

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1064

Introduced by Sullivan, 41.

Read first time January 20, 2016

Committee: Education

1 A BILL FOR AN ACT relating to education; to amend sections 79-238,
2 79-2,125, 79-2,126, 79-2,127, 79-2,127.01, and 79-2,134, Reissue
3 Revised Statutes of Nebraska; to provide and change provisions
4 relating to student transportation costs, the option enrollment
5 program, and student fee authorization; to provide for loss of
6 accreditation as prescribed; to harmonize provisions; and to repeal
7 the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-238, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 79-238 (1) Except as provided in this section or section 79-240, the
4 school board of the option school district shall adopt by resolution
5 specific standards for acceptance and rejection of applications.
6 Standards may include the capacity of a ~~program~~, class, grade level, or
7 school building or the availability of appropriate special education
8 programs operated by the option school district. Except as otherwise
9 provided in this section, capacity ~~Capacity~~ shall be determined by
10 setting a maximum number of option students that a district will accept
11 in any program, class, grade level, or school building, based upon
12 available staff, facilities, projected enrollment of resident students,
13 and the projected number of students with which the option school
14 district will contract based on existing contractual arrangements, and
15 availability of appropriate special education programs. The capacity of
16 special education programs and services may only be included in the
17 standards if the capacity is set such that it is not reached until the
18 addition of a student, whether a new resident student or a new option
19 student, would cause the allowable excess cost per student for the
20 program or service to increase by more than fifteen percent. The school
21 board of the option school district may by resolution consistent with the
22 standards declare a ~~program~~, a class, or a school unavailable to option
23 students due to lack of capacity. Standards shall not include previous
24 academic achievement, athletic or other extracurricular ability,
25 disabilities, proficiency in the English language, or previous
26 disciplinary proceedings except as provided in section 79-266.01. False
27 or substantively misleading information submitted by a parent or guardian
28 on an application to an option school district may be cause for the
29 option school district to reject a previously accepted application if the
30 rejection occurs prior to the student's attendance as an option student.

31 (2) The school board of every school district shall also adopt

1 standards and conditions for acceptance or rejection of a request for
2 release of a resident student submitting an application to an option
3 school district after March 15 under subsection (1) of section 79-237.

4 (3) Any option school district shall give first priority for
5 enrollment to siblings of option students, except that the option school
6 district shall not be required to accept the sibling of an option student
7 if the district is at capacity except as provided in subsection (1) of
8 section 79-240.

9 (4) Any option school district that is in a learning community shall
10 give second priority for enrollment to students who reside in the
11 learning community and who contribute to the socioeconomic diversity of
12 enrollment as defined in section 79-2110 at the school building to which
13 the student will be assigned pursuant to section 79-235.

14 Sec. 2. Section 79-2,125, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 79-2,125 Sections 79-2,125 to 79-2,135 and section 4 of this act
17 shall be known and may be cited as the Public Elementary and Secondary
18 Student Fee Authorization Act.

19 Sec. 3. Section 79-2,126, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 79-2,126 For purposes of the Public Elementary and Secondary Student
22 Fee Authorization Act:

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

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

30 (3) Postsecondary education costs means tuition and other fees
31 associated with obtaining credit from a postsecondary educational

1 institution. For a course in which students receive high school credit
2 and for which they may also choose to apply for postsecondary education
3 credit, the course shall be offered without charge for tuition,
4 transportation, books, or other fees, except that if the student chooses
5 to apply for postsecondary education credit, he or she may be charged
6 tuition and other fees only associated with obtaining credits from a
7 postsecondary educational institution.

8 Sec. 4. The Public Elementary and Secondary Student Fee
9 Authorization Act shall be strictly interpreted and construed so as to
10 minimize student fees and to maximize equitable access to the free
11 instruction required by Article VII, section 1, of the Constitution of
12 Nebraska.

