

AMENDMENTS TO LB464

Introduced by Ashford

1 1. Insert the following sections:

2 Sec. 9. Section 79-209, Revised Statutes Cumulative
3 Supplement, 2012, is amended to read:

4 79-209 (1) In all school districts in this state, any
5 superintendent, principal, teacher, or member of the school board
6 who knows of any violation of subsection (2) of section 79-201 ~~on~~
7 ~~the part of any child of school age,~~ his or her parent, the person
8 ~~in actual or legal control of such child,~~ or any other person shall
9 within three days report such violation to the attendance officer
10 of the school, who shall immediately investigate the case. When of
11 his or her personal knowledge, or by report or complaint from any
12 resident of the district, ~~or by report or complaint as provided~~
13 ~~in this section,~~ the attendance officer believes that any child is
14 unlawfully absent from school, there is a violation of subsection
15 (2) of section 79-201, the attendance officer shall immediately
16 investigate such alleged violation.

17 (2) All school ~~districts~~ boards shall have a written
18 policy on ~~excessive absenteeism~~ attendance developed and annually
19 reviewed in collaboration with the county attorney of the county
20 in which the principal office of the school district is located.
21 The policy shall include a provision indicating how the school
22 district ~~and the county attorney~~ will handle cases in which
23 excessive absences are due to documented illness. ~~that makes~~

1 ~~attendance impossible or impracticable,~~ and the The policy shall
2 also state the circumstances and number of absences or the hourly
3 equivalent upon the occurrence of which the school shall render
4 all services in its power to compel such child to attend some
5 public, private, denominational, or parochial school, which the
6 person having control of the child shall designate, in an attempt
7 to address the problem of excessive absenteeism. The number of
8 absences in the policy shall not exceed five days per quarter
9 or the hourly equivalent. School districts may use excused and
10 unexcused absences for purposes of the policy. to address barriers
11 to attendance. Such services shall include, but need not be limited
12 to:

13 (a) Verbal or written communication by school officials
14 with the person or persons who have legal or actual charge or
15 control of any child;

16 ~~(a)~~ (b) One or more meetings between, at a minimum,
17 a school attendance officer, a school social worker, a school
18 administrator or his or her designee, the person who has legal or
19 actual charge or control of the child, or the school principal or a
20 member of the school administrative staff designated by the school
21 administration if such school does not have a school social worker,
22 the child's parent or guardian, and the child, if necessary,
23 when appropriate, to report and to attempt to solve the problem
24 of excessive absenteeism; address the barriers to attendance.
25 The result of the meeting or meetings shall be to develop a
26 collaborative plan to reduce barriers identified to improve regular
27 attendance. The plan shall consider, but not be limited to:

1 (i) Illness related to physical or behavioral health of
2 the child;

3 (ii) Educational counseling;

4 (iii) Educational evaluation;

5 (iv) Referral to community agencies for economic
6 services;

7 (v) Family or individual counseling; and

8 (vi) Assisting the family in working with other community
9 services.

10 (3) The school may report to the county attorney of the
11 county in which the person resides when the school has documented
12 the efforts it has made as required by subsection (2) of this
13 section that the collaborative plan to reduce barriers identified
14 to improve regular attendance has not been successful and that the
15 child has been absent more than twenty days per year. The school
16 shall notify the child's family in writing prior to referring the
17 child to the county attorney. Failure by the school to document the
18 efforts required by subsection (2) of this section is a defense to
19 prosecution under section 79-201 and adjudication for educational
20 neglect under subdivision (3)(a) of section 43-247 and habitual
21 truancy under subdivision (3)(b) of section 43-247. Illness that
22 makes attendance impossible or impracticable shall not be the basis
23 for referral to the county attorney.

