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March 27, 2025

To: Chairperson Bosn and Members of the Judiciary Committee

From: Anahí Salazar, Policy Coordinator for Voices for Children in Nebraska

RE: Support for LB 492- Change juvenile court jurisdiction to habitual truancy and provisions relating to compulsory school attendance

Education plays a crucial role in shaping children into healthy, productive adults. School attendance is one, among several factors that impact children's educational success. Efforts to ensure attendance are important but must focus on resolving obstacles to attendance for children and families in a supportive rather than punitive manner. Voices for Children in Nebraska supports LB 492 because it helps create a more balanced and compassionate approach to truancy, one that does not penalize students for reasons that are often beyond their control.

Creating an educational system, that reflects that of the legal system, where discipline within education has zero-tolerance policies as a way to curb behaviors in school can have negative consequences. K-12 schools have expanded the use of exclusionary discipline policies for offenses, giving way to what is known as the school-to-prison-pipeline, which disproportionately affects Black and Latinx students.¹ **There is a link between exclusionary discipline policies and subsequent involvement in the juvenile legal system.** Truancy or chronic absenteeism should be resolved with supportive service rather than providing a pathway deeper into the juvenile justice system.

Student success and positive educational outcomes are important to the future of Nebraska, and research supports the association between high rates of absenteeism and poor educational outcomes. During the last school year 2023-2024, 25% or 90,537 Nebraska students were chronically absent missing 10-19 days, 25,142 students missed 20-29 days, and 23,134 students missed 30 or more days.² Chronic absenteeism disproportionately affects students with disabilities, students of color, and economically disadvantaged students. LB 492 addresses the need for student and family support, requiring services be provided before the 20-day threshold.

LB 492 seeks to ensure that students are not unfairly marked as truant due to legitimate absences, such as those caused by illness or lack of adequate school transportation. It's crucial that we recognize these barriers and provide the flexibility needed for students to continue their education without facing additional punitive measures. Illness can sometimes prevent a student from attending school, and many students face challenges in getting to school due to inadequate transportation options, particularly in rural or underserved areas. These situations should not contribute to a student's truancy record.

The juvenile justice system's goal is to provide accountability and rehabilitation to youth whose actions violate the law and endanger public safety. Whenever possible, youth should be diverted from the system and have their needs met without being pushed into the juvenile justice system. This is especially true when it comes to youth who are currently referred to the court solely for being absent from school. Inappropriate juvenile justice system

¹ Taylor and Francis Online, [Absence Unexcused: A Systematic Review on Truancy: Peabody Journal of Education: Vol 96 , No 5 - Get Access](#), 17 November 2021.

² 2025 Kid Count Report, Nebraska Department of Education, page 50.

involvement been shown to have a negative impact on educational achievement and increased likelihood for behavioral health challenges.³ It is important that our Nebraska state dollars committed to addressing absenteeism are directed to the most effective and proven programs, and not wasteful spending on a criminogenic response to noncriminal need, in order to make a positive impact on lives of Nebraskans.

By considering these factors, we hope to create a system that holds students accountable while also acknowledging and addressing the real-world challenges they face. Our goal is to support all students, ensuring that they have the opportunity to succeed academically, regardless of circumstances outside their control.

We want to thank Senator Conrad for her efforts in assuring young people are getting the resources they need in order to attend school, and we want to thank the Committee for your attention and commitment to ensuring that our approach to truancy is both fair and effective.

³ Salisch, A & Trone, J. From Courts to Communities: The Right Response to Truancy, Running Away, and Other Status Offenses. Vera Institute: December 2013.



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Currently the system functions as:

- 1- Student misses 20 days
- 2- School reports to the county attorney
- 3- County attorney determines whether to refer the child to a diversion program, file a petition in juvenile court, refer the family directly to community based services, or do nothing.
- 4- If the county attorney files a petition, the juvenile court process begins: the case will either be adjudicated and the court takes jurisdiction over the student, or dismissed and the case is closed.
if the case is adjudicated and the court takes jurisdiction, the student is placed on probation

VCRO rule? Cannot detain a child for just a status offense

- Detention law - both state and federal require that children who haven't committed crimes shouldn't be locked up in jail like facilities. So when a case is based ONLY on a non-criminal status offense, such as truancy, it is against the law to detain. This is true EVEN when the child has subsequently violated a court order ("VCO") like, say, an order to go to school without missing any days. So like we talked about, kids shouldn't be in detention just for truancy cases, ever, period ... but...
- different judges apply this law in different ways across the state and frequently without an attorney to represent them, kids may end up detained even though they shouldn't be
- Including for what you have in 8) if they miss a court date. Technically if it's just a truancy case that kid still shouldn't be detained, but we know it happens
- I hope that helps! And you both have really got it more than you think sometimes!!

Child can be detained if they missed court in the last 12 months

In Nebraska, schools are mandated to have 170 instructional days. 10% of that is 17 days, students who miss 17 days are considered chronically absent and 20 for truancy, so legal reprimands?