

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 891

Introduced by Hansen, 16; Spivey, 13.

Read first time January 08, 2026

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to the Child Care Licensing Act; to amend
2 section 71-1918, Reissue Revised Statutes of Nebraska, and sections
3 71-1908 and 71-1912, Revised Statutes Supplement, 2025; to provide
4 requirements for background checks as prescribed; to change
5 requirements for a complaint tracking system; to include volunteers
6 in staff-to-child ratios; to provide duties for the Department of
7 Health and Human Services; to provide a requirement for political
8 subdivisions; to provide a termination date; and to repeal the
9 original sections.

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

1 **Section 1.** Section 71-1908, Revised Statutes Supplement, 2025, is
2 amended to read:

3 71-1908 (1) Sections 71-1908 to 71-1923.03 and sections 4 and 5 of
4 this act shall be known and may be cited as the Child Care Licensing Act.

5 (2) The Legislature finds that there is a present and growing need
6 for quality child care programs and facilities. There is a need to
7 establish and maintain licensure of persons providing such programs to
8 ensure that such persons are competent and are using safe and adequate
9 facilities. The Legislature further finds and declares that the
10 development and supervision of programs are a matter of statewide concern
11 and should be dealt with uniformly on the state and local levels. There
12 is a need for cooperation among the various state and local agencies
13 which impose standards on licensees, and there should be one agency which
14 coordinates the enforcement of such standards and informs the Legislature
15 about cooperation among the various agencies.

16 **Sec. 2.** Section 71-1912, Revised Statutes Supplement, 2025, is
17 amended to read:

18 71-1912 (1) Before issuance of a license, the department shall
19 investigate or cause an investigation to be made, when it deems
20 necessary, to determine if the applicant or person in charge of the
21 program meets or is capable of meeting the physical well-being, safety,
22 and protection standards and the other rules and regulations of the
23 department adopted and promulgated under the Child Care Licensing Act.
24 The department may investigate the character of applicants and licensees,
25 any member of the applicant's or licensee's household, and the staff and
26 employees of programs. The department may at any time inspect or cause an
27 inspection to be made of any place where a program is operating to
28 determine if such program is being properly conducted.

29 (2) All inspections by the department shall be unannounced except
30 for initial licensure visits and consultation visits. Initial licensure
31 visits are announced visits necessary for a provisional license to be

1 issued to a family child care home I, family child care home II, child
2 care center, or school-age-only or preschool program. Consultation visits
3 are announced visits made at the request of a licensee for the purpose of
4 consulting with a department specialist on ways of improving the program.

5 (3) An unannounced inspection of any place where a program is
6 operating shall be conducted by the department or the city, village, or
7 county pursuant to subsection (2) of section 71-1914 at least annually
8 for a program licensed to provide child care for fewer than thirty
9 children and at least twice every year for a program licensed to provide
10 child care for thirty or more children. At each unannounced inspection,
11 the inspector shall request from the licensee, and verify, current proof
12 of required liability insurance. If the licensee is unable to provide
13 current proof of liability insurance or has let the required coverage
14 lapse, the department shall notify the licensee that proof of insurance
15 shall be provided to the department within three business days. If such
16 proof of insurance is not provided to the department within three
17 business days, the licensee's license shall be suspended. Licensure shall
18 be restored upon the department's receipt and verification of current
19 proof of the required liability insurance as provided in section
20 71-1911.03.

21 (4) Whenever an inspection is made, the findings shall be recorded
22 in a report designated by the department. The public shall have access to
23 the results of these inspections upon a written or oral request to the
24 department. The request must include the name and address of the program.
25 Additional unannounced inspections shall be performed as often as is
26 necessary for the efficient and effective enforcement of the Child Care
27 Licensing Act.

28 (5)(a) A person applying for a license as a child care provider or a
29 licensed child care provider under the Child Care Licensing Act shall
30 submit a request for a national criminal history record information check
31 for each child care staff member, including a prospective child care

1 staff member of the child care provider, at the applicant's or licensee's
2 expense, as set forth in this section.

3 (b)(i) (b) A prospective child care staff member shall submit to a
4 national criminal history record information check (A) (i) prior to
5 employment, except as otherwise permitted under 45 C.F.R. 98.43, as such
6 regulation existed on January 1, 2019, or (B) (ii) prior to residing in a
7 family child care home.

8 (ii) Pursuant to 45 C.F.R. 98.43(d)(4), the department shall
9 authorize a prospective child care staff member to begin work for a child
10 care provider for purposes of employment in child care, or for a staffing
11 agency or substitute child care staff pool operator, for the purposes of
12 employment in child care as a substitute child care staff member, after
13 receiving qualifying results for either the national criminal history
14 record information check as described in subdivision (5)(d) of this
15 section or in subdivision (5)(e)(ii)(A) of this section in the state
16 where the prospective staff member resides. Pending completion of all
17 background check components, the staff member shall be supervised at all
18 times by an individual who received a qualifying result on a background
19 check described in subsection (5) of this section within the past five
20 years.

21 (c)(i) (c) The department shall provide documentation of national
22 criminal history record information checks which proves eligibility for
23 employment. Such documentation shall be made available to each child care
24 staff member or prospective child care staff member by the applicant or
25 licensee for at least one hundred eighty days after the last day of
26 employment or date the documentation was provided by the department,
27 whichever is later.

