

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1224

Introduced by Hunt, 8.

Read first time January 21, 2026

Committee: Education

1 A BILL FOR AN ACT relating to schools; to amend sections 28-319,
2 28-319.01, 28-320, 28-320.01, 28-322.02, 28-322.03, 28-322.04,
3 28-323, and 79-1601, Reissue Revised Statutes of Nebraska, sections
4 28-322.05, 28-707, and 28-713.03, Revised Statutes Cumulative
5 Supplement, 2024, and sections 28-320.02 and 28-710, Revised
6 Statutes Supplement, 2025; to prohibit persons convicted of certain
7 crimes from monitoring or providing instruction at a school which
8 elects not to meet accreditation or approval requirements; to change
9 the Child Protection and Family Safety Act; to define a term; to
10 prohibit the transfer of a student to a school that elects not to
11 meet approval and accreditation requirements in certain
12 circumstances as prescribed; to provide notice; to require
13 confidentiality as prescribed; to provide duties to the Department
14 of Health and Human Services and to the Commissioner of Education;
15 to harmonize provisions; and to repeal the original sections.
16 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 28-319, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 28-319 (1) Any person who subjects another person to sexual
4 penetration (a) without the consent of the victim, (b) who knew or should
5 have known that the victim was mentally or physically incapable of
6 resisting or appraising the nature of his or her conduct, or (c) when the
7 actor is nineteen years of age or older and the victim is at least twelve
8 but less than sixteen years of age is guilty of sexual assault in the
9 first degree.

10 (2) Sexual assault in the first degree is a Class II felony. The
11 sentencing judge shall consider whether the actor caused serious personal
12 injury to the victim in reaching a decision on the sentence.

13 (3) Any person who is found guilty of sexual assault in the first
14 degree for a second time when the first conviction was pursuant to this
15 section or any other state or federal law with essentially the same
16 elements as this section shall be sentenced to a mandatory minimum term
17 of twenty-five years in prison.

18 (4) A person convicted of sexual assault in the first degree
19 pursuant to this section shall not monitor or provide instruction at a
20 school which elects pursuant to section 79-1601 not to meet accreditation
21 or approval requirements.

22 **Sec. 2.** Section 28-319.01, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 28-319.01 (1) A person commits sexual assault of a child in the
25 first degree:

26 (a) When he or she subjects another person under twelve years of age
27 to sexual penetration and the actor is at least nineteen years of age or
28 older; or

29 (b) When he or she subjects another person who is at least twelve
30 years of age but less than sixteen years of age to sexual penetration and
31 the actor is twenty-five years of age or older.

1 (2) Sexual assault of a child in the first degree is a Class IB
2 felony with a mandatory minimum sentence of fifteen years in prison for
3 the first offense.

4 (3) Any person who is found guilty of sexual assault of a child in
5 the first degree under this section and who has previously been convicted
6 (a) under this section, (b) under section 28-319 of first degree or
7 attempted first degree sexual assault, (c) under section 28-320.01 before
8 July 14, 2006, of sexual assault of a child or attempted sexual assault
9 of a child, (d) under section 28-320.01 on or after July 14, 2006, of
10 sexual assault of a child in the second or third degree or attempted
11 sexual assault of a child in the second or third degree, or (e) in any
12 other state or federal court under laws with essentially the same
13 elements as this section, section 28-319, or section 28-320.01 as it
14 existed before, on, or after July 14, 2006, shall be guilty of a Class IB
15 felony with a mandatory minimum sentence of twenty-five years in prison.

16 (4) In any prosecution under this section, the age of the actor
17 shall be an essential element of the offense that must be proved beyond a
18 reasonable doubt.

19 (5) A person convicted of sexual assault of a child pursuant to this
20 section shall not monitor or provide instruction at a school which elects
21 pursuant to section 79-1601 not to meet accreditation or approval
22 requirements.

23 **Sec. 3.** Section 28-320, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 28-320 (1) Any person who subjects another person to sexual contact
26 (a) without consent of the victim, or (b) who knew or should have known
27 that the victim was physically or mentally incapable of resisting or
28 appraising the nature of his or her conduct is guilty of sexual assault
29 in either the second degree or third degree.

