

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 produce 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 ~~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 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 excuse, ~~in writing, any student from attending the school for a~~  
15 ~~definite time, but for not more than ten consecutive school days and only for~~  
16 ~~emergencies or for absence from town~~ a student's absence for all or part of the  
17 school day and may request justification for an absence.

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20 ~~from attending more than 175 days.~~ [Repealed.]

21 \* \* \*

1     § 1124. RESPONSE TO CHRONIC ABSENTEEISM

2           (a) The Agency of Education, in consultation with the Vermont School  
3     Boards Association, Vermont Superintendents Association, the Vermont  
4     Principals' Association, the Vermont Independent Schools Association, the  
5     Vermont School Counselor Association, the National Association of Social  
6     Workers, Vermont Chapter, the Department of State's Attorneys and Sheriffs,  
7     and the Department for Children and Families, Family Services Division, shall  
8     develop, and review at least every three years, a model policy on the  
9     prevention of chronic absenteeism and truancy.

10           (1) The model policy shall:

11           (A) provide guidance for the reasons a superintendent or designee or  
12     head of school of an approved independent school or designee may excuse a  
13     student's absence for all or part of the school day;

14           (B) provide guidance for when a superintendent or designee or head  
15     of school of an approved independent school or designee may request  
16     justification for an absence;

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

20           (D) consider the impact incidents of hazing, harassment, and bullying  
21     may have on student attendance, including the importance of tailored responses

1 to all students struggling with safety and emotional issues that provide such  
2 students with the emotional, academic, and social support to facilitate a  
3 successful reintegration for returning students.

4 (2) The Agency shall also develop model procedures to accompany the  
5 model policy, which shall include a template for documentation of actions  
6 taken according to the policy to address an absence, which shall constitute the  
7 truancy reporting protocol. The model procedures shall also include a template  
8 for standard documentation to be provided to parents or guardians pursuant to  
9 section 1127 of this chapter.

10 (b) To minimize each student’s loss of educational and developmental  
11 opportunities, and to ensure equity in the treatment of absenteeism and truancy  
12 for all students and families, each school district and each approved  
13 independent school shall develop, adopt, ensure the enforcement of, and make  
14 available in the manner described under subdivision 563(1) of this title a policy  
15 that is designed to prevent and respond to chronic absenteeism and truancy that  
16 shall be at least as stringent as the model policy developed by the Agency.  
17 Each superintendent and head of school of an approved independent school  
18 shall develop and implement procedures to carry out such policies. The policy  
19 shall be consistent with definitions in this chapter. A superintendent or a head  
20 of school for an approved independent school shall also ensure that data on  
21 student absences is collected and recorded in accordance with Agency of

1 Education requirements. Any school board or approved independent school  
2 that fails to adopt a policy shall be presumed to have adopted the most current  
3 model policy published by the Agency.

4 \* \* \*

5 § 1126. FAILURE TO ATTEND; NOTICE

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

1 Centralized Intake and Emergency Services of the Department for Children  
2 and Families' Family Services Division.

3 § 1127. NOTICE AND COMPLAINT BY TRUANT OFFICER; PENALTY

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

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

1           (c) ~~The truant officer shall enter a complaint to the State’s Attorney of the~~  
2           ~~county and shall provide a statement of the evidence upon which the complaint~~  
3           ~~is based.~~ The State’s Attorney ~~shall~~ may prosecute the person or may file a  
4           child in need of supervision petition in accordance with 33 V.S.A. § 5309. If a  
5           criminal information is filed under this section, a person shall not be fined  
6           more than \$1,000.00 if, after receiving notice, a person fails, without legal  
7           excuse, to cause a child to attend school as required by this chapter. In ~~the a~~ a  
8           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. 5. PREVENTION OF CHRONIC ABSENTEEISM; AGENCY OF  
4 EDUCATION POLICY; IMPLEMENTATION

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

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

12 (c) School boards and the governing bodies of approved independent  
13 schools shall adopt and implement a chronic absenteeism policy as required by  
14 16 V.S.A. § 1124 on or before July 1, 2028.

15 Sec. 6. REPEAL

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

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

18 § 166b. HOME STUDY PROGRAM

19 (a) Enrollment notice. A parent or legal guardian shall send the Secretary  
20 notice of intent to enroll the parent's or legal guardian's child in a home study  
21 program at least 10 business days prior to commencing home study. Such

1 notice shall be submitted via a form developed by the Agency of Education. A  
2 notice under this subsection shall include the following:

3 \* \* \*

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

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

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

16 (C) for students with documented disabilities, a parent or guardian  
17 must attest to providing adaptations to support the student in the home study  
18 program.

19 \* \* \*

20 (e) Hearings after enrollment. If the Secretary has information that  
21 reasonably could be expected to justify an order of termination under this

1 section, the Secretary may call a hearing. At the hearing, the Secretary shall  
2 establish one or more of the following:

3 (1) the home study program has substantially failed to comply with the  
4 requirements of this section;

5 (2) the home study program has substantially failed to provide a student  
6 with the minimum course of study;

7 (3) the home study program will not provide a student with the  
8 minimum course of study; or

9 (4) the home study program has failed to show progress commensurate  
10 with age and ability in the annual assessment maintained by the home study  
11 program.

12 (f) Notice and procedure. Notice of a hearing shall include a brief  
13 summary of the material facts and shall be sent to each parent or guardian and  
14 each instructor of the student or students involved who are known to the  
15 Secretary. The hearing shall occur within 30 days following the day that  
16 notice is given or sent. The hearing shall be conducted by an impartial hearing  
17 officer appointed by the Secretary from a list approved by the State Board. At  
18 the request of the child's parent or guardian, the hearing officer shall conduct  
19 the hearing at a location in the vicinity of the home study program.

20 (g) Order following hearing. After hearing evidence, the hearing officer  
21 shall enter an order within 10 working days. The order shall provide that

1 enrollment be continued or that the enrollment be terminated. An order shall  
2 take effect immediately. Unless the hearing officer provides for a shorter  
3 period, an order terminating enrollment shall extend until the end of the  
4 following school year, as defined in this title. If the order is to terminate the  
5 enrollment, a copy shall be given to the appropriate superintendent of schools,  
6 who shall take appropriate action to ensure that the child is enrolled in a school  
7 as required by this title. Following a hearing, the Secretary may petition the  
8 hearing officer to reopen the case only if there has been a material change in  
9 circumstances.

10 \* \* \*

11 **Sec. 8. HOME STUDY PROGRAM; ATTENDANCE REQUIREMENTS;**

12 **AGENCY OF EDUCATION RECOMMENDATIONS; REPORT**

13 On or before December 1, 2026, the Agency of Education shall submit a  
14 written report to the House and Senate Committees on Education with  
15 recommendations for updates to Vermont's home study program law to  
16 improve oversight of home study programs and to ensure home study  
17 participants' compliance with attendance requirements.

18 **Sec. 9. EFFECTIVE DATE**

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

20  
21

1 (Committee vote: \_\_\_\_\_)

2

\_\_\_\_\_

3

Senator \_\_\_\_\_

4

FOR THE COMMITTEE