

AMENDMENTS TO LB1224

Introduced by Education.

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

3           **Section 1.** Section 28-710, Revised Statutes Supplement, 2025, is  
4 amended to read:

5           28-710 (1) Sections 28-710 to 28-727 and section 2 of this act shall  
6 be known and may be cited as the Child Protection and Family Safety Act.

7           (2) For purposes of the Child Protection and Family Safety Act:

8           (a) Alternative response means a comprehensive assessment of (i)  
9 child safety, (ii) the risk of future child abuse or neglect, (iii)  
10 family strengths and needs, and (iv) the provision of or referral for  
11 necessary services and support. Alternative response is an alternative to  
12 traditional response and does not include an investigation or a formal  
13 determination as to whether child abuse or neglect has occurred, and the  
14 subject of the report shall not be entered into the central registry of  
15 child protection cases maintained pursuant to section 28-718;

16           (b) Child abuse or neglect means knowingly, intentionally, or  
17 negligently causing or permitting a minor child to be:

18           (i) Placed in a situation that endangers his or her life or physical  
19 or mental health;

20           (ii) Cruelly confined or cruelly punished;

21           (iii) Deprived of necessary food, clothing, shelter, or care;

22           (iv) Left unattended in a motor vehicle if such minor child is six  
23 years of age or younger;

24           (v) Placed in a situation to be sexually abused;

25           (vi) Placed in a situation to be sexually exploited through sex  
26 trafficking of a minor as defined in section 28-830 or by allowing,  
27 encouraging, or forcing such person to engage in debauchery, public

1 indecency, or obscene or pornographic photography, films, or depictions;  
2 or

3 (vii) Placed in a situation to be a trafficking victim as defined in  
4 section 28-830;

5 (c) Child advocacy center means a community-based organization that  
6 (i) provides an appropriate site for conducting forensic interviews as  
7 defined in section 28-728 and referring victims of child abuse or neglect  
8 and appropriate caregivers for such victims to needed evaluation,  
9 services, and supports, (ii) assists county attorneys in facilitating  
10 case reviews, developing and updating protocols, and arranging training  
11 opportunities for the teams established pursuant to sections 28-728 and  
12 28-729, and (iii) is a member, in good standing, of a state chapter as  
13 defined in 34 U.S.C. 20302;

14 (d) Comprehensive assessment means an analysis of child safety, risk  
15 of future child abuse or neglect, and family strengths and needs on a  
16 report of child abuse or neglect using an evidence-informed and validated  
17 tool. Comprehensive assessment does not include a finding as to whether  
18 the child abuse or neglect occurred but does determine the need for  
19 services and support, if any, to address the safety of children and the  
20 risk of future abuse or neglect;

21 (e) Department means the Department of Health and Human Services;

22 (f) Educational decisionmaker has the same meaning as in section  
23 79-530;

24 (g) Exempt school means a school which elects pursuant to section  
25 79-1601 not to meet accreditation or approval requirements;

26 (h) {f} Investigation means fact gathering by the department, using  
27 an evidence-informed and validated tool, or by law enforcement related to  
28 the current safety of a child and the risk of future child abuse or  
29 neglect that determines whether child abuse or neglect has occurred and  
30 whether child protective services are needed;

31 (i) {g} Kin caregiver means a person with whom a child in foster

1 care has been placed or with whom a child is residing pursuant to a  
2 temporary living arrangement in a non-court-involved case, who has  
3 previously lived with or is a trusted adult that has a preexisting,  
4 significant relationship with the child or with a sibling of such child  
5 placed pursuant to section 43-1311.02;

6 (j) ~~(h)~~ Law enforcement agency means the police department or town  
7 marshal in incorporated municipalities, the office of the sheriff in  
8 unincorporated areas, and the Nebraska State Patrol;

9 (k) ~~(i)~~ Member of a military family means an individual who is:

10 (i) Serving active duty service in the armed forces of the United  
11 States, including any reserve component or the National Guard; or

12 (ii) Is a dependent, as defined in 50 U.S.C. 3911, of a person  
13 described in subdivision (2)(k)(i) ~~(2)(i)(i)~~ of this section;