30 (2) Sexual assault shall be in the second degree and is a Class IIA
31 felony if the actor shall have caused serious personal injury to the

1 victim.

2 (3) Sexual assault shall be in the third degree and is a Class I
3 misdemeanor if the actor shall not have caused serious personal injury to
4 the victim.

5 (4) A person convicted of sexual assault in either the second degree
6 or third degree pursuant to this section shall not monitor or provide
7 instruction at a school which elects pursuant to section 79-1601 not to
8 meet accreditation or approval requirements.

9 **Sec. 4.** Section 28-320.01, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 28-320.01 (1) A person commits sexual assault of a child in the
12 second or third degree if he or she subjects another person fourteen
13 years of age or younger to sexual contact and the actor is at least
14 nineteen years of age or older.

15 (2) Sexual assault of a child is in the second degree if the actor
16 causes serious personal injury to the victim. Sexual assault of a child
17 in the second degree is a Class II felony for the first offense.

18 (3) Sexual assault of a child is in the third degree if the actor
19 does not cause serious personal injury to the victim. Sexual assault of a
20 child in the third degree is a Class IIIA felony for the first offense.

21 (4) Any person who is found guilty of second degree sexual assault
22 of a child under this section and who has previously been convicted (a)
23 under this section, (b) under section 28-319 of first degree or attempted
24 first degree sexual assault, (c) under section 28-319.01 for first degree
25 or attempted first degree sexual assault of a child, or (d) in any other
26 state or federal court under laws with essentially the same elements as
27 this section, section 28-319, or section 28-319.01 shall be guilty of a
28 Class IC felony and shall be sentenced to a mandatory minimum term of
29 twenty-five years in prison.

30 (5) Any person who is found guilty of third degree sexual assault of
31 a child under this section and who has previously been convicted (a)

1 under this section, (b) under section 28-319 of first degree or attempted
2 first degree sexual assault, (c) under section 28-319.01 for first degree
3 or attempted first degree sexual assault of a child, or (d) in any other
4 state or federal court under laws with essentially the same elements as
5 this section, section 28-319, or section 28-319.01 shall be guilty of a
6 Class IC felony.

7 (6) A person convicted of sexual assault of a child in either the
8 second degree or third degree pursuant to this section shall not monitor
9 or provide instruction at a school which elects pursuant to section
10 79-1601 not to meet accreditation or approval requirements.

11 **Sec. 5.** Section 28-320.02, Revised Statutes Supplement, 2025, is
12 amended to read:

13 28-320.02 (1) No person shall knowingly solicit, coax, entice, or
14 lure (a) a child sixteen years of age or younger or (b) a peace officer
15 who is believed by such person to be a child sixteen years of age or
16 younger, by means of an electronic communication device as that term is
17 defined in section 28-833, to engage in an act which would be in
18 violation of section 28-319, 28-319.01, or 28-320.01 or subsection (1) or
19 (2) of section 28-320. A person shall not be convicted of both a
20 violation of this subsection and a violation of section 28-319,
21 28-319.01, or 28-320.01 or subsection (1) or (2) of section 28-320 if the
22 violations arise out of the same set of facts or pattern of conduct and
23 the individual solicited, coaxed, enticed, or lured under this subsection
24 is also the victim of the sexual assault under section 28-319, 28-319.01,
25 or 28-320.01 or subsection (1) or (2) of section 28-320.

26 (2) A person who violates this section is guilty of a Class ID
27 felony. If a person who violates this section has previously been
28 convicted of a covered offense as defined in section 28-1802, the person
29 is guilty of a Class IC felony.

30 (3) A person convicted of either a Class ID felony or a Class IC
31 felony pursuant to this section shall not monitor or provide instruction

1 at a school which elects pursuant to section 79-1601 not to meet
2 accreditation or approval requirements.

