

1 TO THE HONORABLE SENATE:

2 The Committee on Education to which was referred House Bill No. 930
3 entitled “An act relating to addressing and preventing chronic absenteeism”
4 respectfully reports that it has considered the same and recommends that the
5 Senate propose to the House that the bill be amended by striking out all after
6 the enacting clause and inserting in lieu thereof the following:

7 **Sec. 1. FINDINGS**

8 **The General Assembly finds that:**

9 **(1) Chronic absenteeism is primarily an issue that should be addressed**
10 **through preventative, restorative, and assistance-based measures designed to**
11 **identify barriers to attendance and reconnect students with school. Schools**
12 **should respond to chronic absenteeism through written attendance support**
13 **plans, outreach to families, and appropriate academic, behavioral, and**
14 **community-based supports.**

15 **(2) Truancy is distinct from chronic absenteeism and constitutes a**
16 **student’s failure to comply with compulsory attendance requirements under**
17 **Vermont law. Truancy should serve as a legal enforcement mechanism only**
18 **after reasonable school-based interventions have been attempted and have not**
19 **resulted in improved attendance. Truancy proceedings should be reserved for**
20 **circumstances in which school-based interventions have not been successful**

1 and formal legal enforcement is necessary to ensure compliance with
2 compulsory attendance laws.

3 **Sec. 2. LEGSLATIVE INTENT**

4 It is the intent of the General Assembly that student attendance policies in
5 Vermont schools prioritize early identification, supportive intervention, and
6 meaningful family engagement in order to promote consistent school
7 attendance and student success.

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

9 Subchapter 3. Compulsory Attendance

10 § 1120. DEFINITIONS

11 As used in this chapter:

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

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

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

19 (2) “Chronic absenteeism” means a student who is absent for any reason
20 for 10 percent or more of a district’s or approved independent school’s student

1 attendance days within one school year, regardless of whether the absences are
2 considered excused or unexcused.

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

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

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

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

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

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

19 (6) “Unexcused absence” means any student absence that does not fit
20 one of the categories of excused absences. Failure of the parent or guardian to
21 provide justification for the absence if requested by the superintendent or the

1 head of school for an approved independent school shall also constitute an
2 unexcused absence.

3 § 1121. ATTENDANCE BY CHILDREN OF SCHOOL AGE REQUIRED

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

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

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

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

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

18 § 1122. STUDENTS UNDER 6 AND OVER 16 YEARS OF AGE

19 ~~A person having the control~~ The parent or guardian of a child who is under
20 six years of age or over 16 years of age who allows the child to become
21 ~~enrolled~~ enrolls the child in kindergarten through grade 12 in a public school or

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

10 **§ 1123. ATTENDANCE SCHOOL ABSENCE MAY BE EXCUSED**

11 (a) The In accordance with the chronic absenteeism and truancy policy
12 required pursuant to section 1124 of this chapter, the superintendent of a public
13 school or designee or the head of school of an approved independent school or
14 designee may:

15 (1) excuse, in writing, any student from attending the school for a
16 definite time, but for not more than ten consecutive school days and only for
17 emergencies or for absence from town a student's absence for all or part of the
18 school day;

19 (2) excuse a student from attendance for preplanned family
20 commitments or activities of which the school has been notified in advance;
21 and

1 (3) request justification for an absence.

2 (b) ~~The superintendent of an elementary school held for more than 175~~
3 ~~school days in a school year may excuse, in writing, a student of the school~~
4 ~~from attending more than 175 days. [Repealed.]~~

5 § 1124. RESPONSE TO CHRONIC ABSENTEEISM

6 (a) The Agency of Education, in consultation with the Vermont School
7 Boards Association, Vermont Superintendents Association, the Vermont
8 Principals' Association, the Vermont Independent Schools Association, the
9 Vermont School Counselor Association, and the National Association of
10 School Social Workers-Vermont shall develop, and review at least every three
11 years, a model policy on the prevention of chronic absenteeism and truancy.

12 (1) The model policy shall:

13 (A) provide guidance for the reasons a superintendent or designee or
14 head of school of an approved independent school or designee may excuse a
15 student's absence for all or part of the school day, including guidance
16 regarding absences for preplanned family commitments or activities of which
17 the school has been notified in advance;

18 (B) provide guidance for when a superintendent or designee or head
19 of school of an approved independent school or designee may request
20 justification for an absence; and

1 (C) provide guidance for how to address the absence of a child with a
2 disability, as that term is defined in subdivision 2942(1) of this title, in
3 accordance with applicable State and federal law; and

4 (D) consider the impact incidents of hazing, harassment, and bullying
5 may have on student attendance, including the importance of tailored responses
6 to all students struggling with safety and emotional issues that provide such
7 students with the emotional, academic, and social support to facilitate a
8 successful reintegration for returning students.

