

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1029

FINAL READING

Introduced by Conrad, 46.

Read first time January 05, 2024

Committee: Education

- 1 A BILL FOR AN ACT relating to education; to amend section 79-201, Reissue
- 2 Revised Statutes of Nebraska; to change provisions relating to
- 3 compulsory attendance relating to illness; and to repeal the
- 4 original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-201, Reissue Revised Statutes of Nebraska, is
2 amended to read:

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

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

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

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

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

26 (c) Has reached sixteen years of age and has been withdrawn from
27 school pursuant to section 79-202;

28 (d)(i) Will reach six years of age prior to January 1 of the then-
29 current school year, but will not reach seven years of age prior to
30 January 1 of such school year, (ii) such child's parent or guardian has
31 signed an affidavit stating that the child is participating in an

1 education program that the parent or guardian believes will prepare the
2 child to enter grade one for the following school year, and (iii) such
3 affidavit has been filed by the parent or guardian with the school
4 district in which the child resides;

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

15 (f) Will not reach six years of age prior to January 1 of the then-
16 current school year and such child was enrolled in a public school and
17 has discontinued the enrollment according to the policy of the school
18 board adopted pursuant to subsection (4) of this section.

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

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

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

29 (b) The results of all investigations conducted pursuant to section
30 79-209, including the attendance record that is the subject of the
31 investigation and a list of services rendered in the case;

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

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

4 Sec. 2. Original section 79-201, Reissue Revised Statutes of
5 Nebraska, is repealed.