

S.248

Introduced by Senator Sears

Referred to Committee on

Date:

Subject: School discipline

Statement of purpose of bill as introduced: 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 on the number and nature of student investigations; require the Attorney General to report to the Vermont Crime Information Center on the number and nature of cases involving student offenses; and require the Vermont Crime Information Center to provide such data to the public upon request.

An act relating to truancy and school discipline and student offense reporting requirements

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

Sec. 1. 16 V.S.A. § 1127 is amended to read:

§ 1127. NOTICE AND COMPLAINT BY TRUANT OFFICER; PENALTY

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

1 she finds that the child is absent without cause, the truant officer shall give
2 written notice to the person having the control of the child that the child is
3 absent from school without cause, and shall also notify that person to cause the
4 child to attend school regularly thereafter.

5 (b) When, after receiving notice, a person fails, without legal excuse, to
6 cause a child to attend school as required by this chapter, he or she shall be
7 fined not more than ~~\$1,000.00~~ \$2,000.00 pursuant to subsection (c) of this
8 section.

9 (c) The truant officer shall enter a complaint to the town grand juror of the
10 town in which ~~such~~ the person resides, or to the State's Attorney of the county,
11 and shall provide a statement of the evidence upon which the complaint is
12 based. The grand juror or State's Attorney shall prosecute the person. In the
13 prosecution, the complaint, information, or indictment shall be deemed
14 sufficient if it states that the respondent (naming the respondent) having the
15 control of a child of school age (naming the child) neglects to send that child to
16 a public school or an approved or recognized independent school or a home
17 study program as required by law.

18 Sec. 2. 16 V.S.A. § 1164 is added to read:

19 § 1164. DATA COLLECTION AND REPORTING

20 On or before January 1, 2017, the board of each school district in the State
21 shall develop rules governing the annual collection, analysis, and reporting of

1 data by each Vermont public and approved independent school in the State
2 regarding the learning environment of the school for that year. The board of
3 each school district annually shall compile the reports from every school in the
4 district and shall submit the compiled report to the State Board of Education in
5 a format specified by rule of the State Board. The compiled report shall be
6 made available to the general public. The report shall include the following
7 specific information for the preceding school year:

8 (1) the total enrollment for the school;

9 (2) the average daily attendance rate at the school, including the data
10 regarding failure to attend and trancies;

11 (3) dropout rates for grades seven through 12, if those grades are taught
12 at the school;

13 (4) available data related to school discipline, including:

14 (A) the total number of misconduct and disciplinary actions that
15 resulted in a student's exclusion from the classroom, including suspensions and
16 expulsions, both in-school and out-of-school;

17 (B) the total number of instances of expulsion and suspension in each
18 grade operated by the district;

19 (C) the total number of students in each grade operated by the district
20 who were expelled or suspended and the number of instances of expulsion or
21 suspension, or both, for each student;

1 (D) the duration of each instance of expulsion or suspension;

2 (E) the infraction for which each expulsion or suspension was
3 imposed;

4 (F) each instance of referral to local law enforcement authorities or to
5 the juvenile justice system; and

6 (G) every excluded student's age, gender, race or ethnicity, and
7 disability category, if any, for each instance of disciplinary exclusion;

8 (5) the average class size for each public elementary school, middle
9 school, or high school in the State calculated as the total number of students
10 enrolled in the school divided by the number of full-time teachers in the
11 school; and

12 (6) the school's policy concerning bullying prevention and education,
13 including information related to the development and implementation of any
14 bullying prevention programs.

15 Sec. 3. 16 V.S.A. § 1167 is amended to read:

16 § 1167. SCHOOL RESOURCE OFFICER; MEMORANDUM OF
17 UNDERSTANDING; NOTICE AND REPORTING
18 REQUIREMENTS

19 (a) Neither the State Board nor the Agency shall regulate the use of
20 restraint and seclusion on school property by a school resource officer certified
21 pursuant to 20 V.S.A. § 2358.

1 (b) School boards and law enforcement agencies are encouraged to enter
2 into memoranda of understanding relating to:

3 (1) the possession and use of weapons and devices by a school resource
4 officer on school property; and

5 (2) the nature and scope of assistance that a school resource officer will
6 provide to the school system.

