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AMENDMENTS TO LB937

Introduced by Education.

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

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

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

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

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

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

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

(ii) Cruelly confined or cruelly punished;

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

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

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

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

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

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

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

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

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

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

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

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

(i) ~~(g)~~ Kin caregiver means a person with whom a child in foster

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

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

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

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

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

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

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

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

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as defined in section 43-1503;

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 3. Section 79-209, Reissue Revised Statutes of Nebraska, is amended to read:

79-209 (1) In all school districts in this state, any

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superintendent, principal, teacher, or member of the school board who knows of any violation of subsection (2) of section 79-201 shall within three days report such violation to the attendance officer of the school, who shall immediately investigate the case. When of his or her personal knowledge or by report or complaint from any resident of the district, the attendance officer believes that there is a violation of subsection (2) of section 79-201, the attendance officer shall immediately investigate such alleged violation.

(2) All school boards shall have a written policy on attendance developed and annually reviewed in collaboration with the county attorney of the county in which the principal office of the school district is located. The policy shall include a provision indicating how the school district will handle cases in which excessive absences are due to illness. The policy shall also state the circumstances and number of absences or the hourly equivalent upon which the school shall render all services to address barriers to attendance. Such services shall be provided upon twenty days of absence, and shall include, but not be limited to:

(a) Written communication by school officials with the person or persons who have legal or actual charge or control of any child; and

(b) One or more meetings between, at a minimum, a school attendance officer, a school social worker, or a school administrator or his or her designee, the person who has legal or actual charge or control of the child, the person who is responsible for making educational decisions on behalf of the child if that person is someone other than the person who has legal or actual charge or control of the child, and the child, when appropriate, to address the barriers to attendance. The result of the meeting or meetings shall be to develop a collaborative plan to reduce barriers identified to improve regular attendance. The plan shall include, if agreed to by the person who is responsible for making educational decisions on behalf of the child, an educational evaluation

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to determine whether any intellectual, academic, physical, or social-emotional barriers are contributing factors to the lack of attendance. The plan shall also consider, but not be limited to:

(i) The physical, mental, or behavioral health of the child;

(ii) Educational counseling;

(iii) Referral to community agencies for economic services;

(iv) Family or individual counseling;

(v) Assisting the family in working with other community services; and

(vi) Referral to restorative justice practices or services.

(3)(a) ~~(3)~~ The school may report to the county attorney of the county in which the person resides when the school has documented the efforts it has made as required by subsection (2) of this section that the collaborative plan to reduce barriers identified to improve regular attendance has not been successful and that the child has accrued twenty days or more of unexcused absences during the school year. The following shall not be considered unexcused absences:

(i) Absences excused by a parent, guardian, or educational decisionmaker as defined in section 79-530 of the child for physical or mental illness and for which a note from a licensed physician, licensed physician assistant, or licensed mental health practitioner has been provided that supports such absence; or ~~been absent more than twenty days per school year.~~

(ii) Absences:

(A) By pregnant or parenting students that are in accordance with a policy developed pursuant to section 79-2,151; or

(B) By students (I) who have an individualized family service plan, (II) who have an individualized education program under the federal Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., (III) receiving special accommodations or services under section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. 794, (IV) receiving

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special education as defined in section 79-1125, or (V) who are eligible for services under the McKinney-Vento Homeless Assistance Act, 42 U.S.C. 1141 et seq., specifically the Education for Homeless Children and Youth program, if such absences are related to any such plan, services, special education, or program.

(b) The school shall notify the child's family in writing prior to referring the child to the county attorney. Failure by the school to document the efforts required by subsection (2) of this section is a defense to prosecution under section 79-201 and to adjudication under subdivision (3)(a) or (3)(b) of section 43-247 based upon such absences. Illness that makes attendance impossible or impracticable shall not be the basis for referral to the county attorney.

(4) Nothing in this section shall preclude a county attorney from being involved at any stage in the process to address excessive absenteeism.

Sec. 4. Section 79-239, Reissue Revised Statutes of Nebraska, is amended to read:

79-239 (1) If an application is rejected by the option school district or if the resident school district rejects a request for release under subsection (1) of section 79-237, the rejecting school district shall provide written notification to the parent or guardian stating (a) the specific reasons for the rejection including, for students with an individualized education program under the federal Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., or with a diagnosed disability as defined in section 79-1118.01, a description of services and accommodations required that the school district does not have the capacity to provide, and (b) the process for appealing such rejection to the State Board of Education. Such notification shall be sent by certified mail.

