

AMENDMENTS TO LB1027

Introduced by Education.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 79-1601, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 79-1601 (1) Except as provided in subsections (2) through (6) of
6 this section, all private, denominational, and parochial schools in the
7 State of Nebraska and all teachers employed or giving instruction in such
8 schools shall be subject to and governed by the provisions of the general
9 school laws of the state so far as the same apply to grades,
10 qualifications, and certification of teachers and promotion of students.
11 All private, denominational, and parochial schools shall have adequate
12 equipment and supplies, shall be graded the same, and shall have courses
13 of study for each grade conducted in such schools substantially the same
14 as those given in the public schools which the students would attend in
15 the absence of such private, denominational, or parochial schools.

16 (2) All private, denominational, or parochial schools shall either
17 comply with the accreditation or approval requirements as prescribed
18 pursuant to ~~in~~ section 79-318 or, for those schools which elect not to
19 meet accreditation or approval requirements, the requirements prescribed
20 in ~~section 79-318 and~~ subsections (2) through (6) of this section.
21 Standards and procedures for approval and accreditation shall be based
22 upon the program of studies, guidance services, the number and
23 preparation of teachers in relation to the curriculum and enrollment,
24 instructional materials and equipment, science facilities and equipment,
25 library facilities and materials, and health and safety factors in
26 buildings and grounds. Rules and regulations governing ~~which govern~~
27 ~~standards and~~ procedures for private, denominational, and parochial

1 schools which elect, pursuant to the procedures prescribed in subsections
2 (2) through (6) of this section, not to meet state accreditation or
3 approval requirements shall be based upon an assurance ~~evidence~~ that such
4 schools offer a program of instruction leading to the acquisition of
5 basic skills in the language arts, mathematics, science, social studies,
6 and health. The assurance required pursuant to this subsection shall be
7 satisfied by a signed statement by the parent or legal guardian of a
8 student that the education provided complies with subsections (2) through
9 (6) of this section. Rules and regulations which govern procedures under
10 this section are limited to procedures for receiving information from a
11 parent or legal guardian of a student or a parent representative when
12 such individual files the election not to meet accreditation or approval
13 requirements under this section. Such rules and regulations may include a
14 provision for the visitation of such schools and regular achievement
15 testing of students attending such schools in order to insure that such
16 schools are offering instruction in the basic skills listed in this
17 subsection. Any arrangements for visitation or testing shall be made
18 through a parent representative of each such school. The results of such
19 testing may be used as evidence that such schools are offering
20 instruction in such basic skills but shall not be used to measure,
21 compare, or evaluate the competency of students at such schools.

22 (3) The provisions of subsections (3) through (6) of this section
23 shall apply to any private, denominational, or parochial school in the
24 State of Nebraska which elects not to meet state accreditation or
25 approval requirements. An election ~~Elections~~ pursuant to such subsections
26 shall be effective when a statement is received by the Commissioner of
27 Education signed by a parent or legal guardian ~~the parents or legal~~
28 ~~guardians of each student~~ all ~~students~~ attending such private,
29 denominational, or parochial school, stating that (a) either specifically
30 (i) the requirements for approval and accreditation required by law and
31 the rules and regulations adopted and promulgated by the State Board of

1 Education violate sincerely held religious beliefs of the parent ~~parents~~
2 or legal guardian ~~guardians~~ or (ii) the requirements for approval and
3 accreditation required by law and the rules and regulations adopted and
4 promulgated by the State Board of Education interfere with the decisions
5 of the parent ~~parents~~ or legal guardian ~~guardians~~ in directing the
6 student's education, (b) an authorized representative of such parent
7 ~~parents~~ or legal guardian ~~guardians~~ will ~~at least~~ annually submit to the
8 Commissioner of Education an assurance ~~the information necessary to prove~~
9 that the requirements of subdivisions (4)(a) through (c) of this section
10 are and will continue to be satisfied, (c) the school offers the courses
11 of instruction required by subsections (2), (3), and (4) of this section,
12 and (d) the parent ~~parents~~ or legal guardian ~~is~~ ~~guardians~~ ~~have~~ satisfied
13 ~~themselves~~ that individuals monitoring instruction at such school are
14 qualified to monitor instruction in the basic skills as required by
15 subsections (2), (3), and (4) of this section ~~and that such individuals~~
16 ~~have demonstrated an alternative competency to monitor instruction or~~
17 ~~supervise students pursuant to subsections (3) through (6) of this~~
18 ~~section.~~

