

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1146

Introduced by Conrad, 46.

Read first time January 20, 2026

Committee: Education

- 1 A BILL FOR AN ACT relating to education; to amend section 79-209, Reissue
- 2 Revised Statutes of Nebraska; to change provisions relating to
- 3 reports by a school district to a county attorney relating to
- 4 absences of a child from school; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 79-209, Reissue Revised Statutes of Nebraska, is
2 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 subsection (2) of section 79-201 shall within
6 three days report such violation to the attendance officer of the school,
7 who shall immediately investigate the case. When of his or her personal
8 knowledge or by report or complaint from any resident of the district,
9 the attendance officer believes that there is a violation of subsection
10 (2) of section 79-201, the attendance officer shall immediately
11 investigate such alleged violation.

12 (2) All school boards shall have a written policy on attendance
13 developed and annually reviewed in collaboration with the county attorney
14 of the county in which the principal office of the school district is
15 located. The policy shall include a provision indicating how the school
16 district will handle cases in which excessive absences are due to
17 illness. The policy shall also state the circumstances and number of
18 absences or the hourly equivalent upon which the school shall render all
19 services to address barriers to attendance. Such services shall be
20 provided upon twenty days of absence, and shall include, but not be
21 limited to:

22 (a) Written communication by school officials with the person or
23 persons who have legal or actual charge or control of any child; and

24 (b) One or more meetings between, at a minimum, a school attendance
25 officer, a school social worker, or a school administrator or his or her
26 designee, the person who has legal or actual charge or control of the
27 child, the person who is responsible for making educational decisions on
28 behalf of the child if that person is someone other than the person who
29 has legal or actual charge or control of the child, and the child, when
30 appropriate, to address the barriers to attendance. The result of the
31 meeting or meetings shall be to develop a collaborative plan to reduce

1 barriers identified to improve regular attendance. The plan shall
2 include, if agreed to by the person who is responsible for making
3 educational decisions on behalf of the child, an educational evaluation
4 to determine whether any intellectual, academic, physical, or social-
5 emotional barriers are contributing factors to the lack of attendance.
6 The plan shall also consider, but not be limited to:

- 7 (i) The physical, mental, or behavioral health of the child;
8 (ii) Educational counseling;
9 (iii) Referral to community agencies for economic services;
10 (iv) Family or individual counseling;
11 (v) Assisting the family in working with other community services;
12 and

13 (vi) Referral to restorative justice practices or services.

14 ~~(3)(a) (3)~~ The school may report to the county attorney of the
15 county in which the person resides when the school has documented the
16 efforts it has made as required by subsection (2) of this section that
17 the collaborative plan to reduce barriers identified to improve regular
18 attendance has not been successful and that the child has accrued twenty
19 days or more of unexcused absences during the school year. The following
20 shall not be considered unexcused absences:

21 (i) Absences excused by a parent, guardian, or educational
22 decisionmaker as defined in section 79-530 of the child for physical or
23 mental illness; or been absent more than twenty days per school year.

24 (ii) Absences:

25 (A) By pregnant or parenting students that are in accordance with a
26 policy developed pursuant to section 79-2,151; or

27 (B) By students (I) who have an individualized family service plan,
28 (II) who have an individualized education program under the federal
29 Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq.,
30 (III) receiving special accommodations or services under section 504 of
31 the federal Rehabilitation Act of 1973, 29 U.S.C. 794, (IV) receiving

1 special education as defined in section 79-1125, or (V) who are eligible
2 for services under the McKinney-Vento Homeless Assistance Act, 42 U.S.C.
3 1141 et seq., specifically the Education for Homeless Children and Youth
4 program, if such absences are related to any such plan, services, special
5 education, or program.

6 (b) The school shall notify the child's family in writing prior to
7 referring the child to the county attorney. Failure by the school to
8 document the efforts required by subsection (2) of this section is a
9 defense to prosecution under section 79-201 and to adjudication under
10 subdivision (3)(a) or (3)(b) of section 43-247 based upon such absences.
11 Illness that makes attendance impossible or impracticable shall not be
12 the basis for referral to the county attorney.

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

16 **Sec. 2.** Original section 79-209, Reissue Revised Statutes of
17 Nebraska, is repealed.