

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1027

Introduced by Clements, 2; Holdcroft, 36; Lowe, 37; Sanders, 45.

Read first time January 05, 2024

Committee: Education

- 1 A BILL FOR AN ACT relating to education; to amend section 79-1601,
- 2 Reissue Revised Statutes of Nebraska; to change provisions relating
- 3 to schools which elect not to meet accreditation or approval
- 4 requirements; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-1601, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 79-1601 (1) Except as provided in subsections (2) through (6) of
4 this section, all private, denominational, and parochial schools in the
5 State of Nebraska and all teachers employed or giving instruction in such
6 schools shall be subject to and governed by the provisions of the general
7 school laws of the state so far as the same apply to grades,
8 qualifications, and certification of teachers and promotion of students.
9 All private, denominational, and parochial schools shall have adequate
10 equipment and supplies, shall be graded the same, and shall have courses
11 of study for each grade conducted in such schools substantially the same
12 as those given in the public schools which the students would attend in
13 the absence of such private, denominational, or parochial schools.

14 (2) All private, denominational, or parochial schools shall either
15 comply with the accreditation or approval requirements prescribed in
16 section 79-318 or, for those schools which elect not to meet
17 accreditation or approval requirements, the requirements prescribed in
18 section 79-318 and subsections (2) through (6) of this section. Standards
19 and procedures for approval and accreditation shall be based upon the
20 program of studies, guidance services, the number and preparation of
21 teachers in relation to the curriculum and enrollment, instructional
22 materials and equipment, science facilities and equipment, library
23 facilities and materials, and health and safety factors in buildings and
24 grounds. Rules and regulations governing ~~which govern standards and~~
25 procedures for private, denominational, and parochial schools which
26 elect, pursuant to the procedures prescribed in subsections (2) through
27 (6) of this section, not to meet state accreditation or approval
28 requirements shall be based upon an assurance ~~evidence~~ that such schools
29 offer a program of instruction leading to the acquisition of basic skills
30 in the language arts, mathematics, science, social studies, and health.
31 The assurance required pursuant to this subsection shall be satisfied by

1 a signed statement by the parent or legal guardian of a student that the
2 education provided complies with subsections (2) through (6) of this
3 section. Rules and regulations which govern procedures under this section
4 are limited to procedures for receiving information from a parent or
5 legal guardian of a student or a parent representative when such
6 individual files the election not to meet accreditation or approval
7 requirements under this section. Such rules and regulations may include a
8 provision for the visitation of such schools and regular achievement
9 testing of students attending such schools in order to insure that such
10 schools are offering instruction in the basic skills listed in this
11 subsection. Any arrangements for visitation or testing shall be made
12 through a parent representative of each such school. The results of such
13 testing may be used as evidence that such schools are offering
14 instruction in such basic skills but shall not be used to measure,
15 compare, or evaluate the competency of students at such schools.

16 (3) The provisions of subsections (3) through (6) of this section
17 shall apply to any private, denominational, or parochial school in the
18 State of Nebraska which elects not to meet state accreditation or
19 approval requirements. An election Elections pursuant to such subsections
20 shall be effective when a statement is received by the Commissioner of
21 Education signed by a parent or legal guardian ~~the parents or legal~~
22 ~~guardians~~ of each student ~~all students~~ attending such private,
23 denominational, or parochial school, stating that (a) either specifically
24 (i) the requirements for approval and accreditation required by law and
25 the rules and regulations adopted and promulgated by the State Board of
26 Education violate sincerely held religious beliefs of the parent ~~parents~~
27 or legal guardian ~~guardians~~ or (ii) the requirements for approval and
28 accreditation required by law and the rules and regulations adopted and
29 promulgated by the State Board of Education interfere with the decisions
30 of the parent ~~parents~~ or legal guardian ~~guardians~~ in directing the
31 student's education, (b) an authorized representative of such parent

