

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 647**

Introduced by McDonnell, 5.

Read first time January 18, 2023

Committee: Education

1 A BILL FOR AN ACT relating to schools; to amend section 79-734, Revised  
2 Statutes Cumulative Supplement, 2022; to change provisions relating  
3 to the purchase and loan of textbooks for children enrolled in  
4 kindergarten to grade twelve of a private school as prescribed; to  
5 provide powers and duties to the State Department of Education; to  
6 define a term; and to repeal the original section.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-734, Revised Statutes Cumulative Supplement,  
2 2022, is amended to read:

3 79-734 (1)(a) ~~(1)~~ School boards and boards of education of all  
4 classes of school districts shall purchase all textbooks, equipment, and  
5 supplies necessary for the schools of such district. The duty to make  
6 such purchases may be delegated to employees of the school district.

7 (b) ~~(2)~~ School boards and boards of education shall purchase and  
8 loan textbooks to all children who are enrolled in kindergarten to grade  
9 twelve of a public school, ~~and,~~

10 (c) School boards and boards of education may adopt rules to carry  
11 out this subsection.

12 (2)(a) Through June 30, 2024, school boards and boards of education  
13 shall purchase and loan textbooks, upon individual request, to children  
14 who are enrolled in kindergarten to grade twelve of a private school  
15 which is approved for continued legal operation under rules and  
16 regulations established by the State Board of Education pursuant to  
17 subdivision (5)(c) of section 79-318. The Legislature may appropriate  
18 funds to carry out the provisions of this subdivision ~~subsection~~. A  
19 school district is not obligated to spend any money for the purchase and  
20 loan of textbooks to children enrolled in private schools other than  
21 funds specifically appropriated by the Legislature to be distributed by  
22 the State Department of Education for the purpose of purchasing and  
23 loaning textbooks as provided in this subdivision ~~subsection~~. Textbooks  
24 loaned to children enrolled in kindergarten to grade twelve of such  
25 private schools shall be textbooks which are designated for use in the  
26 public schools of the school district in which the child resides or the  
27 school district in which the private school the child attends is located.  
28 Such textbooks shall be loaned free to such children subject to such  
29 rules and regulations as are or may be prescribed by such school boards  
30 or boards of education. The State Department of Education shall adopt and  
31 promulgate rules and regulations to carry out this section. The rules and

1 regulations shall include provisions for the distribution of funds  
2 appropriated for textbooks. The rules and regulations shall include a  
3 deadline for applications from school districts for distribution of  
4 funds. If funds are not appropriated to cover the entire cost of  
5 applications, a pro rata reduction shall be made. ~~It is the intent of the~~  
6 ~~Legislature that on or before October 1, 2016, the department provide to~~  
7 ~~the Education Committee of the Legislature recommended changes to this~~  
8 ~~subsection that reflect advances in technology and educational content~~  
9 ~~for students.~~

10 (b) Beginning on July 1, 2024, the State Department of Education  
11 shall purchase and loan textbooks, upon individual request, to children  
12 who are enrolled in kindergarten to grade twelve of a private school  
13 which is approved for continued legal operation under rules and  
14 regulations established by the State Board of Education pursuant to  
15 subdivision (5)(c) of section 79-318. The Legislature may appropriate  
16 funds to carry out the provisions of this subdivision. The State  
17 Department of Education is not obligated to spend any money for the  
18 purchase and loan of textbooks to children enrolled in private schools  
19 other than funds specifically appropriated by the Legislature. The State  
20 Department of Education may utilize up to five percent of the  
21 appropriated funds to administer the provisions of this subdivision. The  
22 State Department of Education may contract with a third-party vendor to  
23 assist in carrying out this subdivision. The State Board of Education may  
24 adopt and promulgate rules and regulations to carry out this subdivision.  
25 The rules and regulations shall include a formula or standard for  
26 determining a cost-per-child allocation of funding based on the  
27 Legislature's appropriation of funding. The rules and regulations shall  
28 allow a designated agent, which may include a private school, to assist  
29 the parents or guardians of a child in the request and acquisition of  
30 textbooks pursuant to this subdivision. It is the intent of the  
31 Legislature that on or before October 1, 2028, and every five years

1 thereafter, the State Department of Education shall electronically  
2 provide to the Education Committee of the Legislature recommended changes  
3 to this subdivision that reflect advances in technology and educational  
4 content for students.

5 For purposes of this section, textbook means any instructional  
6 material, including digital, electronic, or online resources, that is  
7 designated for use by an individual student in classroom instruction as  
8 the principal source of study material.

9 Sec. 2. Original section 79-734, Revised Statutes Cumulative  
10 Supplement, 2022, is repealed.