14 (l) ~~(j)~~ Non-court-involved case means an ongoing case opened by the  
15 department following a report of child abuse or neglect in which the  
16 department has determined that ongoing services are required to maintain  
17 the safety of a child or alleviate the risk of future abuse or neglect  
18 and in which the family voluntarily engages in child protective services  
19 without a filing in a juvenile court;

20 (m) ~~(k)~~ Out-of-home child abuse or neglect means child abuse or  
21 neglect occurring outside of a child's family home, including in day care  
22 homes, foster homes, day care centers, residential child-caring agencies  
23 as defined in section 71-1926, other child care facilities or  
24 institutions, and the community. Out-of-home child abuse or neglect also  
25 includes cases in which the subject of the report of child abuse or  
26 neglect is not a member of the child's household, no longer has access to  
27 the child, is unknown, or cannot be identified;

28 (n) ~~(l)~~ Relative caregiver means a person with whom a child is  
29 placed by the department and who is related to the child, or to a sibling  
30 of such child pursuant to section 43-1311.02, by blood, marriage, or  
31 adoption or, in the case of an Indian child, is an extended family member

1 as defined in section 43-1503;

2 ~~(o)~~ ~~(m)~~ Report means any communication received by the department or  
3 a law enforcement agency pursuant to the Child Protection and Family  
4 Safety Act that describes child abuse or neglect and contains sufficient  
5 content to identify the child who is the alleged victim of child abuse or  
6 neglect;

7 ~~(p)~~ ~~(n)~~ Review, Evaluate, and Decide Team means an internal team of  
8 staff within the department and shall include no fewer than two  
9 supervisors or administrators and two staff members knowledgeable on the  
10 policies and practices of the department, including, but not limited to,  
11 the structured review process. County attorneys, child advocacy centers,  
12 or law enforcement agency personnel may attend team reviews upon request  
13 of a party;

14 ~~(q)~~ ~~(o)~~ School employee means a person nineteen years of age or  
15 older who is employed by a public, private, denominational, or parochial  
16 school approved or accredited by the State Department of Education;

17 ~~(r)~~ ~~(p)~~ Student means a person less than nineteen years of age  
18 enrolled in or attending a public, private, denominational, or parochial  
19 school approved or accredited by the State Department of Education, or  
20 who was such a person enrolled in or who attended such a school within  
21 ninety days of any violation of section 28-316.01;

22 ~~(s)~~ ~~(q)~~ Traditional response means an investigation by a law  
23 enforcement agency or the department pursuant to section 28-713 which  
24 requires a formal determination of whether child abuse or neglect has  
25 occurred; and

26 ~~(t)~~ ~~(r)~~ Subject of the report of child abuse or neglect or subject  
27 of the report means the person or persons identified in the report as  
28 responsible for the child abuse or neglect.

29 **Sec. 2.** (1) The subject of a substantiated report of child abuse or  
30 neglect shall not be permitted to transfer or otherwise disenroll a  
31 student for whom such subject is a parent, legal guardian, or educational

1 decisionmaker from the student's current school until the filing of a  
2 petition under the Nebraska Juvenile Code or fourteen days after  
3 notification to the subject of the report pursuant to section 28-713.01,  
4 whichever occurs first.

5 (2) For any substantiated report involving a subject who is a parent  
6 of a student, legal guardian of a student, or educational decisionmaker  
7 for a student, the department shall notify each such student's current  
8 school and the Commissioner of Education that such student shall not be  
9 transferred or otherwise disenrolled from such school by a parent, legal  
10 guardian, or educational decisionmaker until further notice and that any  
11 new election filed under section 79-1601 for such student to attend an  
12 exempt school shall be invalid until further notice.

13 (3) If an election is filed under section 79-1601 in violation of  
14 this section or if such student's current school receives a request to  
15 transfer or disenroll such student, the Commissioner of Education or the  
16 school shall immediately notify the department of the filing or the  
17 request and that such notice is being given pursuant to this section.

18 (4) Upon the filing of a petition under the Nebraska Juvenile Code  
19 or fourteen days after notification to the subject of the report pursuant  
20 to section 28-713.01, whichever occurs first, the department shall notify  
21 such student's current school and the Commissioner of Education that  
22 there is no longer a restriction under subsection (2) of this section.

23 (5) Notices pursuant to this section are confidential investigation  
24 records and shall not contain any information other than the name of the  
25 student and whether or not to allow such student to transfer or otherwise  
26 disenroll from the school pursuant to this section.

