

LEGISLATIVE BILL 933

Approved by the Governor April 6, 2012

Introduced by Ashford, 20.

FOR AN ACT relating to schools; to amend section 79-209, Revised Statutes Supplement, 2011; to change provisions relating to compulsory attendance; and to repeal the original section.

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

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

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

(2) All school districts shall have a written policy on excessive absenteeism developed in collaboration with the county attorney of the county in which the principal office of the school district is located. The policy shall include a provision indicating how the school district and the county attorney will handle cases in which excessive absences are due to documented illness that makes attendance impossible or impracticable, and the policy shall state the number of absences or the hourly equivalent upon the occurrence of which the school shall render all services in its power to compel such child to attend some public, private, denominational, or parochial school, which the person having control of the child shall designate, in an attempt to address the problem of excessive absenteeism. The number of absences in the policy shall not exceed five days per quarter or the hourly equivalent. School districts may use excused and unexcused absences for purposes of the policy. Such services shall include, but need not be limited to:

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

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

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

~~(4)~~ (d) Investigation of the problem of excessive absenteeism by the school social worker, or if such school does not have a school social worker, by the school principal or a member of the school administrative staff designated by the school administration, to identify conditions which may be contributing to the problem. If services for the child and his or her family are determined to be needed, the school social worker or the school principal or a member of the school administrative staff performing the investigation shall meet with the parent or guardian and the child to discuss any referral to appropriate community agencies for economic services, family or individual counseling, or other services required to remedy the conditions that are contributing to the problem of excessive absenteeism.

(3) If the child is absent more than twenty days per year or the hourly equivalent and all of the absences are due to documented illness that makes attendance impossible or impracticable or are otherwise excused by school authorities, the attendance officer may report such information to the county attorney of the county in which the person resides. If the child is absent more than twenty days per year or the hourly equivalent and any of such absences are not excused, the attendance officer shall file a report with the county attorney of the county in which the person resides on a form which includes the following two statements, one of which must be designated

by the school representative signing the report: (a) The school representative requests additional time to work with the student prior to intervention by the county attorney; and (b) the school representative believes that the school has used all reasonable efforts to resolve the student's excessive absenteeism without success and recommends county attorney intervention. If further action is necessary to address the child's attendance, the initial meeting between the parent or guardian of the child, the school, and the county attorney or his or her designee shall be at a location determined by the school.

~~If the child is absent more than twenty days per year or the hourly equivalent, the attendance officer shall file a report with the county attorney of the county in which such person resides. The county attorney may file a complaint against a person violating section 79-201 before the judge of the county court of the county in which such person resides charging such person with violation of section 79-201 or may file a petition under the Nebraska Juvenile Code alleging the person violating section 79-201 is a juvenile described in subdivision (3)(a) or (3)(b) of section 43-247.~~(4) Nothing in this section shall preclude a county attorney from being involved at any stage in the process to address excessive absenteeism.

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