7 (c) If a school resource officer or other law enforcement officer acting in
8 his or her official capacity on school grounds, in a school vehicle, or at a
9 school activity or sanctioned event arrests a student of the school, the officer
10 shall notify the principal of the school or his or her designee of the arrest
11 within 24 hours after the arrest.

12 (d) If a school resource officer or other law enforcement officer acting in
13 his or her official capacity on school grounds, in a school vehicle, or at a
14 school activity or sanctioned event issues a summons, ticket, or other notice
15 requiring the appearance of a student of the school in court or at a police
16 station for investigation relating to an offense allegedly committed on school
17 grounds, in a school vehicle, or at a school activity or sanctioned event, the
18 officer shall notify the principal of the school or his or her designee of the
19 issuance of the summons, ticket, or other notice within ten days after the
20 issuance of the summons, ticket, or other notice.

1 (e) On or before July 1, 2016, and annually on or before each July 1
2 thereafter, each law enforcement agency employing or contracting with any
3 law enforcement officer who is acting or has acted in his or her official
4 capacity on school grounds, in a school vehicle, or at a school activity or
5 sanctioned event shall report to the Vermont Crime Information Center, in
6 aggregate form without personal identifying information, data about the cases
7 handled by the agency on school grounds, in a school vehicle, or at a school
8 activity or sanctioned event. Each report shall include the following
9 information for that year:

10 (1) the number of students investigated by the officer for delinquent
11 offenses, including each type of delinquent offense the officer investigated and
12 the number of students investigated for each type of offense;

13 (2) the number of students arrested by the officer, including the offense
14 for which each arrest was made;

15 (3) the number of summonses or tickets issued by the officer to
16 students; and

17 (4) the age, gender, school, and race or ethnicity of each student arrested
18 by the officer or to whom the officer issued a summons, ticket, or other notice
19 requiring the appearance of the student in court or at a police station for
20 investigation relating to an offense allegedly committed on school grounds, in
21 a school vehicle, or at a school activity or sanctioned event.

1 Sec. 4. 3 V.S.A. § 163 is amended to read:

2 § 163. JUVENILE COURT DIVERSION PROJECT

3 * * *

4 (i) On or before July 1, 2016, and annually on or before each July 1
5 thereafter, the Attorney General or his or her designee shall report to the
6 Vermont Crime Information Center information about offenses alleged to have
7 been committed by a student that have occurred on the grounds of a Vermont
8 public or approved independent school, in a school vehicle, or at a school
9 activity or sanctioned event during that year. The report shall include the
10 following information:

11 (1) the number of offenses filed in court, including the total number of
12 each type of offense, the disposition of each case, and the age, gender, school,
13 and race or ethnicity of each student prosecuted by the Attorney General;

14 (2) the number of offenses that were referred to the Attorney General by
15 a law enforcement agency and were not filed in court, including the total
16 number of each type of offense; and

17 (3) the number of offenses for which the Attorney General referred an
18 offender to a juvenile diversion program, including the total number of each
19 type of offense.

1 Sec. 5. 20 V.S.A. § 2060 is amended to read:

2 § 2060. RELEASE OF RECORDS

3 (a) The ~~center~~ Center is authorized to release records or information
4 requested under 33 V.S.A. § 309 or 6914, 26 V.S.A. § 1353, 24 V.S.A. § 4010,
5 or 16 V.S.A. chapter 5, subchapter 4 of Title 16.

6 (b) The Center is authorized to release information reported to the Center
7 by law enforcement agencies pursuant to 16 V.S.A. § 1167 or by the Attorney
8 General pursuant to 3 V.S.A. § 163 to any member of the public upon request,
9 in a manner that does not include any identifying information regarding any
10 student. If the Center provides the information to a member of the public upon
11 request pursuant to this section, the Center may charge a fee to the person that
12 does not exceed the direct and indirect costs incurred by the Center in
13 providing the information.

14 Sec. 6. EFFECTIVE DATE

15 This act shall take effect on passage.