3 **Sec. 6.** Section 28-322.02, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 28-322.02 (1) Any person who subjects an inmate or parolee to sexual
6 penetration is guilty of sexual abuse of an inmate or parolee in the
7 first degree. Sexual abuse of an inmate or parolee in the first degree is
8 a Class IIA felony.

9 (2) A person convicted of sexual abuse of an inmate or parolee in
10 the first degree pursuant to this section shall not monitor or provide
11 instruction at a school which elects pursuant to section 79-1601 not to
12 meet accreditation or approval requirements.

13 **Sec. 7.** Section 28-322.03, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 28-322.03 (1) Any person who subjects an inmate or parolee to sexual
16 contact is guilty of sexual abuse of an inmate or parolee in the second
17 degree. Sexual abuse of an inmate or parolee in the second degree is a
18 Class IIIA felony.

19 (2) A person convicted of sexual abuse of an inmate or parolee in
20 the second degree pursuant to this section shall not monitor or provide
21 instruction at a school which elects pursuant to section 79-1601 not to
22 meet accreditation or approval requirements.

23 **Sec. 8.** Section 28-322.04, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 28-322.04 (1) For purposes of this section:

26 (a) Person means an individual employed by the Department of Health
27 and Human Services and includes, but is not limited to, any individual
28 working in central administration or regional service areas or facilities
29 of the department and any individual to whom the department has
30 authorized or delegated control over a protected individual or a
31 protected individual's activities, whether by contract or otherwise; and

1 (b) Protected individual means an individual in the care or custody
2 of the department.

3 (2) A person commits the offense of sexual abuse of a protected
4 individual if the person subjects a protected individual to sexual
5 penetration or sexual contact as those terms are defined in section
6 28-318. It is not a defense to a charge under this section that the
7 protected individual consented to such sexual penetration or sexual
8 contact.

9 (3) Any person who subjects a protected individual to sexual
10 penetration is guilty of sexual abuse of a protected individual in the
11 first degree. Sexual abuse of a protected individual in the first degree
12 is a Class IIA felony.

13 (4) Any person who subjects a protected individual to sexual contact
14 is guilty of sexual abuse of a protected individual in the second degree.
15 Sexual abuse of a protected individual in the second degree is a Class
16 IIIA felony.

17 (5) A person convicted of sexual abuse of a protected individual in
18 either the first degree or second degree pursuant to this section shall
19 not monitor or provide instruction at a school which elects pursuant to
20 section 79-1601 not to meet accreditation or approval requirements.

21 **Sec. 9.** Section 28-322.05, Revised Statutes Cumulative Supplement,
22 2024, is amended to read:

23 28-322.05 (1) For purposes of this section:

24 (a) Detainee means an individual who has been:

25 (i) Arrested by a person;

26 (ii) Detained by a person, regardless of whether the detainee has
27 been arrested or charged; or

28 (iii) Placed into the custody of a person, regardless of whether the
29 detainee has been arrested or charged;

30 (b) Law enforcement agency means an agency or department of this
31 state or of any political subdivision of this state which is responsible

1 for the prevention and detection of crime; the enforcement of the penal,
2 traffic, or highway laws of this state or any political subdivision of
3 this state; and the enforcement of arrest warrants. Law enforcement
4 agency includes a police department, an office of the town marshal, an
5 office of the county sheriff, the Nebraska State Patrol, and any
6 department to which a deputy state sheriff is assigned as provided in
7 section 84-106; and

8 (c) Person means an individual:

9 (i) Who is employed by a law enforcement agency, including an
10 individual working under contract with the agency;

11 (ii) To whom the law enforcement agency has authorized or delegated
12 authority to make arrests, to place a detainee in detention or custody,
13 or to otherwise exercise control over a detainee or a detainee's
14 activities; and

15 (iii) Who is not the spouse of a detainee.

16 (2) A person commits the offense of sexual abuse of a detainee if
17 the person engages in sexual penetration or sexual contact with a
18 detainee. It is not a defense to a charge under this section that the
19 detainee consented to such sexual penetration or sexual contact.

20 (3) An otherwise lawful pat-down or body cavity search by a person
21 is not a violation of this section.