27 (6) The department may adopt and promulgate rules and regulations to  
28 carry out this section.

29 **Sec. 3.** Section 79-1601, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 79-1601 (1) Except as provided in subsections (2) through (6) of

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

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

1 receiving information from a parent, legal guardian, or educational  
2 decisionmaker of a student or a parent representative when such  
3 individual files the election not to meet accreditation or approval  
4 requirements under this section and procedures for carrying out section 2  
5 of this act.

6 (3) The provisions of subsections (3) through (6) of this section  
7 shall apply to any private, denominational, or parochial school in the  
8 State of Nebraska which elects not to meet state accreditation or  
9 approval requirements. Except as provided in section 2 of this act, an An  
10 election pursuant to such subsections shall be effective when a statement  
11 is received by the Commissioner of Education signed by a parent, legal  
12 guardian, or educational decisionmaker of each student attending such  
13 private, denominational, or parochial school, stating that (a) either  
14 specifically (i) the requirements for approval and accreditation required  
15 by law and the rules and regulations adopted and promulgated by the State  
16 Board of Education violate sincerely held religious beliefs of the  
17 parent, legal guardian, or educational decisionmaker or (ii) the  
18 requirements for approval and accreditation required by law and the rules  
19 and regulations adopted and promulgated by the State Board of Education  
20 interfere with the decisions of the parent, legal guardian, or  
21 educational decisionmaker in directing the student's education, (b) an  
22 authorized representative of such parent, legal guardian, or educational  
23 decisionmaker will annually submit to the Commissioner of Education an  
24 assurance that the requirements of subdivisions (4)(a) through (c) of  
25 this section are and will continue to be satisfied, (c) the school offers  
26 the courses of instruction required by subsections (2), (3), and (4) of  
27 this section, and (d) the parent, legal guardian, or educational  
28 decisionmaker is satisfied that individuals monitoring instruction at  
29 such school are qualified to monitor instruction in the basic skills as  
30 required by subsections (2), (3), ~~and (4)~~, and (5) of this section.

31 (4) Each such private, denominational, or parochial school shall (a)

1 meet minimum requirements relating to health, fire, and safety standards  
2 prescribed by state law and the rules and regulations of the State Fire  
3 Marshal, (b) report attendance pursuant to section 79-201, (c) maintain a  
4 sequential program of instruction designed to lead to basic skills in the  
5 language arts, mathematics, science, social studies, and health, and (d)  
6 comply with the immunization requirements in section 79-217 if the  
7 statement signed by the parent, legal guardian, or educational  
8 decisionmaker indicates a nonreligious reason pursuant to subdivision (3)  
9 (a)(ii) of this section for the student attending a private,  
10 denominational, or parochial school which elects not to meet state  
11 accreditation or approval requirements. The State Board of Education  
12 shall establish procedures for receiving information and reports required  
13 by subsections (3) through (6) of this section from authorized parent  
14 representatives who may act as agents for the parent, legal guardian, or  
15 educational decisionmaker of a student attending such schools.

16 (5)(a) (5) Individuals employed or utilized by schools which elect  
17 not to meet state accreditation or approval requirements shall not be  
18 required to meet the certification requirements prescribed in sections  
19 79-801 to 79-815.

20 (b) Individuals monitoring or providing instruction at a school  
21 which elects not to meet state accreditation or approval requirements  
22 shall not have been convicted of any felony offense under sections 28-319  
23 to 28-322.05 or section 28-316.01, 28-323, 28-703, or 28-707.

24 (6) Any school which elects not to meet state accreditation or  
25 approval requirements and does not meet the requirements of subsections  
26 (2) through (6) of this section shall not be deemed a school, and the  
27 parent, legal guardian, or educational decisionmaker of any students  
28 attending such school shall be subject to prosecution pursuant to section  
29 79-201 or any statutes relating to habitual truancy.

30 (7) For purposes of this section, educational decisionmaker means a  
31 person designated or ordered by a court to make educational decisions on

1 behalf of a child.

2       **Sec. 4.** Original section 79-1601, Reissue Revised Statutes of  
3 Nebraska, and section 28-710, Revised Statutes Supplement, 2025, are  
4 repealed.