

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1241

Introduced by Murman, 38; Clements, 2; Holdcroft, 36; Lippincott, 34;
Lonowski, 33.

Read first time January 21, 2026

Committee: Education

- 1 A BILL FOR AN ACT relating to schools; to define terms; to provide
- 2 requirements relating to applications for employment by and
- 3 employment of certain individuals by a school board or governing
- 4 authority of a public, private, denominational, or parochial school;
- 5 to provide for civil penalties; and to provide powers and duties to
- 6 the State Department of Education.
- 7 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** (1) For purposes of this section:

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

3 (b) Sexual misconduct means any verbal, nonverbal, written, or
4 electronic communication, or any other act directed toward or with a
5 student that is designed to establish a sexual relationship with the
6 student, including a sexual invitation, dating or soliciting a date,
7 engaging in sexual dialogue, making sexually suggestive comments, self-
8 disclosure or physical exposure of a sexual or erotic nature, and any
9 other sexual, indecent, or erotic contact with a student. Sexual
10 misconduct includes sexual abuse by a school worker pursuant to section
11 23-316.01 or violations of a policy adopted pursuant to section 79-879
12 relating to relationships with students.

13 (2) No school board of a school district or governing authority of
14 an approved or accredited private, denominational, or parochial school
15 shall employ or contract for the paid services of any person to serve in
16 a position which involves regular contact with students unless the school
17 board or governing authority, in addition to any other requirements:

18 (a) Requires the applicant to provide:

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

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

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

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

28 (ii) A written authorization for the release and disclosure of any
29 records related to the information requested under subdivision (2)(a)(i)
30 of this section by the applicant's employers listed under such
31 subdivision to the school district or school. Such written authorization

1 shall also release employers from liability that may arise from the
2 disclosure or release of such records; and

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

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

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

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

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

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

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

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

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

31 (C) Has ever had a license, professional license, or certificate

1 suspended, surrendered, or revoked while allegations of child abuse or
2 neglect or sexual misconduct were pending or under investigation, or due
3 to an adjudication or finding of child abuse or neglect or sexual
4 misconduct.

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

10 (4)(a) An applicant who willfully provides false information or
11 willfully fails to disclose information required in subdivision (2)(a) of
12 this section shall be subject to discipline up to, and including, (a)
13 termination or denial of employment, (b) reporting to the state agency or
14 other entity with authority to revoke any relevant certificate or
15 license, or (c) being subject to a civil penalty of not more than five
16 hundred dollars. Any penalty collected pursuant to this subsection shall
17 be distributed pursuant to Article VII, section 5, of the Constitution of
18 Nebraska.

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

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

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

31 (ii) Information regarding the applicant's history of child abuse or

1 sexual misconduct is subsequently discovered or obtained by the employer
2 that the employer determines disqualifies the applicant or employee from
3 employment with the school; and

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

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

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

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

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

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

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

31 (8)(a) A school board or a governing authority that receives a

1 request for information or records regarding an applicant pursuant to and
2 in accordance with this section from another school board or board of
3 education shall provide such information and respond to such inquiries as
4 soon as practicable.

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

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

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

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

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

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

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