9 (2) This policy shall include a template for documentation of actions
10 taken according to the policy to address the absence, which shall constitute the
11 truancy reporting protocol. The policy shall also include a template for
12 standard documentation to be provided to parents or guardians pursuant to
13 section 1127 of this chapter.

14 (b) To minimize each student’s loss of educational and developmental
15 opportunities, and to ensure equity in the treatment of absenteeism and truancy
16 for all students and families, each school district and each approved
17 independent school shall develop, adopt, ensure the enforcement of, and make
18 available in the manner described under subdivision 563(1) of this title a policy
19 that is designed to prevent and respond to chronic absenteeism and truancy that
20 shall be at least as stringent as the model policy developed by the Agency.
21 Each superintendent and head of school of an approved independent school

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

8 * * *

9 § 1126. FAILURE TO ATTEND; NOTICE

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

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

7 § 1127. NOTICE AND COMPLAINT BY TRUANT OFFICER; PENALTY

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

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

1 notice required pursuant to subsection (a) of this section, the truant officer shall
2 enter a complaint to the State’s Attorney of the county and shall provide a
3 statement of the evidence and truancy reporting protocol upon which the
4 complaint is based.

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

18 § 1128. ~~LEGAL PUPIL TAKEN TO SCHOOL; NONRESIDENT CHILD~~
19 ~~LIVING IN DISTRICT~~

20 (a) ~~A superintendent may and the truant officer shall stop a child between~~
21 ~~the ages of six and 16 years or a child 16 years of age or over and enrolled in~~

1 ~~public school, wherever found during school hours, and shall, unless such child~~
2 ~~is excused or exempted from school attendance, take the child to the school~~
3 ~~that she or he should attend.~~

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

11 § 1129. JURISDICTION OF NONRESIDENTS

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

17 Sec. 4. 16 V.S.A. § 1162 is amended to read:

18 § 1162. SUSPENSION OR EXPULSION OF STUDENTS

19 * * *

20 (e) A public school or an approved independent school may provide access
21 to alternative education, such as tutoring, instructional materials, and

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

6 Sec. 5. PREVENTION OF CHRONIC ABSENTEEISM; AGENCY OF
7 EDUCATION POLICY; IMPLEMENTATION

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

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

15 (c) School boards and the governing bodies of approved independent
16 schools shall adopt and implement a chronic absenteeism policy as required by
17 16 V.S.A. § 1124 on or before July 1, 2028.

18 Sec. 6. REPEAL

19 16 V.S.A. § 1076 (penalties) is repealed.

1 Sec. 7. 16 V.S.A. § 166b is amended to read:

2 § 166b. HOME STUDY PROGRAM

3 (a) Enrollment notice. A parent or legal guardian shall send the Secretary
4 notice of intent to enroll the parent's or legal guardian's child in a home study
5 program at least 10 business days prior to commencing home study. Such
6 notice shall be submitted via a form developed by the Agency of Education. A
7 notice under this subsection shall include the following:

8 * * *

9 (5) An attestation that each child being enrolled in home study will be
10 provided the equivalent of at least 175 days of instruction in the minimum
11 course of study per year, ~~specifically~~. The instruction provided shall be
12 adapted in each of the minimum courses of study to the age and ability of each
13 child, as well as the disability of each child, as applicable. Nothing in this
14 section shall be construed to require a home study program to follow the
15 program or methods used by public schools. Specifically, the minimum course
16 of study per year means:

17 (A) for a child who is younger than 13 years of age, the subject areas
18 listed in section 906 of this title;

19 (B) for a child who is 13 years of age or older, the subject areas listed
20 in subdivisions 906(b)(1), (2), (4), and (5) of this title; or

1 notice is given or sent. The hearing shall be conducted by an impartial hearing
2 officer appointed by the Secretary from a list approved by the State Board. At
3 the request of the child's parent or guardian, the hearing officer shall conduct
4 the hearing at a location in the vicinity of the home study program.

5 (g) Order following hearing. After hearing evidence, the hearing officer
6 shall enter an order within 10 working days. The order shall provide that
7 enrollment be continued or that the enrollment be terminated. An order shall
8 take effect immediately. Unless the hearing officer provides for a shorter
9 period, an order terminating enrollment shall extend until the end of the
10 following school year, as defined in this title. If the order is to terminate the
11 enrollment, a copy shall be given to the appropriate superintendent of schools,
12 who shall take appropriate action to ensure that the child is enrolled in a school
13 as required by this title. Following a hearing, the Secretary may petition the
14 hearing officer to reopen the case only if there has been a material change in
15 circumstances.

16 * * *

17 Sec. 8. EFFECTIVE DATE

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

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(Committee vote: _____)

Senator _____

FOR THE COMMITTEE