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LB 390 Analysis: What to Expect and Tips for Planning Ahead

Last year, Nebraska's Legislature passed LB 390, now codified as Neb. Rev. Stat. § 79-533.04.

Under the new law, before the 2026-2027 school year begins, every public school district must adopt a Board Policy that:

1. Requires a "catalog" of all books in the school district's library. The "catalog" must be categorized by school building and accessible for viewing by a student's educational decisionmaker; and
2. Allows educational decisionmakers to be notified when their student checks out a book from the school library, including the book's name, author, and due date.

Note that the law does not require the catalog or notifications to be electronic. Therefore, a school could create or maintain a paper catalog, as long as educational decisionmakers can view that document. Similarly, the notification requirement does not need to be through an app or software, so a school librarian could email or call a parent when their student checks out a book.

As with any new law, there may be more questions than answers. For instance, the law only applies to a "book" that a student "checks out." Under this plain language, the law does not apply to a student who reads a book in the library.

To this end, the statute does not define "book," though the context of the law suggests a traditional book (as opposed to a magazine or other form of media). Still, the statute only applies to "a school library that is located on school district property . . ." The plain reading of this provision suggests that digital resources and e-Books are probably not covered, though a parent may disagree if their student checks out controversial e-Books. If a school does not plan (or have a way) to notify parents of e-Books, the school should clarify that in Board Policy or the Student Handbook.

Further, the law only requires the school provide a parent with the "opportunity" to be notified of the student's checkouts. Therefore, the statute permits parents to opt-in (as opposed to opting out). The opt-in process will need to be outlined in Board Policy and/or the Student Handbook. With that being said, the opt-in process will require a system to track which parents need to be notified. This may raise administrative questions, including on days when the librarian is out of the building.

Still, the “notification” requirement is not entirely clear. A passive process (such as a website that parents can log onto to see their student’s checkout history) probably does not suffice, since the statute requires parents to be “notified.”

The statute also does not differentiate between the “main” school library and classroom libraries. The statute appears drafted to focus only on the “main” school library, though this new law would be a good opportunity to remind staff to be mindful of the books in their classroom libraries.

In terms of the practical implementation of this new law, schools may be wise to begin thinking about how they will comply with the new law by the beginning of next school year (especially those schools that do not have these systems or processes already in place). Some practical suggestions could include:

- i. Deciding whether the school will change or upgrade its library software to comply with these new requirements;
- ii. Determining whether the existing library catalog is accurate and how often the catalog will be updated (and who will update it);
- iii. How the school will handle opt-in requests (paper forms, emails, or a form online), track the parents who “opt in,” how they will be notified, and how those notifications will be handled if the librarian is out on any given day;
- iv. How these processes will be handled consistently across school buildings;
- v. How the school will notify students of this new process; and
- vi. How all of these new requirements will be implemented and followed next year (when there may be new staff to the District).