19 (4) Each such private, denominational, or parochial school shall (a)
20 meet minimum requirements relating to health, fire, and safety standards
21 prescribed by state law and the rules and regulations of the State Fire
22 Marshal, (b) report attendance pursuant to section 79-201, (c) maintain a
23 sequential program of instruction designed to lead to basic skills in the
24 language arts, mathematics, science, social studies, and health, and (d)
25 comply with the immunization requirements in section 79-217 if the
26 statement signed by the parent ~~parents~~ or legal guardian ~~indicates~~
27 ~~guardians indicate~~ a nonreligious reason pursuant to subdivision (3)(a)
28 (ii) of this section for the student attending a private, denominational,
29 or parochial school which elects not to meet state accreditation or
30 approval requirements. The State Board of Education shall establish
31 procedures for receiving information and reports required by subsections

1 (3) through (6) of this section from authorized parent representatives
2 who may act as agents for the parent ~~parents~~ or legal guardian ~~guardians~~
3 of a student ~~students~~ attending such schools ~~school~~ and for individuals
4 ~~monitoring instruction in the basic skills required by subsections (2),~~
5 ~~(3), and (4) of this section.~~

6 (5) Individuals employed or utilized by schools which elect not to
7 meet state accreditation or approval requirements shall not be required
8 to meet the certification requirements prescribed in sections 79-801 to
9 79-815, ~~but shall either (a) take appropriate subject matter components~~
10 ~~of a nationally recognized teacher competency examination designated by~~
11 ~~the State Board of Education as (i) including the appropriate subject~~
12 ~~matter areas for purposes of satisfying the requirements of subsections~~
13 ~~(3) and (4) of this section and (ii) a nationally recognized examination~~
14 ~~or (b) offer evidence of competence to provide instruction in the basic~~
15 ~~skills required by subsections (3) and (4) of this section pursuant to~~
16 ~~informal methods of evaluation which shall be developed by the State~~
17 ~~Board of Education. Such evidence may include educational transcripts,~~
18 ~~diplomas, and other information regarding the formal educational~~
19 ~~background of such individuals. Information concerning test results,~~
20 ~~transcripts, diplomas, and other evidence of formal education may be~~
21 ~~transmitted to the State Department of Education by authorized~~
22 ~~representatives of parents or legal guardians. The results of such~~
23 ~~testing or alternative evaluation of individuals who monitor the~~
24 ~~instruction of students attending such schools may be used as evidence of~~
25 ~~whether or not such schools are offering adequate instruction in the~~
26 ~~basic skills prescribed in subsections (2), (3), and (4) of this section~~
27 ~~but shall not be used to prohibit any such school from employing such~~
28 ~~individuals. Failure of a monitor, who is tested for the purpose of~~
29 ~~satisfying in whole or in part the requirements of subsections (3)~~
30 ~~through (6) of this section, to attain a score equal to or exceeding both~~
31 ~~the state or national average score or rating on appropriate subject~~

1 ~~matter components of recognized teacher competency examinations~~
2 ~~designated by the State Board of Education may be by itself sufficient~~
3 ~~proof that such school does not offer adequate instruction in the basic~~
4 ~~skills prescribed in subsections (3) and (4) of this section.~~

5 (6) ~~The demonstration of competency to monitor instruction in a~~
6 ~~private, denominational, or parochial school which has elected not to~~
7 ~~meet state accreditation or approval requirements shall in no way~~
8 ~~constitute or be construed to grant a license, permit, or certificate to~~
9 ~~teach in the State of Nebraska.~~ Any school which elects not to meet state
10 accreditation or approval requirements and does not meet the requirements
11 of subsections (2) through (6) of this section shall not be deemed a
12 school for purposes of section 79-201, and the parent parents or legal
13 guardian guardians of any students attending such school shall be subject
14 to prosecution pursuant to such section 79-201 or any statutes relating
15 to habitual truancy.

16 Sec. 2. Original section 79-1601, Reissue Revised Statutes of
17 Nebraska, is repealed.