22 (4) Any person who engages in sexual penetration with a detainee is
23 guilty of sexual abuse of a detainee in the first degree. Sexual abuse of
24 a detainee in the first degree is a Class IIA felony.

25 (5) Any person who engages in sexual contact with a detainee is
26 guilty of sexual abuse of a detainee in the second degree. Sexual abuse
27 of a detainee in the second degree is a Class IIIA felony.

28 (6) A person convicted of sexual abuse of a detainee in either the
29 first degree or second degree pursuant to this section shall not monitor
30 or provide instruction at a school which elects pursuant to section
31 79-1601 not to meet accreditation or approval requirements.

1 **Sec. 10.** Section 28-323, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 28-323 (1) A person commits the offense of domestic assault in the
4 third degree if he or she:

5 (a) Intentionally and knowingly causes bodily injury to his or her
6 intimate partner;

7 (b) Threatens an intimate partner with imminent bodily injury; or

8 (c) Threatens an intimate partner in a menacing manner.

9 (2) A person commits the offense of domestic assault in the second
10 degree if he or she intentionally and knowingly causes bodily injury to
11 his or her intimate partner with a dangerous instrument.

12 (3) A person commits the offense of domestic assault in the first
13 degree if he or she intentionally and knowingly causes serious bodily
14 injury to his or her intimate partner.

15 (4) Violation of subdivision (1)(a) or (b) of this section is a
16 Class I misdemeanor, except that for any subsequent violation of
17 subdivision (1)(a) or (b) of this section, any person so offending is
18 guilty of a Class IIIA felony.

19 (5) Violation of subdivision (1)(c) of this section is a Class I
20 misdemeanor.

21 (6) Violation of subsection (2) of this section is a Class IIIA
22 felony, except that for any second or subsequent violation of such
23 subsection, any person so offending is guilty of a Class IIA felony.

24 (7) Violation of subsection (3) of this section is a Class IIA
25 felony, except that for any second or subsequent violation under such
26 subsection, any person so offending is guilty of a Class II felony.

27 (8) For purposes of this section, intimate partner means a spouse; a
28 former spouse; persons who have a child in common whether or not they
29 have been married or lived together at any time; and persons who are or
30 were involved in a dating relationship. For purposes of this subsection,
31 dating relationship means frequent, intimate associations primarily

1 characterized by the expectation of affectional or sexual involvement,
2 but does not include a casual relationship or an ordinary association
3 between persons in a business or social context.

4 (9) A person convicted of domestic assault pursuant to this section
5 shall not monitor or provide instruction at a school which elects
6 pursuant to section 79-1601 not to meet accreditation or approval
7 requirements.

8 **Sec. 11.** Section 28-707, Revised Statutes Cumulative Supplement,
9 2024, is amended to read:

10 28-707 (1) A person commits child abuse if he or she knowingly,
11 intentionally, or negligently causes or permits a minor child to be:

12 (a) Placed in a situation that endangers his or her life or physical
13 or mental health;

14 (b) Cruelly confined or cruelly punished;

15 (c) Deprived of necessary food, clothing, shelter, or care;

16 (d) Placed in a situation to be sexually exploited through sex
17 trafficking of a minor as defined in section 28-830 or by allowing,
18 encouraging, or forcing such minor child to engage in debauchery, public
19 indecency, or obscene or pornographic photography, films, or depictions;

20 (e) Placed in a situation to be sexually abused as defined in
21 section 28-319, 28-319.01, or 28-320.01; or

22 (f) Placed in a situation to be a trafficking victim as defined in
23 section 28-830.

24 (2) The statutory privilege between patient and physician, between
25 client and professional counselor, and between husband and wife shall not
26 be available for excluding or refusing testimony in any prosecution for a
27 violation of this section.

28 (3) Child abuse is a Class I misdemeanor if the offense is committed
29 negligently and does not result in serious bodily injury as defined in
30 section 28-109 or death.

31 (4) Child abuse is a Class IIIA felony if the offense is committed

1 knowingly and intentionally and does not result in serious bodily injury
2 as defined in section 28-109 or death.