13 Sec. 5. Section 79-2,127, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 79-2,127 Except as provided in section 79-2,133, a governing body
16 may require and collect fees or other funds from or on behalf of students
17 or require students to provide specialized equipment or specialized
18 attire for ~~any~~ of the following purposes:

- 19 (1) Participation in extracurricular activities;
- 20 (2) Admission fees and transportation charges for spectators
21 attending extracurricular activities;
- 22 (3) Postsecondary education costs;
- 23 (4) Transportation pursuant to sections 79-241, 79-605, and 79-611;
- 24 (5) Copies of student files or records pursuant to section 79-2,104;
- 25 (6) Reimbursement to the school district or educational service unit
26 for school district or educational service unit property lost or damaged
27 by the student;
- 28 (7) Before-and-after-school or prekindergarten services offered
29 pursuant to section 79-1104;
- 30 (8) Summer school or night school;
- 31 (9) Parking; and

1 (10) Breakfast and lunch programs.

2 Except as specifically provided in this section and sections
3 79-2,127.01, 79-2,131, and 79-2,132, a governing body shall not collect
4 money pursuant to the Public Elementary and Secondary Student Fee
5 Authorization Act from students.

6 Sec. 6. Section 79-2,127.01, Reissue Revised Statutes of Nebraska,
7 is amended to read:

8 79-2,127.01 The Public Elementary and Secondary Student Fee
9 Authorization Act does not limit the ability of a governing body to
10 accept voluntary request donations of money, materials, equipment, or
11 attire. Individual teachers and principals are authorized to request
12 voluntary donations of money, materials, equipment, or attire to enhance
13 unique educational opportunities for their students if such request
14 complies with the school district policy adopted pursuant to the act and
15 the request is made in such a way that it is clear that the request is
16 not a requirement and shall not affect a student's grade to defray costs
17 if the request is made in such a way that it is clear that the request is
18 not a requirement. The act does not prohibit a governing body from
19 permitting students to supply materials for course projects.

20 Sec. 7. Section 79-2,134, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 79-2,134 On or before August 1, 2002, and annually each year
23 thereafter, each school board and board of education shall hold a public
24 hearing at a regular or special meeting of the board on a proposed
25 student fee policy, following a review of the amount of money collected
26 from students pursuant to, and the use of waivers provided in, the
27 student fee policy for the prior school year. The student fee policy
28 shall be adopted by a majority vote of the school board and shall be
29 published in the student handbook. The adopted policy shall also be
30 submitted annually to the State Department of Education in a manner
31 prescribed by the department. The board shall annually provide a copy of

1 the student handbook to every student, or to every household in which at
2 least one student resides, at no cost to the student or household. The
3 student fee policy shall include specific details regarding:

4 (1) The general written guidelines for any nonspecialized attire
5 required for specified courses and activities;

6 (2) Any personal or consumable items a student will be required to
7 furnish for participation in extracurricular activities;

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

10 (4) Any fees required from a student for participation in any
11 extracurricular activity;

12 (5) Any fees required for postsecondary education costs;

13 (6) Any fees required for transportation costs pursuant to sections
14 79-241, 79-605, and 79-611;

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

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

19 (9) Any fees required for participation in summer school or night
20 school;

21 (10) Any fees for breakfast and lunch programs;~~and~~

22 (11) The waiver policy pursuant to section 79-2,133; and -

23 (12) Requests for donations of money, materials, equipment, or
24 attire.

25 No fee, specialized equipment or attire, or nonspecialized attire
26 may be required pursuant to the Public Elementary and Secondary Student
27 Fee Authorization Act unless the maximum dollar amount of the fee, the
28 specifications for the specialized equipment or attire, or the
29 specifications for the nonspecialized attire are specified in the student
30 fee policy approved by the board. Reimbursement pursuant to subdivision
31 (6) of section 79-2,127 for property lost or damaged by a student may be

1 required without specification in the student fee policy.

2 A school district with a school board or board of education which
3 fails to annually approve, or fails to annually submit in a manner
4 prescribed by the State Department of Education, a student fee policy
5 complying with the Public Elementary and Secondary Student Fee
6 Authorization Act shall lose its accreditation status.

7 Sec. 8. Original sections 79-238, 79-2,125, 79-2,126, 79-2,127,
8 79-2,127.01, and 79-2,134, Reissue Revised Statutes of Nebraska, are
9 repealed.