

E AND R AMENDMENTS TO LB 933

Introduced by Larson, 40, Chairman Enrollment and Review

1           1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:

3           Section 1. Section 79-209, Revised Statutes Supplement,  
4 2011, is amended to read:

5           79-209 (1) In all school districts in this state, any  
6 superintendent, principal, teacher, or member of the school board  
7 who knows of any violation of section 79-201 on the part of any  
8 child of school age, his or her parent, the person in actual or  
9 legal control of such child, or any other person shall within  
10 three days report such violation to the attendance officer of  
11 the school, who shall investigate the case. When of his or her  
12 personal knowledge, by report or complaint from any resident of the  
13 district, or by report or complaint as provided in this section,  
14 the attendance officer believes that any child is unlawfully absent  
15 from school, the attendance officer shall immediately investigate.

16           (2) All school districts shall have a written policy on  
17 excessive absenteeism developed in collaboration with the county  
18 attorney of the county in which the principal office of the  
19 school district is located. The policy shall include a provision  
20 indicating how the school district and the county attorney will  
21 handle cases in which excessive absences are due to documented  
22 illness that makes attendance impossible or impracticable, and  
23 the policy shall state the number of absences or the hourly

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

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

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

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

27       ~~(4)~~ (d) Investigation of the problem of excessive

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

13 (3) If the child is absent more than twenty days per  
14 year or the hourly equivalent and all of the absences are  
15 due to documented illness that makes attendance impossible or  
16 impracticable or are otherwise excused by school authorities,  
17 the attendance officer may report such information to the county  
18 attorney of the county in which the person resides. If the  
19 child is absent more than twenty days per year or the hourly  
20 equivalent and any of such absences are not excused, the attendance  
21 officer shall file a report with the county attorney of the  
22 county in which the person resides on a form which includes  
23 the following two statements, one of which must be designated  
24 by the school representative signing the report: (a) The school  
25 representative requests additional time to work with the student  
26 prior to intervention by the county attorney; and (b) the school  
27 representative believes that the school has used all reasonable

1 efforts to resolve the student's excessive absenteeism without  
2 success and recommends county attorney intervention. If further  
3 action is necessary to address the child's attendance, the initial  
4 meeting between the parent or guardian of the child, the school,  
5 and the county attorney or his or her designee shall be at a  
6 location determined by the school.

7           If the child is absent more than twenty days per year  
8 or the hourly equivalent, the attendance officer shall file a  
9 report with the county attorney of the county in which such person  
10 resides. The county attorney may file a complaint against a person  
11 violating section 79-201 before the judge of the county court  
12 of the county in which such person resides charging such person  
13 with violation of section 79-201 or may file a petition under the  
14 Nebraska Juvenile Code alleging the person violating section 79-201  
15 is a juvenile described in subdivision (3)(a) or (3)(b) of section  
16 43-247.

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

20           Sec. 2. Original section 79-209, Revised Statutes  
21 Supplement, 2011, is repealed.