

LEGISLATIVE BILL 114

Approved by the Governor June 2, 2005

Introduced by Byars, 30; Combs, 32; Cunningham, 40; Erdman, 47; Howard, 9;
Jensen, 20; Price, 26; Stuhr, 24; Mines, 18; Heidemann, 1;
Smith, 48

AN ACT relating to schools; to amend sections 79-214 and 79-220, Reissue Revised Statutes of Nebraska; to change provisions relating to entrance requirements; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 79-214, Reissue Revised Statutes of Nebraska, is amended to read:

79-214. (1) Except as provided in subsection (2) of this section, the school board of any school district shall not admit any child into the kindergarten or beginner grade of any school of such school district unless such child has reached the age of five years or will reach such age on or before October 15 of the current year.

(2) The board may admit a child who will reach the age of five between October 16 and February 1 of the current school year if the parent or guardian requests such entrance and provides an affidavit stating that (a) the child attended kindergarten in another jurisdiction in the current school year, (b) the family anticipates relocation to another jurisdiction that would allow admission within the current year, or (c) the child has demonstrated through recognized assessment procedures approved by the board that he or she is capable of carrying the work of kindergarten or the beginner grade.

(3) The board shall comply with the requirements of subsection (2) of section 43-2007 and shall require evidence of: (a) A physical examination by a physician, a physician assistant, or an advanced practice registered nurse 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; and (b) for school year 2006-07 and each school year thereafter, a visual evaluation by a physician, a physician assistant, an advanced practice registered nurse, or an optometrist within six months prior to the entrance of a child into the beginner grade or, in the case of a transfer from out of state, to any other grade of the local school, which consists of testing for amblyopia, strabismus, and internal and external eye health, with testing sufficient to determine visual acuity, except that no such physical examination or visual evaluation shall be required of any child whose parent or guardian objects in writing. The cost of such physical examination and visual evaluation shall be borne by the parent or guardian of each child who is examined.

Sec. 2. Section 79-220, Reissue Revised Statutes of Nebraska, is amended to read:

79-220. At the time the parent or guardian of any child is notified that such child must have a physical examination and a visual evaluation pursuant to section 79-214 or immunizations pursuant to section 79-217, ~~he or she~~ the parent or guardian shall also be notified in writing of (1) his or her right to submit a written statement refusing a physical examination, a visual evaluation, or immunization for his or her child and (2) a telephone number or other contact information to assist the parent or guardian in receiving information regarding free or reduced-cost visual evaluations for low-income families who qualify.

Sec. 3. Original sections 79-214 and 79-220, Reissue Revised Statutes of Nebraska, are repealed.