

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SECOND LEGISLATURE  
SECOND SESSION  
**LEGISLATIVE BILL 933**  
Final Reading

Introduced by Ashford, 20.

Read first time January 10, 2012

Committee: Judiciary

A BILL

1 FOR AN ACT relating to schools; to amend section 79-209, Revised  
2 Statutes Supplement, 2011; to change provisions relating  
3 to compulsory attendance; and to repeal the original  
4 section.  
5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 79-209, Revised Statutes Supplement,  
2   2011, is amended to read:

3           79-209 (1) In all school districts in this state, any  
4   superintendent, principal, teacher, or member of the school board who  
5   knows of any violation of section 79-201 on the part of any child of  
6   school age, his or her parent, the person in actual or legal control  
7   of such child, or any other person shall within three days report  
8   such violation to the attendance officer of the school, who shall  
9   investigate the case. When of his or her personal knowledge, by  
10   report or complaint from any resident of the district, or by report  
11   or complaint as provided in this section, the attendance officer  
12   believes that any child is unlawfully absent from school, the  
13   attendance officer shall immediately investigate.

14           (2) All school districts shall have a written policy on  
15   excessive absenteeism developed in collaboration with the county  
16   attorney of the county in which the principal office of the school  
17   district is located. The policy shall include a provision indicating  
18   how the school district and the county attorney will handle cases in  
19   which excessive absences are due to documented illness that makes  
20   attendance impossible or impracticable, and the policy shall state  
21   the number of absences or the hourly equivalent upon the occurrence  
22   of which the school shall render all services in its power to compel  
23   such child to attend some public, private, denominational, or  
24   parochial school, which the person having control of the child shall  
25   designate, in an attempt to address the problem of excessive

1 absenteeism. The number of absences in the policy shall not exceed  
2 five days per quarter or the hourly equivalent. School districts may  
3 use excused and unexcused absences for purposes of the policy. Such  
4 services shall include, but need not be limited to:

5 ~~(1)~~ (a) One or more meetings between a school attendance  
6 officer, school social worker or the school principal or a member of  
7 the school administrative staff designated by the school  
8 administration if such school does not have a school social worker,  
9 the child's parent or guardian, and the child, if necessary, to  
10 report and to attempt to solve the problem of excessive absenteeism;

11 ~~(2)~~ (b) Educational counseling to determine whether  
12 curriculum changes, including, but not limited to, enrolling the  
13 child in an alternative education program that meets the specific  
14 educational and behavioral needs of the child, would help solve the  
15 problem of excessive absenteeism;

16 ~~(3)~~ (c) Educational evaluation, which may include a  
17 psychological evaluation, to assist in determining the specific  
18 condition, if any, contributing to the problem of excessive  
19 absenteeism, supplemented by specific efforts by the school to help  
20 remedy any condition diagnosed; and

21 ~~(4)~~ (d) Investigation of the problem of excessive  
22 absenteeism by the school social worker, or if such school does not  
23 have a school social worker, by the school principal or a member of  
24 the school administrative staff designated by the school  
25 administration, to identify conditions which may be contributing to

1 the problem. If services for the child and his or her family are  
2 determined to be needed, the school social worker or the school  
3 principal or a member of the school administrative staff performing  
4 the investigation shall meet with the parent or guardian and the  
5 child to discuss any referral to appropriate community agencies for  
6 economic services, family or individual counseling, or other services  
7 required to remedy the conditions that are contributing to the  
8 problem of excessive absenteeism.

9 (3) If the child is absent more than twenty days per year  
10 or the hourly equivalent and all of the absences are due to  
11 documented illness that makes attendance impossible or impracticable  
12 or are otherwise excused by school authorities, the attendance  
13 officer may report such information to the county attorney of the  
14 county in which the person resides. If the child is absent more than  
15 twenty days per year or the hourly equivalent and any of such  
16 absences are not excused, the attendance officer shall file a report  
17 with the county attorney of the county in which the person resides on  
18 a form which includes the following two statements, one of which must  
19 be designated by the school representative signing the report: (a)  
20 The school representative requests additional time to work with the  
21 student prior to intervention by the county attorney; and (b) the  
22 school representative believes that the school has used all  
23 reasonable efforts to resolve the student's excessive absenteeism  
24 without success and recommends county attorney intervention. If  
25 further action is necessary to address the child's attendance, the

1 initial meeting between the parent or guardian of the child, the  
2 school, and the county attorney or his or her designee shall be at a  
3 location determined by the school.

4 ~~If the child is absent more than twenty days per year or~~  
5 ~~the hourly equivalent, the attendance officer shall file a report~~  
6 ~~with the county attorney of the county in which such person resides.~~  
7 ~~The county attorney may file a complaint against a person violating~~  
8 ~~section 79-201 before the judge of the county court of the county in~~  
9 ~~which such person resides charging such person with violation of~~  
10 ~~section 79-201 or may file a petition under the Nebraska Juvenile~~  
11 ~~Code alleging the person violating section 79-201 is a juvenile~~  
12 ~~described in subdivision (3)(a) or (3)(b) of section 43-247.~~

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

16 Sec. 2. Original section 79-209, Revised Statutes  
17 Supplement, 2011, is repealed.