

**FISCAL NOTE**  
 LEGISLATIVE FISCAL ANALYST ESTIMATE

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES</b> (See narrative for political subdivision estimates)				
	<b>FY 2023-24</b>		<b>FY 2024-25</b>	
	<b>EXPENDITURES</b>	<b>REVENUE</b>	<b>EXPENDITURES</b>	<b>REVENUE</b>
GENERAL FUNDS	\$121,336		\$120,930	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
<b>TOTAL FUNDS</b>	<b>\$121,336</b>		<b>\$120,930</b>	

**Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.**

LB374 creates the Parents' Bill of Rights & Academic Transparency Act.

The act states that every parent of a child in Nebraska will have a fundamental right to direct the upbringing, education, care, & mental health of their children.

The following rights are reserved to each parent:

1. The right to direct the education & care of their children
2. The right to direct the upbringing & the moral or religious training of their children
3. The right to retain the primary role in their children's education, to obtain critical information about what is being taught or provided in the classroom, & to take action when they feel that the quality or content of a child's education does not align with the values & expectations that the parent expects & deserves
4. The right to request, access, & inspect all written & electronic records maintained by the school about their children
5. The right to be informed of & inspect the curriculum, learning materials, & any other materials that are made available or taught to their children in school
6. The right to attend publicly designated meetings of the school board & the right to question & address school officials during designated public comment periods or through letters, electronic communications, or in-person meetings
7. The right to make healthcare & medical decisions for their children, including the right to make decisions regarding vaccinations & immunizations as provided in §79-221
8. The right to expect that no school or school employee will compel a teacher, educator, or student to adopt, affirm, adhere to, or profess ideas in violation of Title IV or Title VI of the federal Civil Rights Act of 1964, as amended. Such ideas include, but are not limited to:
  - a. That individuals of any race, ethnicity, color, or national origin are inherently superior or inferior
  - b. That individuals should be adversely or advantageously treated on the basis of individual race, ethnicity, color, or national origin
  - c. That individuals, by virtue of their race, ethnicity, color, or national origin, bear collective guilt & are inherently responsible for actions committed in the past by other members of the same race, ethnicity, color, or national origin
9. The right to expect that no learning materials, course of instruction, activity, or unit of study offered by a school will direct or otherwise compel a student to personally affirm, adopt, or adhere to any of the ideas listed in line item 8
10. The right to expect that no course of instruction, unit of study, professional development course, or training program will direct or otherwise compel a teacher or educator to personally affirm, adopt, or adhere to any of the ideas listed in line item 8
11. The right to expect that no school employee, when acting in the course of such employee's official duties, will organize, participate in, or carry out any act or communication prohibited by Title IV or Title VI of the federal Civil Rights Act of 1964, as amended
12. The right to expect that each teacher & educator of their children will endeavor to present facts without distortion, bias, or personal prejudice
13. The right to expect that each teacher & educator of their children will work to eliminate coercion that forces teachers & educators to support actions & ideologies that violate individual professional integrity
14. The right to assert any other inalienable or constitutional right that is reserved to the parent & the child pursuant to state or federal law

On or before July 1, 2024 all public-school districts in Nebraska will develop & adopt a policy to guarantee a parents' right to be involved in their children's education. The policies required will be developed with parental input & will be the subject of a public hearing before the school board before adoption by the board. On or before July 1, 2025, & on or before each July 1 thereafter, the policies will be reviewed & either altered & adopted as altered or reaffirmed by the board following a public hearing.

The policies will include but are not limited to the following:

1. Be informed through the parent transparency portal or other means of notification & have the ability to inspect any learning materials, activities, curriculum, lessons, syllabi, surveys, tests, questionnaires, examinations, books, magazines, handouts, & professional development & training materials
2. Inspect and review any educational or health records maintained by the school that pertained to the parent's child
3. Have an opportunity to object to any learning material or activity on the basis that such material or activity harms the child or impairs the parent's firmly held beliefs, values, or principles & withdraw their child from the activity, class, or program in which the material is used
4. Have an opportunity to request that the school designate any item of library content as Parental Review Recommended. Such policies & procedures will require consideration of each such request & that if a request is upheld, the item of library content will be designated in accordance with the Act
5. Have an opportunity to challenge the educational benefit of any item of library content. These policies & procedures will require consideration of each such challenge & that if a challenge is upheld, item of library content will be removed from the school

A teacher who refuses to teach matters prohibited by this act or to teach matter against the teacher's sincerely held religious beliefs will not be subject to an adverse licensure or employment action by a state or local educational authority because of their refusal.

On or before July 1, 2024, all public school district in Nebraska will establish an Internet-based transparency tool to be known as a parent transparency portal. The portal will be accessible by a prominently displayed link on the main website of the school district & the main website of each school in such school district.

Before each June 30, a school district will post on the parent transparency portal any learning materials, activities, curriculum & any other information required to be listed or provided by this act if such school district knows that the materials, activities, curriculum, or information will be used during the upcoming school year. For any learning materials, activities, curriculum or other materials that are not listed or provided on the parent transparency portal by June 30, the school district will cause any such materials, activities, curriculum, or information to be listed or provided on an ongoing weekly & monthly basis as the materials, activities, curriculum, or information is presented or provided to students.