(2) The parent or legal guardian may appeal a rejection to the State Board of Education by filing a written request, together with a copy of

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the rejection notice, with the State Board of Education. Such request and copy of the notice must be received by the board within thirty days after the date the notification of the rejection was received by the parent or legal guardian. Such hearing shall be held in accordance with the Administrative Procedure Act and shall determine whether the procedures of sections 79-234 to 79-241 have been followed. Any rejection based upon capacity limitations established under section 79-238 shall be the responsibility of the school district to prove in any appeal filed with the state board.

(3)(a) As part of the end-of-the-school-year annual statistical summary required pursuant to section 79-528, ~~Beginning July 1, 2024, and on or before July 1 of each year thereafter,~~ each school district shall provide ~~to the State Department of Education~~ information prescribed by the Commissioner of Education relating to all applications received pursuant to section 79-237 ~~rejected~~ by the ~~option~~ school district. Such information shall include, but not be limited to, (a) the number of applications approved and the number of applications rejected by ~~in each public school in~~ such school district, (b) an explanation why each rejected application was rejected, (c) whether each application for option enrollment indicated that the student had an individualized education program under the federal Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., or had been identified as a student with a disability as defined in section 79-1118.01, and (d) if the school district is in a learning community, whether information regarding the requirements of subsection (4) of section 79-238 was provided to the applicant.

(b) The Commissioner of Education shall annually compile the information received pursuant to this subsection and provide a report on such information electronically to the Legislature beginning on September 1, 2024, and on or before September 1 of each year thereafter. The State Board of Education may adopt and promulgate rules and regulations to

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carry out this subsection.

Sec. 5. Section 79-2,136, Revised Statutes Supplement, 2025, is amended to read:

79-2,136 (1) Each school board shall allow the part-time enrollment of students, for all courses selected by the students, who are residents of, or admitted to, the school district pursuant to subsection (1), (2), or (11) of section 79-215 and who are also enrolled in a private, denominational, or parochial school or in a school which elects pursuant to section 79-1601 not to meet accreditation or approval requirements and shall establish policies and procedures for such part-time enrollment. Such policies and procedures may include provisions permitting the part-time enrollment of such students who are not residents of, or admitted to, such school districts to the extent permitted pursuant to section 79-215 and may require part-time students to follow school policies that apply to other students at any time the part-time student is present on school grounds or at a school-sponsored activity or athletic event. Part-time enrollment shall not entitle a student to transportation or transportation reimbursements pursuant to section 79-611.

(2) Each school board shall establish policies and procedures to allow any student who is a resident of, or admitted to, the school district pursuant to subsection (1), (2), or (11) of section 79-215 and who is enrolled in a school which elects pursuant to section 79-1601 not to meet accreditation or approval requirements to participate in any extracurricular activities as defined in section 79-2,126, including, but not limited to, interschool competitions, to the same extent and subject to the same requirements, conditions, and procedures as a student enrolled in a public school governed by such board, except that any school which elects pursuant to section 79-1601 not to meet accreditation or approval requirements shall set the standards for satisfactory academic performance for a student from the school to participate in extracurricular activities pursuant to this subsection and shall provide

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assurances of compliance with such academic standards.

(3) School board policies and procedures adopted pursuant to subsection (2) of this section:

(a) Shall ~~shall~~ require any student desiring to participate in extracurricular activities regulated by an athletics or activities association to which such school is a member ~~pursuant to such subsection~~ to be enrolled in five credit hours offered by the school district in any semester in order to participate in such extracurricular activities, but may not prohibit a student from enrolling in more than five credit hours; ~~,~~

(b) Shall require any student desiring to participate in an extracurricular activity that is governed by a national or state organization other than an athletics or activities association to be enrolled only in the minimum number of credit hours offered by the school district as required by such national or state organization in order to participate in such extracurricular activity, but may not prohibit a student from enrolling in more than such minimum credit hours;

(c) Shall not require any student desiring to participate in an extracurricular activity that is not governed by a national or state organization or an athletics or activities association to be enrolled in any minimum number of credit hours offered by the school district in order to participate in such extracurricular activity;

(d) Shall ~~shall~~ not allow any preference in the selection of a student for participation in an extracurricular activity based on such student's status as a full-time student in the school district; ~~,~~ and

(e) May ~~(c) may~~ require any student participating in extracurricular activities pursuant to such subsection to follow school policies that apply to other students when present on school grounds or at a school-sponsored activity or athletic event.

(4) Participation in extracurricular activities pursuant to subsection (2) of this section shall not entitle a student to

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transportation, except to and from practices and events to the same extent as public school students participating in such activities, or transportation reimbursement pursuant to section 79-611.

