

2014 Administrator Days

The New Attendance Law

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Attendance

1. We're doing better & it matters
2. History
3. New law
4. Truancy ages & withdrawals
5. Answers and COA input

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Results Data—NE Public Schools

Four-Year Trend Data on Absences

TOTAL		STUDENTS WITH MORE THAN 10 DAYS TOTAL ABSENCES	% STUDENTS WITH MORE THAN 10 DAYS TOTAL ABSENCES	STUDENTS WITH MORE THAN 15 DAYS TOTAL ABSENCES	% STUDENTS WITH MORE THAN 15 DAYS TOTAL ABSENCES	STUDENTS WITH MORE THAN 20 DAYS TOTAL ABSENCES	% STUDENTS WITH MORE THAN 20 DAYS TOTAL ABSENCES
2009-2010	283,397	82,278	29.03%	40,643	14.34%	21,980	7.76%
2010-2011	285,837	74,836	26.18%	35,121	12.29%	18,100	6.33%
2011-2012	288,263	68,525	23.77%	31,713	11.00%	16,305	5.66%
2012-2013	289,674	72,962	25.19%	33,243	11.48%	16,956	5.85%

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STUDENT ATTENDANCE AND NeSA SCALE SCORES

Nebraska Public Schools 2009-10, 2010-11, 2011-12, 2012-13

	Reading				Math			Science	
	2009-10	2010-11	2011-12	2012-13	2010-11	2011-12	2012-13	2011-12	2012-13
Grade 4 - NeSA									
Students absent less than 20 Days	105	110	112	115	103	107	109	NA	NA
Students absent greater than 20 Days	84	89	91	92	80	83	86	NA	NA
Students absent less than 10 Days	106	111	113	116	105	108	111	NA	NA
Students absent greater than 10 Days	95	101	103	106	93	96	98	NA	NA
Grade 8 - NeSA									
Students absent less than 20 Days	104	108	110	117	100	101	104	101	104
Students absent greater than 20 Days	83	82	84	89	68	71	74	75	80
Students absent less than 10 Days	107	110	113	119	103	104	107	104	106
Students absent greater than 10 Days	93	96	98	104	85	85	89	89	92
Grade 11 - NeSA									
Students absent less than 20 Days	102	104	106	110	98	100	105	102	106
Students absent greater than 20 Days	72	72	72	78	58	62	65	78	83
Students absent less than 10 Days	107	107	109	114	103	105	111	104	109
Students absent greater than 10 Days	90	87	89	92	75	78	81	89	93

History

- Pre-1994—Warning letter if “unlawfully absent”. Report if after 1 week, still violating.
- 1994—Added list of remediation services to be provided. Stated intent that alternatives to suspension or expulsion be imposed to address absenteeism.
- 1998—Must have policy on reporting; **board’s choice**, but cannot exceed 20 days/year (excused and/or unexcused; board’s choice).
- 1999—Tweak re attendance officers.

*Neb. Rev. Stat. §79-209

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2000s



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2010s

- 2010—Policy on excessive absences to be developed in collaboration with County Attorney. Delete “truancy”. Delete policy on reporting. **Mandatory** report if absent **20 days**.
- 2011—Policy must address how will handle “documented illness”

*Neb. Rev. Stat. §79-209

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2010s

- 2012:
 - Permissive report if absent 20 days, and all due to documented illness.
 - **Mandatory** report if absent 20 days and any are unexcused. Are to make recommendation on whether or not to prosecute.

*Neb. Rev. Stat. §79-209

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I. Policy

- a) “Boards” shall have a written policy (**not** “school districts”)
- b) On “attendance” (**not** “excessive absenteeism”)
- c) “Developed **and annually reviewed** in collaboration with county attorney” in which principal office of district is located
Board annual review **or** annual review with county attorney????

