

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 274**

Introduced by Hunt, 8.

Read first time January 15, 2025

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to child care licensing; to amend section
- 2 71-1913, Reissue Revised Statutes of Nebraska, and sections
- 3 71-1911.03 and 71-1912, Revised Statutes Cumulative Supplement,
- 4 2024; to change liability insurance coverage requirements for
- 5 applicants under the Child Care Licensing Act; to provide for
- 6 inspections and investigations as prescribed; and to repeal the
- 7 original sections.
- 8 Be it enacted by the people of the State of Nebraska,

1           **Section 1.** Section 71-1911.03, Revised Statutes Cumulative  
2 Supplement, 2024, is amended to read:

3           71-1911.03 (1) An applicant for a license under the Child Care  
4 Licensing Act shall provide to the department written proof of liability  
5 insurance coverage for the hours such applicant is operating and a child  
6 is in the applicant's care of at least two ~~one~~ hundred thousand dollars  
7 per occurrence prior to issuance of the license. ~~A licensee subject to~~  
8 ~~the Child Care Licensing Act on July 1, 2014, shall obtain such liability~~  
9 ~~insurance coverage and provide written proof to the department within~~  
10 ~~thirty days after July 1, 2014.~~

11           (2) A licensee shall continue to maintain the required level of  
12 liability insurance for any time period during which a child is in the  
13 care of such licensee. Failure by a licensee to maintain the required  
14 level of liability insurance coverage shall be deemed noncompliance with  
15 the Child Care Licensing Act. If the licensee is the State of Nebraska or  
16 a political subdivision, the licensee may utilize a risk retention group  
17 or a risk management pool for purposes of providing such liability  
18 insurance coverage or may self-insure all or part of such coverage.

19           **Sec. 2.** Section 71-1912, Revised Statutes Cumulative Supplement,  
20 2024, is amended to read:

21           71-1912 (1) Before issuance of a license, the department shall  
22 investigate or cause an investigation to be made, when it deems  
23 necessary, to determine if the applicant or person in charge of the  
24 program meets or is capable of meeting the physical well-being, safety,  
25 and protection standards and the other rules and regulations of the  
26 department adopted and promulgated under the Child Care Licensing Act.  
27 The department may investigate the character of applicants and licensees,  
28 any member of the applicant's or licensee's household, and the staff and  
29 employees of programs. The department may at any time inspect or cause an  
30 inspection to be made of any place where a program is operating to  
31 determine if such program is being properly conducted.

1           (2) All inspections by the department shall be unannounced except  
2 for initial licensure visits and consultation visits. Initial licensure  
3 visits are announced visits necessary for a provisional license to be  
4 issued to a family child care home I, family child care home II, child  
5 care center, or school-age-only or preschool program. Consultation visits  
6 are announced visits made at the request of a licensee for the purpose of  
7 consulting with a department specialist on ways of improving the program.

8           (3) An unannounced inspection of any place where a program is  
9 operating shall be conducted by the department or the city, village, or  
10 county pursuant to subsection (2) of section 71-1914 at least annually  
11 for a program licensed to provide child care for fewer than thirty  
12 children and at least twice every year for a program licensed to provide  
13 child care for thirty or more children. At each unannounced inspection,  
14 the inspector shall request from the licensee, and verify, current proof  
15 of required liability insurance. If the licensee is unable to provide  
16 current proof of liability insurance or has let the required coverage  
17 lapse, the department shall notify the licensee that proof of insurance  
18 shall be provided to the department within three business days. If such  
19 proof of insurance is not provided to the department within three  
20 business days, the licensee's license shall be suspended. Licensure shall  
21 be restored upon the department's receipt and verification of current  
22 proof of the required liability insurance as provided in section  
23 71-1911.03.

24           (4) Whenever an inspection is made, the findings shall be recorded  
25 in a report designated by the department. The public shall have access to  
26 the results of these inspections upon a written or oral request to the  
27 department. The request must include the name and address of the program.  
28 Additional unannounced inspections shall be performed as often as is  
29 necessary for the efficient and effective enforcement of the Child Care  
30 Licensing Act.

31           (5)(a) A person applying for a license as a child care provider or a

1 licensed child care provider under the Child Care Licensing Act shall  
2 submit a request for a national criminal history record information check  
3 for each child care staff member, including a prospective child care  
4 staff member of the child care provider, at the applicant's or licensee's  
5 expense, as set forth in this section.

6 (b) A prospective child care staff member shall submit to a national  
7 criminal history record information check (i) prior to employment, except  
8 as otherwise permitted under 45 C.F.R. 98.43, as such regulation existed  
9 on January 1, 2019, or (ii) prior to residing in a family child care  
10 home.

11 (c) The department shall provide documentation of national criminal  
12 history record information checks which proves eligibility for  
13 employment. Such documentation shall be made available to each child care  
14 staff member or prospective child care staff member by the applicant or  
15 licensee for at least one hundred eighty days after the last day of  
16 employment or date the documentation was provided by the department,  
17 whichever is later.