(5) ~~(4)~~ Nothing in this section shall be construed to exempt any student from the compulsory attendance provisions of section 79-201 or any statutes relating to habitual truancy.

Sec. 6. Section 79-308, Reissue Revised Statutes of Nebraska, is amended to read:

79-308 ~~(1)~~ The Commissioner of Education shall organize institutes and conferences at such times and places as he or she deems practicable. He or she shall, as far as practicable, attend such institutes and conferences, provide proper instructors for the same, and in other ways seek to improve the efficiency of teachers and advance the cause of education in the state.

~~(2) The Legislature finds that (a) an educator-effectiveness system includes a quality evaluation system with the primary goal of improving instruction and learning in every school district and (b) school districts have an opportunity to receive training on the quality evaluation models.~~

~~(3) Beginning with the 2016-17 school year through the 2020-21 school year, school districts may apply to the State Department of Education for grant funding for a period of up to two years to implement an evaluation model for effective educators and to obtain the necessary training for administrators and teachers for such model.~~

Sec. 7. Section 79-528, Reissue Revised Statutes of Nebraska, is amended to read:

79-528 (1)(a) On or before October 15 ~~July 20~~ in all school districts, the superintendent shall file with the State Department of Education a report showing the number of children from five through eighteen years of age belonging to the school district according to the census taken as provided in sections 79-524 and 79-578.

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(b) The board of any district neglecting to take and report the enumeration shall be liable to the school district for all school money which such district may lose by such neglect.

(2) On or before June 30 the superintendent of each school district shall file with the Commissioner of Education a report described as an end-of-the-school-year annual statistical summary showing (a) the number of children attending school during the year under five years of age, (b) the length of time the school has been taught during the year by a qualified teacher, (c) the length of time taught by each substitute teacher, (d) information regarding option enrollment applications as required under subdivision (3)(a) of section 79-239, and (e) ~~(d)~~ such other information as the Commissioner of Education directs.

(3) On or before November 1 the superintendent of each school district shall submit to the Commissioner of Education a report described as the annual financial report showing (a) ~~(i)~~ the amount of money received from all sources during the year and the amount of money expended by the school district during the year, (b) ~~(ii)~~ the amount of bonded indebtedness, (c) ~~(iii)~~ such other information as shall be necessary to fulfill the requirements of the Tax Equity and Educational Opportunities Support Act and section 79-1114, and (d) ~~(iv)~~ such other information as the Commissioner of Education directs.

(4)(a) On or before October 15 of each year, the superintendent of each school district shall file with the commissioner the fall school district membership report, which report shall include the number of children from birth through twenty years of age enrolled in the district on October 1 of a given school year. The report shall enumerate (i) students by grade level, (ii) school district levies and total assessed valuation for the current fiscal year, (iii) students enrolled in the district as option students, resident students enrolled in another district as option students, students enrolled in the district as open enrollment students, and resident students enrolled in another district

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as open enrollment students, and (iv) such other information as the Commissioner of Education directs.

~~(b) On or before October 15 of each year prior to 2017, each learning community coordinating council shall issue to the department a report which enumerates the learning community levies pursuant to subdivision (2)(b) of section 77-3442 and total assessed valuation for the current fiscal year.~~

(b) ~~(c)~~ When any school district fails to submit its fall membership report by November 1, the commissioner shall, after notice to the district and an opportunity to be heard, direct that any state aid granted pursuant to the Tax Equity and Educational Opportunities Support Act be withheld until such time as the report is received by the department. In addition, the commissioner shall direct the county treasurer to withhold all school money belonging to the school district until such time as the commissioner notifies the county treasurer of receipt of such report. The county treasurer shall withhold such money.

Sec. 8. (1) For purposes of this section:

(a) Child abuse means an offense committed under section 28-707; and

(b) Sexual misconduct means any verbal, nonverbal, written, or electronic communication, or any other act directed toward or with a student that is designed to establish a sexual relationship with the student, including a sexual invitation, dating or soliciting a date, engaging in sexual dialogue, making sexually suggestive comments, self-disclosure or physical exposure of a sexual or erotic nature, and any other sexual, indecent, or erotic contact with a student. Sexual misconduct includes sexual abuse by a school worker pursuant to section 28-316.01 or violations of a policy adopted pursuant to section 79-879 relating to relationships with students.

