

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1027

FINAL READING

Introduced by Clements, 2; Holdcroft, 36; Lowe, 37; Sanders, 45;
Halloran, 33; Albrecht, 17.

Read first time January 05, 2024

Committee: Education

- 1 A BILL FOR AN ACT relating to education; to amend section 79-1601,
- 2 Reissue Revised Statutes of Nebraska, and section 79-1605, Revised
- 3 Statutes Cumulative Supplement, 2022; to change provisions relating
- 4 to schools that elect not to meet accreditation or approval
- 5 requirements; to define a term; to harmonize provisions; and to
- 6 repeal the original sections.
- 7 Be it enacted by the people of the State of Nebraska,

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

3 79-1601 (1) Except as provided in subsections (2) through (6) of
4 this section, all private, denominational, and parochial schools in the
5 State of Nebraska and all teachers employed or giving instruction in such
6 schools shall be subject to and governed by the provisions of the general
7 school laws of the state so far as the same apply to grades,
8 qualifications, and certification of teachers and promotion of students.
9 All private, denominational, and parochial schools shall have adequate
10 equipment and supplies, shall be graded the same, and shall have courses
11 of study for each grade conducted in such schools substantially the same
12 as those given in the public schools which the students would attend in
13 the absence of such private, denominational, or parochial schools.

14 (2) All private, denominational, or parochial schools shall either
15 comply with the accreditation or approval requirements as prescribed
16 pursuant to ~~in~~ section 79-318 or, for those schools which elect not to
17 meet accreditation or approval requirements, the requirements prescribed
18 in ~~section 79-318~~ and subsections (2) through (6) of this section.
19 Standards and procedures for approval and accreditation shall be based
20 upon the program of studies, guidance services, the number and
21 preparation of teachers in relation to the curriculum and enrollment,
22 instructional materials and equipment, science facilities and equipment,
23 library facilities and materials, and health and safety factors in
24 buildings and grounds. Rules and regulations governing ~~which govern~~
25 ~~standards~~ and procedures for private, denominational, and parochial
26 schools which elect, pursuant to the procedures prescribed in subsections
27 (2) through (6) of this section, not to meet state accreditation or
28 approval requirements shall be based upon an assurance ~~evidence~~ that such
29 schools offer a program of instruction leading to the acquisition of
30 basic skills in the language arts, mathematics, science, social studies,
31 and health. The assurance required pursuant to this subsection shall be

1 satisfied by a signed statement by the parent, legal guardian, or
2 educational decisionmaker of a student that the education provided
3 complies with subsections (2) through (6) of this section. Rules and
4 regulations which govern procedures under this section are limited to
5 procedures for receiving information from a parent, legal guardian, or
6 educational decisionmaker of a student or a parent representative when
7 such individual files the election not to meet accreditation or approval
8 requirements under this section. Such rules and regulations may include a
9 provision for the visitation of such schools and regular achievement
10 testing of students attending such schools in order to insure that such
11 schools are offering instruction in the basic skills listed in this
12 subsection. Any arrangements for visitation or testing shall be made
13 through a parent representative of each such school. The results of such
14 testing may be used as evidence that such schools are offering
15 instruction in such basic skills but shall not be used to measure,
16 compare, or evaluate the competency of students at such schools.

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

1 decisions of the parent, parents or legal guardian, or educational
2 decisionmaker guardians in directing the student's education, (b) an
3 authorized representative of such parent, parents or legal guardian, or
4 educational decisionmaker guardians will ~~at least~~ annually submit to the
5 Commissioner of Education an assurance ~~the information necessary to prove~~
6 that the requirements of subdivisions (4)(a) through (c) of this section
7 are and will continue to be satisfied, (c) the school offers the courses
8 of instruction required by subsections (2), (3), and (4) of this section,
9 and (d) the parent, parents or legal guardian, or educational
10 decisionmaker is guardians ~~have~~ satisfied themselves that individuals
11 monitoring instruction at such school are qualified to monitor
12 instruction in the basic skills as required by subsections (2), (3), and
13 (4) of this section ~~and that such individuals have demonstrated an~~
14 ~~alternative competency to monitor instruction or supervise students~~
15 ~~pursuant to subsections (3) through (6) of this section.~~

16 (4) Each such private, denominational, or parochial school shall (a)
17 meet minimum requirements relating to health, fire, and safety standards
18 prescribed by state law and the rules and regulations of the State Fire
19 Marshal, (b) report attendance pursuant to section 79-201, (c) maintain a
20 sequential program of instruction designed to lead to basic skills in the
21 language arts, mathematics, science, social studies, and health, and (d)
22 comply with the immunization requirements in section 79-217 if the
23 statement signed by the parent, parents or legal guardian, or educational
24 decisionmaker indicates guardians indicate a nonreligious reason pursuant
25 to subdivision (3)(a)(ii) of this section for the student attending a
26 private, denominational, or parochial school which elects not to meet
27 state accreditation or approval requirements. The State Board of
28 Education shall establish procedures for receiving information and
29 reports required by subsections (3) through (6) of this section from
30 authorized parent representatives who may act as agents for the parent,
31 parents or legal guardian, or educational decisionmaker guardians of a

1 ~~student~~ students attending such ~~schools~~ school and for individuals
2 monitoring instruction in the basic skills required by subsections (2),
3 (3), and (4) of this section.

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

1 ~~proof that such school does not offer adequate instruction in the basic~~
2 ~~skills prescribed in subsections (3) and (4) of this section.~~

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

14 (7) For purposes of this section, educational decisionmaker means a
15 person designated or ordered by a court to make educational decisions on
16 behalf of a child.

17 Sec. 2. Section 79-1605, Revised Statutes Cumulative Supplement,
18 2022, is amended to read:

19 79-1605 (1) The superintendent of the school district in which any
20 private, denominational, or parochial school is located, ~~which school is~~
21 ~~not otherwise inspected by an area or diocesan representative holding a~~
22 ~~Nebraska certificate to administer,~~ shall inspect such schools and report
23 to the proper officers any evidence of failure to observe any of the
24 provisions of sections 79-1601 to 79-1607. The Commissioner of Education,
25 when in his or her judgment it is deemed advisable, may appoint a public
26 school official other than such superintendent, including a member of the
27 State Department of Education, for such inspections. Such appointee shall
28 hold a Nebraska certificate to administer. The State Board of Education
29 shall require the superintendents and appointed public school officials
30 to make such inspections at least twice a year, and the school officers
31 of such schools and the teachers giving instruction in such schools shall

1 permit such inspection and assist and cooperate in the making of the
2 same.

3 (2) This section does not apply to (a) any private, denominational,
4 or parochial school which elects not to meet accreditation or approval
5 requirements pursuant to the procedures prescribed in subsections (2)
6 through (6) of section 79-1601 or (b) a school inspected by an area or
7 diocesan representative holding a Nebraska certificate to administer.

8 Sec. 3. Original section 79-1601, Reissue Revised Statutes of
9 Nebraska, and section 79-1605, Revised Statutes Cumulative Supplement,
10 2022, are repealed.