18 (d) A child care staff member shall be required to undergo a  
19 national criminal history record information check not less than once  
20 during each five-year period. A child care staff member shall submit a  
21 complete set of his or her fingerprints to the Nebraska State Patrol. The  
22 Nebraska State Patrol shall transmit a copy of the child care staff  
23 member's fingerprints to the Federal Bureau of Investigation for a  
24 national criminal history record information check. The national criminal  
25 history record information check shall include information concerning  
26 child care staff members from federal repositories of such information  
27 and repositories of such information in other states, if authorized by  
28 federal law for use by the Nebraska State Patrol. The Nebraska State  
29 Patrol shall issue a report to the department that includes the  
30 information collected from the national criminal history record  
31 information check concerning child care staff members. The department

1 shall seek federal funds, if available, to assist child care providers  
2 and child care staff members with the costs of the fingerprinting and  
3 national criminal history record information check. If the department  
4 does not receive sufficient federal funds to assist child care providers  
5 and staff members with such costs, then the child care staff member being  
6 screened, applicant for a license, or licensee shall pay the actual cost  
7 of the fingerprinting and national criminal history record information  
8 check, except that the department may pay all or part of the cost if  
9 funding becomes available. The department and the Nebraska State Patrol  
10 may adopt and promulgate rules and regulations concerning the costs  
11 associated with the fingerprinting and the national criminal history  
12 record information check. The department may adopt and promulgate rules  
13 and regulations implementing national criminal history record information  
14 check requirements for child care providers and child care staff members.

15 (e) A child care staff member shall also submit to the following  
16 background checks at his or her expense not less than once during each  
17 five-year period:

18 (i) A search of the National Crime Information Center's National Sex  
19 Offender Registry; and

20 (ii) A search of the following registries, repositories, or  
21 databases in the state where the child care provider is located or where  
22 the child care staff member resides and each state where the child care  
23 provider was located or where the child care staff member resided during  
24 the preceding five years:

25 (A) State criminal registries or repositories;

26 (B) State sex offender registries or repositories; and

27 (C) State-based child abuse and neglect registries and databases.

28 (f) Background checks shall be portable between child care  
29 providers.

30 (g) Any individual shall be ineligible for employment by a child  
31 care provider if such individual:

1 (i) Refuses to consent to the national criminal history record  
2 information check or a background check described in this subsection;

3 (ii) Knowingly makes a materially false statement in connection with  
4 the national criminal history record information check or a background  
5 check described in this subsection;

6 (iii) Is registered, or required to be registered, on a state sex  
7 offender registry or repository or the National Sex Offender Registry; or

8 (iv) Has been convicted of a crime of violence, a crime of moral  
9 turpitude, or a crime of dishonesty.

10 (h) The department may adopt and promulgate rules and regulations  
11 for purposes of this section.

12 (i) A child care provider shall be ineligible for a license under  
13 the Child Care Licensing Act and shall be ineligible to participate in  
14 the child care subsidy program if the provider employs a child care staff  
15 member who is ineligible for employment under subdivisions (g) or (h) of  
16 this subsection.

17 (j) National criminal history record information and information  
18 from background checks described in this subsection subject to state or  
19 federal confidentiality requirements may only be used for purposes of  
20 granting a child care license or approving a child care provider for  
21 participation in the child care subsidy program.

22 (k) For purposes of this subsection:

23 (i) Child care provider means a child care program required to be  
24 licensed under the Child Care Licensing Act; and

25 (ii) Child care staff member means an individual who is not related  
26 to all of the children for whom child care services are provided and:

27 (A) Who is employed by a child care provider for compensation,  
28 including contract employees or self-employed individuals;

29 (B) Whose activities involve the care or supervision of children for  
30 a child care provider or unsupervised access to children who are cared  
31 for or supervised by a child care provider; or

1 (C) who is residing in a family child care home and who is eighteen  
2 years of age or older.

3 **Sec. 3.** Section 71-1913, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 71-1913 (1) The department may request the State Fire Marshal to  
6 inspect any program for fire safety pursuant to section 81-502. The State  
7 Fire Marshal shall immediately notify the department whenever he or she  
8 delegates authority for such inspections under such section.

9 (2) The department may investigate all facilities and programs of  
10 licensed providers of child care programs as defined in section 71-1910  
11 or applicants for licenses to provide such programs to determine if the  
12 place or places to be covered by such licenses meet standards of  
13 sanitation and physical well-being set by the department for the care and  
14 protection of the child or children who may be placed in such facilities  
15 and programs. The department may delegate this authority to qualified  
16 local environmental health personnel.

17 (3) At each investigation, the inspector shall request from the  
18 licensee, and verify, current proof of liability insurance pursuant to  
19 section 71-1911.03.

20 (4) (3) This section does not apply to school-age child care  
21 programs which are licensed pursuant to section 71-1917.

22 **Sec. 4.** Original section 71-1913, Reissue Revised Statutes of  
23 Nebraska, and sections 71-1911.03 and 71-1912, Revised Statutes  
24 Cumulative Supplement, 2024, are repealed.