

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1399

Introduced by Murman, 38; Brewer, 43; Halloran, 33; Hansen, 16; Ibach,
44; Kauth, 31; Lippincott, 34.

Read first time January 17, 2024

Committee: Education

1 A BILL FOR AN ACT relating to schools; to amend sections 79-530, 79-531,
2 79-532, and 79-533, Reissue Revised Statutes of Nebraska; to change
3 provisions relating to the involvement of parents, guardians, and
4 educational decisionmakers in the education of children; to define
5 terms; to harmonize provisions; and to repeal the original sections.

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

1 Section 1. Section 79-530, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 79-530 (1) For purposes of sections 79-530 to 79-533 and sections 5
4 to 8 of this act:

5 (a) Educational decisionmaker means a person designated or ordered
6 by a court to make educational decisions on behalf of a child; and

7 (b) Survey means any schoolwide or classwide questionnaire which
8 asks a student to identify personal characteristics such as race,
9 ethnicity, religion, health, or sexual orientation or behaviors. Survey
10 does not include any risk assessment tool utilized by an appropriate
11 school employee.

12 (2) The Legislature finds and declares:

13 (a) ~~(1)~~ That the parental involvement of parents, guardians, and
14 educational decisionmakers is a key factor in the education of children;

15 (b) That parents, guardians, and educational decisionmakers possess
16 the natural and legal right and need to be completely informed of all
17 educational content and practices involving their children; and

18 (c) That public schools should foster and facilitate the fullest
19 transparency allowed by law to parents, guardians, and educational
20 decisionmakers by providing access to all information about educational
21 content and practices involving their children.

22 ~~(2) That parents need to be informed of the educational practices~~
23 ~~affecting their children; and~~

24 ~~(3) That public schools should foster and facilitate parental~~
25 ~~information about and involvement in educational practices affecting~~
26 ~~their children.~~

27 (3) It is the intent of the Legislature, through the enactment of
28 sections 79-531 to 79-533 and sections 5 to 8 of this act, to ensure that
29 public schools honor the right to transparency held by parents,
30 guardians, and educational decisionmakers and strengthen the level of
31 parental involvement and participation by such individuals in the public

1 school system of the state.

2 Sec. 2. Section 79-531, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 79-531 (1) On or before July 1, 2025 ~~1995~~, each public school
5 district in the state shall develop and adopt a policy stating how the
6 district will provide transparency and seek to involve parents,
7 guardians, and educational decisionmakers in the schools and what
8 parents' rights such individuals have shall be relating to (a) access to
9 the schools, testing information, and curriculum matters, instruction
10 materials, library content, school presentations, student work product,
11 surveys, and survey responses and (b) the least restrictive means by
12 which a child may be excused from specific instructions or activities.

13 (2) The policy of each public school district relating to how the
14 district will seek to involve parents in the schools and what rights
15 parents have relating to access to schools that is in effect prior to the
16 effective date of this act shall remain in effect until a new policy is
17 developed and adopted on or before July 1, 2025, pursuant to subsection
18 (1) of this section.

19 Sec. 3. Section 79-532, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 79-532 (1) The policy required by section 79-531 shall include, but
22 need not be limited to, the following:

23 (a) The requirement that the school district will provide access to
24 parents, guardians, and educational decisionmakers to curriculum
25 materials, textbooks, digital educational materials, websites or
26 applications used for learning, testing information, library materials,
27 activities information, and training materials for teachers,
28 administrators, and staff within ten business days of a request for such
29 access and how such access will be provided;

30 (b) The procedures for review and approval of curriculum materials,
31 training materials, learning materials, school presentations and

1 activities, and surveys used in the school district, which shall include
2 the timely scheduling of an appointment at the school between the child's
3 teacher or principal to review the assignment, textbook, or activities;

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

8 (d) The least restrictive means by which a student may be excused by
9 a parent, guardian, or educational decisionmaker from testing, classroom
10 instruction, learning materials, activities, guest speakers, events, or
11 other school experiences that the parent, guardian, or educational
12 decisionmaker may find objectionable or that violate the deeply held
13 religious belief or personal convictions of the student, parent,
14 guardian, or educational decisionmaker;

15 ~~(1) How the school district will provide access to parents~~
16 ~~concerning textbooks, tests, and other curriculum materials used in the~~
17 ~~school district;~~

18 ~~(2) How the school district will handle requests by parents to~~
19 ~~attend and monitor courses, assemblies, counseling sessions, and other~~
20 ~~instructional activities;~~

21 ~~(3) Under what circumstances parents may ask that their children be~~
22 ~~excused from testing, classroom instruction, and other school experiences~~
23 ~~the parents may find objectionable;~~

24 (e) (4) How the school district will provide access to records of
25 students;

26 (f) (5) What the school district's testing policy will be; and

27 (g) (6) How the school district participates in surveys of students
28 and the right of parents, guardians, or educational decisionmakers to
29 remove their children from such surveys and to view the survey response
30 of their children.

