

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1193**

Introduced by Conrad, 46.

Read first time January 12, 2024

Committee:

- 1 A BILL FOR AN ACT relating to education; to provide a process for a
- 2 parent or guardian to request that such parent's or guardian's child
- 3 repeat a grade under certain circumstances as prescribed; and to
- 4 provide powers and duties.
- 5 Be it enacted by the people of the State of Nebraska,

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

2           (a) Academic needs means that a child is at least one year below  
3 grade level and behind the child's typically developing peers in reading,  
4 English, and language arts such that the child does not possess the  
5 necessary academic skills required to succeed in reading, English, and  
6 language arts at grade level for the next grade the student would  
7 otherwise advance to;

8           (b) Excessive absenteeism means that the child was absent fifty  
9 percent or more of the school year and includes excused absences,  
10 unexcused absences, and absences due to suspension or expulsion. Absences  
11 due to approved school-related activities, such as field trips,  
12 competitions, athletic events, and testing, are not included; and

13           (c) Illness means that the child experienced a severe mental or  
14 physical illness resulting in hospitalization of two or more weeks during  
15 the school year.

16           (2)(a) A parent or guardian shall have the right to have such  
17 parent's or guardian's child repeat a grade in kindergarten through  
18 fourth grade due to academic needs, illness, or excessive absenteeism.

19           (b) A parent or guardian shall have the right to have such parent's  
20 or guardian's child repeat a grade in fifth through twelfth grade due to  
21 excessive absenteeism.

22           (3) A parent or guardian requesting such parent's or guardian's  
23 child repeat a grade pursuant to subdivision (2)(a) or (b) of this  
24 section shall request and have a meeting with the school district  
25 superintendent or the superintendent's designee of the school district  
26 such child attends to discuss the parent's or guardian's decision to have  
27 the child repeat a grade and such parent or guardian shall provide  
28 evidence of academic needs, illness, or excessive absenteeism that would  
29 authorize the parent or guardian to have such child repeat a grade. At  
30 such meeting, the superintendent or superintendent's designee shall  
31 identify any alternative educational opportunities, including remedial

1 instruction if applicable, and verify any special education supports  
2 available to such child. If the child's parent or guardian still intends  
3 to have such child repeat a grade, such parent or guardian shall complete  
4 a form prescribed by the State Department of Education and return such  
5 form to the school district such child attends. Upon completion of the  
6 form and if all requirements pursuant to this subsection are met, the  
7 school district shall have the child repeat the child's grade for the  
8 next school year.

9 (4) A school district shall submit any form filed with such school  
10 district relating to a request by a child's parent or guardian to have  
11 such child repeat a grade with the State Department of Education. Data  
12 regarding such students shall be collected under subsection (2) of  
13 section 79-528.

14 (5) The State Board of Education may adopt and promulgate rules and  
15 regulations to carry out this section.