

## ENGROSSED LEGISLATIVE BILL 428

Introduced by Murman, 38; Clements, 2; Conrad, 46; Ibach, 44; Lippincott, 34; Lonowski, 33.

A BILL FOR AN ACT relating to schools; to amend section 79-532, Reissue Revised Statutes of Nebraska; to change provisions related to school policies on the involvement of parents, guardians, and educational decisionmakers in schools; and to repeal the original section.

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

**Section 1.** Section 79-532, Reissue Revised Statutes of Nebraska, is amended to read:

79-532 (1) The policy required by section 79-531 shall include, but need not be limited to, the following:

(a) How the school district will provide access to parents, guardians, or educational decisionmakers concerning textbooks; tests; activities information; digital materials; websites or applications used for learning; training materials for teachers, administrators, and staff; procedures for the review and approval of training materials, learning materials, and activities; and other curriculum materials used in the school district;

(b) How the school district will accommodate requests by parents, guardians, or educational decisionmakers to attend and monitor courses, assemblies, counseling sessions, and other instructional activities;

(c) Under what circumstances parents, guardians, or educational decisionmakers may ask that their children be excused from testing, classroom instruction, learning materials, activities, guest speaker events, and other school experiences the parents, guardians, or educational decisionmakers may find objectionable;

(d) How the school district will provide access to records of students;

(e) What the school district's testing policy will be;

(f) How the school district participates in surveys of students and the right of parents, guardians, or educational decisionmakers to remove their

children from such surveys; and

(g) A requirement that:

(i) If the school administers (A) a survey requesting that students provide sexual information, mental health information, medical information, information on health-risk behaviors, religious information, information of political affiliation, or any other information that the school board deems to be sensitive in nature or (B) a nonanonymous survey requesting students provide information relating to drug, vape, alcohol, or tobacco use, the school district shall, at least fifteen days prior to the administration of the survey, notify parents, guardians, and educational decisionmakers of students that are to receive such survey. Such notice shall be made through the school's electronic notification system or by physical mail to the address on file for the student. Such notice shall describe the nature and types of questions included in the survey, the purposes and age-appropriateness of the survey, how information collected by the survey will be used, who will have access to such information, the steps that will be taken to protect student privacy, and whether and how any findings or results of such survey will be disclosed;

(ii) Parents, guardians, and educational decisionmakers have the right to: (A) Request that a copy of the survey be sent through the school's electronic notification system or physical mail to the address on file for the student, (B) review the survey in person at the school, and (C) exempt their child from participating in the survey;

(iii) Unless required by federal or state law or regulation, school personnel administering any such survey shall not disclose personally identifiable information of a child; and

(iv) No survey requesting sexual information of a student shall be administered to any student in kindergarten through grade six.

(2) Nothing in this section shall be construed to require disclosure of information in violation of (a) the federal Family Educational Rights and Privacy Act of 1974, as amended, 20 U.S.C. 1232g, or any federal regulations and applicable guidelines adopted in accordance with such act, as such act,

regulations, and guidelines existed on January 1, 2024, (b) the federal Protection of Pupil Rights Amendment of 1978, 20 U.S.C. 1232h, as such section existed on January 1, 2025, (c) the federal Children's Online Privacy Protection Act of 1998, 15 U.S.C. 6501 et seq., as such act existed on January 1, 2025, and (d) the federal Children's Internet Protection Act, 47 C.F.R. 54.520, as such regulation existed on January 1, 2025.

**Sec. 2.** Original section 79-532, Reissue Revised Statutes of Nebraska, is repealed.

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**PRESIDENT OF THE LEGISLATURE**

*THIS IS TO CERTIFY that the within LB 428 was passed by the One Hundred Ninth  
Legislature of Nebraska at its First Session on the ..... day  
of ..... 20.....*

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**CLERK OF THE LEGISLATURE**

**Approved:**

..... 20....., ..... o'clock .....M.

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**GOVERNOR**