

AMENDMENTS TO LB1329

(Amendments to Standing Committee amendments, AM2831)

Introduced by Conrad, 46.

1 1. Insert the following new section:

2 Sec. 4. Section 79-209, Revised Statutes Cumulative Supplement,
3 2022, is amended to read:

4 79-209 (1) In all school districts in this state, any
5 superintendent, principal, teacher, or member of the school board who
6 knows of any violation of subsection (2) of section 79-201 shall within
7 three days report such violation to the attendance officer of the school,
8 who shall immediately investigate the case. When of his or her personal
9 knowledge or by report or complaint from any resident of the district,
10 the attendance officer believes that there is a violation of subsection
11 (2) of section 79-201, the attendance officer shall immediately
12 investigate such alleged violation.

13 (2) All school boards shall have a written policy on attendance
14 developed and annually reviewed in collaboration with the county attorney
15 of the county in which the principal office of the school district is
16 located. The policy shall include a provision indicating how the school
17 district will handle cases in which excessive absences are due to
18 illness. The policy shall also state the circumstances and number of
19 absences or the hourly equivalent upon which the school shall render all
20 services to address barriers to attendance. Such services shall be
21 provided upon twenty days of absence, and shall include, but not be
22 limited to:

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

26 (b) One or more meetings between, at a minimum, a school attendance

1 officer, a school social worker, or a school administrator or his or her
2 designee, the person who has legal or actual charge or control of the
3 child, the person who is responsible for making educational decisions on
4 behalf of the child if that person is someone other than the person who
5 has legal or actual charge or control of the child, and the child, when
6 appropriate, ~~to attempt~~ to address the barriers to attendance. The result
7 of the meeting or meetings shall be to develop a collaborative plan to
8 reduce barriers identified to improve regular attendance. The plan shall
9 include, if agreed to by the person who is responsible for making
10 educational decisions on behalf of the child, an educational evaluation
11 to determine whether any intellectual, academic, physical, or social-
12 emotional barriers are contributing factors to the lack of attendance.
13 The plan shall also consider, but not be limited to:

- 14 (i) The physical, mental, or behavioral health of the child;
- 15 (ii) Educational counseling;
- 16 ~~(iii) Educational evaluation;~~
- 17 ~~(iii)~~ (iv) Referral to community agencies for economic services;
- 18 ~~(iv)~~ (v) Family or individual counseling;
- 19 ~~(v)~~ (vi) Assisting the family in working with other community
20 services; and
- 21 ~~(vi)~~ (vii) Referral to restorative justice practices or services.

22 (3) The school may report to the county attorney of the county in
23 which the person resides when the school has documented the efforts it
24 has made as required by subsection (2) of this section that the
25 collaborative plan to reduce barriers identified to improve regular
26 attendance has not been successful and that the child has been absent
27 more than twenty days per school year. The school shall notify the
28 child's family in writing prior to referring the child to the county
29 attorney. Failure by the school to document the efforts required by
30 subsection (2) of this section is a defense to prosecution under section
31 79-201 and adjudication for educational neglect under subdivision (3)(a)

1 of section 43-247 and habitual truancy under subdivision (3)(b) of
2 section 43-247. Illness that makes attendance impossible or impracticable
3 shall not be the basis for referral to the county attorney.

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

7 2. Renumber the remaining sections and correct internal references
8 and the repealer accordingly.