

ONE HUNDRED SEVENTH LEGISLATURE - FIRST SESSION - 2021
COMMITTEE STATEMENT
LB143

Hearing Date: Wednesday February 03, 2021
Committee On: Health and Human Services
Introducer: Kolterman
One Liner: Require notice to school districts regarding changes in child placement

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Arch, Cavanaugh, M., Day, Hansen, B., Murman, Walz, Williams
Nay:
Absent:
Present Not Voting:

Oral Testimony:

Proponents:
Mark Kolterman
Brad Best
Kyle McGowan
Karen Haase
Sarah Helvey

Representing:
Introducer
Heartland Community Schools
NCSA, NRCSA, STANCE, NSEA, ESUCC, NASB
Self
Nebraska Appleseed

Opponents:

Representing:

Neutral:

Representing:

Submitted Written Testimony:

Proponents:
John Skretta
Josh Fields
Sadie Coffey
Jack Moles

Representing:
Educational Service Unit Coordinating Council
STANCE - NASCD
Superintendents
Nebraska Rural Community Services Assoc (NRCSA)

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 143 would require notice to a child's school upon the placement change of a child in the child welfare system. If the person or court in charge of the child determines that it is not in the child's best interest to remain in the same school after a placement change, LB 143 would require notice to the new school where the child will be enrolled.

LB 143 inserts new language in Neb. Rev. Stat. 43-285 to require the Department of Health and Human Services [DHHS], an association, or an individual who has been awarded custody of a juvenile in Nebraskas child welfare system to send a copy of the notice of placement change to the school where the child is enrolled, if the child is of school age, at least seven days before the placement is changed to some other custodial situation. [Sec. 1, page 5, lines 4-9.] Under section 43-285, as currently enacted, such notice is already required to be provided to 'all interested parties, including all of the childs siblings that are known to the department.'

Under Neb. Rev. Stat. 43-1311, the person or court in charge of the child must require that the child attend the same school as prior to the foster care placement unless the person or court in charge determines that attending such school would not be in the best interests of the child. Under LB 143, if a determination is made that it is not in the childs best interest to remain in the same school after a placement change, notice must also be sent to the new school where the child will be enrolled. [Sec. 1, page 5, lines 9-12.]

In the event of an emergency placement change, LB 143 requires that within 24 hours after court approval of the change, the department, association, or individual must file a report and notice of placement change to all interested parties, including all of the child's siblings that are known to the department and, if the child is of school age, the school where the child is enrolled or the new school where the child will be enrolled. [Sec. 1, page 5, lines 24-30.]

Explanation of amendments:

AM 105 would amend the provision of LB 143 which, as introduced, would have required the Department of Health and Human Services to file a report and notice of placement change within 24 hours after court approval of an emergency placement change. Under AM 105, the department would have to provide the notice, but not the report, within 24 hours. Additionally, AM 105 requires the notice to be provided to both the school where the child is enrolled and the new school where the child will be enrolled.

John Arch, Chairperson