

ONE HUNDRED EIGHTH LEGISLATURE

FIRST SESSION

LEGISLATIVE RESOLUTION 125

Introduced by Conrad, 46; Blood, 3; Cavanaugh, J., 9; DeBoer, 10; Dungan, 26; Hughes, 24; McKinney, 11; Wayne, 13.

PURPOSE: The purpose of this resolution is to propose an interim study to review juvenile justice involvement for youth who are excessively absent or truant from school. Under current law, school truancy can be a basis for juvenile court jurisdiction, which means prosecutors can file a juvenile court case against a child who has an excessive number of unexcused absences. Truancy cases are a type of status offense authorized to be charged under subdivision (3)(b) of section 43-247.

During the One Hundred Eighth Legislature of Nebraska, First Session, senators have introduced bills relating to excessive absenteeism and truancy as a juvenile status offense. The legislation has included providing alternatives to court proceedings by investing in local pretrial diversion programs, requiring schools to exhaust services to address absenteeism prior to referring a child for prosecution, and eliminating truancy from the Nebraska Juvenile Code as an independent basis for a juvenile court filing.

School absenteeism is often an indicator of some other behavior or trauma that youth are experiencing, including challenges with mental or behavioral health, parental neglect or abuse, substance use, learning or other disabilities, and other challenges. Child welfare and juvenile justice best practices encourage policymakers to increase community-based interventions that address the underlying causes of status offenses and eliminate or avoid formal court interventions.

The interim study shall include, but need not be limited to:

(1) An examination of the history and present legal framework for addressing excessive absenteeism and truancy, the cost to the educational system to address chronic or excessive absenteeism, and the cost of state aid

dedicated to community-based interventions for youth;

(2) An examination of the variance of chronic or excessive absenteeism in Nebraska between school districts, diversion programs focused on chronic absenteeism, and referrals to county attorneys for formal court intervention, including demographic information and how chronic absenteeism may disproportionately affect communities of color, non-English-speaking students, and students with disabilities;

(3) A review of local programs addressing excessive absenteeism and truancy supported through community-based aid dollars, other community-based programs that address behaviors that lead to status offense filings based on truancy, and the outcomes for youth resulting from such diversionary programs; and

(4) A review of any programs used by probation to address chronic absenteeism within probation districts and the outcomes for youth resulting from such programs.

The interim study should also review the practices and policies of other states to determine what responses these jurisdictions have taken to address school absenteeism. The study should have the ultimate goal of enabling an approach to school absenteeism that improves youth and family engagement and minimizes or avoids court involvement.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.