

LEGISLATURE OF NEBRASKA  
NINETY-NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 114**

Introduced by Byars, 30; Combs, 32; Cunningham, 40; Erdman, 47;  
Howard, 9; Jensen, 20; Price, 26; Stuhr, 24

Read first time January 6, 2005

Committee: Education

A BILL

1 FOR AN ACT relating to schools; to amend sections 79-214 and  
2 79-220, Reissue Revised Statutes of Nebraska; to change  
3 provisions relating to entrance requirements; to  
4 harmonize provisions; and to repeal the original  
5 sections.  
6 Be it enacted by the people of the State of Nebraska,

1                   Section 1.    Section 79-214, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   79-214. (1) Except as provided in subsection (2) of this  
4 section, the school board of any school district shall not admit  
5 any child into the kindergarten or beginner grade of any school of  
6 such school district unless such child has reached the age of five  
7 years or will reach such age on or before October 15 of the current  
8 year.

9                   (2) The board may admit a child who will reach the age of  
10 five between October 16 and February 1 of the current school year  
11 if the parent or guardian requests such entrance and provides an  
12 affidavit stating that (a) the child attended kindergarten in  
13 another jurisdiction in the current school year, (b) the family  
14 anticipates relocation to another jurisdiction that would allow  
15 admission within the current year, or (c) the child has  
16 demonstrated through recognized assessment procedures approved by  
17 the board that he or she is capable of carrying the work of  
18 kindergarten or the beginner grade.

19                   (3) The board shall comply with the requirements of  
20 subsection (2) of section 43-2007 and shall require evidence of:  
21 (a) A physical examination by a physician, a physician assistant,  
22 or an advanced practice registered nurse within six months prior to  
23 the entrance of a child into the beginner grade and the seventh  
24 grade or, in the case of a transfer from out of state, to any other  
25 grade of the local school; and (b) for school year 2005-06 and each  
26 school year thereafter, a visual evaluation by a physician or  
27 optometrist within six months prior to the entrance of a child into  
28 the beginner grade or, in the case of a transfer from out of state,

1 to any other grade of the local school, which consists of testing  
2 for amblyopia, strabismus, and internal and external eye health,  
3 with testing sufficient to determine visual acuity, except that no  
4 such physical examination or visual evaluation shall be required of  
5 any child whose parent or guardian objects in writing. The cost of  
6 such physical examination and visual evaluation shall be borne by  
7 the parent or guardian of each child who is examined.

8           Sec. 2. Section 79-220, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10           79-220. At the time the parent or guardian of any child  
11 is notified that such child must have a physical examination and a  
12 visual evaluation pursuant to section 79-214 or immunizations  
13 pursuant to section 79-217, ~~he or she~~ the parent or guardian shall  
14 also be notified in writing of his or her right to submit a written  
15 statement refusing a physical examination, a visual evaluation, or  
16 immunization for his or her child.

17           Sec. 3. Original sections 79-214 and 79-220, Reissue  
18 Revised Statutes of Nebraska, are repealed.