



**Hundredth Legislature - Second Session - 2008**  
**Introducer's Statement of Intent**  
**LB 1159**

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**Chairperson:** Brad Ashford  
**Committee:** Judiciary  
**Date of Hearing:** February 14, 2008

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 1159 is the product of a collaborative effort by the Juvenile Justice Institute at the University of Nebraska at Omaha, the Douglas County Attorney's office, juvenile judges, and teachers and is intended to reduce truancy rates in Nebraska high schools. Truancy has been linked to an increased likelihood of being impoverished, incarcerated, involved in a divorce, and having children who repeat the cycle of truancy.

LB 1159 seeks to reduce truancy by making the following changes to current law:

1. Changes rules of evidence for child custody hearings and for cases in which a guardian ad litem has been appointed to allow admissibility of certified copies of school records relating to school attendance and performance. Creates an exception to the statutory prohibition against publicly disclosing information about a child to allow certified copies of school records related to attendance and performance to be admissible.
2. Requires children placed in foster care to continue attending the same school as they attended prior to entering foster care, unless the court finds it is not in the best interest of the child.
3. Makes a child's regular school attendance an explicit issue to be considered when determining the child's best interest.
4. Adds a provision to the list of issues to be addressed in a parenting plan to explicitly include concern for the child's attendance and progress in school.
5. Amends language from provisions directing schools how to respond to truancy. Removes language that allows each school district to define and use the distinction between excused and unexcused absences. Removes language allowing schools to end efforts to meet with parents after the parent refuses to participate in a meeting to address the student's truancy if the request and refusal are documented.
6. Creates an infraction for parents of truant children. The first referral to a county attorney by a school may result in a citation carrying a \$50.00 fine. The fine may be waived if at least one parent participates in mediation with a school representative. The second referral may result in a \$100.00 and may be waived by a parent's participation in mediation. The third referral may result in a Class III misdemeanor.
7. Details how mediation sessions will be conducted. Mediation services will be paid for by the parent based on his or her ability to pay.
8. As introduced, LB 1159 would reallocate funds not distributed to counties under the County Juvenile Services Aid Program to the learning community coordinating council to provide grants to non-profits for truancy intervention programs. However, an amendment will be brought to strike this language and instead insert language that would have the funds retained by the commission to be distributed on a competitive basis under the County Juvenile Services Aid Program.

**Principal Introducer:**

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**Senator Brad Ashford**