

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 997

Introduced by Day, 49.

Read first time January 12, 2022

Committee:

- 1 A BILL FOR AN ACT relating to schools; to amend sections 79-214 and
- 2 79-220, Reissue Revised Statutes of Nebraska; to change provisions
- 3 relating to entrance requirements; to harmonize provisions; and to
- 4 repeal the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-214, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 79-214 (1)(a) Except as provided in subdivision (1)(b) of this
4 section, the school board of any school district shall not admit any
5 child into the kindergarten of any school of such school district unless
6 such child has reached the age of five years on or before July 31 of the
7 calendar year in which the school year for which the child is seeking
8 admission begins.

9 (b) The board shall admit a child who will reach the age of five
10 years on or after August 1 and on or before October 15 of such school
11 year if the parent or guardian requests such entrance and provides an
12 affidavit stating that (i) the child attended kindergarten in another
13 jurisdiction in the current school year, (ii) the family anticipates
14 relocation to another jurisdiction that would allow admission within the
15 current year, or (iii) the child is capable of carrying the work of
16 kindergarten which can be demonstrated through a recognized assessment
17 procedure approved by the board. Each school board shall, for purposes of
18 this subdivision, approve and make available a recognized assessment
19 procedure for determining if a child is capable of carrying the work of
20 kindergarten. The school board shall update approved procedures as the
21 board deems appropriate.

22 (2) The school board of each school district shall comply with the
23 requirements of subsection (2) of section 43-2007.

24 (3)(a) Except as otherwise provided in this subsection, the school
25 board of each school district ~~and~~ shall require evidence of:

26 (i) {a} A physical examination by a physician, a physician
27 assistant, or an advanced practice registered nurse, practicing under and
28 in accordance with his or her respective certification act, within six
29 months prior to the entrance of a child into the beginner grade and the
30 seventh grade or, in the case of a transfer from out of state, to any
31 other grade of the local school;

1 (ii) ~~A and (b)~~ a visual evaluation by a physician, a physician
2 assistant, an advanced practice registered nurse, or an optometrist
3 within six months prior to the entrance of a child into the beginner
4 grade or, in the case of a transfer from out of state, to any other grade
5 of the local school, which consists of testing for amblyopia, strabismus,
6 and internal and external eye health, with testing sufficient to
7 determine visual acuity; and

8 (iii) For school year 2023-24 and each school year thereafter, a
9 screening for autism spectrum disorder by a physician, a physician
10 assistant, an advanced practice registered nurse, school nurse, school
11 psychiatrist, or other individual trained in the administration of
12 screenings for autism spectrum disorder conducted using an evidence-based
13 developmental screening tool specifically for autism appropriate to the
14 age of the child.

15 (b) No , ~~except that no~~ such ~~physical~~ examination, ~~or visual~~
16 ~~evaluation, or screening~~ shall be required of any child whose parent or
17 guardian objects in writing.

18 (c) The cost of such ~~physical~~ examination, ~~and visual~~ evaluation,
19 and screening shall be borne by the parent or guardian of each child who
20 is examined.

21 Sec. 2. Section 79-220, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 79-220 At the time the parent or guardian of any child is notified
24 that such child must have a physical examination, ~~and~~ a visual
25 evaluation, and screening for autism spectrum disorder pursuant to
26 section 79-214 or immunizations pursuant to section 79-217, the parent or
27 guardian shall also be notified in writing of (1) his or her right to
28 submit a written statement refusing such a physical examination, ~~a visual~~
29 evaluation, screening or immunization for his or her child and (2) a
30 telephone number or other contact information to assist the parent or
31 guardian in receiving information regarding free or reduced-cost visual

1 evaluations for low-income families who qualify.

2 Sec. 3. Original sections 79-214 and 79-220, Reissue Revised

3 Statutes of Nebraska, are repealed.