

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 933

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

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

9 If the child is absent more than twenty days per year or
10 the hourly equivalent, the ~~attendance officer shall file a report~~
11 school district shall review the case with the county attorney of the
12 county in which such person resides, and they shall determine if any
13 further action is necessary to get the child to attend school
14 regularly. If the school district and the county attorney determine
15 that further action is necessary to address the child's attendance,
16 there shall be a meeting between the parents of the child, the
17 school, and the county attorney or his or her designee at a location
18 determined by the school. ~~The county attorney may file a complaint~~
19 ~~against a person violating section 79-201 before the judge of the~~
20 ~~county court of the county in which such person resides charging such~~
21 ~~person with violation of section 79-201 or may file a petition under~~
22 ~~the Nebraska Juvenile Code alleging the person violating section~~
23 ~~79-201 is a juvenile described in subdivision (3)(a) or (3)(b) of~~
24 ~~section 43-247.~~ Nothing in this section shall preclude a county
25 attorney from being involved at any stage in the process to address

1 excessive absenteeism.

2 Sec. 2. Original section 79-209, Revised Statutes

3 Supplement, 2011, is repealed.