

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 178**

Introduced by Kintner, 2; Murante, 49; Price, 3; Smith, 14.  
Read first time January 14, 2013  
Committee: Education

A BILL

1 FOR AN ACT relating to learning communities; to amend section  
2 79-2114, Reissue Revised Statutes of Nebraska, and  
3 sections 79-611, 79-1007.11, 79-1007.22, 79-1013,  
4 79-2110, 79-2115, and 79-2120, Revised Statutes  
5 Cumulative Supplement, 2012; to change and eliminate  
6 provisions relating to transportation reimbursement and  
7 state aid as prescribed; to harmonize provisions; to  
8 provide an operative date; to repeal the original  
9 sections; and to declare an emergency.  
10 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 79-611, Revised Statutes Cumulative  
2 Supplement, 2012, is amended to read:

3                   79-611 (1) The school board of any school district shall  
4 provide free transportation, partially provide free transportation,  
5 or pay an allowance for transportation in lieu of free transportation  
6 as follows:

7                   (a) When a student attends an elementary school in his or  
8 her own district and lives more than four miles from the public  
9 schoolhouse in such district as measured by the shortest route that  
10 must actually and necessarily be traveled by motor vehicle to reach  
11 the student's residence;

12                   (b) When a student is required to attend an elementary  
13 school outside of his or her own district and lives more than four  
14 miles from such elementary school as measured by the shortest route  
15 that must actually and necessarily be traveled by motor vehicle to  
16 reach the student's residence;

17                   (c) When a student attends a secondary school in his or  
18 her own Class II or Class III school district and lives more than  
19 four miles from the public schoolhouse as measured by the shortest  
20 route that must actually and necessarily be traveled by motor vehicle  
21 to reach the student's residence. This subdivision does not apply  
22 when one or more Class I school districts merge with a Class VI  
23 school district to form a new Class II or III school district on or  
24 after January 1, 1997; and

25                   (d) When a student, other than a student in grades ten

1 through twelve in a Class V district, attends an elementary or junior  
2 high school in his or her own Class V district and lives more than  
3 four miles from the public schoolhouse in such district as measured  
4 by the shortest route that must actually and necessarily be traveled  
5 by motor vehicle to reach the student's residence.

6 ~~(2)(a) The school board of any school district that is a~~  
7 ~~member of a learning community shall provide free transportation for~~  
8 ~~a student who resides in such learning community and attends school~~  
9 ~~in such school district if (i) the student is transferring pursuant~~  
10 ~~to the open enrollment provisions of section 79-2110, qualifies for~~  
11 ~~free or reduced price lunches, and lives more than one mile from the~~  
12 ~~school to which he or she transfers, (ii) the student is transferring~~  
13 ~~pursuant to such open enrollment provisions, is a student who~~  
14 ~~contributes to the socioeconomic diversity of enrollment at the~~  
15 ~~school building he or she attends, and lives more than one mile from~~  
16 ~~the school to which he or she transfers, (iii) the student is~~  
17 ~~attending a focus school or program and lives more than one mile from~~  
18 ~~the school building housing the focus school or program, or (iv) the~~  
19 ~~student is attending a magnet school or program and lives more than~~  
20 ~~one mile from the magnet school or the school housing the magnet~~  
21 ~~program.~~

22 ~~(b) For purposes of this subsection, student who~~  
23 ~~contributes to the socioeconomic diversity of enrollment at the~~  
24 ~~school building he or she attends has the definition found in section~~  
25 ~~79-2110. This subsection does not prohibit a school district that is~~

1 ~~a member of a learning community from providing transportation to any~~  
2 ~~intradistrict student.~~

3 ~~(3)~~ (2) The transportation allowance which may be paid to  
4 the parent, custodial parent, or guardian of students qualifying for  
5 free transportation pursuant to subsection (1) ~~or (2)~~ of this section  
6 shall equal two hundred eighty-five percent of the mileage rate  
7 provided in section 81-1176, multiplied by each mile actually and  
8 necessarily traveled, on each day of attendance, beyond which the  
9 one-way distance from the residence of the student to the schoolhouse  
10 exceeds three miles.

