

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SECOND LEGISLATURE  
SECOND SESSION  
**LEGISLATIVE BILL 917**

Introduced by Cornett, 45.

Read first time January 10, 2012

Committee: Judiciary

A BILL

1 FOR AN ACT relating to schools; to amend section 79-527, Revised  
2 Statutes Cumulative Supplement, 2010, and section 79-209,  
3 Revised Statutes Supplement, 2011; to change provisions  
4 relating to excessive absenteeism policies as prescribed;  
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 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, not include absences due to~~  
21 documented illness or absences related to deployment activities as  
22 provided in Article V, Section E, of the Interstate Compact on  
23 Educational Opportunity for Military Children, and the policy shall  
24  state the number of absences or the hourly equivalent upon the  
25  occurrence of which the school shall render all services in its power

1 to compel such child to attend some public, private, denominational,  
2 or parochial school, which the person having control of the child  
3 shall designate, in an attempt to address the problem of excessive  
4 absenteeism. The number of absences in the policy shall not exceed  
5 five days per quarter or the hourly equivalent. ~~School~~ Except as  
6 otherwise provided in this section, school districts may use excused  
7 and unexcused absences for purposes of the policy. Such services  
8 shall include, but need not be limited to:

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

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

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

25 (4) Investigation of the problem of excessive absenteeism

1 by the school social worker, or if such school does not have a school  
2 social worker, by the school principal or a member of the school  
3 administrative staff designated by the school administration, to  
4 identify conditions which may be contributing to the problem. If  
5 services for the child and his or her family are determined to be  
6 needed, the school social worker or the school principal or a member  
7 of the school administrative staff performing the investigation shall  
8 meet with the parent or guardian and the child to discuss any  
9 referral to appropriate community agencies for economic services,  
10 family or individual counseling, or other services required to remedy  
11 the conditions that are contributing to the problem of excessive  
12 absenteeism.

13           If the child is absent more than twenty days per year or  
14 the hourly equivalent, excluding absences due to documented illness,  
15 other excused absences as defined by the school district's written  
16 policy on absenteeism required by this section, or absences related  
17 to deployment activities as provided in Article V, Section E, of the  
18 Interstate Compact on Educational Opportunity for Military Children,  
19 the attendance officer shall file a report with the county attorney  
20 of the county in which such person resides. The county attorney may  
21 file a complaint against a person violating section 79-201 before the  
22 judge of the county court of the county in which such person resides  
23 charging such person with violation of section 79-201 or may file a  
24 petition under the Nebraska Juvenile Code alleging the person  
25 violating section 79-201 is a juvenile described in subdivision (3)

1 (a) or (3)(b) of section 43-247. Nothing in this section shall  
2 preclude a county attorney from being involved at any stage in the  
3 process to address excessive absenteeism.

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

6 79-527 (1) The superintendent or head administrator of a  
7 public school district or a nonpublic school system shall annually  
8 report to the Commissioner of Education in such detail and on such  
9 date as required by the commissioner the number of students who have  
10 dropped out of school. School districts that are members of learning  
11 communities shall also provide the learning community coordinating  
12 council with a copy of such report on or before the date the report  
13 is due to the commissioner.

14 (2) The superintendent or head administrator of a public  
15 school district or a nonpublic school system shall report on a  
16 monthly basis to the Commissioner of Education as directed by the  
17 commissioner regarding the number of and reason for any long-term  
18 suspension, expulsion, or excessive absenteeism of a student,  
19 excluding absences due to documented illness, other excused absences  
20 as defined by the school district's written policy on absenteeism  
21 required by section 79-209, or absences related to deployment  
22 activities as provided in Article V, Section E, of the Interstate  
23 Compact on Educational Opportunity for Military Children; referral of  
24 a student to the office of the county attorney for excessive  
25 absenteeism; or contacting of law enforcement officials, other than

1 law enforcement officials employed by or contracted with the school  
2 district as school resource officers, by the district or system  
3 relative to a student enrolled in the district or system. A school  
4 district that is a member of a learning community shall also provide  
5 the learning community coordinating council with a copy of such  
6 report on or before the date the report is due to the commissioner.

7           Sec. 3. Original section 79-527, Revised Statutes  
8 Cumulative Supplement, 2010, and section 79-209, Revised Statutes  
9 Supplement, 2011, are repealed.