3 (5) Child abuse is a Class IIIA felony if the offense is committed
4 negligently and results in serious bodily injury as defined in section
5 28-109.

6 (6) Child abuse is a Class IIA felony if the offense is committed
7 negligently and results in the death of such child.

8 (7) Child abuse is a Class II felony if the offense is committed
9 knowingly and intentionally and results in serious bodily injury as
10 defined in such section.

11 (8) Child abuse is a Class IB felony if the offense is committed
12 knowingly and intentionally and results in the death of such child.

13 (9) For purposes of this section, negligently refers to criminal
14 negligence and means that a person knew or should have known of the
15 danger involved and acted recklessly, as defined in section 28-109, with
16 respect to the safety or health of the minor child.

17 (10) A person convicted of child abuse pursuant to this section
18 shall not monitor or provide instruction at a school which elects
19 pursuant to section 79-1601 not to meet accreditation or approval
20 requirements.

21 **Sec. 12.** Section 28-710, Revised Statutes Supplement, 2025, is
22 amended to read:

23 28-710 (1) Sections 28-710 to 28-727 and section 13 of this act
24 shall be known and may be cited as the Child Protection and Family Safety
25 Act.

26 (2) For purposes of the Child Protection and Family Safety Act:

27 (a) Alternative response means a comprehensive assessment of (i)
28 child safety, (ii) the risk of future child abuse or neglect, (iii)
29 family strengths and needs, and (iv) the provision of or referral for
30 necessary services and support. Alternative response is an alternative to
31 traditional response and does not include an investigation or a formal

1 determination as to whether child abuse or neglect has occurred, and the
2 subject of the report shall not be entered into the central registry of
3 child protection cases maintained pursuant to section 28-718;

4 (b) Child abuse or neglect means knowingly, intentionally, or
5 negligently causing or permitting a minor child to be:

6 (i) Placed in a situation that endangers his or her life or physical
7 or mental health;

8 (ii) Cruelly confined or cruelly punished;

9 (iii) Deprived of necessary food, clothing, shelter, or care;

10 (iv) Left unattended in a motor vehicle if such minor child is six
11 years of age or younger;

12 (v) Placed in a situation to be sexually abused;

13 (vi) Placed in a situation to be sexually exploited through sex
14 trafficking of a minor as defined in section 28-830 or by allowing,
15 encouraging, or forcing such person to engage in debauchery, public
16 indecency, or obscene or pornographic photography, films, or depictions;
17 or

18 (vii) Placed in a situation to be a trafficking victim as defined in
19 section 28-830;

20 (c) Child advocacy center means a community-based organization that
21 (i) provides an appropriate site for conducting forensic interviews as
22 defined in section 28-728 and referring victims of child abuse or neglect
23 and appropriate caregivers for such victims to needed evaluation,
24 services, and supports, (ii) assists county attorneys in facilitating
25 case reviews, developing and updating protocols, and arranging training
26 opportunities for the teams established pursuant to sections 28-728 and
27 28-729, and (iii) is a member, in good standing, of a state chapter as
28 defined in 34 U.S.C. 20302;

29 (d) Comprehensive assessment means an analysis of child safety, risk
30 of future child abuse or neglect, and family strengths and needs on a
31 report of child abuse or neglect using an evidence-informed and validated

1 tool. Comprehensive assessment does not include a finding as to whether
2 the child abuse or neglect occurred but does determine the need for
3 services and support, if any, to address the safety of children and the
4 risk of future abuse or neglect;

5 (e) Department means the Department of Health and Human Services;

6 (f) Educational decisionmaker has the same meaning as in section
7 79-530;

8 (g) Exempt school means a school which elects pursuant to section
9 79-1601 not to meet accreditation or approval requirements;

10 (h) (f) Investigation means fact gathering by the department, using
11 an evidence-informed and validated tool, or by law enforcement related to
12 the current safety of a child and the risk of future child abuse or
13 neglect that determines whether child abuse or neglect has occurred and
14 whether child protective services are needed;

