or she~~ the child is enrolled, ~~unless the child is mentally or physically~~
20 ~~unable to continue or is excused in writing by the superintendent or a majority~~
21 ~~of the school directors~~. In case of such enrollment, the ~~person and the teacher,~~

1 ~~child, the parent or guardian and the superintendent, and school directors or~~
2 designee or the head of school for an approved independent school or designee
3 shall be under the laws and subject to the penalties relating to the attendance of
4 children between ~~the ages of~~ six and 16 years of age.

5 § 1123. ATTENDANCE SCHOOL ABSENCE MAY BE EXCUSED

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

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

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

13 (3) quarantine in the home;

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

16 (5) family observance of religious holidays;

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

18 (7) driving examinations;

19 (8) college or other postsecondary program visitations;

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

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

3 (11) pre-enlistment or deployment activities of the student or the
4 student’s parent or legal guardian;

5 (12) incidents of hazing, harassment, or bullying; or

6 (13) other reasons not specified in subdivisions (1)–(12) of this
7 subsection with approval of the superintendent of a public school or designee
8 or the head of school of an approved independent school or designee.

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

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

18 § 1124. RESPONSE TO CHRONIC ABSENTEEISM

19 (a) The Agency of Education, in consultation with the Vermont School
20 Boards Association, Vermont Superintendents Association, the Vermont
21 Principals’ Association, the Vermont Independent Schools Association, and

1 the Vermont School Counselor Association, shall develop, and review at least
2 annually, a model policy on the prevention of chronic absenteeism and truancy,
3 which shall include specific provisions for how to address the absence of a
4 child with a disability, as that term is defined in subdivision 2942(1) of this
5 title, in accordance with applicable State and federal law, and which shall
6 include guidance that emphasizes the importance of tailored responses to all
7 students struggling with safety and emotional issues and shall emphasize
8 emotional, academic, and social support to facilitate a successful reintegration
9 for returning students. The policy shall include protocols to respond
10 effectively to bullying and harassment, acknowledging the unique aspects of
11 each case, including best practices for reentry into education spaces. This
12 policy shall include a template for documentation of actions taken according to
13 the policy to address the absence, which shall constitute the truancy reporting
14 protocol. The policy shall also include a template for standard documentation
15 to be provided to parents or guardians pursuant to section 1127 of this chapter.

16 (b) To minimize each student's loss of educational and developmental
17 opportunities, and to ensure equity in the treatment of absenteeism and truancy
18 for all students and families, each school district and each approved
19 independent school shall develop, adopt, ensure the enforcement of, and make
20 available in the manner described under subdivision 563(1) of this title a policy
21 that is designed to prevent and respond to chronic absenteeism and truancy that

1 shall be at least as stringent as the model policy developed by the Agency.
2 Each superintendent and head of school of an approved independent school
3 shall develop and implement procedures to carry out such policies. The policy
4 shall be consistent with definitions in this chapter. A superintendent or a head
5 of school for an approved independent school shall also ensure that data on
6 student absences is collected and recorded in accordance with Agency of
7 Education requirements. Any school board or approved independent school
8 that fails to adopt a policy shall be presumed to have adopted the most current
9 model policy published by the Agency.

10 * * *

11 § 1126. FAILURE TO ATTEND; NOTICE

12 When a student between ~~the ages of~~ six and 16 years of age, who is not
13 ~~excused or~~ exempted from school attendance by one of the authorized
14 individuals in accordance with section 1121 of this chapter, fails to enter
15 school at the beginning of the academic year or, being enrolled, ~~fails to attend~~
16 ~~the school~~ accumulates 20 or more unexcused absences within either the same
17 school year or within the last 175 consecutive student attendance days, and
18 when a student who is under six years of age or at least 16 years of age
19 becomes enrolled in a public school in kindergarten through grade 12 and ~~fails~~
20 ~~to attend~~ accumulates 20 or more unexcused absences either within the same
21 school year or within the last 175 consecutive student attendance days, the

1 ~~teacher or principal shall notify the truant officer and either the superintendent~~
2 ~~or the school board, unless the teacher or principal is satisfied that the student~~
3 ~~is absent on account of illness. For Vermont resident students, the head of~~
4 school of an approved independent school or designee shall notify the
5 superintendent of the student's district of residence. Upon review of the
6 truancy reporting protocol, the superintendent shall notify the truant officer and
7 Centralized Intake and Emergency Services of the Department for Children
8 and Families' Family Services Division.

9 § 1127. NOTICE AND COMPLAINT BY TRUANT OFFICER; PENALTY

10 (a) The truant officer, upon receiving the notice and truancy reporting
11 protocol provided in section 1126 of this title, shall inquire into the cause of
12 the nonattendance of the child. ~~If he or she~~ the truant officer finds that the
13 ~~child is absent without cause~~ child's absences are not excusable under section
14 1123 of this chapter, the truant officer shall give written notice to the ~~person~~
15 ~~having the control of the child that the child is absent from school without~~
16 ~~cause and shall also notify that person to cause the child to attend school~~
17 ~~regularly thereafter~~ parent or guardian that the parent or guardian must comply
18 with the obligations of section 1122 of this chapter.

19 (b) ~~When, after receiving notice, a person fails, without legal excuse, to~~
20 ~~cause a child to attend school as required by this chapter, he or she shall be~~
21 ~~fined not more than \$1,000.00 pursuant to subsection (c) of this section~~ If the

1 parent or guardian continues to fail, without legal excuse, to cause a child to
2 attend school as required by this chapter after having received the written
3 notice required pursuant to subsection (a) of this section, the truant officer shall
4 enter a complaint to the State's Attorney of the county and shall provide a
5 statement of the evidence and truancy reporting protocol upon which the
6 complaint is based.

7 (c) ~~The truant officer shall enter a complaint to the State's Attorney of the~~
8 ~~county and shall provide a statement of the evidence upon which the complaint~~
9 ~~is based.~~ The State's Attorney ~~shall~~ may prosecute the person or may file a
10 child in need of supervision petition in accordance with 33 V.S.A. § 5309. If a
11 criminal information is filed under this section, a person shall not be fined
12 more than \$1,000.00 if, after receiving notice, a person fails, without legal
13 excuse, to cause a child to attend school as required by this chapter. In ~~the~~ a
14 prosecution, the complaint, information, or indictment shall be deemed
15 sufficient if it states that the ~~respondent (naming the respondent) having the~~
16 ~~control of a child of school age~~ parent or guardian (specifying if the applicable
17 person is a parent or guardian and naming the person) of the child (naming the
18 child) neglects to send that child to a public school or an approved or
19 recognized independent school or a home study program as required by law.

1 § 1128. ~~LEGAL PUPIL TAKEN TO SCHOOL; NONRESIDENT CHILD~~
2 ~~LIVING IN DISTRICT~~

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

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

15 § 1129. JURISDICTION OF NONRESIDENTS

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

1 (c) School boards and the governing bodies of approved independent
2 schools shall adopt and implement a chronic absenteeism policy as required by
3 16 V.S.A. § 1124 on or before July 1, 2028.

4 Sec. 4. REPEAL

5 16 V.S.A. § 1076 (penalties) is repealed.

6 Sec. 5. HOME STUDY PROGRAM; ATTENDANCE REQUIREMENTS;

7 AGENCY OF EDUCATION RECOMMENDATIONS

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

13 Sec. 6. EFFECTIVE DATE

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