

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 996
Final Reading

Introduced by Wightman, 36; Mello, 5; Nordquist, 7.

Read first time January 17, 2012

Committee: Education

A BILL

1 FOR AN ACT relating to schools; to amend section 79-201, Revised
2 Statutes Cumulative Supplement, 2010; to change
3 provisions relating to compulsory attendance; to provide
4 procedures for withdrawing certain students from school;
5 and to repeal the original section.

6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-201, Revised Statutes Cumulative
2 Supplement, 2010, is amended to read:

3 79-201 (1) For purposes of this section, a child is of
4 mandatory attendance age if the child (a) will reach six years of age
5 prior to January 1 of the then-current school year and (b) has not
6 reached eighteen years of age.

7 (2) Except as provided in subsection (3) of this section,
8 every person residing in a school district within the State of
9 Nebraska who has legal or actual charge or control of any child who
10 is of mandatory attendance age or is enrolled in a public school
11 shall cause such child to enroll in, if such child is not enrolled,
12 and attend regularly a public, private, denominational, or parochial
13 day school which meets the requirements for legal operation
14 prescribed in Chapter 79, or a school which elects pursuant to
15 section 79-1601 not to meet accreditation or approval requirements,
16 each day that such school is open and in session, except when excused
17 by school authorities or when illness or severe weather conditions
18 make attendance impossible or impracticable.

19 (3) Subsection (2) of this section does not apply in the
20 case of any child who:

21 (a) Has obtained a high school diploma by meeting the
22 graduation requirements established in section 79-729;

23 (b) Has completed the program of instruction offered by a
24 school which elects pursuant to section 79-1601 not to meet
25 accreditation or approval requirements;

1 ~~(c) Has reached the age of sixteen years and such child's~~
2 ~~parent or guardian has signed a notarized release discontinuing the~~
3 ~~enrollment of the child on a form provided by the school;~~

4 (c) Has reached sixteen years of age and has been
5 withdrawn from school pursuant to section 2 of this act;

6 (d)(i) Will reach six years of age prior to January 1 of
7 the then-current school year, but will not reach seven years of age
8 prior to January 1 of such school year, (ii) such child's parent or
9 guardian has signed an affidavit stating that the child is
10 participating in an education program that the parent or guardian
11 believes will prepare the child to enter grade one for the following
12 school year, and (iii) such affidavit has been filed by the parent or
13 guardian with the school district in which the child resides;

14 (e)(i) Will reach six years of age prior to January 1 of
15 the then-current school year but has not reached seven years of age,
16 (ii) such child's parent or guardian has signed an affidavit stating
17 that the parent or guardian intends for the child to participate in a
18 school which has elected or will elect pursuant to section 79-1601
19 not to meet accreditation or approval requirements and the parent or
20 guardian intends to provide the Commissioner of Education with a
21 statement pursuant to subsection (3) of section 79-1601 on or before
22 the child's seventh birthday, and (iii) such affidavit has been filed
23 by the parent or guardian with the school district in which the child
24 resides; or

25 (f) Will not reach six years of age prior to January 1 of

1 the then-current school year and such child was enrolled in a public
2 school and has discontinued the enrollment according to the policy of
3 the school board adopted pursuant to subsection (4) of this section.

4 (4) The board shall adopt policies allowing
5 discontinuation of the enrollment of students who will not reach six
6 years of age prior to January 1 of the then-current school year and
7 specifying the procedures therefor.

8 (5) Each school district that is a member of a learning
9 community shall report to the learning community coordinating council
10 on or before September 1 of each year for the immediately preceding
11 school year the following information:

12 (a) All reports of violations of this section made to the
13 attendance officer of any school in the district pursuant to section
14 79-209;

15 (b) The results of all investigations conducted pursuant
16 to section 79-209, including the attendance record that is the
17 subject of the investigation and a list of services rendered in the
18 case;

19 (c) The district's policy on excessive absenteeism; and

20 (d) Records of all notices served and reports filed
21 pursuant to section 79-209 and the district's policy on habitual
22 truancy.

23 Sec. 2. (1) A person who has legal or actual charge or
24 control of a child who is at least sixteen years of age but less than
25 eighteen years of age may withdraw such child from school before

1 graduation and be exempt from the mandatory attendance requirements
2 of section 79-201 if an exit interview is conducted and the
3 withdrawal form is signed as required by subsections (2) through (5)
4 of this section for a child enrolled in a public, private,
5 denominational, or parochial school or if a signed notarized release
6 form is filed with the Commissioner of Education as required by
7 subsection (6) of this section for a child enrolled in a school that
8 elects pursuant to section 79-1601 not to meet accreditation or
9 approval requirements.

