

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 211**

Introduced by Kolowski, 31.

Read first time January 13, 2015

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to schools; to amend section 79-214, Reissue
- 2 Revised Statutes of Nebraska; to change provisions relating to
- 3 preadmission physical and visual examinations; and to repeal the
- 4 original section.
- 5 Be it enacted by the people of the State of Nebraska,

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

3 79-214 (1)(a) Except as provided in subdivision (1)(b) of this  
4 section, the school board of any school district shall not admit any  
5 child into the kindergarten of any school of such school district unless  
6 such child has reached the age of five years on or before July 31 of the  
7 calendar year in which the school year for which the child is seeking  
8 admission begins.

9 (b) The board shall admit a child who will reach the age of five  
10 years on or after August 1 and on or before October 15 of such school  
11 year if the parent or guardian requests such entrance and provides an  
12 affidavit stating that (i) the child attended kindergarten in another  
13 jurisdiction in the current school year, (ii) the family anticipates  
14 relocation to another jurisdiction that would allow admission within the  
15 current year, or (iii) the child is capable of carrying the work of  
16 kindergarten which can be demonstrated through a recognized assessment  
17 procedure approved by the board. Each school board shall, for purposes of  
18 this subdivision, approve and make available a recognized assessment  
19 procedure for determining if a child is capable of carrying the work of  
20 kindergarten. The school board shall update approved procedures as the  
21 board deems appropriate.

22 (2) The board shall comply with the requirements of subsection (2)  
23 of section 43-2007 and shall require evidence of: (a) A physical  
24 examination by a physician, a chiropractor, a physician assistant, or an  
25 advanced practice registered nurse, practicing under and in accordance  
26 with his or her respective certification act, within six months prior to  
27 the entrance of a child into the beginner grade and the seventh grade or,  
28 in the case of a transfer from out of state, to any other grade of the  
29 local school; and (b) a visual evaluation by a physician, a chiropractor,  
30 a physician assistant, an advanced practice registered nurse, or an  
31 optometrist within six months prior to the entrance of a child into the

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

9       Sec. 2.    Original section 79-214, Reissue Revised Statutes of  
10 Nebraska, is repealed.