15 (i) (g) Kin caregiver means a person with whom a child in foster
16 care has been placed or with whom a child is residing pursuant to a
17 temporary living arrangement in a non-court-involved case, who has
18 previously lived with or is a trusted adult that has a preexisting,
19 significant relationship with the child or with a sibling of such child
20 placed pursuant to section 43-1311.02;

21 (j) (h) Law enforcement agency means the police department or town
22 marshal in incorporated municipalities, the office of the sheriff in
23 unincorporated areas, and the Nebraska State Patrol;

24 (k) (i) Member of a military family means an individual who is:

25 (i) Serving active duty service in the armed forces of the United
26 States, including any reserve component or the National Guard; or

27 (ii) Is a dependent, as defined in 50 U.S.C. 3911, of a person
28 described in subdivision (2)(j)(i) (2)(i)(i) of this section;

29 (l) (j) Non-court-involved case means an ongoing case opened by the
30 department following a report of child abuse or neglect in which the
31 department has determined that ongoing services are required to maintain

1 the safety of a child or alleviate the risk of future abuse or neglect
2 and in which the family voluntarily engages in child protective services
3 without a filing in a juvenile court;

4 (m) ~~(k)~~ Out-of-home child abuse or neglect means child abuse or
5 neglect occurring outside of a child's family home, including in day care
6 homes, foster homes, day care centers, residential child-caring agencies
7 as defined in section 71-1926, other child care facilities or
8 institutions, and the community. Out-of-home child abuse or neglect also
9 includes cases in which the subject of the report of child abuse or
10 neglect is not a member of the child's household, no longer has access to
11 the child, is unknown, or cannot be identified;

12 (n) ~~(l)~~ Relative caregiver means a person with whom a child is
13 placed by the department and who is related to the child, or to a sibling
14 of such child pursuant to section 43-1311.02, by blood, marriage, or
15 adoption or, in the case of an Indian child, is an extended family member
16 as defined in section 43-1503;

17 (o) ~~(m)~~ Report means any communication received by the department or
18 a law enforcement agency pursuant to the Child Protection and Family
19 Safety Act that describes child abuse or neglect and contains sufficient
20 content to identify the child who is the alleged victim of child abuse or
21 neglect;

22 (p) ~~(n)~~ Review, Evaluate, and Decide Team means an internal team of
23 staff within the department and shall include no fewer than two
24 supervisors or administrators and two staff members knowledgeable on the
25 policies and practices of the department, including, but not limited to,
26 the structured review process. County attorneys, child advocacy centers,
27 or law enforcement agency personnel may attend team reviews upon request
28 of a party;

29 (q) ~~(o)~~ School employee means a person nineteen years of age or
30 older who is employed by a public, private, denominational, or parochial
31 school approved or accredited by the State Department of Education;

1 (r) (p) Student means a person less than nineteen years of age
2 enrolled in or attending a public, private, denominational, or parochial
3 school approved or accredited by the State Department of Education, or
4 who was such a person enrolled in or who attended such a school within
5 ninety days of any violation of section 28-316.01;

6 (s) (q) Traditional response means an investigation by a law
7 enforcement agency or the department pursuant to section 28-713 which
8 requires a formal determination of whether child abuse or neglect has
9 occurred; and

10 (t) (r) Subject of the report of child abuse or neglect or subject
11 of the report means the person or persons identified in the report as
12 responsible for the child abuse or neglect.

13 Sec. 13. (1) The subject of a report of child abuse or neglect
14 shall not be permitted to transfer a student for whom such subject is a
15 parent, legal guardian, or educational decisionmaker from the student's
16 current school to an exempt school during a review of such report by a
17 Review, Evaluate, and Decide Team pursuant to 28-712.01 or during a
18 traditional response.

19 (2) For any report involving a subject who is a parent of a student,
20 legal guardian of a student, or educational decisionmaker for a student,
21 the department shall notify each such student's current school and the
22 Commissioner of Education that an election filed under section 79-1601
23 allowing such student to transfer to an exempt school shall be invalid
24 until further notice.