11 ~~(4)~~ (3) Whenever students from more than one family  
12 travel to school in the same vehicle, the transportation allowance  
13 prescribed in subsection ~~(3)~~ (2) of this section shall be payable as  
14 follows:

15 (a) To the parent, custodial parent, or guardian  
16 providing transportation for students from other families, one  
17 hundred percent of the amount prescribed in subsection ~~(3)~~ (2) of  
18 this section for the transportation of students of such parent's,  
19 custodial parent's, or guardian's own family and an additional five  
20 percent for students of each other family not to exceed a maximum of  
21 one hundred twenty-five percent of the amount determined pursuant to  
22 subsection ~~(3)~~ (2) of this section; and

23 (b) To the parent, custodial parent, or guardian not  
24 providing transportation for students of other families, two hundred  
25 eighty-five percent of the mileage rate provided in section 81-1176

1 multiplied by each mile actually and necessarily traveled, on each  
2 day of attendance, from the residence of the student to the pick-up  
3 point at which students transfer to the vehicle of a parent,  
4 custodial parent, or guardian described in subdivision (a) of this  
5 subsection.

6 ~~(5)~~ (4) When a student who qualifies under the mileage  
7 requirements of subsection (1) of this section lives more than three  
8 miles from the location where the student must be picked up and  
9 dropped off in order to access school-provided free transportation,  
10 as measured by the shortest route that must actually and necessarily  
11 be traveled by motor vehicle between his or her residence and such  
12 location, such school-provided transportation shall be deemed  
13 partially provided free transportation. School districts partially  
14 providing free transportation shall pay an allowance to the student's  
15 parent or guardian equal to two hundred eighty-five percent of the  
16 mileage rate provided in section 81-1176 multiplied by each mile  
17 actually and necessarily traveled, on each day of attendance, beyond  
18 which the one-way distance from the residence of the student to the  
19 location where the student must be picked up and dropped off exceeds  
20 three miles.

21 ~~(6)~~ (5) The board may authorize school-provided  
22 transportation to any student who does not qualify under the mileage  
23 requirements of subsection (1) of this section and may charge a fee  
24 to the parent or guardian of the student for such service. An  
25 affiliated high school district may provide free transportation or

1 pay the allowance described in this section for high school students  
2 residing in an affiliated Class I district. No transportation  
3 payments shall be made to a family for mileage not actually traveled  
4 by such family. The number of days the student has attended school  
5 shall be reported monthly by the teacher to the board of such public  
6 school district.

7 ~~(7)~~ (6) No more than one allowance shall be made to a  
8 family irrespective of the number of students in a family being  
9 transported to school. If a family resides in a Class I district  
10 which is part of a Class VI district and has students enrolled in any  
11 of the grades offered by the Class I district and in any of the non-  
12 high-school grades offered by the Class VI district, such family  
13 shall receive not more than one allowance for the distance actually  
14 traveled when both districts are on the same direct travel route with  
15 one district being located a greater distance from the residence than  
16 the other. In such cases, the travel allowance shall be prorated  
17 among the school districts involved.

18 ~~(8)~~ (7) No student shall be exempt from school attendance  
19 on account of distance from the public schoolhouse.

20 Sec. 2. Section 79-1007.11, Revised Statutes Cumulative  
21 Supplement, 2012, is amended to read:

22 79-1007.11 (1) Except as otherwise provided in this  
23 section, for school fiscal year 2010-11, each school district's  
24 formula need shall equal the difference of the sum of the school  
25 district's basic funding, poverty allowance, limited English

1 proficiency allowance, elementary class size allowance, focus school  
2 and program allowance, summer school allowance, special receipts  
3 allowance, transportation allowance, elementary site allowance,  
4 instructional time allowance, teacher education allowance, distance  
5 education and telecommunications allowance, averaging adjustment, new  
6 learning community transportation adjustment, student growth  
7 adjustment, and new school adjustment, minus the sum of the limited  
8 English proficiency allowance correction, poverty allowance  
9 correction, and local choice adjustment.