1 ~~parents~~ or legal guardian ~~guardians~~ will ~~at least annually~~ submit to the
2 Commissioner of Education an assurance ~~the information necessary to prove~~
3 that the requirements of subdivisions (4)(a) through (c) of this section
4 are and will continue to be satisfied, (c) the school offers the courses
5 of instruction required by subsections (2), (3), and (4) of this section,
6 and (d) the parent ~~parents~~ or legal guardian ~~is~~ ~~guardians~~ have satisfied
7 ~~themselves~~ that individuals monitoring instruction at such school are
8 qualified to monitor instruction in the basic skills as required by
9 subsections (2), (3), and (4) of this section. The authorized
10 representative of the parent or guardian is the principal or
11 administrator of the exempt school. Any such election shall remain
12 effective until the Commissioner of Education receives written notice
13 from the parent or legal guardian that the election is canceled. The
14 parent or legal guardian shall update the name of each child still
15 attending the school when changes occur, but no additional information
16 shall be required ~~and that such individuals have demonstrated an~~
17 ~~alternative competency to monitor instruction or supervise students~~
18 ~~pursuant to subsections (3) through (6) of this section.~~

19 (4) Each such private, denominational, or parochial school shall (a)
20 meet minimum requirements relating to health, fire, and safety standards
21 prescribed by state law and the rules and regulations of the State Fire
22 Marshal, (b) report attendance pursuant to section 79-201, (c) maintain a
23 sequential program of instruction designed to lead to basic skills in the
24 language arts, mathematics, science, social studies, and health, and (d)
25 comply with the immunization requirements in section 79-217 if the
26 statement signed by the parent ~~parents~~ or legal guardian ~~indicates~~
27 ~~guardians indicate~~ a nonreligious reason pursuant to subdivision (3)(a)
28 (ii) of this section for the student attending a private, denominational,
29 or parochial school which elects not to meet state accreditation or
30 approval requirements. The State Board of Education shall establish
31 procedures for receiving information and reports required by subsections

1 (3) through (6) of this section from authorized parent representatives
2 who may act as agents for the parent parents or legal guardian guardians
3 of students attending such schools school and for individuals monitoring
4 instruction in the basic skills required by subsections (2), (3), and (4)
5 of this section.

6 (5) Individuals employed or utilized by schools which elect not to
7 meet state accreditation or approval requirements shall not be required
8 to meet the certification requirements prescribed in sections 79-801 to
9 79-815, but shall either (a) take appropriate subject matter components
10 of a nationally recognized teacher competency examination designated by
11 the State Board of Education as (i) including the appropriate subject
12 matter areas for purposes of satisfying the requirements of subsections
13 (3) and (4) of this section and (ii) a nationally recognized examination
14 or (b) offer evidence of competence to provide instruction in the basic
15 skills required by subsections (3) and (4) of this section pursuant to
16 informal methods of evaluation which shall be developed by the State
17 Board of Education. Such evidence may include educational transcripts,
18 diplomas, and other information regarding the formal educational
19 background of such individuals. Information concerning test results,
20 transcripts, diplomas, and other evidence of formal education may be
21 transmitted to the State Department of Education by authorized
22 representatives of parents or legal guardians. The results of such
23 testing or alternative evaluation of individuals who monitor the
24 instruction of students attending such schools may be used as evidence of
25 whether or not such schools are offering adequate instruction in the
26 basic skills prescribed in subsections (2), (3), and (4) of this section
27 but shall not be used to prohibit any such school from employing such
28 individuals. Failure of a monitor, who is tested for the purpose of
29 satisfying in whole or in part the requirements of subsections (3)
30 through (6) of this section, to attain a score equal to or exceeding both
31 the state or national average score or rating on appropriate subject

1 ~~matter components of recognized teacher competency examinations~~
2 ~~designated by the State Board of Education may be by itself sufficient~~
3 ~~proof that such school does not offer adequate instruction in the basic~~
4 ~~skills prescribed in subsections (3) and (4) of this section.~~

5 ~~(6) The demonstration of competency to monitor instruction in a~~
6 ~~private, denominational, or parochial school which has elected not to~~
7 ~~meet state accreditation or approval requirements shall in no way~~
8 ~~constitute or be construed to grant a license, permit, or certificate to~~
9 ~~teach in the State of Nebraska.~~ Any school which elects not to meet state
10 accreditation or approval requirements and does not meet the requirements
11 of subsections (2) through (6) of this section shall not be deemed a
12 school for purposes of section 79-201, and the parent ~~parents~~ or legal
13 guardian ~~guardians~~ of any students attending such school shall be subject
14 to prosecution pursuant to such section or any statutes relating to
15 habitual truancy.

16 Sec. 2. Original section 79-1601, Reissue Revised Statutes of
17 Nebraska, is repealed.