25 (3) If an election is filed under section 79-1601 in violation of
26 this section or if such student's current school receives a request to
27 transfer or disenroll such student, the commissioner or the school shall
28 immediately notify the local law enforcement agency of the filing or the
29 request and that such filing or request may be related to the subject of
30 a report of child abuse or neglect that is currently being investigated.

31 (4) When a determination is made by the Review, Evaluate, and Decide

1 Team to assign the report for alternative response or when formal
2 determination of whether child abuse or neglect has occurred with regard
3 to such report, the department shall notify such student's current school
4 and the Commissioner of Education that there is no longer a restriction
5 under subsection (2) of this section on allowing such student to transfer
6 to an exempt school.

7 (5) Notices pursuant to this section are confidential investigation
8 records and shall not contain any information other than the name of the
9 student and whether or not to allow such student to transfer to an exempt
10 school pursuant to this section.

11 (6) The department shall establish procedures to carry out this
12 section.

13 **Sec. 14.** Section 28-713.03, Revised Statutes Cumulative Supplement,
14 2024, is amended to read:

15 28-713.03 (1) The department shall adopt and promulgate rules and
16 regulations consistent with Laws 2020, LB1061, and shall revoke any rules
17 and regulations inconsistent with Laws 2020, LB1061, by July 1, 2021.

18 (2) The department shall adopt and promulgate rules and regulations
19 regarding (a) the maximum time allowed between receiving a report of
20 child abuse or neglect and an assigned caseworker making contact with the
21 affected family, (b) the maximum amount of time between receipt of a
22 report and the completion of an assessment or investigation, (c) the
23 transfer of cases from alternative response to traditional response, (d)
24 the criteria and process to be used by the Review, Evaluate, and Decide
25 Team, and (e) the process used to accept and categorize reports,
26 including the operation of the hotline established under section 28-711.

27 (3) The department shall adopt and promulgate rules and regulations
28 describing the process for non-court-involved cases, the right of any
29 child, parent, kin caregiver, or relative caregiver to an administrative
30 appeal of any department action or inaction in a non-court-involved case,
31 and the process for finding that a child is seriously endangered.

1 (4) The department may adopt and promulgate rules and regulations to
2 carry out the provisions of section 13 of this act.

3 **Sec. 15.** Section 79-1601, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 79-1601 (1) Except as provided in subsections (2) through (6) of
6 this section, all private, denominational, and parochial schools in the
7 State of Nebraska and all teachers employed or giving instruction in such
8 schools shall be subject to and governed by the provisions of the general
9 school laws of the state so far as the same apply to grades,
10 qualifications, and certification of teachers and promotion of students.
11 All private, denominational, and parochial schools shall have adequate
12 equipment and supplies, shall be graded the same, and shall have courses
13 of study for each grade conducted in such schools substantially the same
14 as those given in the public schools which the students would attend in
15 the absence of such private, denominational, or parochial schools.

16 (2) All private, denominational, or parochial schools shall either
17 comply with the accreditation or approval requirements as prescribed
18 pursuant to section 79-318 or, for those schools which elect not to meet
19 accreditation or approval requirements, the requirements prescribed in
20 subsections (2) through (6) of this section. Standards and procedures for
21 approval and accreditation shall be based upon the program of studies,
22 guidance services, the number and preparation of teachers in relation to
23 the curriculum and enrollment, instructional materials and equipment,
24 science facilities and equipment, library facilities and materials, and
25 health and safety factors in buildings and grounds. Rules and regulations
26 governing procedures for private, denominational, and parochial schools
27 which elect, pursuant to the procedures prescribed in subsections (2)
28 through (6) of this section, not to meet state accreditation or approval
29 requirements shall be based upon an assurance that such schools offer a
30 program of instruction leading to the acquisition of basic skills in the
31 language arts, mathematics, science, social studies, and health. The

1 assurance required pursuant to this subsection shall be satisfied by a
2 signed statement by the parent, legal guardian, or educational
3 decisionmaker of a student that the education provided complies with
4 subsections (2) through (6) of this section. Rules and regulations which
5 govern procedures under this section are limited to procedures for
6 receiving information from a parent, legal guardian, or educational
7 decisionmaker of a student or a parent representative when such
8 individual files the election not to meet accreditation or approval
9 requirements under this section and procedures for carrying out section
10 13 of this act.

