

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 751**

Introduced by Blood, 3.

Read first time January 08, 2020

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to schools; to amend section 79-209, Revised
- 2 Statutes Supplement, 2019; to change provisions relating to
- 3 compulsory attendance; and to repeal the original section.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-209, Revised Statutes Supplement, 2019, 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 include,  
20 but not be limited to:

21 (a) Verbal or written communication by school officials with the  
22 person or persons who have legal or actual charge or control of any  
23 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, and the child, when appropriate, to attempt to address the  
28 barriers to attendance. The result of the meeting or meetings shall be to  
29 develop a collaborative plan to reduce barriers identified to improve  
30 regular attendance. The plan shall consider, but not be limited to:

31 (i) ~~The illness related to physical, mental,~~ or behavioral health of

1 the child;

2 (ii) Educational counseling;

3 (iii) Educational evaluation;

4 (iv) Referral to community agencies for economic services;

5 (v) Family or individual counseling;

6 (vi) Assisting the family in working with other community services;

7 and

8 (vii) Referral to restorative justice practices or services.

9 (3) The school may report to the county attorney of the county in  
10 which the person resides when the school has documented the efforts it  
11 has made as required by subsection (2) of this section that the  
12 collaborative plan to reduce barriers identified to improve regular  
13 attendance has not been successful and that the child has been absent  
14 more than twenty days per year. The school shall notify the child's  
15 family in writing prior to referring the child to the county attorney.  
16 Failure by the school to document the efforts required by subsection (2)  
17 of this section is a defense to prosecution under section 79-201 and  
18 adjudication for educational neglect under subdivision (3)(a) of section  
19 43-247 and habitual truancy under subdivision (3)(b) of section 43-247.  
20 Illness that makes attendance impossible or impracticable shall not be  
21 the basis for referral to the county attorney.

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

25 Sec. 2. Original section 79-209, Revised Statutes Supplement, 2019,  
26 is repealed.