10 (2) Except as otherwise provided in this section, for  
11 school fiscal years 2011-12 and 2012-13, each school district's  
12 formula need shall equal the difference of the sum of the school  
13 district's basic funding, poverty allowance, limited English  
14 proficiency allowance, elementary class size allowance, focus school  
15 and program allowance, summer school allowance, special receipts  
16 allowance, transportation allowance, elementary site allowance,  
17 instructional time allowance, teacher education allowance, distance  
18 education and telecommunications allowance, averaging adjustment, new  
19 learning community transportation adjustment, student growth  
20 adjustment, any positive student growth adjustment correction, and  
21 new school adjustment, minus the sum of the limited English  
22 proficiency allowance correction, poverty allowance correction, any  
23 negative student growth adjustment correction, and local choice  
24 adjustment.

25 (3) Except as otherwise provided in this section, for

1 school fiscal year 2013-14 and each school fiscal year thereafter,  
2 each school district's formula need shall equal the difference of the  
3 sum of the school district's basic funding, poverty allowance,  
4 limited English proficiency allowance, focus school and program  
5 allowance, summer school allowance, special receipts allowance,  
6 transportation allowance, elementary site allowance, instructional  
7 time allowance, teacher education allowance, distance education and  
8 telecommunications allowance, averaging adjustment, ~~new learning~~  
9 ~~community transportation adjustment~~, student growth adjustment, any  
10 positive student growth adjustment correction, and new school  
11 adjustment, minus the sum of the limited English proficiency  
12 allowance correction, poverty allowance correction, any negative  
13 student growth adjustment correction, and local choice adjustment.

14 (4) For state aid calculated for all school fiscal years  
15 except school fiscal year 2011-12, if the formula need calculated for  
16 a school district pursuant to subsections (1) through (3) of this  
17 section is less than one hundred percent of the formula need for such  
18 district for the school fiscal year immediately preceding the school  
19 fiscal year for which aid is being calculated, the formula need for  
20 such district shall equal one hundred percent of the formula need for  
21 such district for the school fiscal year immediately preceding the  
22 school fiscal year for which aid is being calculated. For state aid  
23 calculated for school fiscal year 2011-12, if the formula need  
24 calculated for a school district pursuant to subsection (2) of this  
25 section is less than ninety-five percent of the formula need for such

1 district for the school fiscal year immediately preceding the school  
2 fiscal year for which aid is being calculated, the formula need for  
3 such district shall equal ninety-five percent of the formula need for  
4 such district for the school fiscal year immediately preceding the  
5 school fiscal year for which aid is being calculated.

6 (5) For state aid calculated for school fiscal years  
7 except school fiscal year 2011-12, except as provided in subsection  
8 (7) of this section, if the formula need calculated for a school  
9 district pursuant to subsections (1) through (3) of this section is  
10 more than one hundred twelve percent of the formula need for such  
11 district for the school fiscal year immediately preceding the school  
12 fiscal year for which aid is being calculated, the formula need for  
13 such district shall equal one hundred twelve percent of the formula  
14 need for such district for the school fiscal year immediately  
15 preceding the school fiscal year for which aid is being calculated,  
16 except that the formula need shall not be reduced pursuant to this  
17 subsection for any district receiving a student growth adjustment for  
18 the school fiscal year for which aid is being calculated. For state  
19 aid calculated for school fiscal year 2011-12, except as provided in  
20 subsection (7) of this section, if the formula need calculated for a  
21 school district pursuant to subsection (2) of this section is more  
22 than one hundred seven percent of the formula need for such district  
23 for the school fiscal year immediately preceding the school fiscal  
24 year for which aid is being calculated, the formula need for such  
25 district shall equal one hundred seven percent of the formula need

1 for such district for the school fiscal year immediately preceding  
2 the school fiscal year for which aid is being calculated, except that  
3 the formula need shall not be reduced pursuant to this subsection for  
4 any district receiving a student growth adjustment for the school  
5 fiscal year for which aid is being calculated.

