

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 428

FINAL READING

Introduced by Murman, 38; Clements, 2; Conrad, 46; Ibach, 44; Lippincott,
34; Lonowski, 33.

Read first time January 17, 2025

Committee: Education

- 1 A BILL FOR AN ACT relating to schools; to amend section 79-532, Reissue
- 2 Revised Statutes of Nebraska; to change provisions related to school
- 3 policies on the involvement of parents, guardians, and educational
- 4 decisionmakers in schools; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 79-532, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 79-532 (1) The policy required by section 79-531 shall include, but
4 need not be limited to, the following:

5 (a) How the school district will provide access to parents,
6 guardians, or educational decisionmakers concerning textbooks; tests;
7 activities information; digital materials; websites or applications used
8 for learning; training materials for teachers, administrators, and staff;
9 procedures for the review and approval of training materials, learning
10 materials, and activities; and other curriculum materials used in the
11 school district;

12 (b) How the school district will accommodate requests by parents,
13 guardians, or educational decisionmakers to attend and monitor courses,
14 assemblies, counseling sessions, and other instructional activities;

15 (c) Under what circumstances parents, guardians, or educational
16 decisionmakers may ask that their children be excused from testing,
17 classroom instruction, learning materials, activities, guest speaker
18 events, and other school experiences the parents, guardians, or
19 educational decisionmakers may find objectionable;

20 (d) How the school district will provide access to records of
21 students;

22 (e) What the school district's testing policy will be; ~~and~~

23 (f) How the school district participates in surveys of students and
24 the right of parents, guardians, or educational decisionmakers to remove
25 their children from such surveys; ~~and~~ -

26 (g) A requirement that:

27 (i) If the school administers (A) a survey requesting that students
28 provide sexual information, mental health information, medical
29 information, information on health-risk behaviors, religious information,
30 information of political affiliation, or any other information that the
31 school board deems to be sensitive in nature or (B) a nonanonymous survey

1 requesting students provide information relating to drug, vape, alcohol,
2 or tobacco use, the school district shall, at least fifteen days prior to
3 the administration of the survey, notify parents, guardians, and
4 educational decisionmakers of students that are to receive such survey.
5 Such notice shall be made through the school's electronic notification
6 system or by physical mail to the address on file for the student. Such
7 notice shall describe the nature and types of questions included in the
8 survey, the purposes and age-appropriateness of the survey, how
9 information collected by the survey will be used, who will have access to
10 such information, the steps that will be taken to protect student
11 privacy, and whether and how any findings or results of such survey will
12 be disclosed;

13 (ii) Parents, guardians, and educational decisionmakers have the
14 right to: (A) Request that a copy of the survey be sent through the
15 school's electronic notification system or physical mail to the address
16 on file for the student, (B) review the survey in person at the school,
17 and (C) exempt their child from participating in the survey;

18 (iii) Unless required by federal or state law or regulation, school
19 personnel administering any such survey shall not disclose personally
20 identifiable information of a child; and

21 (iv) No survey requesting sexual information of a student shall be
22 administered to any student in kindergarten through grade six.

23 (2) Nothing in this section shall be construed to require disclosure
24 of information in violation of (a) the federal Family Educational Rights
25 and Privacy Act of 1974, as amended, 20 U.S.C. 1232g, or any federal
26 regulations and applicable guidelines adopted in accordance with such
27 act, as such act, regulations, and guidelines existed on January 1, 2024,

28 (b) the federal Protection of Pupil Rights Amendment of 1978, 20 U.S.C.
29 1232h, as such section existed on January 1, 2025, (c) the federal
30 Children's Online Privacy Protection Act of 1998, 15 U.S.C. 6501 et seq.,
31 as such act existed on January 1, 2025, and (d) the federal Children's

1 Internet Protection Act, 47 C.F.R. 54.520, as such regulation existed on
2 January 1, 2025.

3 **Sec. 2.** Original section 79-532, Reissue Revised Statutes of
4 Nebraska, is repealed.