

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 231

Introduced by Dungan, 26.

Read first time January 10, 2023

Committee:

- 1 A BILL FOR AN ACT relating to schools; to amend section 79-209, Revised
- 2 Statutes Cumulative Supplement, 2022; to change provisions related
- 3 to student attendance and require plans for excessive absences; and
- 4 to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-209, Revised Statutes Cumulative Supplement,
2 2022, 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 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 be
20 provided upon twenty days of absence, and shall include, but not be
21 limited to:

22 (a) ~~Written Verbal or written~~ communication by school officials with
23 the person or persons who have legal or actual charge or control of any
24 child; and

25 (b) One or more meetings between, at a minimum, a school attendance
26 officer, a school social worker, or a school administrator or his or her
27 designee, the person who has legal or actual charge or control of the
28 child, the person who is responsible for making educational decisions on
29 behalf of the child if that person is someone other than the person who
30 has legal or actual charge or control of the child, and the child, when
31 appropriate, ~~to attempt~~ to address the barriers to attendance. The result

1 of the meeting or meetings shall be to develop a collaborative plan to
2 reduce barriers identified to improve regular attendance. The plan shall
3 include, if agreed to by the person who is responsible for making
4 educational decisions on behalf of the child, an educational evaluation
5 to determine whether any intellectual, academic, physical, or social-
6 emotional barriers are contributing factors to the lack of attendance.

7 The plan shall also consider, but not be limited to:

- 8 (i) The physical, mental, or behavioral health of the child;
- 9 (ii) Educational counseling;
- 10 ~~(iii) Educational evaluation;~~
- 11 ~~(iii)~~ (iv) Referral to community agencies for economic services;
- 12 (iv) ~~(v)~~ Family or individual counseling;
- 13 (v) ~~(vi)~~ Assisting the family in working with other community
14 services; and
- 15 (vi) ~~(vii)~~ Referral to restorative justice practices or services.

16 (3) The school may report to the county attorney of the county in
17 which the person resides when the school has documented the efforts it
18 has made as required by subsection (2) of this section that the
19 collaborative plan to reduce barriers identified to improve regular
20 attendance has not been successful and that the child has been absent
21 more than twenty days per school year. The school shall notify the
22 child's family in writing prior to referring the child to the county
23 attorney. Failure by the school to document the efforts required by
24 subsection (2) of this section is a defense to prosecution under section
25 79-201 and adjudication for educational neglect under subdivision (3)(a)
26 of section 43-247 and habitual truancy under subdivision (3)(b) of
27 section 43-247. Illness that makes attendance impossible or impracticable
28 shall not be the basis for referral to the county attorney.

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

1 Sec. 2. Original section 79-209, Revised Statutes Cumulative
2 Supplement, 2022, is repealed.