

E & R AMENDMENTS TO LB 249

1           1.     Strike the original sections and all amendments  
2 thereto and insert the following new sections:

3           "Section 1. Section 79-235, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           79-235. For purposes of all duties, entitlements, and  
6 rights established by law, including special education as provided  
7 in section 79-1127, except as provided in section 79-241, option  
8 students shall be treated as resident students of the option school  
9 district. The option student may request a particular school  
10 building, but the building assignment of the option student shall  
11 be determined by the option school district. In determining  
12 eligibility for extracurricular activities as defined in section  
13 79-2,126, the option student shall be treated similarly to other  
14 students who transfer into the school from another public, private,  
15 denominational, or parochial school.

16           Sec. 2. Section 79-2,125, Revised Statutes Supplement,  
17 2002, is amended to read:

18           79-2,125. Sections 79-2,125 to 79-2,135 and section 5 of  
19 this act shall be known and may be cited as the Public Elementary  
20 and Secondary Student Fee Authorization Act.

21           Sec. 3. Section 79-2,126, Revised Statutes Supplement,  
22 2002, is amended to read:

23           79-2,126. For purposes of the Public Elementary and  
24 Secondary Student Fee Authorization Act:

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

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

8                   (3) Postsecondary education costs means tuition and other  
9 fees associated with obtaining credit from a postsecondary  
10 educational institution. For a course in which students receive  
11 ~~both high school and credit and for which they may also choose to~~  
12 apply for postsecondary education credit, or a course being taken  
13 as part of an approved accelerated or differentiated curriculum  
14 program pursuant to sections 79-1106 to 79-1108.03, the course  
15 shall be offered without charge for tuition, transportation, books,  
16 or other fees, except that if the student chooses to apply for  
17 postsecondary education credit, he or she may be charged tuition  
18 and other fees only associated with obtaining credits from a  
19 postsecondary educational institution.

20                   Sec. 4. Section 79-2,127, Revised Statutes Supplement,  
21 2002, is amended to read:

22                   79-2,127. Except as provided in section 79-2,133, a  
23 governing body may require and collect fees or other funds from or  
24 on behalf of students or require students to provide specialized  
25 equipment or specialized attire for any of the following purposes:

26                   (1) Participation in extracurricular activities;

27                   (2) Admission fees and transportation charges for

1 spectators attending extracurricular activities;

2 (3) Postsecondary education costs;

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

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

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

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

12 (8) Summer school or night school; ~~and~~

13 (9) Parking; and

14 (10) Breakfast and lunch programs.

15 Except as provided in this section, sections 79-2,131 and  
16 79-2,132, and section 5 of this act, a governing body shall not  
17 collect money pursuant to the Public Elementary and Secondary  
18 Student Fee Authorization Act from students.

19 Sec. 5. The Public Elementary and Secondary Student Fee  
20 Authorization Act does not limit the ability of a governing body to  
21 request donations of money, materials, equipment, or attire to  
22 defray costs if the request is made in such a way that it is clear  
23 that the request is not a requirement. The act does not prohibit a  
24 governing body from permitting students to supply materials for  
25 course projects.

26 Sec. 6. Section 79-2,128, Revised Statutes Supplement,  
27 2002, is amended to read:

1           79-2,128.    A governing body may require students to  
2 furnish minor personal or minor consumable items for ~~specified~~  
3 ~~courses and participation in extracurricular~~ activities.    7  
4 ~~including, but not limited to, pencils, paper, pens, erasers, and~~  
5 ~~notebooks.~~

6           Sec. 7. Section 79-2,131, Revised Statutes Supplement,  
7 2002, is amended to read:

8           79-2,131.    A governing body may require students to  
9 furnish musical instruments for participation in optional music  
10 courses that are not extracurricular activities if the governing  
11 body provides for the use of a musical instrument without charge  
12 for any student who qualifies for free or reduced-price lunches  
13 under United States Department of Agriculture child nutrition  
14 programs.    Participation in a free-lunch program or reduced-price  
15 lunch program is not required to qualify for free or reduced-price  
16 lunches for purposes of this section.    This section does not  
17 require a governing body to provide for the use of a particular  
18 type of musical instrument for any student.    For ~~music courses that~~  
19 ~~are musical~~ extracurricular activities, a governing body may  
20 require fees or require students to provide specialized equipment,  
21 such as musical instruments, or specialized attire consistent with  
22 the Public Elementary and Secondary Student Fee Authorization Act.

