

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIRST LEGISLATURE  
SECOND SESSION  
**LEGISLATIVE BILL 1006**

FINAL READING

Introduced by Adams, 24; Rogert, 16; Sullivan, 41.

Read first time January 20, 2010

Committee: Education

A BILL

1 FOR AN ACT relating to schools; to amend sections 79-101  
2 and 79-214, Reissue Revised Statutes of Nebraska; to  
3 change provisions relating to kindergarten entrance age;  
4 to harmonize provisions; and to repeal the original  
5 sections.

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

1           Section 1. Section 79-101, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           79-101 For purposes of Chapter 79:

4           (1) School district means the territory under the  
5 jurisdiction of a single school board authorized by Chapter 79;

6           (2) School means a school under the jurisdiction of a  
7 school board authorized by Chapter 79;

8           (3) Legal voter means a registered voter as defined in  
9 section 32-115 who is domiciled in a precinct or ward in which he  
10 or she is registered to vote and which precinct or ward lies in  
11 whole or in part within the boundaries of a school district for  
12 which the registered voter chooses to exercise his or her right  
13 to vote at a school district election or at an annual or special  
14 meeting of a Class I school district;

15           (4) Prekindergarten programs means all early childhood  
16 programs provided for children who have not reached the age of five  
17 by ~~October 15 of the current school year;~~ the date provided in  
18 section 79-214 for kindergarten entrance;

19           (5) Elementary grades means grades kindergarten through  
20 eight, inclusive;

21           (6) High school grades means all grades above the eighth  
22 grade;

23           (7) School year means (a) for elementary grades other  
24 than kindergarten, the time equivalent to at least one thousand  
25 thirty-two instructional hours and (b) for high school grades,

1 the time equivalent to at least one thousand eighty instructional  
2 hours;

3 (8) Instructional hour means a period of time, at least  
4 sixty minutes, which is actually used for the instruction of  
5 students;

6 (9) Teacher means any certified employee who is regularly  
7 employed for the instruction of pupils in the public schools;

8 (10) Administrator means any certified employee such  
9 as superintendent, assistant superintendent, principal, assistant  
10 principal, school nurse, or other supervisory or administrative  
11 personnel who do not have as a primary duty the instruction of  
12 pupils in the public schools;

13 (11) School board means the governing body of any school  
14 district. Board of education has the same meaning as school board;

15 (12) Teach means and includes, but is not limited to,  
16 the following responsibilities: (a) The organization and management  
17 of the classroom or the physical area in which the learning  
18 experiences of pupils take place; (b) the assessment and diagnosis  
19 of the individual educational needs of the pupils; (c) the  
20 planning, selecting, organizing, prescribing, and directing of  
21 the learning experiences of pupils; (d) the planning of teaching  
22 strategies and the selection of available materials and equipment  
23 to be used; and (e) the evaluation and reporting of student  
24 progress;

25 (13) Permanent school fund means the fund described in

1 section 79-1035.01;

2 (14) Temporary school fund means the fund described in  
3 section 79-1035.02; and

4 (15) School lands means the lands described in section  
5 79-1035.03. Educational lands has the same meaning as school lands.

6 The State Board of Education may adopt and promulgate  
7 rules and regulations to define school day and other appropriate  
8 units of the school calendar.

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

11 79-214 (1) For school years before school year 2012-13:

12 ~~(1) (a)~~ Except as provided in subsection (2) subdivision  
13 (1) (b) of this section, the school board of any school district  
14 shall not admit any child into the kindergarten ~~or beginner~~ grade  
15 of any school of such school district unless such child has reached  
16 the age of five years or will reach such age on or before October  
17 15 of the current year; and-

18 ~~(2) (b)~~ The board may admit a child who will reach the  
19 age of five between October 16 and February 1 of the current school  
20 year if the parent or guardian requests such entrance and provides  
21 an affidavit stating that (a) (i) the child attended kindergarten  
22 in another jurisdiction in the current school year, (b) (ii) the  
23 family anticipates relocation to another jurisdiction that would  
24 allow admission within the current year, or (c) (iii) the child  
25 has demonstrated through recognized assessment procedures approved

1 by the board that he or she is capable of carrying the work of  
2 kindergarten, ~~or the beginner grade.~~

3 (2) For school year 2012-13 and each school year  
4 thereafter:

5 (a) Except as provided in subdivision (2)(b) of this  
6 section, the school board of any school district shall not admit  
7 any child into the kindergarten of any school of such school  
8 district unless such child has reached the age of five years on or  
9 before July 31 of the calendar year in which the school year for  
10 which the child is seeking admission begins; and

11 (b) The board may admit a child who will reach the age  
12 of five years on or after August 1 and on or before October 15 of  
13 such school year if the parent or guardian requests such entrance  
14 and provides an affidavit stating that (i) the child attended  
15 kindergarten in another jurisdiction in the current school year,  
16 (ii) the family anticipates relocation to another jurisdiction that  
17 would allow admission within the current year, or (iii) the child  
18 has demonstrated through a recognized assessment procedure approved  
19 by the board that he or she is capable of carrying the work  
20 of kindergarten. On or before January 1, 2012, each school board  
21 shall, for purposes of this subdivision, approve and make available  
22 a recognized assessment procedure for determining if a child is  
23 capable of carrying the work of kindergarten. The school board  
24 shall update approved procedures as the board deems appropriate.

25 (3) The board shall comply with the requirements of

1 subsection (2) of section 43-2007 and shall require evidence of:  
2 (a) A physical examination by a physician, a physician assistant,  
3 or an advanced practice registered nurse, practicing under and in  
4 accordance with his or her respective certification act, within  
5 six months prior to the entrance of a child into the beginner  
6 grade and the seventh grade or, in the case of a transfer from  
7 out of state, to any other grade of the local school; and (b)  
8 for school year 2006-07 and each school year thereafter, a visual  
9 evaluation by a physician, a physician assistant, an advanced  
10 practice registered nurse, or an optometrist within six months  
11 prior to the entrance of a child into the beginner grade or, in the  
12 case of a transfer from out of state, to any other grade of the  
13 local school, which consists of testing for amblyopia, strabismus,  
14 and internal and external eye health, with testing sufficient to  
15 determine visual acuity, except that no such physical examination  
16 or visual evaluation shall be required of any child whose parent or  
17 guardian objects in writing. The cost of such physical examination  
18 and visual evaluation shall be borne by the parent or guardian of  
19 each child who is examined.

20           Sec. 3. Original sections 79-101 and 79-214, Reissue  
21 Revised Statutes of Nebraska, are repealed.