

AMENDMENTS TO LB 204

(Amendments to E & R amendments, ER64)

Introduced by Karpisek

1           1. Insert the following new section:

2           Sec. 7. Section 79-1601, Revised Statutes Cumulative  
3 Supplement, 2010, is amended to read:

4           79-1601 (1) Except as provided in subsections (2) through  
5 (6) of this section, all private, denominational, and parochial  
6 schools in the State of Nebraska and all teachers employed or  
7 giving instruction in such schools shall be subject to and governed  
8 by the provisions of the general school laws of the state so far  
9 as the same apply to grades, qualifications, and certification of  
10 teachers and promotion of students. All private, denominational,  
11 and parochial schools shall have adequate equipment and supplies,  
12 shall be graded the same, and shall have courses of study for each  
13 grade conducted in such schools substantially the same as those  
14 given in the public schools which the students would attend in the  
15 absence of such private, denominational, or parochial schools.

16           (2) All private, denominational, or parochial schools  
17 shall either comply with the accreditation or approval requirements  
18 prescribed in section 79-318 or, for those schools which elect not  
19 to meet accreditation or approval requirements, the requirements  
20 prescribed in section 79-318 and subsections (2) through (6)  
21 of this section. Standards and procedures for approval and  
22 accreditation shall be based upon the program of studies, guidance

1 services, the number and preparation of teachers in relation to the  
2 curriculum and enrollment, instructional materials and equipment,  
3 science facilities and equipment, library facilities and materials,  
4 and health and safety factors in buildings and grounds. Rules  
5 and regulations which govern standards and procedures for private,  
6 denominational, and parochial schools which elect, pursuant to  
7 the procedures prescribed in subsections (2) through (6) of this  
8 section, not to meet state accreditation or approval requirements  
9 shall be based upon evidence that such schools offer a program  
10 of instruction leading to the acquisition of basic skills in  
11 the language arts, mathematics, science, social studies, and  
12 health. Such rules and regulations may include a provision for  
13 the visitation of such schools and regular achievement testing  
14 of students attending such schools in order to insure that such  
15 schools are offering instruction in the basic skills listed in  
16 this subsection. Any arrangements for visitation or testing shall  
17 be made through a parent representative of each such school. The  
18 results of such testing may be used as evidence that such schools  
19 are offering instruction in such basic skills but shall not be used  
20 to measure, compare, or evaluate the competency of students at such  
21 schools.

22 (3) The provisions of subsections (3) through (6) of this  
23 section shall apply to any private, denominational, or parochial  
24 school in the State of Nebraska which elects not to meet state  
25 accreditation or approval requirements. Elections pursuant to such  
26 subsections shall be effective when a statement is received by  
27 the Commissioner of Education signed by the parents or legal

1 guardians of all students attending such private, denominational,  
2 or parochial school, stating that (a) either specifically (i) the  
3 requirements for approval and accreditation required by law and  
4 the rules and regulations adopted and promulgated by the State  
5 Board of Education violate sincerely held religious beliefs of the  
6 parents or legal guardians or (ii) the requirements for approval  
7 and accreditation required by law and the rules and regulations  
8 adopted and promulgated by the State Board of Education interfere  
9 with the decisions of the parents or legal guardians in directing  
10 the student's education, (b) an authorized representative of such  
11 parents or legal guardians will at least annually submit to the  
12 Commissioner of Education the information necessary to prove that  
13 the requirements of subdivisions (4)(a) through (c) of this section  
14 are satisfied, (c) the school offers the courses of instruction  
15 required by subsections (2), (3), and (4) of this section, and  
16 (d) the parents or legal guardians have satisfied themselves that  
17 individuals monitoring instruction at such school are qualified to  
18 monitor instruction in the basic skills as required by subsections  
19 (2), (3), and (4) of this section and that such individuals have  
20 demonstrated an alternative competency to monitor instruction or  
21 supervise students pursuant to subsections (3) through (6) of this  
22 section.

23 (4) Each such private, denominational, or parochial  
24 school shall (a) meet minimum requirements relating to health,  
25 fire, and safety standards prescribed by state law and the rules  
26 and regulations of the State Fire Marshal, (b) report attendance  
27 pursuant to section 79-201, (c) maintain a sequential program

1 of instruction designed to lead to basic skills in the language  
2 arts, mathematics, science, social studies, and health, and (d)  
3 comply with the immunization and blood lead testing requirements  
4 in section 79-217 if the statement signed by the parents or legal  
5 guardians indicate a nonreligious reason pursuant to subdivision  
6 (3)(a)(ii) of this section for the student attending a private,  
7 denominational, or parochial school which elects not to meet  
8 state accreditation or approval requirements. The State Board of  
9 Education shall establish procedures for receiving information and  
10 reports required by subsections (3) through (6) of this section  
11 from authorized parent representatives who may act as agents for  
12 parents or legal guardians of students attending such school and  
13 for individuals monitoring instruction in the basic skills required  
14 by subsections (2), (3), and (4) of this section.

15 (5) Individuals employed or utilized by schools which  
16 elect not to meet state accreditation or approval requirements  
17 shall not be required to meet the certification requirements  
18 prescribed in sections 79-801 to 79-815 but shall either (a) take  
19 appropriate subject matter components of a nationally recognized  
20 teacher competency examination designated by the State Board of  
21 Education as (i) including the appropriate subject matter areas for  
22 purposes of satisfying the requirements of subsections (3) and (4)  
23 of this section and (ii) a nationally recognized examination or (b)  
24 offer evidence of competence to provide instruction in the basic  
25 skills required by subsections (3) and (4) of this section pursuant  
26 to informal methods of evaluation which shall be developed by the  
27 State Board of Education. Such evidence may include educational

1 transcripts, diplomas, and other information regarding the formal  
2 educational background of such individuals. Information concerning  
3 test results, transcripts, diplomas, and other evidence of formal  
4 education may be transmitted to the State Department of Education  
5 by authorized representatives of parents or legal guardians. The  
6 results of such testing or alternative evaluation of individuals  
7 who monitor the instruction of students attending such schools may  
8 be used as evidence of whether or not such schools are offering  
9 adequate instruction in the basic skills prescribed in subsections  
10 (2), (3), and (4) of this section but shall not be used to prohibit  
11 any such school from employing such individuals. Failure of a  
12 monitor, who is tested for the purpose of satisfying in whole or  
13 in part the requirements of subsections (3) through (6) of this  
14 section, to attain a score equal to or exceeding both the state  
15 or national average score or rating on appropriate subject matter  
16 components of recognized teacher competency examinations designated  
17 by the State Board of Education may be by itself sufficient proof  
18 that such school does not offer adequate instruction in the basic  
19 skills prescribed in subsections (3) and (4) of this section.

20 (6) The demonstration of competency to monitor  
21 instruction in a private, denominational, or parochial school  
22 which has elected not to meet state accreditation or approval  
23 requirements shall in no way constitute or be construed to grant a  
24 license, permit, or certificate to teach in the State of Nebraska.  
25 Any school which elects not to meet state accreditation or approval  
26 requirements and does not meet the requirements of subsections  
27 (2) through (6) of this section shall not be deemed a school for

1 purposes of section 79-201, and the parents or legal guardians of  
2 any students attending such school shall be subject to prosecution  
3 pursuant to such section or any statutes relating to habitual  
4 truancy.

5           2. On page 4, line 6, after "district" insert "and the  
6 governing authority of each private, denominational, or parochial  
7 school".

8           3. On page 4, lines 11 and 15; and page 7, line 13,  
9 strike "district".

10           4. Amend the repealer and renumber the remaining sections  
11 accordingly.