(2) No school board of a school district or governing authority of an approved or accredited private, denominational, or parochial school shall employ or contract for the paid services of any person to serve in

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a position which involves regular contact with students unless the school board or governing authority, in addition to any other requirements:

(a) Requires the applicant to provide:

(i) A list, including name, address, telephone number, and other relevant contact information for:

(A) The applicant's current employer at the time of the application, if any;

(B) All former schools that such applicant was employed by within the seven years preceding such application; and

(C) All former employers that the applicant was employed by within the seven years preceding such application that involved direct contact with children;

(ii) A written authorization for the release and disclosure of any records related to the information requested under subdivision (2)(a)(i) of this section by the applicant's employers listed under such subdivision to the school district or school. Such written authorization shall also release employers from liability that may arise from the disclosure or release of such records; and

(iii) A written statement as to whether the applicant:

(A) Has been the subject of a report of child abuse, unless the investigation resulted in a finding that the allegations were false or the alleged incident of child abuse or neglect was not substantiated;

(B) Has ever been disciplined, discharged, nonrenewed, asked to resign from employment, or resigned from or otherwise separated from any employment while allegations of child abuse or neglect or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or neglect or sexual misconduct; or

(C) Has ever had a license, professional license, or certificate suspended, surrendered, or revoked while allegations of child abuse or neglect or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or neglect or sexual

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misconduct; and

(b) Conducts a review of the employment history of the applicant by contacting the employers listed by the applicant under subdivision (2)(a) of this section and requesting the following information:

(i) The dates of employment of the applicant; and

(ii) A statement as to whether, to the extent the employer has knowledge, the applicant:

(A) Has been the subject of a report of child abuse, unless the investigation resulted in a finding that the allegations were false or the alleged incident of child abuse or neglect was not substantiated;

(B) Has ever been disciplined, discharged, nonrenewed, asked to resign from employment, or resigned from or otherwise separated from any employment while allegations of child abuse or neglect or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or neglect or sexual misconduct; or

(C) Has ever had a license, professional license, or certificate suspended, surrendered, or revoked while allegations of child abuse or neglect or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or neglect or sexual misconduct.

(3) The review of an applicant's employment history and background information as provided pursuant to this section may be conducted through telephonic, electronic, or written communications. If the review is conducted by telephone, the results of the review shall be documented in writing by the prospective employer.

(4)(a) An applicant who willfully provides false information or willfully fails to disclose information required in subdivision (2)(a) of this section shall be subject to discipline up to, and including, (i) termination or denial of employment, (ii) reporting to the state agency or other entity with authority to revoke any relevant certificate or license, or (iii) being subject to a civil penalty of not more than five

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hundred dollars. Any penalty collected pursuant to this subsection shall be distributed pursuant to Article VII, section 5, of the Constitution of Nebraska.

(b) The school board or the governing authority of an approved or accredited private, denominational, or parochial school shall include a notification of the penalties set forth in this section on all applications for employment for positions which involve regular contact with students.

(c) The school board or the governing authority of an approved or accredited private, denominational, or parochial school shall have the right to immediately terminate an individual's employment or rescind an offer of employment if:

(i) The applicant is offered employment or commences employment or contracted services with the school following the effective date of this act;

(ii) Information regarding the applicant's history of child abuse or sexual misconduct is subsequently discovered or obtained by the employer that the employer determines disqualifies the applicant or employee from employment with the school; and

(iii) The termination of employment pursuant to this subdivision (4)(c) shall not be subject to any grievance or appeals procedures or tenure proceedings pursuant to any collective bargaining or negotiated agreement.

(5) After reviewing the information disclosed under subdivision (2)(a) of this section and finding an affirmative response to any of the inquiries in subdivision (2)(a)(iii) of this section, the school board or board of education, prior to determining to continue with the applicant's job application process, shall make further inquiries of the applicant's current or former employer to ascertain additional details regarding the matter disclosed.

(6) A school board or a governing authority of an approved or

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accredited private, denominational, or parochial school may employ or contract with an applicant on a provisional basis for a period not to exceed ninety days pending review by the school board or the governing authority of information received pursuant to subsection (2) of this section, provided that all of the following conditions are satisfied:

(a) The applicant has complied with subsection (2) of this section;

(b) The school board or the governing authority has no knowledge or information pertaining to the applicant that the applicant is required to disclose pursuant to subdivision (2)(a)(iii) of this section; and

(c) The school board or the governing authority determines that special or emergent circumstances exist that justify the temporary employment of the applicant.

(7) Information received by a school board or a governing authority under this section shall not be considered a public record subject to disclosure pursuant to sections 84-712 to 84-712.09.

(8)(a) A school board or a governing authority that receives a request for information or records regarding an applicant pursuant to and in accordance with this section from another school board or board of education shall provide such information and respond to such inquiries as soon as practicable.