28 (ii) Pursuant to 45 C.F.R. 98.43(d)(3), a child care provider,
29 staffing agency, or substitute child care staff pool operator shall not
30 be required to submit a request for a national criminal history record
31 information check for a child care staff member or prospective child care

1 staff member if:

2 (A) The child care staff member or prospective child care staff
3 member received qualifying results from a background check described in
4 subdivisions (5)(d) and (5)(e) of this section:

5 (I) Within five years before the latest date on which such a
6 submission may be made; and

7 (II) While employed, or seeking employment, in child care within the
8 state;

9 (B) The department provided to the first child care provider,
10 staffing agency, or substitute child care staffing pool operator a
11 qualifying background check result for the child care staff member or
12 prospective child care staff member; and

13 (C) The child care staff member or prospective child care staff
14 member is employed in child care within the state, or has been separated
15 from employment in child care within the state for a period of not more
16 than one hundred eighty consecutive days.

17 (d) A child care staff member shall be required to undergo a
18 national criminal history record information check not less than once
19 during each five-year period. A child care staff member shall submit a
20 complete set of his or her fingerprints to the Nebraska State Patrol. The
21 Nebraska State Patrol shall transmit a copy of the child care staff
22 member's fingerprints to the Federal Bureau of Investigation for a
23 national criminal history record information check. The national criminal
24 history record information check shall include information concerning
25 child care staff members from federal repositories of such information
26 and repositories of such information in other states, if authorized by
27 federal law for use by the Nebraska State Patrol. The Nebraska State
28 Patrol shall issue a report to the department that includes the
29 information collected from the national criminal history record
30 information check concerning child care staff members. The department
31 shall seek federal funds, if available, to assist child care providers

1 and child care staff members with the costs of the fingerprinting and
2 national criminal history record information check. If the department
3 does not receive sufficient federal funds to assist child care providers
4 and staff members with such costs, then the child care staff member being
5 screened, applicant for a license, or licensee shall pay the actual cost
6 of the fingerprinting and national criminal history record information
7 check, except that the department may pay all or part of the cost if
8 funding becomes available. The department and the Nebraska State Patrol
9 may adopt and promulgate rules and regulations concerning the costs
10 associated with the fingerprinting and the national criminal history
11 record information check. The department may adopt and promulgate rules
12 and regulations implementing national criminal history record information
13 check requirements for child care providers and child care staff members.

14 (e) A child care staff member shall also submit to the following
15 background checks at his or her expense not less than once during each
16 five-year period:

17 (i) A search of the National Crime Information Center's National Sex
18 Offender Registry; and

19 (ii) A search of the following registries, repositories, or
20 databases in the state where the child care provider is located or where
21 the child care staff member resides and each state where the child care
22 provider was located or where the child care staff member resided during
23 the preceding five years:

24 (A) State criminal registries or repositories;

25 (B) State sex offender registries or repositories; and

26 (C) State-based child abuse and neglect registries and databases.

27 (f) Documentation of eligibility for employment in child care from a
28 national criminal history record information check Background checks
29 shall be portable between child care providers, child care staff members,
30 prospective child care staff members, staffing agencies, and substitute
31 child care staff pool operators.

3 (i) Refuses to consent to the national criminal history record
4 information check or a background check described in this subsection;

5 (ii) Knowingly makes a materially false statement in connection with
6 the national criminal history record information check or a background
7 check described in this subsection;

12 (h) The department may adopt and promulgate rules and regulations
13 for purposes of this section.

14 (i) A child care provider shall be ineligible for a license under
15 the Child Care Licensing Act and shall be ineligible to participate in
16 the child care subsidy program if the provider employs a child care staff
17 member who is ineligible for employment under subdivisions (g) or (h) of
18 this subsection.

19 (j) National criminal history record information and information
20 from background checks described in this subsection subject to state or
21 federal confidentiality requirements may only be used for purposes of
22 granting a child care license or approving a child care provider for
23 participation in the child care subsidy program.

24 (k) For purposes of this subsection:

25 (i) Child care provider means a child care program required to be
26 licensed under the Child Care Licensing Act; and

27 (ii) Child care staff member means an individual who is not related
28 to all of the children for whom child care services are provided and;

29 (A) Who is employed by a child care provider for compensation,
30 including contract employees or self-employed individuals:

31 (B) Whose activities involve the care or supervision of children for

1 a child care provider or unsupervised access to children who are cared
2 for or supervised by a child care provider; or
3 (C) Who is residing in a family child care home and who is eighteen
4 years of age or older.

5 **Sec. 3.** Section 71-1918, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 71-1918 The department shall maintain a complaint tracking system
8 which shall identify licensing violations discovered from a complaint
9 investigation, an unannounced inspection, or a self-report investigation
10 for licensees under the Child Care Licensing Act.

11 **Sec. 4.** (1) No child care program licensed under the Child Care
12 Licensing Act shall be prohibited from including a volunteer in the
13 staff-to-child ratio if (a) the volunteer submits to a national criminal
14 history record information check and all other background checks as
15 required in section 71-1912, (b) is supervised at all times by an
16 individual who received a qualifying result on a background check, and
17 (c) meets staff qualifications if working more than twenty hours per week
18 in a licensed child care center, school-age-only center, or preschool. No
19 child care program licensed under the Child Care Licensing Act shall be
20 prohibited from including a volunteer in the unsupervised staff-to-child
21 ratio, if the volunteer (a) submits to a national criminal history record
22 check and all other background checks as required by section 71-1912 and
23 (b) meets staff qualifications and training requirements.

24 (2) The department shall adopt and promulgate rules and regulations
25 to include volunteer staff who provide direct care to children and any
26 other individual who counts in the staff-to-child ratio in the definition
27 of staff in all licensed settings under the Child Care Licensing Act.

28 (3) This section terminates on December 31, 2028.

29 **Sec. 5.** No political subdivision shall institute residency
30 requirements for any family child care home.

31 **Sec. 6.** Original section 71-1918, Reissue Revised Statutes of

1 Nebraska, and sections 71-1908 and 71-1912, Revised Statutes Supplement,
2 2025, are repealed.