10 (2) Upon the written request of any person who has legal
11 or actual charge or control of a child who is at least sixteen years
12 of age but less than eighteen years of age, the superintendent of a
13 school district or the superintendent's designee shall conduct an
14 exit interview if the child (a) is enrolled in a school operated by
15 the school district or (b) resides in the school district and is
16 enrolled in a private, denominational, or parochial school.

17 (3) The superintendent or the superintendent's designee
18 shall set the time and place for the exit interview which shall be
19 personally attended by: (a) The child, unless the withdrawal is being
20 requested due to an illness of the child making attendance at the
21 exit interview impossible or impracticable; (b) the person who has
22 legal or actual charge or control of the child who requested the exit
23 interview; (c) the superintendent or the superintendent's designee;
24 (d) the child's principal or the principal's designee if the child at
25 the time of the exit interview is enrolled in a school operated by

1 the school district; and (e) any other person requested by any of the
2 required parties who agrees to attend the exit interview and is
3 available at the time designated for the exit interview which may
4 include, but need not be limited to, other school district personnel
5 or the child's principal or such principal's designee if the child is
6 enrolled in a private, denominational, or parochial school.

7 (4) At the exit interview, the person making the written
8 request pursuant to subsection (2) of this section shall present
9 evidence that (a) the person has legal or actual charge or control of
10 the child and (b) the child would be withdrawing due to either (i)
11 financial hardships requiring the child to be employed to support the
12 child's family or one or more dependents of the child or (ii) an
13 illness of the child making attendance impossible or impracticable.
14 The superintendent or superintendent's designee shall identify all
15 known alternative educational opportunities, including vocational
16 courses of study, that are available to the child in the school
17 district and how withdrawing from school is likely to reduce
18 potential future earnings for the child and increase the likelihood
19 of the child being unemployed in the future. Any other relevant
20 information may be presented and discussed by any of the parties in
21 attendance.

22 (5)(a) At the conclusion of the exit interview, the
23 person making the written request pursuant to subsection (2) of this
24 section may sign the withdrawal form provided by the school district
25 agreeing to the withdrawal of the child or may rescind the written

1 request for the withdrawal.

2 (b) Any withdrawal form signed by the person making the
3 written request pursuant to subsection (2) of this section shall be
4 valid only if (i) the child signs the form unless the withdrawal is
5 being requested due to an illness of the child making attendance at
6 the exit interview impossible or impracticable and (ii) the
7 superintendent or superintendent's designee signs the form
8 acknowledging that the interview was held, the required information
9 was provided and discussed at the interview, and, in the opinion of
10 the superintendent or the superintendent's designee, the person
11 making the written request pursuant to subsection (2) of this section
12 does in fact have legal or actual charge or control of the child and
13 the child is experiencing either (A) financial hardships requiring
14 the child to be employed to support the child's family or one or more
15 dependents of the child or (B) an illness making attendance
16 impossible or impracticable.

17 (6) A person who has legal or actual charge or control of
18 the child who is at least sixteen years of age but less than eighteen
19 years of age may withdraw such a child before graduation and be
20 exempt from the mandatory attendance requirements of section 79-201
21 if such child has been enrolled in a school that elects pursuant to
22 section 79-1601 not to meet the accreditation or approval
23 requirements by filing with the State Department of Education a
24 signed notarized release on a form prescribed by the Commissioner of
25 Education.

1 (7) A child who has been withdrawn from school pursuant
2 to this section may enroll in a school district at a later date as
3 provided in section 79-215 or may enroll in a private,
4 denominational, or parochial school or a school which elects pursuant
5 to section 79-1601 not to meet accreditation or approval
6 requirements. Any such enrollment shall void the withdrawal form
7 previously entered, and the provisions of sections 79-201 to 79-210
8 shall apply to the child.

9 (8) The Commissioner of Education shall prescribe the
10 required form for withdrawals pursuant to this section and determine
11 and direct either that (a) withdrawal forms of school districts for
12 any child who is withdrawn from school pursuant to this section and
13 subdivision (3)(c) of section 79-201 shall be provided annually to
14 the State Department of Education or (b) data regarding such students
15 shall be collected under subsection (2) of section 79-528.

16 Sec. 3. Original section 79-201, Revised Statutes
17 Cumulative Supplement, 2010, is repealed.