*Neb. Rev. Stat. §79-209

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I. Policy

- d) Include how school (**not** & county attorney) will handle cases in which absences are due to illness (**not** “documented illness”)
- e) State **circumstances and number** of absences (or hourly equivalent) that will trigger services to “address barriers to attendance”

*Neb. Rev. Stat. §79-209

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2. Services to address barriers to attendance

- a) Verbal or written communication with person with legal/actual charge or control of student
- b) Meeting with
 - School attendance officer, school social worker, OR administrator or designee
 - Person in charge/control of student
 - Student, if appropriate

*Neb. Rev. Stat. §79-209

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2. Services to address barriers to attendance

- c) Result of the meeting is a “**Collaborative Plan**” “to reduce barriers identified to improve regular attendance”

*Neb. Rev. Stat. §79-209

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3. Collaborative Plan

- a) Illness
- b) Educational counseling
- c) Educational evaluation
- d) Referral to community agencies for economic services
- e) Family or individual counseling
- f) Community services

*Neb. Rev. Stat. §79-209

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Possible Agencies to Contact

- Boys Town / Help Line
- Region 6
- Directions & Diploma (D2 Center)
- Latino Center of the Midlands
- Victory Boxing
- Early Childhood Services
- Impact One
- Food Pantry Resources
- Housing Authority
- Therapy Resources
 - Capstone Behavioral Health
 - Hill Counseling
 - H&J Counseling
 - Behaven Kids

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Agencies Continued

- Goodwill
- Nebraska Family Support Network
- Midlands Mentoring (Partnership Agencies)
- Holistic Development
- Afterschool Programs
- Girls Inc.
- County Health Centers
- Access Nebraska
- AAA Crisis Pregnancy
- Family First
- Together Inc.

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4. Reporting

a) Before reporting, must notify the family in writing

b) **May** report when

1. Have documented efforts per collaborative plan and not been successful, and
2. More than 20 absences/year
3. Illness “shall not be the basis for a referral”

*Neb. Rev. Stat. §79-209

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4. Reporting

Home Schooling “conundrum”—State v. Thacker, 286 Neb. 16 (2013)

- Obtained state recognition in October, but had not enrolled 5 children before then
- Parents convicted of 5 misdemeanors
- Public school calendar not necessarily determinative—what matters is whether the students did/could meet the hours requirement
- Regs did not require parents to ensure child attends legally recognized school each day of the public school year

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5. Documenting

Failure to document required efforts to reduce attendance barriers is a defense to:

- a) Prosecution for truancy law violation
- b) Adjudication for educational neglect and habitual truancy

*Neb. Rev. Stat. §79-209

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Truancy Law Ages

Will reach age 6 prior to Jan. 1st and has not reached age 18

Exceptions (younger)—

- Parent affidavit: in educational program that will prep for 1st grade, & not age 7 prior to Jan 1st
- Parental affidavit: will home-school prior to age 7, & not age 7 prior to Jan 1st
- Started school but disenrolled per board policy, & will not reach age 6 prior to Jan 1st

*Neb. Rev. Stat. §79-201

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Truancy Law Ages

Exceptions (older)—

- High school diploma
- Completed home school
- Reached age 16 and withdrawn

*Neb. Rev. Stat. §79-201

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Withdrawals

Ages 16-18 – Parent Release no longer sufficient

Exit interview—

- a) For your students & private school students in your district
- b) Attendance—
 1. Student
 2. Parent/Guardian
 3. Superintendent/designee
 4. Principal/designee (if enrolled in your dist.)
 5. Any one else requested who agrees

*Neb. Rev. Stat. §79-202

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Withdrawals

Must establish

- a. **Financial hardship**—need job to support student's family or dependents,
- or
- b. **Illness**—making attendance impossible/impracticable

*Neb. Rev. Stat. §79-202

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Withdrawals

Superintendent/designee must present information on

- a. Alternative ed. opportunities
- b. Reduced future earnings and increased chance of unemployment



*Neb. Rev. Stat. §79-202

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Withdrawals

Withdrawal – Bureau of Labor Statistics 2011

Unemployment rate	Education attained	Median weekly earnings
2.5%	Doctoral degree	\$1,551
2.4%	Professional	\$1,665
3.6%	Masters	\$1,263
4.9%	Bachelors	\$1,053
6.8%	Associate	\$ 768
8.7%	Some College	\$ 719
9.4%	HS Diploma	\$ 638
14.1%	No HS Diploma	\$ 451
7.6%	All Workers	\$ 797

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[illegible]

Withdrawals

Sign NDE's withdrawal form

Home school students—parent files notarized release with NDE



Neb. Rev. Stat. §79-202.

