

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 101

Introduced By: Erdman, 47; Harms, 48;

Read first time: January 5, 2007

Committee: Education

A BILL

1 FOR AN ACT relating to private, denominational, or parochial
2 schools; to amend section 79-1601, Reissue Revised Statutes
3 of Nebraska; to clarify provisions related to a parent or
4 guardian and schools that have elected not to meet state
5 accreditation or approval requirements; and to repeal the
6 original section.

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

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

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

15 (2) All private, denominational, or parochial schools shall
16 either comply with the accreditation or approval requirements
17 prescribed in section 79-318 or, for those schools which elect not to
18 meet accreditation or approval requirements, the requirements
19 prescribed in section 79-318 and subsections (2) through (6) of this
20 section. Standards and procedures for approval and accreditation shall
21 be based upon the program of studies, guidance services, the number
22 and preparation of teachers in relation to the curriculum and
23 enrollment, instructional materials and equipment, science facilities
24 and equipment, library facilities and materials, and health and safety
25 factors in buildings and grounds. Rules and regulations which govern
26 standards and procedures for private, denominational, and parochial
27 schools which elect, pursuant to the procedures prescribed in

1 subsections (2) through (6) of this section, not to meet state
2 accreditation or approval requirements shall be based upon evidence
3 that such schools offer a program of instruction leading to the
4 acquisition of basic skills in the language arts, mathematics,
5 science, social studies, and health. Such rules and regulations may
6 include a provision for the visitation of such schools and regular
7 achievement testing of students attending such schools in order to
8 insure that such schools are offering instruction in the basic skills
9 listed in this subsection. Any arrangements for visitation or testing
10 shall be made through a parent representative of each such school. The
11 results of such testing may be used as evidence that such schools are
12 offering instruction in such basic skills but shall not be used to
13 measure, compare, or evaluate the competency of students at such
14 schools.

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

1 and the rules and regulations adopted and promulgated by the State
2 Board of Education interfere with the decisions of the ~~parents~~
3 parent or legal ~~guardians~~ guardian in directing their child's
4 education, (b) an authorized representative of such ~~parents~~ parent
5 or legal ~~guardians~~ guardian will at least annually submit to the
6 Commissioner of Education the information necessary to prove that the
7 requirements of subdivisions (4)(a) through (c) of this section are
8 satisfied, (c) the school offers the courses of instruction required
9 by subsections (2), (3), and (4) of this section, and (d) the ~~parents~~
10 parent or legal ~~guardians~~ guardian ~~have~~ has satisfied
11 ~~themselves~~ himself or herself that individuals monitoring
12 instruction at such school are qualified to monitor instruction in the
13 basic skills as required by subsections (2), (3), and (4) of this
14 section and that such individuals have demonstrated an alternative
15 competency to monitor instruction or supervise children pursuant to
16 subsections (3) through (6) of this section.

17 (4) Each such private, denominational, or parochial school
18 shall (a) meet minimum requirements relating to health, fire, and
19 safety standards prescribed by state law and the rules and regulations
20 of the State Fire Marshal, (b) report attendance pursuant to section
21 79-201, (c) maintain a sequential program of instruction designed to
22 lead to basic skills in the language arts, mathematics, science,
23 social studies, and health, and (d) comply with the immunization
24 requirements in section 79-217 if the statement signed by the ~~parents~~
25 parent or legal ~~guardians~~ guardian ~~indicate~~ indicates a
26 nonreligious reason pursuant to subdivision (3)(a)(ii) of this
27 section for the student attending a private, denominational, or

1 parochial school which elects not to meet state accreditation or
2 approval requirements. The State Board of Education shall establish
3 procedures for receiving information and reports required by
4 subsections (3) through (6) of this section from authorized parent
5 representatives who may act as agents for parents or legal guardians
6 of students attending such school and for individuals monitoring
7 instruction in the basic skills required by subsections (2), (3), and
8 (4) of this section.

9 (5) Individuals employed by schools which elect not to meet
10 state accreditation or approval requirements shall not be required to
11 meet the certification requirements prescribed in sections 79-801 to
12 79-815 but shall either (a) take appropriate subject matter components
13 of a nationally recognized teacher competency examination designated
14 by the State Board of Education as (i) including the appropriate
15 subject matter areas for purposes of satisfying the requirements of
16 subsections (3) and (4) of this section and (ii) a nationally
17 recognized examination or (b) offer evidence of competence to provide
18 instruction in the basic skills required by subsections (3) and (4) of
19 this section pursuant to informal methods of evaluation which shall be
20 developed by the State Board of Education. Such evidence may include
21 educational transcripts, diplomas, and other information regarding the
22 formal educational background of such individuals. Information
23 concerning test results, transcripts, diplomas, and other evidence of
24 formal education may be transmitted to the State Department of
25 Education by authorized representatives of parents or legal guardians.
26 The results of such testing or alternative evaluation of individuals
27 who monitor the instruction of students attending such schools may be

1 used as evidence of whether or not such schools are offering adequate
2 instruction in the basic skills prescribed in subsections (2), (3),
3 and (4) of this section but shall not be used to prohibit any such
4 school from employing such individuals. Failure of a monitor, who is
5 tested for the purpose of satisfying in whole or in part the
6 requirements of subsections (3) through (6) of this section, to attain
7 a score equal to or exceeding both the state or national average score
8 or rating on appropriate subject matter components of recognized
9 teacher competency examinations designated by the State Board of
10 Education may be by itself sufficient proof that such school does not
11 offer adequate instruction in the basic skills prescribed in
12 subsections (3) and (4) of this section.

13 (6) The demonstration of competency to monitor instruction
14 in a private, denominational, or parochial school which has elected
15 not to meet state accreditation or approval requirements shall in no
16 way constitute or be construed to grant a license, permit, or
17 certificate to teach in the State of Nebraska. Any school which elects
18 not to meet state accreditation or approval requirements and does not
19 meet the requirements of subsections (2) through (6) of this section
20 shall not be deemed a school for purposes of section 79-201, and the
21 parents or legal guardians of any children attending such school shall
22 be subject to prosecution pursuant to such section or any statutes
23 relating to habitual truancy.

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