The Nebraska Department of Education (NDE) can provide guidance & assistance to school districts regarding the establishment & maintenance of the parent transparency portals.

A parent, student, or teacher aggrieved by a violation of the Parents' Bill of Rights & Academic Transparency Act may bring a civil action for appropriate relief.

Appropriate relief includes:

1. Actual damages
2. The preliminary & other equitable or declaratory relief as may be appropriate
3. Reasonable attorney's fees and other litigation costs reasonably incurred

A parent who believes a school's decision to not designate an item of library content as Parental Review Recommended under this act can protest the decision by filing a complaint with NDE in accordance with the rules & regulations of the department. Any complaint will be filed within sixty days after the school's decision.

NDE will investigate the matter & within twenty days after the receipt of the complaint will:

1. Order the school to designate the item as Parental Review Recommended if the item warrants the designation
2. Set the matter for a hearing under the Administrative Procedure Act at which the parent & school will be parties. Within twenty days after the hearing, NDE will issue a decision either ordering the school to designate the item as Parental Review Recommended if the item warrants such designation or affirming the decision of the school. The decision of NDE will be final & can be appealed by the parent. The appeal will be in accordance with the Administrative Procedure Act.

EXPENDITURES:

NDE estimates the need to add an additional FTE to monitor, investigate, & prepare any dispute resolutions. For FY2023-24, the new FTE will have a salary/benefits expense of \$100,741; operating expenses of \$11,143; & travel expenses of \$9,452. For FY2024-25, the salary/benefits increase by 3% to \$105,721; the operating expense are \$7,431; & the travel expenses are \$9,736.

NDE could have additional expenses associated with the potential hearings but those expenses cannot be calculated at this time.

School districts could also experience increased costs due to the provisions of the bill. Increased school district expenditures are considered in the TEEOSA formula and could increase state General Fund expenditures for TEEOSA aid.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

LB: 374 AM: AGENCY/POLT. SUB: Nebraska Department of Education

REVIEWED BY: Gary Bush DATE: 1/25/23 PHONE: (402) 471-4161

COMMENTS: No basis to disagree with the agency on the fiscal impact of the bill.  
Agree that there is likely to be costs to the school districts, which could become part needs calculation in the TEEOSA school aid formula in future years. This could result in an increase in state aid.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

LB: 374 AM: AGENCY/POLT. SUB: Nebraska Library Commission

REVIEWED BY: Gary Bush DATE: 1/24/23 PHONE: (402) 471-4161

COMMENTS: No basis to disagree with the estimate provided.

Please complete ALL (5) blanks in the first three lines.

**2023**

**LB<sup>(1)</sup> 374**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Education

Prepared by: <sup>(3)</sup> Lane Carr Date Prepared: <sup>(4)</sup> 1.23.23 Phone: <sup>(5)</sup> 4024193012

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

	<u>FY 2023-24</u>		<u>FY 2024-25</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	\$121,336		\$122,888	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
<b>TOTAL FUNDS</b>	<u>\$121,336</u>	<u>0</u>	<u>\$122,888</u>	<u>0</u>

**Explanation of Estimate:**

LB374 changes and expands current statute on parental oversight to curricular materials in classrooms. The bill calls for the creation of “an Internet-based transparency tool,” on which all learning materials must be posted. The cost associated with the creation and upkeep of this tool could be significant, but is unknown at this time.

The bill also includes provisions pertaining to prohibitions of certain concepts, and the civil action that may occur if a parent, student, or teacher is aggrieved by a violation of the Act. Litigation costs may be significant for school districts, but are unknowable.

Finally, because of the potential significant increase in investigations, the NDE would require an additional investigator (program specialist) to monitor, investigate, and prepare for any dispute resolutions resulting from the Act. This does not include the actual costs associated with potential hearings (eg. scheduling parties for any hearing, hiring a hearing officer, court reporter and paralegal support), which is unknown.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2023-24</u>	<u>2024-25</u>
	<u>23-24</u>	<u>24-25</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Program Specialist II	1	1	\$61,491	\$65,180
Benefits.....			\$39,250	\$40,541
Operating.....			\$11,143	\$7,431
Travel.....			\$9,452	\$9,736
Capital outlay.....				
Aid.....				
Capital improvements.....				
<b>TOTAL.....</b>			<u>\$121,336</u>	<u>\$122,888</u>

Please complete ALL (5) blanks in the first three lines.

2023

LB<sup>(1)</sup> 374 REVISED

FISCAL NOTE

State Agency OR Political Subdivision Name: <sup>(2)</sup> Nebraska Library Commission

Prepared by: <sup>(3)</sup> Jerry Breazile Date Prepared: <sup>(4)</sup> January 19, 2023 Phone: <sup>(5)</sup> 402-471-4007

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2023-24</u>		<u>FY 2024-25</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

Explanation of Estimate:

We expect no fiscal impact for the Nebraska Library Commission, with respect to LB374.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2023-24</u>	<u>2024-25</u>
	<u>23-24</u>	<u>24-25</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____