(b) An employer that provides information or records about a current or former employee or applicant shall be immune from criminal and civil liability for the disclosure of the information, unless the information or any record provided was knowingly false. The immunity shall be in addition to and not in limitation of any other immunity provided by law.

(9)(a) On or after the effective date of this act, a school board or a governing authority of an approved or accredited public, private, denominational, or parochial school may not enter into an agreement, an employment contract, an agreement for resignation or termination, a severance agreement, or any other contract or agreement or take any action that:

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(i) Has the effect of suppressing or destroying information relating to an investigation related to a report of suspected child abuse or sexual misconduct by a current or former employee;

(ii) Affects the ability of the school board or the governing authority to report suspected child abuse or sexual misconduct to the appropriate authorities; or

(iii) Requires the school board or the governing authority to expunge information about allegations or findings of suspected child abuse or sexual misconduct from any documents maintained by the school unless, after investigation, the allegations are found to be false or the alleged incident of child abuse or sexual misconduct has not been substantiated.

(b) Any provision of an employment contract or agreement for resignation or termination or a severance agreement that is entered into, amended, or renewed after the effective date of this act and that is contrary to this section shall be void and unenforceable.

(10) The State Department of Education shall establish a public awareness campaign to publicize the provisions of this section and to ensure applicants and employers are aware of their respective rights and responsibilities under this section. The department shall post on its website guidance documents and any other informational materials that may assist applicants and employers in the implementation of and compliance with this section.

Sec. 9. Section 79-816, Reissue Revised Statutes of Nebraska, is amended to read:

79-816 (1) The State Department of Education shall create and administer the Nebraska Teacher Apprenticeship Program. The purpose of the program is to help recruit and increase the number of teachers throughout the state by utilizing an apprenticeship model for training. The program shall provide for an applicant who successfully completes the program to obtain a certificate or permit issued by the Commissioner of

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Education. The department may work with standard institutions of higher education as defined in section 79-807, the Department of Labor, and other entities the State Department of Education deems necessary to develop and implement the program.

(2) An individual may apply for participation in the program if the individual (a) is an employee of a school approved or accredited by the State Department of Education or (b) has a contract to begin working for a school approved or accredited by the State Department of Education at the start of the school year for which the individual is applying for participation in the program.

(3) The department shall determine requirements for completion of the program by an applicant. The requirements shall include, but need not be limited to:

(a) The completion of a one-year apprenticeship in a classroom;

(b) A baccalaureate degree from a standard institution of higher education; and

(c) Successful completion of a subject area examination <u>as determined by the Commissioner of Education</u> ~~and pedagogy examination created by the department as part of the program~~.

(4) The Commissioner of Education shall issue a certificate to teach as set forth pursuant to the rules and regulations adopted and promulgated pursuant to sections 79-806 to 79-815 to an applicant who successfully completes the program.

(5) It is the intent of the Legislature to appropriate one million dollars for fiscal year 2023-24 and each fiscal year thereafter from the Education Future Fund to the State Department of Education for the program.

Sec. 10. Section 79-8,113, Reissue Revised Statutes of Nebraska, is amended to read:

79-8,113 For purposes of the Nebraska Teacher Recruitment and Retention Act:

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(1) Department means the State Department of Education;

(2) Dual enrollment means a course taught to students for credit at both a high school and a postsecondary institution;

(3) ~~(2)~~ Grant means a grant for teacher recruitment and retention payments under the Nebraska Teacher Recruitment and Retention Act; and

(4) ~~(3)~~ Teacher means a person who holds a valid certificate to teach in Nebraska issued by the Commissioner of Education and is employed in Nebraska for the instruction of students in elementary or high school grades.

Sec. 11. Section 79-8,114, Reissue Revised Statutes of Nebraska, is amended to read:

79-8,114 (1) A teacher may apply to the department for a grant. The department shall not prioritize a grant based upon the school where the applicant teaches.

(2) A teacher is eligible to apply for:

(a) A retention one grant of two thousand five hundred dollars if the teacher has signed a contract to complete such teacher's second complete school year of full-time employment as a teacher at a Nebraska school in school year 2023-24, 2024-25, 2025-26, or 2026-27;

(b) A retention two grant of two thousand five hundred dollars if the teacher has signed a contract to complete such teacher's fourth complete school year of full-time employment as a teacher at a Nebraska school in school year 2023-24, 2024-25, 2025-26, or 2026-27;

(c) A retention three grant of two thousand five hundred dollars if the teacher has signed a contract to complete such teacher's sixth complete school year of full-time employment as a teacher at a Nebraska school in school year 2023-24, 2024-25, 2025-26, or 2026-27; and

