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2023

LEGISLATURE OF NEBRASKA

ONE HUNDRED EIGHTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 635

Introduced by Albrecht, 17.

Read first time January 18, 2023

Committee:

A BILL FOR AN ACT relating to schools; to define terms; to provide powers and duties to school districts, schools, and the Nebraska Library Commission relating to an educational resource database provided to students in kindergarten through grade twelve; to require the Nebraska Library Commission and the State Department of Education to submit a report; to provide an operative date; and to declare an emergency.

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

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Section 1. (1) For purposes of this section:

(a) Account means a unique login for each educational research database user indicating that the user is a student in kindergarten through grade twelve;

(b) Block means limiting access based on the labeling of indexed content such that materials obscene as to minors or harmful to minors can be recognized and removed from search results before presentation to a student in kindergarten through grade twelve;

(c) Educational research database means materials in electronic form from a vendor or provider made available to students in kindergarten through grade twelve by any school district, any school, or the Nebraska Library Commission, inclusive of all electronic devices, including, but not limited to, research databases, e-journals, magazine subscriptions, e-books, and discovery services for academic libraries;

(d) Filter means the use of technology developed to prevent a request to a website known to include content obscene as to minors or harmful to minors and to examine content in a response being delivered in order to prevent such obscene or harmful content from being presented to a student in kindergarten through grade twelve;

(e) Harmful to minors has the same meaning as in subdivision (6) of section 28-807;

(f) Nebraska Library Commission means the organization established in section 51-401, or its successor organization, that provides an information technology infrastructure, which includes various affiliated school districts, schools, and libraries, used for the purposes of making computer services available to a student in kindergarten through grade twelve, inclusive of all electronic devices;

(g) Obscene as to minors is the same as the description of obscene as to minors in section 28-808;

(h) School means a public, private, denominational, or parochial school, regardless of whether such school is approved or accredited; and

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(i) Vendor or provider does not include a school district, a school, or the Nebraska Library Commission.

(2) A school district, a school, or the Nebraska Library Commission may offer one or more educational research databases to students in kindergarten through grade twelve only if the vendor or provider of the educational research database verifies that the database complies with and will continue to comply with subsection (3) of this section.

(3) Any educational research database offered by a school district, a school, or the Nebraska Library Commission to students in kindergarten through grade twelve shall have technology protection measures that:

(a) Filter and block access to all materials obscene as to minors or harmful to minors; and

(b) Establish an account for each student in kindergarten through grade twelve using such educational research database and require verification of account information when the student accesses such educational research database.

(4) A school district or school shall:

(a) Provide the account credential of each student in kindergarten through grade twelve to such student's parent or guardian and allow the parent or guardian access to all materials accessible to the student; and

(b) Prohibit any shared or group accounts, distinct from the account described in subdivision (3)(b) of this section, for use of any educational research database.

(5) Notwithstanding any contract provision to the contrary for a contract entered into or renewed or extended after the operative date of this act, if a vendor or provider of an educational resource database fails to comply with the requirements of subsection (3) of this section, the school district, the school, or the Nebraska Library Commission may withhold further payments, if any are due, to the vendor or provider pending verification of compliance with subsection (2) of this section. The withholding of such payments under this subsection shall not be

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considered breach of contract on the part of the school district, the school, or the Nebraska Library Commission.

(6) Notwithstanding any contract provision to the contrary for contracts entered into or renewed or extended after the operative date of this act, if a vendor or provider of an educational resource database fails to timely verify that the vendor or provider is in compliance with the requirements of subsection (3) of this section, such failure of verification, if proven, presents a presumption of a breach of contract on the part of the vendor or provider.

(7) No later than December 1 of each year, the Nebraska Library Commission and the State Department of Education shall electronically submit to the Governor and to the Education Committee of the Legislature a comprehensive written report on any noncompliance with subsections (2) through (4) of this section and on any incidental violations of subsection (3) of this section.

Sec. 2. This act becomes operative on August 1, 2023.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.