

SECTION 13-28. TRUANCY/DISTURBING SCHOOLS.

SECTION 13-28A. TRUANCY. That no person who is legally registered as a student within the Swanton School District, any other established school or recognized educational program shall be absent from school and at large within the community during the lawfully established hours of the particular educational institution. Exception: This regulation shall not apply to any student whose educational plan calls for alternative schooling times or any student who is excused from school due to illness, physician appointments, family emergency, etc. by an authorized School District representative. Truancy is defined and governed by the following age descriptions:

- **Pupils Under Sixteen** – A person having the control of a child who allows such child to become enrolled in a public school, shall cause such child to attend such school continually for the full number of school days of the term in which s/he enrolled, unless the child is mentally or physically challenged and unable to continue or complete the tenth (10th) grade, or excused in writing from the Superintendent of Schools or a majority of the School Board. In case of such enrollment, such person, and the teacher, child, superintendent and school board shall under the laws and subject to the penalties relating to the attendance of children between the ages of six and sixteen years.
- **Pupils Over Sixteen** – A person having the control of a child over sixteen years of age who allows such child to become enrolled in a public school, shall cause such child to attend such school continually for the full number of school days of the term in which s/he is enrolled, unless the child is mentally or physically challenged and unable to continue or complete the tenth (10th) grade, or excused in writing from the Superintendent of Schools or a majority of the School Board. In case of such enrollment, such person, and the teacher, child, superintendent and school board shall be under the laws and subject to the penalties relating to the attendance of children over sixteen years of age.
- **Failure to attend; notice by teacher** – When a pupil between the ages of six and sixteen years, who is not excused or exempted from school attendance, fails to enter school at the beginning thereof, or being enrolled, fails to attend the same, and when a pupil who has become sixteen years of age and enrolls in a public school and fails to attend, the teacher or principal shall notify the superintendent or school board, and the designated truant officer, unless the teacher or principal is satisfied upon information that the pupil is absent on account of sickness.
- **Notice of Complaint; Penalty** – The truant officer, upon receiving the notice provided above, shall inquire into the cause of the non-attendance of the child. If the truant officer finds that the child is absent without cause, s/he shall give written notice to the person having the control of the child that the child is absent from school without cause, and s/he shall notify that person to cause the child to attend school regularly thereafter.
- **Failure to Comply** – When, after receiving such notice, a person fails, without legal excuse, to cause a child to attend school as required by this Section, such person shall be cited as provided by ordinance. Additionally, the truant office shall enter a complaint to the States Attorney and shall furnish him/her with a statement of evidence upon which the complaint is based, and the States Attorney shall prosecute the person. In the prosecution, the complaint, information or indictment shall be deemed sufficient if it states that the respondent having control of a child of school age, neglects to send that child to an approved public school or an approved or reporting private school or a home study program as required by law.

Penalties

Fine

Time frame

Title 16: Education

Chapter 25: Attendance and Discipline

1121. Attendance by children of school age required

§ 1121. Attendance by children of school age required

A person having the control of a child between the ages of six and 16 years shall cause the child to attend a public school, an approved or recognized independent school or a home study program for the full number of days for which that school is held, unless the child:

- (1) is mentally or physically unable so to attend; or
- (2) has completed the tenth grade; or
- (3) is excused by the superintendent or a majority of the school directors as provided in this chapter; or
- (4) is enrolled in and attending a postsecondary school, as defined in subdivision 176(b)(1) of this title, which is approved or accredited in Vermont or another state. (Amended 1965, No. 46, § 1, eff. May 5, 1965; 1967, No. 55; 1981, No. 151 (Adj. Sess.), § 2; 1987, No. 97, § 2, eff. June 23, 1987; 1989, No. 44, § 5, eff. June 1, 1990; 1999, No. 113 (Adj. Sess.), § 3.)

§ 1125. Truant officers

(a) A school board shall annually appoint one or more truant officers and record their appointments with the clerk of the school district on or before July 3. State police, sheriffs, deputy sheriffs, constables and police officers shall be truant officers ex officio.

(b) Truant officers shall receive remuneration for time actually spent in performance of their duties and shall be allowed their necessary expenses incurred in connection therewith. (Added 1969, No. 298 (Adj. Sess.), § 73.)

Title 16: Education

Chapter 25: Attendance and Discipline

1127. Notice and complaint by truant officer; penalty

§ 1127. Notice and complaint by truant officer; penalty

(a) The truant officer, upon receiving the notice provided in section 1126 of this title, shall forthwith inquire into the cause of the nonattendance of the child. If he finds that the child is

absent without cause, he shall give written notice to the person having the control of the child that the child is absent from school without cause, and he shall also notify that person to cause the child to attend school regularly thereafter.

(b) When, after receiving such notice, a person fails, without legal excuse, to cause a child to attend school as required by this chapter, he shall be fined not more than \$1,000.00.

(c) The truant officer shall forthwith enter a complaint to the town grand juror of the town in which such person resides, or to the state's attorney of the county, and shall furnish him with a statement of the evidence upon which the complaint is based, and the grand juror or state's attorney shall prosecute the person. In the prosecution, the complaint, information or indictment shall be deemed sufficient if it states that the respondent, (naming him) having the control of a child of school age, (naming him) neglects to send that child to an approved public school or an approved or reporting independent school or a home study program as required by law.

(Amended 1981, No. 151 (Adj. Sess.), § 3; 1987, No. 97, § 6, eff. June 23, 1987; 1991, No. 24, § 11.)