(d)(i) A high-need retention grant of five thousand dollars if on or after June 2, 2023, a teacher:

(A) Obtains an endorsement in special education, mathematics, science, or technology ~~, or dual credit;~~ and ~~(B)(I) For an application~~

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~~submitted prior to April 17, 2024, signs a contract to complete a school year of full-time employment as a teacher at a Nebraska school in school year 2024-25, 2025-26, or 2026-27; or (II) For an application submitted on or after April 17, 2024,~~ signs a contract to complete a school year of full-time employment as a teacher to teach in such endorsement area at a Nebraska school in school year 2024-25, 2025-26, or 2026-27; or ~~.~~

(B) Signs a contract to complete a school year of full-time employment as a teacher at a Nebraska school in school year 2026-27 and teaches at least one dual enrollment course during such school year.

(ii) A teacher shall only be eligible to receive one high-need retention grant.

Sec. 12. Section 79-1035, Reissue Revised Statutes of Nebraska, is amended to read:

79-1035 (1) ~~(1)(a)~~ The State Treasurer shall, on or before January 25 of each year, make a complete exhibit of all money belonging to the permanent school fund and the temporary school fund as returned to him or her from the several counties, together with the amount derived from other sources, and deliver such exhibit duly certified to the Commissioner of Education and the chairperson of the Education Committee of the Legislature.

~~(b) Through 2021, the exhibit required in subdivision (1)(a) of this section shall include a separate accounting, not to exceed an amount of ten million dollars, of the income from solar and wind agreements on school lands. The amount of income from solar and wind agreements on school lands shall be used to fund the grants described in section 79-308. The Board of Educational Lands and Funds shall provide the State Treasurer with the information necessary to make the exhibit required by this subsection. Separate accounting shall not be made for income from solar or wind agreements on school lands that exceeds the sum of ten million dollars.~~

(2) On or before February 25 following receipt of the exhibit from

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the State Treasurer pursuant to subsection (1) of this section, the Commissioner of Education shall make the apportionment of the temporary school fund to each school district as follows: From the whole amount, there shall be paid to those districts in which there are school or saline lands, which lands are used for a public purpose, an amount in lieu of tax money that would be raised if such lands were taxable, to be fixed in the manner prescribed in section 79-1036; and the remainder shall be apportioned to the districts according to the pro rata enumeration of children who are five through eighteen years of age in each district last returned from the school district. The calculation of apportionment for each school fiscal year shall include any corrections to the prior school fiscal year's apportionment.

(3) The Commissioner of Education shall certify the amount of the apportionment of the temporary school fund as provided in subsection (2) of this section to the Director of Administrative Services. The Director of Administrative Services shall issue payments to the various districts for the respective amounts so certified by the Commissioner of Education.

~~(4) For purposes of this section, agreement means any lease, easement, covenant, or other such contractual arrangement.~~

Sec. 13. Section 79-1601, Reissue Revised Statutes of Nebraska, is amended to read:

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

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the absence of such private, denominational, or parochial schools.

(2) All private, denominational, or parochial schools shall either comply with the accreditation or approval requirements as prescribed pursuant to section 79-318 or, for those schools which elect not to meet accreditation or approval requirements, the requirements prescribed in subsections (2) through (6) of this section. Standards and procedures for approval and accreditation shall be based upon the program of studies, guidance services, the number and preparation of teachers in relation to the curriculum and enrollment, instructional materials and equipment, science facilities and equipment, library facilities and materials, and health and safety factors in buildings and grounds. Rules and regulations governing procedures for private, denominational, and parochial schools which elect, pursuant to the procedures prescribed in subsections (2) through (6) of this section, not to meet state accreditation or approval requirements shall be based upon an assurance that such schools offer a program of instruction leading to the acquisition of basic skills in the language arts, mathematics, science, social studies, and health. The assurance required pursuant to this subsection shall be satisfied by a signed statement by the parent, legal guardian, or educational decisionmaker of a student that the education provided complies with subsections (2) through (6) of this section. Rules and regulations which govern procedures under this section are limited to procedures for receiving information from a parent, legal guardian, or educational decisionmaker of a student or a parent representative when such individual files the election not to meet accreditation or approval requirements under this section and procedures for carrying out section 2 of this act.