6 (6) For purposes of subsections (4) and (5) of this  
7 section, the formula need for the school fiscal year immediately  
8 preceding the school fiscal year for which aid is being calculated  
9 shall be the formula need used in the final calculation of aid  
10 pursuant to section 79-1065 and for districts that were affected by a  
11 reorganization with an effective date in the calendar year preceding  
12 the calendar year in which aid is certified for the school fiscal  
13 year for which aid is being calculated, the formula need for the  
14 school fiscal year immediately preceding the school fiscal year for  
15 which aid is being calculated shall be attributed to the affected  
16 school districts based on information provided to the department by  
17 the school districts or proportionally based on the adjusted  
18 valuation transferred if sufficient information has not been provided  
19 to the department.

20 (7) For state aid calculated for the first full school  
21 fiscal year of a new learning community, if the formula need  
22 calculated for a member school district pursuant to subsections (1)  
23 through (4) of this section is less than the sum of the school  
24 district's state aid certified for the school fiscal year immediately  
25 preceding the first full school fiscal year of the learning community

1 plus the school district's other actual receipts included in local  
2 system formula resources pursuant to section 79-1018.01 for such  
3 school fiscal year plus the product of the school district's general  
4 fund levy for such school fiscal year up to one dollar and five cents  
5 multiplied by the school district's assessed valuation for such  
6 school fiscal year, the formula need for such school district for the  
7 school fiscal year for which aid is being calculated shall equal such  
8 sum.

9           Sec. 3. Section 79-1007.22, Revised Statutes Cumulative  
10 Supplement, 2012, is amended to read:

11           79-1007.22 (1) For state aid calculated for each of the  
12 second and third full school fiscal years of a new learning  
13 community, each member school district may apply to the department  
14 for a new learning community transportation adjustment, on a form  
15 prescribed by the department, on or before October 15 of the school  
16 fiscal year immediately preceding the school fiscal year for which  
17 the new learning community transportation adjustment would be  
18 included in the calculation of state aid. Such form shall require  
19 evidence supporting estimates of increased transportation costs for  
20 the district due to the provisions of ~~subsection (2) of section~~  
21 79-611. On or before the immediately following December 1, the  
22 department shall approve the estimate of increased transportation  
23 costs for use in the adjustment, approve a modified estimate of  
24 increased transportation costs for use in the adjustment, or deny the  
25 application based on the requirements of this section, the evidence

1 submitted on the application, and any other information provided by  
2 the department. The state board shall establish procedures for appeal  
3 of decisions of the department to the state board for final  
4 determination.

5 (2) The new learning community transportation adjustment  
6 shall equal the approved estimate of increased transportation costs  
7 due to the provisions of ~~subsection (2) of~~ section 79-611. School  
8 districts shall submit evidence of the actual increase in  
9 transportation costs due to the provisions of ~~subsection (2) of~~  
10 section 79-611, and the department shall recalculate the adjustment  
11 using such actual costs pursuant to section 79-1065.

12 Sec. 4. Section 79-1013, Revised Statutes Cumulative  
13 Supplement, 2012, is amended to read:

14 79-1013 (1) On or before October 15 of each year, each  
15 school district designating a maximum poverty allowance greater than  
16 zero dollars shall submit a poverty plan for the next school fiscal  
17 year to the department and to the learning community coordinating  
18 council of any learning community of which the school district is a  
19 member. On or before the immediately following December 1, (a) the  
20 department shall approve or disapprove such plan for school districts  
21 that are not members of a learning community based on the inclusion  
22 of the elements required pursuant to this section and (b) the  
23 learning community coordinating council and, as to the applicable  
24 portions thereof, each achievement subcouncil, shall approve or  
25 disapprove such plan for school districts that are members of such

1 learning community based on the inclusion of such elements. On or  
2 before the immediately following December 5, each learning community  
3 coordinating council shall certify to the department the approval or  
4 disapproval of the poverty plan for each member school district.

