

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 174

Introduced by Byars, 30

Read first time January 10, 2003

Committee: Rereferred to Education

A BILL

1 FOR AN ACT relating to schools; to amend section 79-220, Reissue
2 Revised Statutes of Nebraska, and section 79-214, Revised
3 Statutes Supplement, 2002; to change provisions relating
4 to entrance requirements; to harmonize provisions; and to
5 repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-214, Revised Statutes Supplement,
2 2002, is amended to read:

3 79-214. (1) Except as provided in subsection (2) of this
4 section, the school board of any school district shall not admit
5 any child into the kindergarten or beginner grade of any school of
6 such school district unless such child has reached the age of five
7 years or will reach such age on or before October 15 of the current
8 year.

9 (2) The board may admit a child who will reach the age of
10 five between October 16 and February 1 of the current school year
11 if the parent or guardian requests such entrance and provides an
12 affidavit stating that (a) the child attended kindergarten in
13 another jurisdiction in the current school year, (b) the family
14 anticipates relocation to another jurisdiction that would allow
15 admission within the current year, or (c) the child has
16 demonstrated through recognized assessment procedures approved by
17 the board that he or she is capable of carrying the work of
18 kindergarten or the beginner grade.

19 (3) The board shall comply with the requirements of
20 subsection (2) of section 43-2007 and shall require evidence of:
21 (a) A physical examination by a physician, a physician assistant,
22 or an advanced practice registered nurse within six months prior to
23 the entrance of a child into the beginner grade and the seventh
24 grade or, in the case of a transfer from out of state, to any other
25 grade of the local school; and (b) For school year 2004-05 and each
26 school year thereafter, an eye examination by a physician or
27 optometrist within six months prior to the entrance of a child into
28 the beginner grade or, in the case of a transfer from out of state,

1 to any other grade of the local school, which consists of testing
 2 for amblyopia, strabismus, and refractive errors, assessment of
 3 ocular alignment, binocularity, and internal and external eye
 4 health, with testing sufficient to determine any needed refractive
 5 correction, except that no such ~~physical examination~~ examinations
 6 shall be required of any child whose parent or guardian objects in
 7 writing. The cost of such ~~physical examination~~ examinations shall
 8 be borne by the parent or guardian of each child who is examined.

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

11 79-220. At the time the parent or guardian of any child
 12 is notified that such child must have a physical examination and an
 13 eye examination pursuant to section 79-214 or immunizations
 14 pursuant to section 79-217, the parent or guardian ~~he or she~~ shall
 15 also be notified in writing of his or her right to submit a written
 16 statement refusing a ~~physical examination~~ such examinations or
 17 immunization for his or her child.

18 Sec. 3. Original section 79-220, Reissue Revised
 19 Statutes of Nebraska, and section 79-214, Revised Statutes
 20 Supplement, 2002, are repealed.