

## LEGISLATIVE BILL 1172

Approved by the Governor April 17, 2002

Introduced by Raikes, 25

AN ACT relating to schools; to amend section 79-715, Reissue Revised Statutes of Nebraska; to adopt the Public Elementary and Secondary Student Fee Authorization Act; to change provisions relating to eye protection devices; to provide severability; and to repeal the original section.

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

Section 1. Sections 1 to 11 of this act shall be known and may be cited as the Public Elementary and Secondary Student Fee Authorization Act.

Sec. 2. For purposes of the Public Elementary and Secondary Student Fee Authorization Act:

(1) Extracurricular activities means student activities or organizations which are supervised or administered by the school district, which do not count toward graduation or advancement between grades, and in which participation is not otherwise required by the school district;

(2) Governing body means a school board of any class of school district or an educational service unit board; and

(3) Postsecondary education costs means tuition and other fees associated with obtaining credit from a postsecondary educational institution. For a course in which students receive both high school and postsecondary education credit or a course being taken as part of an approved accelerated or differentiated curriculum program pursuant to sections 79-1106 to 79-1108.03, the course shall be offered without charge for tuition, transportation, books, or other fees, except tuition and other fees associated with obtaining credits from a postsecondary educational institution.

Sec. 3. Except as provided in section 9 of this act, a governing body may require and collect fees or other funds from or on behalf of students or require students to provide specialized equipment or specialized attire for any of the following purposes:

(1) Participation in extracurricular activities;

(2) Admission fees and transportation charges for spectators attending extracurricular activities;

(3) Postsecondary education costs;

(4) Transportation pursuant to sections 79-241, 79-605, and 79-611;

(5) Copies of student files or records pursuant to section 79-2,104;

(6) Reimbursement to the school district or educational service unit for school district or educational service unit property lost or damaged by the student;

(7) Before-and-after-school or prekindergarten services offered pursuant to section 79-1104;

(8) Summer school or night school; and

(9) Breakfast and lunch programs.

Sec. 4. A governing body may require students to furnish minor personal or consumable items for specified courses and activities, including, but not limited to, pencils, paper, pens, erasers, and notebooks.

Sec. 5. A governing body may require students to furnish and wear nonspecialized attire meeting general written guidelines for specified courses and activities if the written guidelines are reasonably related to the course or activity.

Sec. 6. Except as provided in section 9 of this act, a governing body may require students to furnish materials for course projects meeting written guidelines if (1) upon completion, the project becomes the property of the student and (2) the written guidelines are reasonably related to the course.

Sec. 7. A governing body may require students to furnish musical instruments for participation in optional music courses that are not extracurricular activities if the governing body provides for the use of a musical instrument without charge for any student who qualifies for free or reduced-price lunches under United States Department of Agriculture child nutrition programs. Participation in a free-lunch program or reduced-price lunch program is not required to qualify for free or reduced-price lunches for purposes of this section. This section does not require a governing body to provide for the use of a particular type of musical instrument for any student. For music courses that are extracurricular activities, a governing body may require fees or require students to provide specialized equipment,

such as musical instruments, or specialized attire consistent with the Public Elementary and Secondary Student Fee Authorization Act.

Sec. 8. The Public Elementary and Secondary Student Fee Authorization Act does not preclude operation of a school store in which students may purchase food, beverages, and personal or consumable items.

Sec. 9. Each governing body shall establish a policy waiving the fees and providing the items otherwise required to be provided by students pursuant to subdivisions (1) and (2) of section 3 of this act and pursuant to section 6 of this act for students who qualify for free or reduced-price lunches under United States Department of Agriculture child nutrition programs. Participation in a free-lunch program or reduced-price lunch program is not required to qualify for free or reduced-price lunches for purposes of this section.

Each governing body may establish a policy for waiving fees or providing items otherwise required to be provided by students in other circumstances.

Sec. 10. On or before August 1, 2002, and annually each year thereafter, each school board shall hold a public hearing at a regular or special meeting of the board on a proposed student fee policy, following a review of the amount of money collected from students pursuant to, and the use of waivers provided in, the student fee policy for the prior school year. The student fee policy shall be adopted by a majority vote of the school board and shall be published in the student handbook. The board shall provide a copy of the student handbook to every student at no cost to the student. The student fee policy shall include specific details regarding:

(1) The general written guidelines for any clothing required for specified courses and activities;

(2) Any personal or consumable items a student will be required to furnish for specified courses and activities;

(3) Any materials required for course projects;

(4) Any specialized equipment or attire which a student will be required to provide for any extracurricular activity;

(5) Any fees required from a student for participation in any extracurricular activity;

(6) Any fees required for postsecondary education costs;

(7) Any fees required for transportation costs pursuant to sections 79-241, 79-605, and 79-611;

(8) Any fees required for copies of student files or records pursuant to section 79-2,104;

(9) Any fees required for participation in before-and-after-school or prekindergarten services offered pursuant to section 79-1104;

(10) Any fees required for participation in summer school or night school;

(11) Any fees for breakfast and lunch programs; and

(12) The waiver policy pursuant to section 9 of this act.

Sec. 11. Each school board shall establish a student fee fund. For purposes of this section, student fee fund means a separate school district fund not funded by tax revenue, into which all money collected from students pursuant to subdivisions (1), (3), and (8) of section 3 of this act shall be deposited and from which money shall be expended for the purposes for which it was collected from students.

Sec. 12. Section 79-715, Reissue Revised Statutes of Nebraska, is amended to read:

79-715. (1) Every student and teacher in schools or other educational institutions shall be required to wear appropriate industrial-quality eye protective devices at all times while participating in or observing the following courses of instruction:

(a) Vocational, technical, industrial arts, chemical, or chemical-physical, involving exposure to:

(i) Hot molten metals or other molten materials;

(ii) Milling, sawing, turning, shaping, cutting, grinding, or stamping of any solid materials;

(iii) Heat treatment, tempering, or kiln firing of any metal or other materials;

(iv) Gas or electric arc welding or other forms of welding processes;

(v) Repair or servicing of any vehicle; or

(vi) Caustic or explosive materials; and

(b) Chemical, physical, or combined chemical-physical laboratories involving caustic or explosive materials, hot liquids or solids, injurious radiations, or other hazards not enumerated.

Such devices may shall be furnished by the school or educational

institution for all students, teachers, and ~~and teachers,~~ may be purchased and sold at cost to students and teachers, or may be made available for a moderate rental fee and shall be furnished for all visitors to shops and laboratories of such institutions.

(2) For purposes of this section, unless the context otherwise requires, industrial-quality eye protective devices means devices which meet the standard of the American National Standard Practice for Occupational and Educational Eye and Face Protection, Z 87.1(1979) as approved by the American National Standards Institute, Inc.

(3) The Commissioner of Education shall prepare and circulate to each public and private educational institution in this state instructions and recommendations for implementing the eye safety provisions of this section.

Sec. 13. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 14. Original section 79-715, Reissue Revised Statutes of Nebraska, is repealed.