5 (2) In order to be approved pursuant to this section, a  
6 poverty plan shall include an explanation of how the school district  
7 will address the following issues for such school fiscal year:

8 (a) Attendance, including absence followup ~~and~~  
9 ~~transportation~~ for students qualifying for free or reduced-price  
10 lunches who reside more than one mile from the attendance center;

11 (b) Student mobility, including ~~transportation~~ ways to  
12 allow a student to continue attendance at the same school if the  
13 student moves to another attendance area within the same school  
14 district or within the same learning community;

15 (c) Parental involvement at the school-building level  
16 with a focus on the involvement of parents in poverty and from other  
17 diverse backgrounds;

18 (d) Parental involvement at the school-district level  
19 with a focus on the involvement of parents in poverty and from other  
20 diverse backgrounds;

21 (e) Class size reduction or maintenance of small class  
22 sizes in elementary grades;

23 (f) Scheduled teaching time on a weekly basis that will  
24 be free from interruptions;

25 (g) Access to early childhood education programs for

1 children in poverty;

2 (h) Student access to social workers;

3 (i) Access to summer school, extended-school-day  
4 programs, or extended-school-year programs;

5 (j) Mentoring for new and newly reassigned teachers;

6 (k) Professional development for teachers and  
7 administrators, focused on addressing the educational needs of  
8 students in poverty and students from other diverse backgrounds;

9 (l) Coordination with elementary learning centers if the  
10 school district is a member of a learning community; and

11 (m) An evaluation to determine the effectiveness of the  
12 elements of the poverty plan.

13 (3) The state board shall establish a procedure for  
14 appeal of decisions of the department and of learning community  
15 coordinating councils to the state board for a final determination.

16 Sec. 5. Section 79-2110, Revised Statutes Cumulative  
17 Supplement, 2012, is amended to read:

18 79-2110 (1)(a) Each diversity plan shall provide for open  
19 enrollment in all school buildings in the learning community, subject  
20 to specific limitations necessary to bring about diverse enrollments  
21 in each school building in the learning community. Such limitations,  
22 for school buildings other than focus schools and programs other than  
23 focus programs, shall include giving preference at each school  
24 building first to siblings of students who will be enrolled as  
25 continuing students in such school building or program for the first

1 school year for which enrollment is sought in such school building  
2 and then to students that contribute to the socioeconomic diversity  
3 of enrollment at each building and may include establishing zone  
4 limitations in which students may access several schools other than  
5 their home attendance area school. Notwithstanding the limitations  
6 necessary to bring about diversity, open enrollment shall include  
7 providing access to students who do not contribute to the  
8 socioeconomic diversity of a school building, if, subsequent to the  
9 open enrollment selection process that is subject to limitations  
10 necessary to bring about diverse enrollments, capacity remains in a  
11 school building. In such a case, students who have applied to attend  
12 such school building shall be selected to attend such school building  
13 on a random basis up to the remaining capacity of such building. A  
14 student who has otherwise been disqualified from the school building  
15 pursuant to the school district's code of conduct or related school  
16 discipline rules shall not be eligible for open enrollment pursuant  
17 to this section. Any student who attended a particular school  
18 building in the prior school year and who is seeking education in the  
19 grades offered in such school building shall be allowed to continue  
20 attending such school building as a continuing student.

21 (b) To facilitate the open enrollment provisions of this  
22 subsection, each school year each member school district in a  
23 learning community shall establish a maximum capacity for each school  
24 building under such district's control pursuant to procedures and  
25 criteria established by the learning community coordinating council.

1 Each member school district shall also establish attendance areas for  
2 each school building under the district's control, except that the  
3 school board shall not establish attendance areas for focus schools  
4 or focus programs. The attendance areas shall be established such  
5 that all of the territory of the school district is within an  
6 attendance area for each grade. Students residing in a school  
7 district shall be allowed to attend a school building in such school  
8 district.