31 (2) Nothing in this section shall:

1 (a) Be construed to require disclosure of information in violation
2 of the federal Family Education Rights and Privacy Act of 1974, as
3 amended, 20 U.S.C. 1232g, or any federal regulations and applicable
4 guidelines adopted in accordance with such act, as such act, regulations,
5 and guidelines existed on January 1, 2024; or

6 (b) Apply to any state or federally mandated standardized test
7 administered by the school district.

8 Sec. 4. Section 79-533, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 79-533 The policy required by section 79-531 shall be developed with
11 parental input from parents, guardians, and educational decisionmakers
12 and shall be the subject of a public hearing before the school board or
13 board of education of the school district before adoption by the board.
14 The policy shall be reviewed annually and either altered and adopted as
15 altered or reaffirmed by the board following a public hearing.

16 Sec. 5. On or before August 1, 2025, each school district shall
17 make the policy required by section 79-531 accessible on the school
18 district's website. The policy shall be accessible by a prominently
19 displayed link on such website. If the policy is altered, the new version
20 of the policy shall be made accessible within a reasonable time
21 thereafter.

22 Sec. 6. (1) On or before August 1, 2026, each school district shall
23 make a list of library books offered for checkout available as a
24 downloadable list on the school district's website.

25 (2) A school district with digital library check-out software shall
26 provide the opportunity for a parent, guardian, or educational
27 decisionmaker of a student to opt-in to receive an email communication
28 when such student checks out a book. Such email notification shall
29 include:

30 (a) The book's title;

31 (b) The author of the book; and

1 (c) The date the book is due to be returned to the school district's
2 library.

3 (3) Beginning with the 2026-27 school year, a school district shall
4 allow any parent, guardian, or educational decisionmaker with a student
5 attending such school district to request a five-minute portion from any
6 book in the school district's library or any material owned, possessed,
7 or used by the school district be read aloud at one meeting of the school
8 board. The school district shall:

9 (a) Provide public notice of the meeting relating to the book or
10 material review at least one week before the meeting, including the time,
11 date, and location of the meeting;

12 (b) Provide public notice detailing how a parent, guardian, or
13 educational decisionmaker may have this request facilitated; and

14 (c) Specify what actions the school board may subsequently take
15 following the book or material reading and review.

16 Sec. 7. Beginning with the 2025-26 school year, a school district
17 shall not administer a survey to a student unless the parent, guardian,
18 or educational decisionmaker of such student is notified by physical
19 letter or email no less than ten calendar days in advance of the
20 administration of such survey. Such notification shall include:

21 (1) A statement that the parent, guardian, or educational
22 decisionmaker may refuse to consent to the administration of such survey
23 for any reason and that the student shall not suffer any adverse
24 consequences by the school district as a result of such refusal;

25 (2) A copy of the survey or information on how to find a copy of the
26 survey on the school district's website;

27 (3) The name of the company or entity that produces or provides the
28 survey to the school district;

29 (4) An explanation of the purpose of the survey data collection, who
30 uses the collected data, how the collected data is to be used, and
31 whether the collected data shall remain private or be reported as

1 individual or aggregate data; and

2 (5) Whether the school district receives or maintains the resulting
3 collected data and an explanation of how the school district intends to
4 use and maintain any collected data it receives.

5 Sec. 8. If the Commissioner of Education determines that any school
6 district has intentionally refused, in a material manner, to comply with
7 sections 79-530 to 79-533 and sections 5 to 8 of this act, the
8 commissioner shall notify the school district of the noncompliance and
9 allow the school district a reasonable time to comply. If the
10 commissioner determines, after such time has elapsed, that the school
11 district is not in compliance and has not made a good faith attempt to
12 comply, the commissioner shall take appropriate remedial action within
13 the commissioner's authority, up to and including considering such
14 noncompliance as a violation of the rules and regulations for the
15 accreditation of schools.

16 Sec. 9. Original sections 79-530, 79-531, 79-532, and 79-533,
17 Reissue Revised Statutes of Nebraska, are repealed.