(3) The provisions of subsections (3) through (6) of this section shall apply to any private, denominational, or parochial school in the State of Nebraska which elects not to meet state accreditation or approval requirements. Except as provided in section 2 of this act, an ~~An~~

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election pursuant to such subsections shall be effective when a statement is received by the Commissioner of Education signed by a parent, legal guardian, or educational decisionmaker of each student attending such private, denominational, or parochial school, stating that (a) either specifically (i) the requirements for approval and accreditation required by law and the rules and regulations adopted and promulgated by the State Board of Education violate sincerely held religious beliefs of the parent, legal guardian, or educational decisionmaker or (ii) the requirements for approval and accreditation required by law and the rules and regulations adopted and promulgated by the State Board of Education interfere with the decisions of the parent, legal guardian, or educational decisionmaker in directing the student's education, (b) an authorized representative of such parent, legal guardian, or educational decisionmaker will annually submit to the Commissioner of Education an assurance that the requirements of subdivisions (4)(a) through (c) of this section are and will continue to be satisfied, (c) the school offers the courses of instruction required by subsections (2), (3), and (4) of this section, and (d) the parent, legal guardian, or educational decisionmaker is satisfied that individuals monitoring instruction at such school are qualified to monitor instruction in the basic skills as required by subsections (2), (3), ~~and~~ (4)<u>, and (5)</u> of this section.

(4) Each such private, denominational, or parochial school shall (a) meet minimum requirements relating to health, fire, and safety standards prescribed by state law and the rules and regulations of the State Fire Marshal, (b) report attendance pursuant to section 79-201, (c) maintain a sequential program of instruction designed to lead to basic skills in the language arts, mathematics, science, social studies, and health, and (d) comply with the immunization requirements in section 79-217 if the statement signed by the parent, legal guardian, or educational decisionmaker indicates a nonreligious reason pursuant to subdivision (3)(a)(ii) of this section for the student attending a private,

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denominational, or parochial school which elects not to meet state accreditation or approval requirements. The State Board of Education shall establish procedures for receiving information and reports required by subsections (3) through (6) of this section from authorized parent representatives who may act as agents for the parent, legal guardian, or educational decisionmaker of a student attending such schools.

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

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

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

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

Sec. 14. Section 79-3407, Reissue Revised Statutes of Nebraska, is amended to read:

79-3407 The department shall prepare documents to be submitted by school districts to aid the department in calculating each school district's property tax request authority and unused property tax request authority. Each school district shall submit such documents to the department on or before October 15 ~~September 30~~ of each year. If a school district fails to submit such documents to the department or if the

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department determines from such documents that a school district is not complying with the limits provided in the School District Property Tax Limitation Act, the department shall notify the school district of its determination. The Commissioner of Education shall then direct that any state aid granted pursuant to the Tax Equity and Educational Opportunities Support Act be withheld until such time as the school district submits the required documents or complies with the School District Property Tax Limitation Act. The state aid shall be held for six months. If the school district complies within the six-month period, it shall receive the suspended state aid. If the school district fails to comply within the six-month period, the suspended state aid shall revert to the General Fund.

Sec. 15. Section 79-3703, Reissue Revised Statutes of Nebraska, is amended to read:

79-3703 (1) The State Department of Education shall develop and administer the College Pathway Program to provide funds ~~grants~~ on or after July 1, 2024, to eligible providers to provide services in accordance with subsection (2) of this section to underrepresented and low-income students in high school and postsecondary education.

(2) A provider is eligible for funding ~~a grant~~ pursuant to the College Pathway Program Act if the provider offers, exclusively to underrepresented and low-income students, educational services that provide materials, services, and supports to help a student graduate from high school, apply for admission to a postsecondary institution, and complete the requirements to receive an associate degree or a baccalaureate degree. Such educational services may include:

(a) Assistance and tutorials which help students in completing applications for a college or university, including applying for aid through the Free Application for Federal Student Aid or other scholarships;

(b) Assistance and materials which help students take the

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appropriate high school classes in an area or field of study a student is interested in and any classes necessary for a student to gain acceptance at a postsecondary institution or complete the requirements and take the appropriate postsecondary education classes to receive an associate degree or a baccalaureate degree; and

(c) Any other services specified pursuant to rules and regulations adopted and promulgated by the State Board of Education.

(3) Eligible providers may apply to the State Department of Education for funding ~~a grant~~ in a manner prescribed by the Commissioner of Education.

Sec. 16. Section 79-3704, Reissue Revised Statutes of Nebraska, is amended to read:

79-3704 (1) On or before December 1, 2024, and each December 1 thereafter, the State Department of Education shall electronically submit a report to the Clerk of the Legislature regarding the College Pathway Program Act, including, but not limited to, the recipients of funding ~~grants~~ and evaluations of the effectiveness of the ~~grant~~ program.

(2) The State Board of Education may adopt and promulgate rules and regulations to carry out the College Pathway Program Act.

