

LEGISLATIVE BILL 838

Approved by the Governor June 10, 1993

Introduced by Appropriations Committee: Moore, 24, Chairperson;
Ashford, 6; Avery, 3; Bernard-Stevens, 42;
Crosby, 29; Hillman, 48; Hohenstein, 17;
Lynch, 13; Wehrbein, 2

AN ACT relating to the enrollment option program; to amend sections 79-3406 and 79-3410, Revised Statutes Supplement, 1992; to change provisions relating to attendance and transportation reimbursement; to provide an operative date; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 79-3406, Revised Statutes Supplement, 1992, be amended to read as follows:

79-3406. (1) For a student to attend a school in an option school district, the student's parent or legal guardian shall submit an application to the school board or board of education of the option school district and of the resident school district and to the State Department of Education between September 1 and January 1 for enrollment during the following and subsequent school years. The application shall set forth in detail the substantial educational opportunity available to the option student in the option school district that is unavailable in the resident school district. A particular school may be requested, but the school assignment of the option student shall be determined by the option school district.

(2) The student shall attend the option school district until graduation unless the student relocates in a different resident school district, transfers to a private or parochial school, or chooses to return to the resident school district. In each case, the student's parent or legal guardian shall submit a cancellation form to the school board or board of education of the option school district and the resident school district and to the department by January 1 for automatic approval for the following school year. No student shall attend an option school district for less than one school year unless the student relocates to a different resident school district, completes requirements for graduation prior to the end of his or her senior year, or transfers to a private or parochial school.

(3) The application and cancellation forms shall be prescribed and furnished by the State Department of Education.

(4) An option student who subsequently chooses to attend a private or parochial school shall not be required to submit an attendance application and shall be automatically accepted to return to either the resident or option school district upon the completion of the grade levels

offered at the private or parochial school.

Sec. 2. That section 79-3410, Revised Statutes Supplement, 1992, be amended to read as follows:

79-3410. (1) Except as provided in subsection (2) of this section, section 79-490 shall not apply to the transportation of an option student. The parent or legal guardian of the option student shall be responsible for required transportation. A school district may, upon mutual agreement with the parent or legal guardian of an option student, provide transportation to the option student.

(2) Parents or guardians of option students who qualify for free ~~or reduced price~~ lunches shall be eligible for transportation reimbursement as described in section 79-490, which except that they shall be reimbursed at the rate of one hundred forty-two and one-half percent of the mandatorily established mileage rate provided in section 81-1176 for each mile actually and necessarily traveled on each day of attendance by which the distance traveled one way from the residence of such student to the schoolhouse exceeds three miles. The reimbursement shall be made by the State Department of Education. Parents or guardians of qualified option students shall complete a form prescribed by the department. If a parent or guardian of a qualified option student has an agreement with a district for the provision of transportation, the reimbursement payment shall be made to the district providing such transportation and shall include reimbursement only for those miles actually traveled beyond the normal route. Reimbursement shall be made in two approximately equal payments on or before January 30 and on or before June 30 for expenses incurred during the current school year. If sufficient funds are not appropriated to fully fund the provisions of this section, the department shall make a proportionate reduction in each payment made pursuant to this section.

(3) For option students verified as handicapped as defined in section 79-3309, the transportation services set forth in section 79-3322 shall be provided by the resident school district. The department shall reimburse the resident school district for the cost of transportation in accordance with section 79-3333.

Sec. 3. This act shall become operative July 1, 1993.

Sec. 4. That original sections 79-3406 and 79-3410, Revised Statutes Supplement, 1992, are repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.