

**CONFIDENTIAL**  
**LEGISLATIVE BILL REVIEW FORM: 2016**

Bill Number: S 248 Name of Bill: An act relating to truancy and school discipline and student offense reporting requirements

Agency/Dept: DPS/VCIC Author of Bill Jeffrey Wallin  
Review: \_\_\_\_\_

Date of Bill Review: 1/6/2015 Related Bills and Key Players: \_\_\_\_\_

Status of Bill: (check one)

X Upon Introduction \_\_\_\_\_ As passed by 1<sup>st</sup> body \_\_\_\_\_ As passed by both bodies \_\_\_\_\_

Recommended Position:

\_\_\_\_\_ Support \_\_\_\_\_ Oppose \_\_\_\_\_ Remain Neutral X Support with modifications identified in # 8 below

**Analysis of Bill**

1. **Summary of bill and issue it addresses.** *Describe what the bill is intended to accomplish and why.*  
This bill proposes to increase the criminal penalty for failing to cause a child to attend school; require schools to report school conduct and discipline violations to the board of education; require law enforcement agencies to report to the Vermont Crime Information Center (VCIC) on the number and nature of student investigations; require the Attorney General to report to the VCIC on the number and nature of cases involving student offenses; and require the VCIC to provide such data to the public upon request.
2. **Is there a need for this bill?** *Please explain why or why not.*  
It is unknown at this time what the specific issue this bill is attempting to address. Due to the nature of demographic information being collected there may be a perception of formal school discipline being applied disproportionately to various demographic classes.
3. **What are likely to be the fiscal and programmatic implications of this bill for this Department?**  
In order for VCIC to collect and maintain separate data sets (both relating to school discipline) from the Attorney General and law enforcement agencies some sort of data warehouse would need to be created (unknown IT related expense). Additionally it can be expected that the Department would be required to develop policy and definitions in order for this data to be comparable across districts. For example, schools may utilize differing terminology for disciplinary actions. Such disparity may put the Department in the position of either collating these disparate definitions and making them available to the public or requiring the development of standard definitions (similar to the Uniform Crime Reporting program). While not specifically mentioned in the bill the potential for auditing requirements (for data accuracy and completeness) could also ultimately fall to the Department. These requirements are also likely to require dedicated staff resources and would require reducing oversight of other crime reporting statistics. While the language does allow the VCIC to bill for public requests it is unlikely the fees could be made high enough to offset all the costs without being prohibitive. The data provided from the Attorney General's Office (as noted) would be less problematic as the data would be coming to VCIC from a single source but may still require analysis, especially if compared with data provided by law enforcement agencies.  
The increased penalty for truancy would not have a significant impact on the VCIC.
4. **What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?**

Impacts, similar to those noted above (in item 3), may be felt by the Agency of Education and the Attorney General's Office. It is unknown how much (if any) of this data is already being collected by the various responsible parties but it can be expected that this would be viewed as an unfunded mandate if the requirements significantly exceed current data collection efforts.

**5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** (for example, public, municipalities, organizations, business, regulated entities, etc)

Impacts, similar to those noted above (in item 3), may be felt by school districts and the law enforcement agencies. It is unknown how much (if any) of this data is already being collected by the various responsible parties but it can be expected that this would be viewed as an unfunded mandate. Law enforcement agencies providing school resource officers may attempt to increase costs passed along to school districts to cover reporting and time related costs. Similarly, as there are no penalty provisions within the law, school districts and law enforcement agencies may decide not to comply with the requirements.

**6. Other Stakeholders:**

**6.1 Who else is likely to support the proposal and why?**

Civil liberties groups, student rights groups, etc. There may be a view that school discipline is handled in a discriminatory manner in Vermont.

**6.2 Who else is likely to oppose the proposal and why?**

Parent-Teacher Associations (PTAs) may oppose this as an unfunded mandate or state intrusion into local school issues.

**7. Rationale for recommendation:** *Justify recommendation stated above.*

Given the uncertainty around available resources and lack of standard definitions provided, the VCIC cannot support the bill as drafted.

**8. Specific modifications that would be needed to recommend support of this bill:** *Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.*

In order to adequately manage this process, dedicated financial resources (including staff funding) would need to be made available. Additionally, consideration for standard definitions (including the role of the Department) would need to be addressed.