Sec. 17. Sections 17 to 22 of this act shall be known and may be cited as the Prior Learning Act.

Sec. 18. For purposes of the Prior Learning Act:

(1) Commission means the Coordinating Commission for Postsecondary Education;

(2) Cut score means the minimum score an individual is required to achieve on a prior learning examination to receive postsecondary credit from a Nebraska public postsecondary institution;

(3) Nebraska public postsecondary institution has the same meaning as in section 85-2403; and

(4) Prior learning examination means a postsecondary level examination approved by the commission pursuant to section 19 of this act

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to assess whether a student, prior to taking a postsecondary course, has already obtained knowledge and skills at a level substantially similar to what is expected from a student who has successfully completed a postsecondary course on the same subject.

Sec. 19. (1) On or before September 1, 2026, the commission shall, in consultation with Nebraska public postsecondary institutions, approve a list of prior learning examinations and the cut score for each such examination. The list shall include commonly recognized prior learning examinations, including, but not limited to:

(a) Prior learning examinations that are associated with participation in high school courses specifically designed to prepare students for such examinations;

(b) Prior learning examinations that are associated with participation in high school courses using international curriculum frameworks;

(c) Prior learning examinations that are not associated with high school courses endorsed by the provider of the prior learning examination; and

(d) Prior learning examinations that assess and certify foundational workplace skills and are not associated with a specific high school course.

(2) The commission shall, in consultation with Nebraska public postsecondary institutions, set cut scores in a manner consistent with national practices and shall utilize recommendations for such cut scores contained in any comprehensive guide maintained by a national organization recognized for expertise on the topic of appropriate cut scores for prior learning examinations in the context of awarding postsecondary academic credit.

(3) The commission shall, in consultation with Nebraska public postsecondary institutions, update the list of prior learning examinations and cut scores as necessary to provide options for students

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while maintaining the academic integrity of such institutions.

(4) The commission shall post and maintain the list of prior learning examinations and cut scores on the commission's website in a location accessible to prospective postsecondary students and families.

Sec. 20. (1) On or before October 1, 2026, each Nebraska public postsecondary institution shall develop and implement written policies and procedures for awarding academic credit based on prior learning examinations. The policies and procedures shall:

(a) Except as otherwise provided in this section, award academic credit to students for each distinct prior learning examination for which the student met or exceeded the cut score;

(b) Prioritize application of credit toward courses that meet general education, major, or degree requirements over application of credit towards courses that are elective for the student;

(c) Establish the process through which credits awarded under this section shall be recorded on transcripts and transferred to other Nebraska public postsecondary institutions; and

(d) Ensure that policies and procedures are publicly posted on the institution's website in a location accessible to prospective students and families.

(2) With approval from the commission, a Nebraska public postsecondary institution may require a higher minimum score than the cut score approved by the commission pursuant to section 19 of this act if the chief academic officer of such institution determines, based on evidence of student performance or course success rates, that a higher score is necessary for success in a specific course or sequence. Such justification shall be documented and submitted to the commission as part of the request for commission approval of the higher minimum score.

(3) On or before October 15, 2026, each Nebraska public postsecondary institution shall submit its policies and procedures adopted under this section to the commission. The commission shall

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compile all such policies and procedures and post a statewide summary on the commission's website, including the justification for any higher minimum score requirements approved by the commission pursuant to subsection (2) of this section.

Sec. 21. (1) On or before December 31, 2027, and on or before December 31 of each year thereafter, each Nebraska public postsecondary institution shall submit an annual report to the commission including:

(a) The number of students awarded academic credit based on prior learning examinations during the preceding academic year;

(b) The total number of academic credits awarded based on prior learning examinations;

(c) For students who graduate from the institution, the number of such credits applied toward:

(i) General education;

(ii) Major or degree program requirements; and

(iii) Elective credit; and

(d) Any additional information the commission determines necessary to assess the implementation and impact of this act.

(2) The Commission shall annually compile the reports received under this section and electronically submit a summary to the Education Committee of the Legislature and make such summary publicly available on the commission's website.

Sec. 22. The commission may adopt and promulgate rules and regulations as necessary to carry out the Prior Learning Act.

Sec. 23. Original sections 79-209, 79-239, 79-308, 79-528, 79-816, 79-8,113, 79-8,114, 79-1035, 79-1601, 79-3407, 79-3703, and 79-3704, Reissue Revised Statutes of Nebraska, and sections 28-710 and 79-2,136, Revised Statutes Supplement, 2025, are repealed.

Sec. 24. The following sections are outright repealed: Sections 79-309.01 and 79-718, Reissue Revised Statutes of Nebraska.