

ONE HUNDRED SEVENTH LEGISLATURE - SECOND SESSION - 2022
COMMITTEE STATEMENT
LB1158

Hearing Date: Tuesday February 15, 2022
Committee On: Education
Introducer: Sanders
One Liner: Change provisions relating to parental involvement in and access to learning materials in schools and provide for withholding of funding from school districts

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 6 Senators Day, Linehan, Morfeld, Murman, Sanders, Walz
Nay:
Absent:
Present Not Voting: 2 Senators McKinney, Pansing Brooks

Oral Testimony:

Proponents:

Senator Rita Sanders
Doug Kagan
Dennis Schleis
Jeanne Greisen
Judy Karmazin
Kathy Adams
Laura Rauscher
Jill Greenquist
Janet Johnson
Amber Parker
Charlotte Ralston
Diane Rusclier
Karen Walter
Ralene Cheng

Representing:

Introducer
Nebraska Taxpayers for Freedom
Self
Self
Self
Self
Self
Self
Self
Self
Self
Self
Self
Self

Opponents:

Ann Hunter-Pirtle
Pat Ethenton
Arlene Rea

Representing:

Stand For Schools
Self
Self

Neutral:

Kyle McGowan

Sarah Centineo

Representing:

Nebraska Council of School Administrators, Nebraska Rural
Community Schools Association, Schools Taking Action for
Nebraska Children Education
NASB, Bellevue Public Schools

Summary of purpose and/or changes:

Legislative Bill 1158 updates the Parental Involvement Act, originally enacted in 1994, and adds three new sections.

Section 1:

Updates terminology to refer to parents and guardians as opposed to just parents. This update happens throughout sections 1-4.

Section 2:

Updates the requisite policy requirements for public school districts, by July 1, 2023. Specifically, it:

- Changes the language from "how the district will seek to involve parents" to "how the district will involve parents and guardians"
- Adds "learning materials" to the list of items that parents and guardians have the right to access (currently, the list includes schools, testing information, and curriculum matters)
- Adds that parents and guardians have a right to "[r]equest that a child be excused from specific instruction or activities"

Section 3:

Updates the policy requirements regarding how access is to be provided to parents and guardians to include "other learning materials, information about activities; 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". Currently the list includes textbooks, tests, and other curriculum materials.

In reference to requests made to attend and monitor courses, assemblies, counseling sessions, and other instructional activities by parents or guardians, the word "handle" was replaced with "accommodate".

In reference to the circumstances under which a parent or guardian may ask that their children be excused, the list was expanded to include "learning materials, activities, [and] guest speaker events". Currently, the list includes testing, classroom instruction, and other school experiences the parents and guardians find objectionable.

Adds the following new language to the policy requirements: "How the school will provide alternative instruction, activities, or assignments for a child excused as described in subdivision (3) of this section". (Subdivision (3) lists the circumstances under which a parent or guardian may ask to have their children be excused from the specified list.)

Section 4:

Updates the public hearing requirement by school boards when adopting the required policy under the act to state that "Any public hearing under this subsection shall include a reasonable opportunity for public comments."

Section 5:

Adds a new requirement that, by January 1, 2023, each school district shall make all district and school policies available on the public website for each school in the district with a prominently displayed link. If a policy is altered, the new version shall be made accessible within a reasonable time thereafter.

Section 6:

Adds a new section to the act stating, "To the extent practicable, each public school district shall make a reasonable effort to make any learning materials, including original materials, available for public inspection upon request."

Section 7:

Adds a new section of statute that the Commissioner of Education shall withhold TEEOSA aid for any school district that has failed to comply with the act, and each county treasurer shall withhold all money belonging to such school district. Likewise, school districts that are members of a learning community shall have their proportionate share of the common general fund levy withheld. Finally, if a school district has not been found in compliance by October 1 following the school fiscal year for which TEEOSA was calculated, it shall be reverted to the state general fund, and reported to the Governor, as well as Chairs of the Appropriations and Education Committees, with the TEEOSA estimate due annually by November 15.

Section 8:

Original sections of the bill are repealed and replaced.

Explanation of amendments:

The Committee considered and adopted AM2143 which substitutes for the bill and revises the language of LB1158 as introduced.

Section 1:

No changes.

Section 2:

AM2143 updates the language relating to a school district's required policy regarding a parent or guardians right to access a school, stating that the policy seeks to involve parents and guardians in the education of their children and have rights to access testing materials and curriculum.

Section 3:

AM2143 strikes "other learning materials" from the policy requirements regarding how access is to be provided to parents and guardians.

Strikes the following language, added in the original bill, to the policy requirements: "How the school will provide alternative instruction, activities, or assignments for a child excused as described in subdivision (3) of this section".

Adds a provision to clarify that nothing in the policy requirements shall be construed to violate the federal Family Educational Rights and Privacy Act of 1974 (FERPA).

Section 4:

No changes.

Section 5:

AM2143 changes the date by which policies shall be posted by school districts from January 1, 2023 to August 1, 2023 (after the policies are required to be enacted), and clarifies that such policies are those pursuant to this act and shall be posted on each school district's website.

Section 6:

Clarifies that the new requirement for each school district to make a reasonable effort to make learning materials available for inspection is for requests by parents or guardians, not the public.

Section 7:

AM2143 strikes the original section 7 and replaces it with a process by which the Commissioner shall handle situations if a school district intentionally refuses, in a material way, to comply with the Parental Involvement Act. If a school district, after notification by the Commissioner and provided a reasonable time to comply, continues to be in noncompliance the Commissioner shall take appropriate remedial action within his authority, up to and including qualifying such noncompliance as a violation of the rules and regulations for the accreditation of schools.

Section 8:

No changes.

Lynne Walz, Chairperson