

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 996

Introduced by Wightman, 36.

Read first time January 17, 2012

Committee:

A BILL

1 FOR AN ACT relating to schools; to amend section 79-201, Revised
2 Statutes Cumulative Supplement, 2010; to change
3 provisions relating to compulsory attendance; to
4 harmonize provisions; to repeal the original section; and
5 to declare an emergency.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-201, Revised Statutes Cumulative
2 Supplement, 2010, is amended to read:

3 79-201 (1) For purposes of this section, a child is of
4 mandatory attendance age if the child (a) will reach six years of age
5 prior to January 1 of the then-current school year and (b) has not
6 reached eighteen years of age.

7 (2) Except as provided in subsection (3) of this section,
8 every person residing in a school district within the State of
9 Nebraska who has legal or actual charge or control of any child who
10 is of mandatory attendance age or is enrolled in a public school
11 shall cause such child to enroll in, if such child is not enrolled,
12 and attend regularly a public, private, denominational, or parochial
13 day school which meets the requirements for legal operation
14 prescribed in Chapter 79, or a school which elects pursuant to
15 section 79-1601 not to meet accreditation or approval requirements,
16 each day that such school is open and in session, except when excused
17 by school authorities or when illness or severe weather conditions
18 make attendance impossible or impracticable.

19 (3) Subsection (2) of this section does not apply in the
20 case of any child who:

21 (a) Has obtained a high school diploma by meeting the
22 graduation requirements established in section 79-729;

23 (b) Has completed the program of instruction offered by a
24 school which elects pursuant to section 79-1601 not to meet
25 accreditation or approval requirements;

1 ~~(c) Has reached the age of sixteen years and such child's~~
2 ~~parent or guardian has signed a notarized release discontinuing the~~
3 ~~enrollment of the child on a form provided by the school;~~

4 ~~(d)(i)~~(c)(i) Will reach six years of age prior to
5 January 1 of the then-current school year, but will not reach seven
6 years of age prior to January 1 of such school year, (ii) such
7 child's parent or guardian has signed an affidavit stating that the
8 child is participating in an education program that the parent or
9 guardian believes will prepare the child to enter grade one for the
10 following school year, and (iii) such affidavit has been filed by the
11 parent or guardian with the school district in which the child
12 resides;

13 ~~(e)(i)~~(d)(i) Will reach six years of age prior to
14 January 1 of the then-current school year but has not reached seven
15 years of age, (ii) such child's parent or guardian has signed an
16 affidavit stating that the parent or guardian intends for the child
17 to participate in a school which has elected or will elect pursuant
18 to section 79-1601 not to meet accreditation or approval requirements
19 and the parent or guardian intends to provide the Commissioner of
20 Education with a statement pursuant to subsection (3) of section
21 79-1601 on or before the child's seventh birthday, and (iii) such
22 affidavit has been filed by the parent or guardian with the school
23 district in which the child resides; or

24 ~~(f)~~(e) Will not reach six years of age prior to January
25 1 of the then-current school year and such child was enrolled in a

1 public school and has discontinued the enrollment according to the
2 policy of the school board adopted pursuant to subsection (4) of this
3 section.

4 (4) The board shall adopt policies allowing
5 discontinuation of the enrollment of students who will not reach six
6 years of age prior to January 1 of the then-current school year and
7 specifying the procedures therefor.

8 (5) Each school district that is a member of a learning
9 community shall report to the learning community coordinating council
10 on or before September 1 of each year for the immediately preceding
11 school year the following information:

12 (a) All reports of violations of this section made to the
13 attendance officer of any school in the district pursuant to section
14 79-209;

15 (b) The results of all investigations conducted pursuant
16 to section 79-209, including the attendance record that is the
17 subject of the investigation and a list of services rendered in the
18 case;

19 (c) The district's policy on excessive absenteeism; and

20 (d) Records of all notices served and reports filed
21 pursuant to section 79-209 and the district's policy on habitual
22 truancy.

23 Sec. 2. Original section 79-201, Revised Statutes
24 Cumulative Supplement, 2010, is repealed.

25 Sec. 3. Since an emergency exists, this act takes effect

1 when passed and approved according to law.