Questions & Answers

Working with your county attorney

What if the county attorney:

- Won't collaborate on the policy development.
- Won't prosecute a case you feel should be prosecuted. Would a call to the State Patrol help?
- Asks for attendance records, or other student records.

County Attorney Questions

- Notification Procedures
- Collaborative Plan: Details and Procedures
- Documentation
- Referral Form

SECONDARY SCHOOL EXCESSIVE ABSENCE REFERRALS

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Rule #1: Children who are 18 or over are not required to attend school, so no cases can be prosecuted involving those children, and once prosecuted, must terminate when the child reaches age 18.

Rule #2: It takes months for a case to progress through the juvenile court system so a referral when the student is 17.5 will be unlikely to yield success.

Rule #3: Parent or guardian can withdraw a child from school who has reached 16 years of age & meets financial or medical hardship, so sometimes a referral to COA produces this unintended result.

Limitations of Referrals:

Limitations of Referrals:
 Juvenile Court Referral vs. County Court Ticket
 Focus on Change vs. Focus on Punishment of Parent

Juvenile Court Referral for Educational Neglect vs. Truancy
Focus on Rehabilitating the Parent's Failure vs. Focus on the
Rehabilitating the Child's Behavior

Secondary School—Focus is on Rehabilitation of Child's Behavior is the focus in most instances

County Attorney's Office wants to help, but must be able to prove "Habitual Truancy"!

"Truancy" means "absent from school without permission from the school"

No such things as "excused" or "unexcused" absences, but schools don't want sick children in their buildings, either, so this is a point of contention.

"Habitual" according to Wikipedia means: behaving in a regular manner, as a habit; recurring, or that is performed over and over again; being regular or usual

Obviously, the number of nodes is a point of contention.

CAN and SHOULD look back at the previous years' attendance pattern

**HOW TO ASSIST THE COUNTY ATTORNEY'S OFFICE IN
PROVING A HABITUAL TRUANCY CASE:**

Conference Absence Report
Current Year
Past Year

Other records for prior years' attendance

Documentation of actual number of minutes student is late in a
"excessively tardy" case

Early identification of suspected "faking illness" cases
Send out "illnesses must be verified by a medical provider"
letter

Accurate documentation of reasons for absences on Conference
Absence report

Documentation of "Reasons for Absences" (especially in "illness"
cases)

From phone call by parent or other person:

Name of Person who took the call at the school

Name of person who provided information about student

Date and Time of contact

Stated reason child was absent

From information provided by the child to teacher upon return:

Name of staff who learned the information

Date and Time staff learned information

From whom the information was learned

Stated reason given for absence

Notes from Doctors, re: appointments, illnesses, etc.

Documentation from Health Office

Documentation of Efforts by the School to assist in solving the
problem

Staff contacts:

Who made the contact?

Method?

Date and Time

Who was contacted?

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Excused vs. Unexcused

Absences NOT included in the 20 days:

SA = School Activity

SU = Suspension

AD = Administrative absence

TD = Tardy*

*If a student comes late to class it is not
included. If a student shows up to school 3rd
period of a 7 period day it is 2/7 of a day's
absence.

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Questions & Answers

"Excused Absence"

1. Student not in school b/c at a school
activity—is that an "absence"?
2. Tardiness v. absences
3. Claims of illness:
 - a) Is a doctor's note necessary?
 - b) Is a parent report of illness sufficient?

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