

## LEGISLATIVE BILL 68

Approved by the Governor April 16, 1986

Introduced by Landis, 46

AN ACT relating to child care; to amend section 79-444, Reissue Revised Statutes of Nebraska, 1943, and section 71-1910, Revised Statutes Supplement, 1984; to redefine a term; to authorize local support of before-and-after-school services as prescribed; and to repeal the original sections.

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

Section 1. That section 71-1910, Revised Statutes Supplement, 1984, be amended to read as follows:

71-1910. As used in sections 71-1908 to 71-1918, unless the context otherwise requires:

(1) Department shall mean the Department of Social Services;

(2) Director shall mean the Director of Social Services; and

(3) Early childhood program or program shall mean the provision of services in lieu of parental supervision for children under twelve years of age for compensation, either directly or indirectly, on the average of less than twelve hours per day, but more than two hours per week, and shall include any employer-sponsored day care, day care home, day care center, ~~before and after school~~ before-and-after-school day care program, before-and-after-school services pursuant to section 79-444, or preschool or nursery school, but shall not include casual care at irregular intervals, a recreation camp, classes or services provided by a religious organization other than day care or preschool or nursery schools, a preschool program conducted in a school approved pursuant to section 79-328, or child care as defined in section 71-1901.

Sec. 2. That section 79-444, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-444. (1) The district board or the board of education, in all classes of school districts, shall not admit any child to the first grade of any school of such district unless such child has reached the age of

six years or will reach such age on or before October 15 of the current year, except ; ~~PROVIDED~~, that in the event any child has successfully completed the kindergarten or beginner grade such child may enter the first grade of any such school regardless of age.

(2) The board in all classes of school districts shall not admit any child into the kindergarten or beginner grade of any school of such school district unless (a) such child has reached the age of five years or will reach such age on or before October 15 of the current year or (b) such child has demonstrated through recognized testing procedures approved by the State Board of Education that he or she is capable of carrying the work of those grades.

(3) The school board or board of education may require a birth certificate prior to entrance of a child into the beginner grade and shall require evidence of a physical examination by a qualified physician within six months prior to the entrance of a child into the beginner grade and the seventh grade, or in the case of a transfer from out of state to any other grade of the local school, except that ; ~~PROVIDED~~, no such physical examination shall be required of any child whose parent or guardian shall object thereto in writing. The cost of such physical examination shall be borne by the parent or guardian of each child who is examined.

This section shall not be construed to prohibit any Any district board or board of education in its discretion, from establishing and supporting, may establish and financially support programs, including programs providing before-and-after-school services, to which attendance shall be voluntary and which they the board may deem beneficial to the education of prekindergarten or school-age children. The board may charge a fee for providing before-and-after-school services but may waive such fee on the basis of need. This section shall not, nor shall this section be construed to allow any school district to fail to meet its responsibilities under Chapter 43, article 6.

Sec. 3. That original section 79-444, Reissue Revised Statutes of Nebraska, 1943, and section 71-1910, Revised Statutes Supplement, 1984, are repealed.