24 (b) Educational counseling to determine whether
25 curriculum changes, including, but not limited to, enrolling the
26 child in an alternative education program that meets the specific
27 educational and behavioral needs of the child, would help solve the

1 problem of excessive absenteeism;

2 (c) Educational evaluation, which may include a
3 psychological evaluation, to assist in determining the specific
4 condition, if any, contributing to the problem of excessive
5 absenteeism, supplemented by specific efforts by the school to help
6 remedy any condition diagnosed; and

7 (d) Investigation of the problem of excessive absenteeism
8 by the school social worker, or if such school does not have
9 a school social worker, by the school principal or a member
10 of the school administrative staff designated by the school
11 administration, to identify conditions which may be contributing to
12 the problem. If services for the child and his or her family are
13 determined to be needed, the school social worker or the school
14 principal or a member of the school administrative staff performing
15 the investigation shall meet with the parent or guardian and the
16 child to discuss any referral to appropriate community agencies
17 for economic services, family or individual counseling, or other
18 services required to remedy the conditions that are contributing to
19 the problem of excessive absenteeism.

20 (3) If the child is absent more than twenty days per
21 year or the hourly equivalent and all of the absences are
22 due to documented illness that makes attendance impossible or
23 impracticable or are otherwise excused by school authorities,
24 the attendance officer may report such information to the county
25 attorney of the county in which the person resides. If the
26 child is absent more than twenty days per year or the hourly
27 equivalent and any of such absences are not excused, the attendance

1 officer shall file a report with the county attorney of the
2 county in which the person resides on a form which includes
3 the following two statements, one of which must be designated
4 by the school representative signing the report: (a) The school
5 representative requests additional time to work with the student
6 prior to intervention by the county attorney, and (b) the school
7 representative believes that the school has used all reasonable
8 efforts to resolve the student's excessive absenteeism without
9 success and recommends county attorney intervention. If further
10 action is necessary to address the child's attendance, the initial
11 meeting between the parent or guardian of the child, the school,
12 and the county attorney or his or her designee shall be at a
13 location determined by the school.

14 (4) Nothing in this section shall preclude a county
15 attorney from being involved at any stage in the process to address
16 excessive absenteeism.

17 Sec. 10. Section 79-527.01, Revised Statutes Supplement,
18 2013, is amended to read:

19 79-527.01 (1)(a) The Truancy Intervention Task Force
20 Council on Student Attendance is created. The ~~task force~~ council
21 shall consist of:

22 (i) A member of a school board in any class of school
23 district to be appointed by the State Board of Education;

24 (ii) Two parents not related to each other who have
25 children attending school in this state to be appointed by the
26 State Board of Education;

27 (iii) A superintendent or his or her designee of a school

1 district to be appointed by the State Board of Education;

2 (iv) A student attending school in this state to be
3 appointed by the State Board of Education;

4 (v) A representative of a community or advocacy
5 organization to be appointed by the State Board of Education;

6 (vi) A county attorney to be appointed by the State Board
7 of Education;

8 ~~(a)~~ (vii) The probation administrator or his or her
9 designee;

10 ~~(b)~~ (viii) The Commissioner of Education or his or her
11 designee; and

12 ~~(c)~~ (ix) The chief executive officer of the Department of
13 Health and Human Services or his or her designee.

14 (b) The members of the council appointed by the State
15 Board of Education shall serve three-year staggered terms, as
16 designated by the board.

17 (c) The members of the council shall serve on the council
18 without any additional compensation, but they shall be entitled to
19 receive reimbursement for any actual expenses incurred as necessary
20 incident to such service as provided in sections 81-1174 to
21 81-1177.

22 (2) The ~~task force~~ council shall: ~~study~~

23 (a) Study and evaluate the data contained in the reports
24 required by subsection (2) of section 79-527; ~~and shall develop~~

25 (b) Develop recommendations to reduce incidents of
26 ~~excessive~~ absenteeism; ~~-~~

27 (c) Consider whether school district policies and

1 practices for addressing absenteeism are operational and
2 effectively working to address absenteeism and make recommendations
3 for improvements where necessary; and

4 (d) Review all school district policies developed under
5 subsection (2) of section 79-209 and make specific recommendations
6 for school district policy improvement.

7 The ~~task force~~ council may contact a school district or
8 a county attorney for additional information in order to carry
9 out its duties under this section. The ~~task force~~ shall report
10 electronically to the Legislature on or before October 1 of each
11 year.

12 (3) The council shall report on its activities
13 electronically to the Legislature on or before October 1 of each
14 year.

15 2. Renumber the remaining sections and correct the
16 internal references and repealer accordingly.