

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 1165**

Introduced by Fulton, 29.

Read first time January 19, 2012

Committee: Judiciary

A BILL

1 FOR AN ACT relating to schools; to amend section 79-527, Revised  
2 Statutes Cumulative Supplement, 2010, and sections 79-209  
3 and 79-2121, Revised Statutes Supplement, 2011; to change  
4 provisions relating to truancy; to harmonize provisions;  
5 and to repeal the original sections.  
6 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 (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 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           (2) All school districts shall have a written policy on  
15   excessive absenteeism. ~~The 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)~~ (a) 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)~~ (b) 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)~~ (c) 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)~~ (d) Investigation of the problem of excessive  
22 absenteeism by the school social worker, or if such school does not  
23 have a school social worker, by the school principal or a member of  
24 the school administrative staff designated by the school  
25 administration, to identify conditions which may be contributing to

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

9 (3) If a child is truant, the school district shall  
10 provide written notice to the parent, guardian, or custodian of the  
11 child. If ~~the~~ a child is habitually truant and absent more than  
12 twenty-five days in one quarter or ten days per year or the hourly  
13 equivalent, the attendance officer shall file a report with the  
14 county attorney of the county in which such person resides. school  
15 district shall review the case and determine if any further action is  
16 necessary to get the child to attend school regularly. If the school  
17 district determines that further action is necessary to address the  
18 child's attendance, there shall be a meeting between the school  
19 district and the parent, guardian, or custodian of the child at a  
20 location determined by the school. If the school district determines  
21 after such meeting that further action is necessary to get the child  
22 to attend school regularly, the school district may file a report  
23 with the county attorney of the county in which the child resides.  
24 The county attorney may file a complaint against a person violating  
25 section 79-201 before the judge of the county court of the county in

1 which such person resides charging such person with violation of  
2 section 79-201 or may file a petition under the Nebraska Juvenile  
3 Code alleging the person violating section 79-201 is a juvenile  
4 described in subdivision (3)(a) or (3)(b) of section 43-247. ~~Nothing~~  
5 ~~in this section shall preclude a county attorney from being involved~~  
6 ~~at any stage in the process to address excessive absenteeism.~~

7 (4) For purposes of this section, (a) excessive  
8 absenteeism means excused or unexcused absences from school in excess  
9 of the number of days or hourly equivalent stated in the school  
10 district policy and (b) truant means not excused to the satisfaction  
11 of district policy by the parent, guardian, or other person having  
12 control of the child.

13 Sec. 2. Section 79-527, Revised Statutes Cumulative  
14 Supplement, 2010, is amended to read:

15 79-527 (1) The superintendent or head administrator of a  
16 public school district or a nonpublic school system shall annually  
17 report to the Commissioner of Education in such detail and on such  
18 date as required by the commissioner the number of students who have  
19 dropped out of school. School districts that are members of learning  
20 communities shall also provide the learning community coordinating  
21 council with a copy of such report on or before the date the report  
22 is due to the commissioner.

23 (2) The superintendent or head administrator of a public  
24 school district or a nonpublic school system shall report on a  
25 monthly basis to the Commissioner of Education as directed by the

1 commissioner regarding the number of and reason for any long-term  
2 suspension, expulsion, or ~~excessive absenteeism~~ habitual truancy of a  
3 student; referral of a student to the office of the county attorney  
4 for ~~excessive absenteeism;~~ habitual truancy; or contacting of law  
5 enforcement officials, other than law enforcement officials employed  
6 by or contracted with the school district as school resource  
7 officers, by the district or system relative to a student enrolled in  
8 the district or system. A school district that is a member of a  
9 learning community shall also provide the learning community  
10 coordinating council with a copy of such report on or before the date  
11 the report is due to the commissioner.

12           Sec. 3. Section 79-2121, Revised Statutes Supplement,  
13 2011, is amended to read:

14           79-2121 The superintendents of any school districts that  
15 are members of a learning community shall develop and participate in  
16 a plan by August 1, 2011, to reduce ~~excessive absenteeism~~ habitual  
17 truancy, including a process to share information regarding at-risk  
18 youth with the goal of improving educational outcomes, providing  
19 effective interventions that impact risk factors, and reducing  
20 unnecessary penetration deeper into the juvenile justice system. For  
21 purposes of this section, at-risk youth means ~~children who are a~~  
22 child under the supervision of the Office of Probation  
23 Administration, ~~are~~ committed to the care, custody, or supervision of  
24 the Department of Health and Human Services, ~~are~~ otherwise involved  
25 in the juvenile justice system, or ~~have been~~ absent from school for

1 more than five days per quarter or the hourly equivalent ~~except when~~  
2 ~~excused by school authorities or when a documented illness makes~~  
3 ~~attendance impossible or impracticable.~~ when such absences are not  
4 excused to the satisfaction of district policy by the parent,  
5 guardian, or other person having control of the child.

6           Sec. 4. Original section 79-527, Revised Statutes  
7 Cumulative Supplement, 2010, and sections 79-209 and 79-2121, Revised  
8 Statutes Supplement, 2011, are repealed.