

AMENDMENTS TO LB 1243

1           1. Insert the following new sections:

2           "Section 1. The Department of Health and Human Services  
3 and the State Department of Education shall jointly establish rates  
4 for reimbursements for the educational services provided to state  
5 wards in institutions which maintain special education programs  
6 which have been approved by the State Department of Education  
7 pursuant to section 79-215. Initial rates shall be established  
8 prior to August 1, 2000. The rates shall be reviewed and modified  
9 prior to December 31, 2000, prior to July 1, 2001, and annually  
10 prior to each July 1, thereafter. The rate-setting process shall  
11 include a public hearing on the proposed rates. The Department of  
12 Health and Human Services and the State Department of Education  
13 shall jointly adopt and promulgate rules and regulations to carry  
14 out this section.

15           Sec. 2. Section 79-215, Revised Statutes Supplement,  
16 1998, is amended to read:

17           79-215. (1) A school board ~~or board of education~~ may  
18 admit nonresident ~~pupils~~ students to the school district, may  
19 determine the rate of tuition of the ~~pupils~~ students, and shall  
20 collect such tuition in advance except as otherwise provided in  
21 this section.

22           (2) When the ~~pupil~~ student as a ward of the state or as a  
23 ward of any court (a) has been placed in a school district other  
24 than the district in which he or she resided at the time he or she

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1 became a ward and such ward does not reside in a foster family home  
2 licensed or approved by the Department of Health and Human Services  
3 or a foster home maintained or used ~~by the Department of~~  
4 ~~Correctional Services~~ pursuant to section 83-108.04 or (b) has been  
5 placed in any institution which maintains a special education  
6 program which has been approved by the State Department of  
7 Education and such institution is not owned or operated by the  
8 pupil's resident school district, the cost of his or her education  
9 and the required transportation costs associated with the child's  
10 education shall be paid by the state, but not in advance, to the  
11 receiving school district or approved institution under rules and  
12 regulations prescribed by the Department of Health and Human  
13 Services and the State Department of Education pursuant to section  
14 1 of this act. Any ~~pupil student~~ who is a ward of the state or a  
15 ward of any court who resides in a foster family home licensed or  
16 approved by the Department of Health and Human Services or a foster  
17 home maintained or used ~~by the Department of Correctional Services~~  
18 pursuant to section 83-108.04 shall be deemed a resident of the  
19 district in which the foster family home or foster home is located.

20 (3) In the case of any individual eighteen years of age  
21 or younger who is a ward of the state or any court and who is  
22 placed in a county detention home established under section  
23 43-2,110, the cost of his or her education shall be paid by the  
24 state, regardless of such individual's district of residency, to  
25 the agency or institution which: (a) Is selected by the county  
26 board with jurisdiction over such detention home; (b) has agreed or  
27 contracted with such county board to provide educational services;

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1 and (c) has been approved by the State Department of Education  
2 pursuant to rules and regulations prescribed by the State Board of  
3 Education.

4 (4) No tuition shall be charged for children who may be  
5 by law allowed to attend the school without charge. The school  
6 district in which the parent or guardian of any nonresident ~~pupil~~  
7 student maintains his or her legal residence shall not be liable  
8 for the payment of tuition and the children of school age of such  
9 parent or guardian shall be entitled to free common school  
10 privileges the same as any child who is a bona fide resident of  
11 such school district whenever the parent or guardian of such  
12 nonresident ~~pupil~~ student, having entered the public service of the  
13 State of Nebraska, has moved from the school district in which he  
14 or she maintains legal residence into another school district for  
15 temporary purposes incidental to serving the state, without the  
16 intention of making the school district to which the parent or  
17 guardian has moved his or her legal residence. No tuition shall be  
18 charged for a child whose parents are divorced if such child  
19 attends school in a district in which either parent resides. The  
20 burden of proof as to legal residence shall rest with the person  
21 claiming legal residence in any district. The school district may  
22 allow a ~~pupil~~ student whose residency in the district ceases during  
23 a school year to continue attending school for the remainder of  
24 that school year without payment of tuition.

25 (5) The school board ~~or board of education~~ may admit  
26 nonresident ~~pupils~~ students to the school district without  
27 requiring the payment of tuition if such ~~pupils~~ students are in the

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1 actual physical custody of a resident of the school district and  
2 are not residents of an adjoining school district and the board  
3 determines that the ~~pupils~~ students would otherwise be denied  
4 guaranteed free common school privileges.

5 ~~(6) The changes made to this section by Laws 1992, LB 37~~  
6 ~~Ninety-second Legislature, Third Special Session, shall apply to~~  
7 ~~all reimbursements under this section for school year 1992-93 and~~  
8 ~~all school years thereafter."~~

9 2. On page 2, strike beginning with "legal" in line 12  
10 through the first comma in line 14; and in line 25 strike "section"  
11 and insert "sections 79-215 and".

12 3. Renumber the remaining sections accordingly.