

LEGISLATURE OF NEBRASKA
NINETY-NINTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 114
FINAL READING

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

Read first time January 6, 2005

Committee: Education

A BILL

1 FOR AN ACT relating to schools; to amend sections 79-214 and
2 79-220, Reissue Revised Statutes of Nebraska; to change
3 provisions relating to entrance requirements; to
4 harmonize provisions; and to repeal the original
5 sections.

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

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

3 79-214. (1) Except as provided in subsection (2) of this
4 section, the school board of any school district shall not admit
5 any child into the kindergarten or beginner grade of any school of
6 such school district unless such child has reached the age of five
7 years or will reach such age on or before October 15 of the current
8 year.

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

19 (3) The board shall comply with the requirements of
20 subsection (2) of section 43-2007 and shall require evidence of:
21 (a) A physical examination by a physician, a physician assistant,
22 or an advanced practice registered nurse within six months prior to
23 the entrance of a child into the beginner grade and the seventh
24 grade or, in the case of a transfer from out of state, to any other
25 grade of the local school; and (b) for school year 2006-07 and each
26 school year thereafter, a visual evaluation by a physician, a
27 physician assistant, an advanced practice registered nurse, or an
28 optometrist within six months prior to the entrance of a child into

1 the beginner grade or, in the case of a transfer from out of state,
2 to any other grade of the local school, which consists of testing
3 for amblyopia, strabismus, and internal and external eye health,
4 with testing sufficient to determine visual acuity, except that no
5 such physical examination or visual evaluation shall be required of
6 any child whose parent or guardian objects in writing. The cost of
7 such physical examination and visual evaluation shall be borne by
8 the parent or guardian of each child who is examined.

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

11 79-220. At the time the parent or guardian of any child
12 is notified that such child must have a physical examination and a
13 visual evaluation pursuant to section 79-214 or immunizations
14 pursuant to section 79-217, ~~he or she~~ the parent or guardian shall
15 also be notified in writing of (1) his or her right to submit a
16 written statement refusing a physical examination, a visual
17 evaluation, or immunization for his or her child and (2) a
18 telephone number or other contact information to assist the parent
19 or guardian in receiving information regarding free or reduced-cost
20 visual evaluations for low-income families who qualify.

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