11 (3) The provisions of subsections (3) through (6) of this section
12 shall apply to any private, denominational, or parochial school in the
13 State of Nebraska which elects not to meet state accreditation or
14 approval requirements. Except as provided in section 13 of this act, an
15 An election pursuant to such subsections shall be effective when a
16 statement is received by the Commissioner of Education signed by a
17 parent, legal guardian, or educational decisionmaker of each student
18 attending such private, denominational, or parochial school, stating that
19 (a) either specifically (i) the requirements for approval and
20 accreditation required by law and the rules and regulations adopted and
21 promulgated by the State Board of Education violate sincerely held
22 religious beliefs of the parent, legal guardian, or educational
23 decisionmaker or (ii) the requirements for approval and accreditation
24 required by law and the rules and regulations adopted and promulgated by
25 the State Board of Education interfere with the decisions of the parent,
26 legal guardian, or educational decisionmaker in directing the student's
27 education, (b) an authorized representative of such parent, legal
28 guardian, or educational decisionmaker will annually submit to the
29 Commissioner of Education an assurance that the requirements of
30 subdivisions (4)(a) through (c) of this section are and will continue to
31 be satisfied, (c) the school offers the courses of instruction required

1 by subsections (2), (3), and (4) of this section, and (d) the parent,
2 legal guardian, or educational decisionmaker is satisfied that
3 individuals monitoring instruction at such school are qualified to
4 monitor instruction in the basic skills as required by subsections (2),
5 (3), and (4), and (5) of this section.

6 (4) Each such private, denominational, or parochial school shall (a)
7 meet minimum requirements relating to health, fire, and safety standards
8 prescribed by state law and the rules and regulations of the State Fire
9 Marshal, (b) report attendance pursuant to section 79-201, (c) maintain a
10 sequential program of instruction designed to lead to basic skills in the
11 language arts, mathematics, science, social studies, and health, and (d)
12 comply with the immunization requirements in section 79-217 if the
13 statement signed by the parent, legal guardian, or educational
14 decisionmaker indicates a nonreligious reason pursuant to subdivision (3)
15 (a)(ii) of this section for the student attending a private,
16 denominational, or parochial school which elects not to meet state
17 accreditation or approval requirements. The State Board of Education
18 shall establish procedures for receiving information and reports required
19 by subsections (3) through (6) of this section from authorized parent
20 representatives who may act as agents for the parent, legal guardian, or
21 educational decisionmaker of a student attending such schools.

22 (5)(a) (5) Individuals employed or utilized by schools which elect
23 not to meet state accreditation or approval requirements shall not be
24 required to meet the certification requirements prescribed in sections
25 79-801 to 79-815.

26 (b) Individuals monitoring or providing instruction at a school
27 which elects not to meet state accreditation or approval requirements
28 shall not have been convicted of any offense under section 28-319 to
29 28-322.05, 28-323, or 28-707.

30 (6) Any school which elects not to meet state accreditation or
31 approval requirements and does not meet the requirements of subsections

1 (2) through (6) of this section shall not be deemed a school, and the
2 parent, legal guardian, or educational decisionmaker of any students
3 attending such school shall be subject to prosecution pursuant to section
4 79-201 or any statutes relating to habitual truancy.

5 (7) For purposes of this section, educational decisionmaker means a
6 person designated or ordered by a court to make educational decisions on
7 behalf of a child.

8 **Sec. 16.** Original sections 28-319, 28-319.01, 28-320, 28-320.01,
9 28-322.02, 28-322.03, 28-322.04, 28-323, and 79-1601, Reissue Revised
10 Statutes of Nebraska, sections 28-322.05, 28-707, and 28-713.03, Revised
11 Statutes Cumulative Supplement, 2024, and sections 28-320.02 and 28-710,
12 Revised Statutes Supplement, 2025, are repealed.