

[Revised Statutes» Chapter 79» 79-214](#)

79-214. Admission of children; kindergarten;

[Print Friendly](#) age; evidence of physical examination; visual evaluation; when; exception.

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

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

(2) 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, practicing under and in accordance with his or her respective certification act, 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) 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.

Source

Laws 1931, c. 139, § 1, p. 385;
 C.S.Supp., 1941, § 79-412;
 R.S.1943, § 79-414;
 Laws 1949, c. 258, § 1, p. 869;
 Laws 1949, c. 256, § 83, p. 720;
 Laws 1965, c. 519, § 1, p. 1644;
 Laws 1967, c. 532, § 1, p. 1766;
 Laws 1973, LB 403, § 20;
 Laws 1979, LB 59, § 1;
 Laws 1986, LB 68, § 2;
 Laws 1987, LB 367, § 66;
 Laws 1988, LB 1013, § 4;
 Laws 1991, LB 836, § 33;
 Laws 1993, LB 348, § 18;
 Laws 1995, LB 214, § 1;
 Laws 1995, LB 401, § 42;
 R.S.Supp., 1995, § 79-444;
 Laws 1996, LB 900, § 18;
 Laws 1998, LB 1229, § 2;
 Laws 2000, LB 1115, § 87;
 Laws 2001, LB 797, § 4;
 Laws 2005, LB 114, § 1;
 Laws 2005, LB 256, § 96;
 Laws 2010, LB1006, § 2;
 Laws 2013, LB410, § 2.

Effective Date: May 30, 2013

Annotations This section deals with the subject of minimum age requirements at which pupils may enter kindergarten and first grade. State ex rel. Shineman v. Board of Education, 152 Neb. 644, 42 N.W.2d 168 (1950).