23           Sec. 8. Section 79-2,132, Revised Statutes Supplement,  
24 2002, is amended to read:

25           79-2,132.    The Public Elementary and Secondary Student  
26 Fee Authorization Act does not preclude operation of a school store  
27 in which students may purchase food, beverages, and personal or

1 consumable items. A school store need not have a permanent  
2 physical presence and may consist of providing order forms for  
3 students to voluntarily purchase items from the school or another  
4 vendor.

5 Sec. 9. Section 79-2,133, Revised Statutes Supplement,  
6 2002, is amended to read:

7 79-2,133. Each governing body shall establish a policy  
8 waiving the fees and providing the items otherwise required to be  
9 provided by students pursuant to ~~subdivisions (1) and (2)~~  
10 subdivision (1) of section 79-2,127 ~~and pursuant to section~~  
11 ~~79-2,130~~ for students who qualify for free or reduced-price lunches  
12 under United States Department of Agriculture child nutrition  
13 programs. Participation in a free-lunch program or reduced-price  
14 lunch program is not required to qualify for free or reduced-price  
15 lunches for purposes of this section.

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

19 Sec. 10. Section 79-2,134, Revised Statutes Supplement,  
20 2002, is amended to read:

21 79-2,134. On or before August 1, 2002, and annually each  
22 year thereafter, each school board shall hold a public hearing at a  
23 regular or special meeting of the board on a proposed student fee  
24 policy, following a review of the amount of money collected from  
25 students pursuant to, and the use of waivers provided in, the  
26 student fee policy for the prior school year. The student fee  
27 policy shall be adopted by a majority vote of the school board and

1 shall be published in the student handbook. The board shall  
2 provide a copy of the student handbook to every student, or to  
3 every household in which at least one student resides, at no cost  
4 to the student or household. The student fee policy shall include  
5 specific details regarding:

6 (1) The general written guidelines for any ~~clothing~~  
7 nonspecialized attire required for specified courses and  
8 activities;

9 (2) Any personal or consumable items a student will be  
10 required to furnish for ~~specified courses and~~ participation in  
11 extracurricular activities;

12 (3) Any materials required for course projects;

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

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

17 (6) Any fees required for postsecondary education costs;

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

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

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

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

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

1 (12) The waiver policy pursuant to section 79-2,133.

2 No fee, specialized equipment or attire, or  
3 nonspecialized attire may be required pursuant to the Public  
4 Elementary and Secondary Student Fee Authorization Act unless the  
5 maximum dollar amount of the fee, the specifications for the  
6 specialized equipment or attire, or the specifications for the  
7 nonspecialized attire are specified in the student fee policy  
8 approved by the board. Reimbursement pursuant to subdivision (6)  
9 of section 79-2,127 for property lost or damaged by a student may  
10 be required without specification in the student fee policy.

11 Sec. 11. Original section 79-235, Reissue Revised  
12 Statutes of Nebraska, and sections 79-2,125 to 79-2,128 and  
13 79-2,131 to 79-2,134, Revised Statutes Supplement, 2002, are  
14 repealed.

15 Sec. 12. The following section is outright repealed:  
16 Section 79-2,130, Revised Statutes Supplement, 2002.

17 Sec. 13. Since an emergency exists, this act takes  
18 effect when passed and approved according to law."

19 2. On page 1, strike beginning with "79-237" in line 1  
20 through line 5 and insert "79-235, Reissue Revised Statutes of  
21 Nebraska, and sections 79-2,125 to 79-2,128 and 79-2,131 to  
22 79-2,134, Revised Statutes Supplement, 2002; to change provisions  
23 relating to eligibility for extracurricular activities; to change  
24 and eliminate provisions of the Public Elementary and Secondary  
25 Student Fee Authorization Act; to harmonize provisions; to repeal  
26 the original sections; to outright repeal section 79-2,130, Revised  
27 Statutes Supplement, 2002; and to declare an emergency."