9 (c) For purposes of this section and ~~sections 79-238 and~~  
10 ~~79-611, section 79-238,~~ student who contributes to the socioeconomic  
11 diversity of enrollment means (i) a student who does not qualify for  
12 free or reduced-price lunches when, based upon the certification  
13 pursuant to section 79-2120, the school building the student will  
14 attend has more students qualifying for free or reduced-price lunches  
15 than the average percentage of such students in all school buildings  
16 in the learning community or (ii) a student who qualifies for free or  
17 reduced-price lunches when, based upon the certification pursuant to  
18 section 79-2120, the school building the student will attend has  
19 fewer students qualifying for free or reduced-price lunches than the  
20 average percentage of such students in all school buildings in the  
21 learning community.

22 (2)(a) On or before March 15 of each year beginning with  
23 the year immediately following the year in which the initial  
24 coordinating council for the learning community takes office, a  
25 parent or guardian of a student residing in a member school district

1 in a learning community may submit an application to any school  
2 district in the learning community on behalf of a student who is  
3 applying to attend a school building for the following school year  
4 that is not in an attendance area where the applicant resides or a  
5 focus school, focus program, or magnet school as such terms are  
6 defined in section 79-769. On or before April 1 of each year  
7 beginning with the year immediately following the year in which the  
8 initial coordinating council for the learning community takes office,  
9 the school district shall accept or reject such applications based on  
10 the capacity of the school building, the eligibility of the applicant  
11 for the school building or program, the number of such applicants  
12 that will be accepted for a given school building, and whether or not  
13 the applicant contributes to the socioeconomic diversity of the  
14 school or program to which he or she has applied and for which he or  
15 she is eligible. The school district shall notify such parent or  
16 guardian in writing of the acceptance or rejection.

17 (b) A parent or guardian may provide information on the  
18 application regarding the applicant's potential qualification for  
19 free or reduced-price lunches. Any such information provided shall be  
20 subject to verification and shall only be used for the purposes of  
21 this section. Nothing in this section requires a parent or guardian  
22 to provide such information. Determinations about an applicant's  
23 qualification for free or reduced-price lunches for purposes of this  
24 section shall be based on any verified information provided on the  
25 application. If no such information is provided the student shall be

1 presumed not to qualify for free or reduced-price lunches for the  
2 purposes of this section.

3 (c) A student may not apply to attend a school building  
4 in the learning community for any grades that are offered by another  
5 school building for which the student had previously applied and been  
6 accepted pursuant to this section, absent a hardship exception as  
7 established by the individual school district. On or before September  
8 1 of each year beginning with the year immediately following the year  
9 in which the initial coordinating council for the learning community  
10 takes office, each school district shall provide to the learning  
11 community coordinating council a complete and accurate report of all  
12 applications received, including the number of students who applied  
13 at each grade level at each building, the number of students accepted  
14 at each grade level at each building, the number of such students  
15 that contributed to the socioeconomic diversity that applied and were  
16 accepted, the number of applicants denied and the rationales for  
17 denial, and other such information as requested by the learning  
18 community coordinating council.

19 (3) Each diversity plan may also include establishment of  
20 one or more focus schools or focus programs and the involvement of  
21 every member school district in one or more pathways across member  
22 school districts. Enrollment in each focus school or focus program  
23 shall be designed to reflect the socioeconomic diversity of the  
24 learning community as a whole. School district selection of students  
25 for focus schools or focus programs shall be on a random basis from