**9. Will this bill create a new board or commission AND/OR add or remove appointees to an existing one? If so, which one and how many?**

Secretary/Commissioner has reviewed this document



Date: 2/1/16

**CONFIDENTIAL**  
**LEGISLATIVE BILL REVIEW FORM: 2016**

Bill Number: S. 248 Name of Bill: School Discipline-Truancy

Agency/Dept: DPS/VSP Author of Bill Sgt. Cory Lozier  
Review: \_\_\_\_\_

Date of Bill Review: January 27, 2016 Related Bills and Key Administrators/DCF/SA's  
Players: \_\_\_\_\_

Status of Bill: (check one)

X Upon Introduction \_\_\_\_\_ As passed by 1<sup>st</sup> body \_\_\_\_\_ As passed by both bodies

Recommended Position:

X Support \_\_\_\_\_ Oppose \_\_\_\_\_ Remain Neutral \_\_\_\_\_ Support with modifications identified in # 8  
below

**Analysis of Bill**

**1. Summary of bill and issue it addresses.**

This bill proposes to increase the criminal penalty for failing to cause a child to attend school, require schools to report school conduct and discipline violations to the Board of Education, require law enforcement agencies to report to the VCIC on the number and nature of student investigations, require the Attorney General to do the same reporting methods and provide the public these records upon request.

**2. Is there a need for this bill?**

Yes, I believe there is a need for this bill to hold parents accountable for not providing their children the proper education. With that being said, there has to be some sort of consequence for non-compliance, which this bill addresses.

**3. What are likely to be the fiscal and programmatic implications of this bill for this Department?**

Ensuring that parents responsible for children having unexcused absences actually pay the detailed fine in this bill, not more than \$2000.00. And if they don't, who enforces that and what are the consequences for nonpayment?

**4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?**

Only programmatic implications for other departments in state government would be the decision of which department enforces the discipline and payment of fines or the consequences of nonpayment. In speaking with **Franklin County State's Attorney Jim Hughes**, Hughes stated something to the effect of; "I agree with the purpose and the fine however most times, both go unprosecuted and/or unpaid. The problem is not with young children, everyone wants their children to get an education. The problem is with teenagers. They walk into school then directly out the back door. There is no institution like for example a school at Woodside, where students are FORCED to go if they refuse to attend school." Hughes also added that the age (16) to drop out of school is too low, Hughes believes this age should be raised to 17 or 18. In speaking with **DCF director Alix Gibson**, Gibson asked how would the payment be recouped

and who was responsible to ensure it was paid? Gibson stated that social workers used to be responsible for tracking down restitution however the process was very difficult and time consuming.

**5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?**

I believe this bill will be supported by all due to its nature. Education is very important in a child's upbringing and this bill holds those accountable for not complying. I spoke with **Assistant Special Education Director Franklin Central Supervisory Union Joanne Wells**. Wells is part of a Truancy Intervention Panel and has been working diligently on a new protocol.

**6. Other Stakeholders:**

**6.1 Who else is likely to support the proposal and why?** I believe parents, teachers, law enforcement, State's Attorneys, School Administration and family services (DCF) will all support this. Everyone wants the very best for all children and want their futures set up for success.

**6.2 Who else is likely to oppose the proposal and why?** I do not believe there will be anyone opposed to this proposal, only recommendations that best fit each individual stakeholder(s).

**7. Rationale for recommendation:** See below.

**8. Specific modifications that would be needed to recommend support of this bill:**

Upon speaking with **Joanne Wells, Assistant Special Education Director in the Franklin County Central Supervisory Union** as well as a member of the Truancy Intervention Panel, it was clear that she had the most knowledge and experience regarding this bill that I contacted. Wells is a supporter of the cause but believes more resources are needed to effectively deal with the problem, hold offenders accountable and reduce the number of students/parents committing truancy. Wells recommended the following was either needed or needed to change to truly reduce the number of truancy violations.

- a. The system needs full support from local law enforcement, district and city attorneys and the local court system.
- b. Some State's Attorneys only bring cases forward that had DCF involvement, and child protection issues (CHINS-D). **NEEDS TO CHANGE.**
- c. In addition, for cases to be referred to DCF by the schools, the student must also have been absent from school for a minimum of 20 consecutive days. **NEEDS TO CHANGE-(20) TOO HIGH.**
- d. The idea of a "truancy court", based on the success of the current "drug court" was introduced. The lack of resources, and cooperation of the current sitting judge resulted in this not being a viable alternative.

Wells ended by stating, "We need a responsive, collaborative legal system to pick up when our interventions are not effective. This has proven to be effective in Franklin County in the past, and it is effective in other communities in VT."

**9. Will this bill create a new board or commission AND/OR add or remove appointees to an existing one? If so, which one and how many?** It is believed that everything is already in place to support this bill.

Secretary/Commissioner has reviewed this document

A handwritten signature in blue ink, appearing to be "Jahala Dudley", is written over a faint, circular official seal.

Date: 2/1/16