

AMENDMENTS TO LB1213

Introduced by Judiciary.

1 1. Strike the original section and insert the following new
2 sections:

3 Section 1. (1) For purposes of this section:

4 (a) Account means a unique login for each educational research
5 database user indicating that the user is a student in kindergarten
6 through grade twelve;

7 (b) Block means limiting access based on the labeling of indexed
8 content such that materials obscene as to minors or harmful to minors can
9 be recognized and removed from search results before presentation to a
10 student in kindergarten through grade twelve;

11 (c) Educational research database means materials in electronic form
12 from a vendor or provider made available to students in kindergarten
13 through grade twelve by any school district, any school, or the Nebraska
14 Library Commission, including, but not limited to, research databases, e-
15 journals, magazine subscriptions, and e-books;

16 (d) Filter means the use of technology developed to prevent a
17 request to a website known to include content obscene as to minors or
18 harmful to minors and to examine content in a response being delivered in
19 order to prevent such obscene or harmful content from being presented to
20 a student in kindergarten through grade twelve;

21 (e) Harmful to minors has the same meaning as in subdivision (6) of
22 section 28-807;

23 (f) Nebraska Library Commission means the organization established
24 in section 51-401, or its successor organization, that provides an
25 information technology infrastructure, which includes various affiliated
26 school districts, schools, and libraries, used for the purposes of making
27 computer services available to a student in kindergarten through grade

1 twelve;

2 (g) Obscene as to minors is the same as the description of obscene
3 as to minors in section 28-808;

4 (h) School means a public, private, denominational, or parochial
5 school, regardless of whether such school is approved or accredited; and

6 (i) Vendor or provider means an entity that creates, compiles, and
7 maintains an educational research database. Vendor or provider does not
8 include a school district, a school, or the Nebraska Library Commission.

9 (2) A school district, a school, or the Nebraska Library Commission
10 may offer one or more educational research databases to students in
11 kindergarten through grade twelve only if the vendor or provider of the
12 educational research database verifies that the database complies with
13 and will continue to comply with subsection (3) of this section.

14 (3) Any educational research database offered by a school district,
15 a school, or the Nebraska Library Commission to students in kindergarten
16 through grade twelve shall:

17 (a) Have technology protection measures that filter and block access
18 to all materials obscene as to minors or harmful to minors; and

19 (b) Establish an account for each student in kindergarten through
20 grade twelve using such educational research database and require
21 verification of account information when the student accesses such
22 educational research database.

23 (4) A school district or school shall:

24 (a) Provide the account credential of each student in kindergarten
25 through grade twelve to such student's parent or guardian and allow the
26 parent or guardian access to all materials accessible to the student; and

27 (b) Prohibit any shared or group accounts, distinct from the account
28 described in subdivision (3)(b) of this section, for use of any
29 educational research database.

30 (5) Compliance with subdivision (3)(a) of this section is a material
31 element of any contract with a vendor or provider.

1 (6) A student in kindergarten through grade twelve or any parent or
2 guardian of such student may file a complaint with the superintendent of
3 the school district or the principal of the school which such student
4 attends alleging that specific material available on the educational
5 research database used by the school is obscene as to minors or harmful
6 to minors. The complaint shall provide sufficient information to identify
7 and locate the material specified in the complaint.

8 (7)(a) A complaint filed with the principal of a school shall be
9 immediately forwarded to the superintendent of the school district. If a
10 school does not have a superintendent, the principal or other school
11 administrator for such school shall conduct the review and make the
12 determination required by this subsection. The superintendent, principal,
13 or other school administrator shall review any complaint and within seven
14 days after receipt of such complaint make a determination as to whether
15 the specific material contained in the complaint and available on the
16 educational research database is obscene as to minors or harmful to
17 minors.

18 (b) If the superintendent or principal or other school administrator
19 for a school that does not have a superintendent is unable to locate the
20 material specified in the complaint or determines that such material is
21 not obscene as to minors or harmful to minors, the superintendent,
22 principal, or other school administrator shall, within seven days after
23 receipt of such complaint, notify the individual who made the complaint
24 of such determination. Such determination shall be ratified or rejected
25 by a majority vote of the school board of such school, if one exists.

26 (c) If the superintendent or principal or other school administrator
27 for a school that does not have a superintendent determines that the
28 material specified in such complaint is obscene as to minors or harmful
29 to minors, the superintendent, principal, or other administrator shall,
30 within seven days after receipt of the complaint, notify the provider or
31 vendor of the need to block or filter the specific material specified in

1 the complaint. If the vendor or provider is unwilling or unable to block
2 or filter such material within fourteen days after receiving such
3 notification, the superintendent, principal, or other administrator shall
4 notify the school board of such school which shall, by majority vote,
5 make a determination as to whether the material contained in the
6 complaint is obscene as to minors or harmful to minors. If the
7 determination is that the material is obscene as to minors or harmful to
8 minors and the school district or school is a party to the contract with
9 the vendor or provider, the school board may, if the school district or
10 school contracts directly with the vendor or provider, institute a
11 declaratory judgment or other civil proceeding to determine whether the
12 vendor or provider is in breach of contract. In addition to any other
13 defense available to the vendor or provider, it shall be a defense to
14 such action that the material in such complaint is not obscene as to
15 minors or harmful to minors. If no school board exists for a school, the
16 actions authorized under subdivision (7)(c) of this section may be
17 undertaken by an individual or entity that is a party to the contract
18 with the vendor or provider.

19 Sec. 2. This act becomes operative on January 1, 2023.