1 two pools of applicants, those who qualify for free and reduced-price  
2 lunches and those who do not qualify for free and reduced-price  
3 lunches. The percentage of students selected for focus schools from  
4 the pool of applicants who qualify for free and reduced-price lunches  
5 shall be as nearly equal as possible to the percentage of the student  
6 body of the learning community who qualify for free and reduced-price  
7 lunches. The percentage of students selected for focus schools from  
8 the pool of applicants who do not qualify for free and reduced-price  
9 lunches shall be as nearly equal as possible to the percentage of the  
10 student body of the learning community who do not qualify for free  
11 and reduced-price lunches. If more capacity exists in a focus school  
12 or program than the number of applicants for such focus school or  
13 program that contribute to the socioeconomic diversity of the focus  
14 school or program, the school district shall randomly select  
15 applicants up to the number of applicants that will be accepted for  
16 such building. A student who will complete the grades offered at a  
17 focus program, focus school, or magnet school that is part of a  
18 pathway shall be allowed to attend the focus program, focus school,  
19 or magnet school offering the next grade level as part of the pathway  
20 as a continuing student. A student who completes the grades offered  
21 at a focus program, focus school, or magnet school shall be allowed  
22 to attend a school offering the next grade level in the school  
23 district responsible for the focus program, focus school, or magnet  
24 school as a continuing student. A student who attended a program or  
25 school in the school year immediately preceding the first school year

1 for which the program or school will operate as a focus program or  
2 focus school approved by the learning community and meeting the  
3 requirements of section 79-769 and who has not completed the grades  
4 offered at the focus program or focus school shall be a continuing  
5 student in the program or school.

6 (4) On or before February 15 of each year beginning with  
7 the year immediately following the year in which the initial  
8 coordinating council for the learning community takes office, a  
9 parent or guardian of a student who is currently attending a school  
10 building or program, except a magnet school, focus school, or focus  
11 program, outside of the attendance area where the student resides and  
12 who will complete the grades offered at such school building prior to  
13 the following school year shall provide notice, on a form provided by  
14 the school district, to the school board of the school district  
15 containing such school building if such student will attend another  
16 school building within such district as a continuing student and  
17 which school building such student would prefer to attend. On or  
18 before March 1, such school board shall provide a notice to such  
19 parent or guardian stating which school building or buildings the  
20 student shall be allowed to attend in such school district as a  
21 continuing student for the following school year. If the student  
22 resides within the school district, the notice shall include the  
23 school building offering the grade the student will be entering for  
24 the following school year in the attendance area where the student  
25 resides. This subsection shall not apply to focus schools or

1 programs.

2 (5) A parent or guardian of a student who moves to a new  
3 residence in the learning community after April 1 may apply directly  
4 to a school board within the learning community within ninety days  
5 after moving for the student to attend a school building outside of  
6 the attendance area where the student resides. Such school board  
7 shall accept or reject such application within fifteen days after  
8 receiving the application, based on the number of applications and  
9 qualifications pursuant to subsection (2) or (3) of this section for  
10 all other students.

11 (6) A parent or guardian of a student who wishes to  
12 change school buildings for emergency or hardship reasons may apply  
13 directly to a school board within the learning community at any time  
14 for the student to attend a school building outside of the attendance  
15 area where the student resides. Such application shall state the  
16 emergency or hardship and shall be kept confidential by the school  
17 board. Such school board shall accept or reject such application  
18 within fifteen days after receiving the application. Applications  
19 shall only be accepted if an emergency or hardship was presented  
20 which justifies an exemption from the procedures in subsection (4) of  
21 this section based on the judgment of such school board, and such  
22 acceptance shall not exceed the number of applications that will be  
23 accepted for the school year pursuant to subsection (2) or (3) of  
24 this section for such building.

25 Sec. 6. Section 79-2114, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           79-2114 (1) Programs offered by an elementary learning  
3 center may be accessed by any elementary-age child who resides in the  
4 learning community or any family with an elementary-age child who  
5 resides in the learning community. Services to be provided by the  
6 elementary learning center shall comply with all applicable state  
7 regulations for such services, including, but not limited to,  
8 regulations requiring certification of teachers, safety provisions,  
9 and compliance with state standards. Such programs shall be designed  
10 to enhance the academic success of elementary students and may  
11 include, but are not limited to:

12           (a) Summer school, extended-school-day programs, and  
13 extended-school-year programs which may be coordinated with programs  
14 offered in the schools;

15           (b) Literacy centers for providing intensive assistance  
16 to elementary-age children and their parents to work on reading  
17 skills outside of the school day;

18           (c) Computer labs;

19           (d) Tutors for elementary students;

20           (e) Mentors for elementary students;

21           (f) Services for transient students;

22           (g) Attendance advocates to assist in resolving issues  
23 that contribute to truancy;

24           ~~(h) Transportation for truant students;~~

25           ~~(i)~~ (h) English classes for parents and other family

1 members;

2 ~~(j)~~ (i) Health services;

3 ~~(k)~~ (j) Mental health services;

4 ~~(l)~~ (k) Child care for children of parents working on  
5 their own literacy skills or working with their children on academic  
6 skills at the center;

7 ~~(m)~~ (l) Nutritional services for families working on  
8 skills at the center;

9 ~~(n)~~ Transportation for participating families;

10 ~~(o)~~ (m) Distribution of clothing and school supplies;

11 ~~(p)~~ (n) Information on other resources to assist  
12 participating families; and

13 ~~(q)~~ (o) Interpreter services for educational needs.

14 (2) Each elementary learning center shall report the  
15 participation of elementary students in academic programs offered by  
16 or in collaboration with the center to the elementary schools  
17 attended by such students.

18 Sec. 7. Section 79-2115, Revised Statutes Cumulative  
19 Supplement, 2012, is amended to read:

20 79-2115 (1) Learning community funds distributed pursuant  
21 to section 79-2103 may be used by the learning community coordinating  
22 council receiving the funds for:

23 (a) The administration and operation of the learning  
24 community;

25 (b) The administration, operations, and programs of

1 elementary learning centers pursuant to sections 79-2112 to 79-2114;

2 (c) Supplements for extended hours to teachers in  
3 elementary schools in which at least thirty-five percent of the  
4 students attending the school who reside in the attendance area of  
5 such school qualify for free or reduced-price lunches;

6 ~~(d) Transportation for parents of elementary students who~~  
7 ~~qualify for free or reduced price lunches to school functions of such~~  
8 ~~students in elementary schools;~~

9 ~~(e)~~-(d) Up to six social workers to provide services  
10 through the elementary learning centers; and

11 ~~(f)~~-(e) Pilot projects authorized pursuant to section  
12 79-2104.

13 (2) Each learning community coordinating council shall  
14 adopt policies and procedures for granting supplements for extended  
15 hours ~~and for providing transportation for parents~~ if any such funds  
16 are to be used for such purposes. An example of a pilot project that  
17 could receive such funds would be a school designated as Jump Start  
18 Center focused on providing intensive literacy services for  
19 elementary students with low reading scores.

20 (3) Each learning community coordinating council shall  
21 provide for financial audits of elementary learning centers and pilot  
22 projects. A learning community coordinating council shall serve as  
23 the recipient of private funds donated to support any elementary  
24 learning center or pilot project receiving funds from such learning  
25 community coordinating council and shall assure that the use of such

1 private funds is included in the financial audits required pursuant  
2 to this section.

3           Sec. 8. Section 79-2120, Revised Statutes Cumulative  
4 Supplement, 2012, is amended to read:

5           79-2120 On or before March 1, 2009, and February 1 of  
6 each year thereafter, for purposes of subsection (3) of section  
7 79-238 and ~~sections 79-611 and section~~ 79-2110, the State Department  
8 of Education shall certify to each learning community and each member  
9 school district the average percentage of students qualifying for  
10 free or reduced-price lunches in each school building in each member  
11 school district and in the aggregate for all school buildings in the  
12 learning community based on the most current information available to  
13 the department on the immediately preceding January 1. The State  
14 Board of Education may adopt and promulgate rules and regulations to  
15 carry out this section.

16           Sec. 9. This act becomes operative on July 1, 2013.

17           Sec. 10. Original 79-2114, Reissue Revised Statutes of  
18 Nebraska, and sections 79-611, 79-1007.11, 79-1007.22, 79-1013,  
19 79-2110, 79-2115, and 79-2120, Revised Statutes Cumulative  
20 Supplement, 2012, are repealed.

21           Sec. 11. Since an emergency exists, this act takes effect  
22 when passed and approved according to law.