

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
SECOND SESSION  
**LEGISLATIVE BILL 1005**

Introduced by Howard, 9; Ashford, 20; Hudkins, 21.

Read first time January 16, 2008

Committee: Education

A BILL

1 FOR AN ACT relating to schools; to amend section 79-2110, Revised  
2 Statutes Supplement, 2007; to change provisions relating  
3 to learning community diversity plans; and to repeal the  
4 original section.

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

1                   Section 1. Section 79-2110, Revised Statutes Supplement,  
2 2007, is amended to read:

3                   79-2110 (1)(a) Each learning community coordinating  
4 council, together with its member school districts, shall develop  
5 and administer a diversity plan which may be revised from time to  
6 time. Each diversity plan shall provide for open enrollment in all  
7 school buildings in the learning community, subject to specific  
8 limitations necessary to bring about diverse enrollments in each  
9 school building in the learning community. Such limitations shall  
10 include giving preference at each school building first to siblings  
11 of students currently enrolled in such school building and then  
12 to students that contribute to the socioeconomic diversity of  
13 enrollment, as defined in section 79-611, at each building and may  
14 include establishing zone limitations in which students may access  
15 several schools other than their home attendance area school.  
16 Notwithstanding the limitations necessary to bring about diversity,  
17 open enrollment shall include providing access to students who do  
18 not contribute to the socioeconomic diversity of a school building,  
19 if, subsequent to the regular enrollment process that is subject to  
20 limitations necessary to bring about diverse enrollments, capacity  
21 remains in a school building. In such a case, a student who applies  
22 to attend such school building shall be permitted to enroll at  
23 such building unless the student has otherwise been disqualified  
24 from the school building pursuant to the school district's code of  
25 conduct or related school discipline rules.

1           (b) To facilitate the open enrollment provisions of  
2 this subsection, each school year each member school district  
3 in a learning community shall establish a maximum capacity for  
4 each school building under such district's control pursuant to  
5 procedures and criteria established by the learning community  
6 coordinating council. Each member school district shall also  
7 establish attendance areas for each school building under the  
8 district's control, except that the school board shall not  
9 establish attendance areas for focus schools. The attendance areas  
10 shall be established such that all of the territory of the school  
11 district is within an attendance area for each grade. Students  
12 residing in a school district shall be allowed to attend a school  
13 building in such school district.

14           (2) (a) On or before March 15 of each year, a parent or  
15 guardian of a student residing in a member school district in a  
16 learning community may submit an application to any school district  
17 in the learning community on behalf of a student who is applying  
18 to attend a school building for the following school year that  
19 is not in an attendance area where the applicant resides or a  
20 focus school, focus program, or magnet school as such terms are  
21 defined in section 79-769. On or before April 1 of each year,  
22 the school district shall accept or reject such applications based  
23 on the capacity of the school building, the eligibility of the  
24 applicant for the school building or program, the number of such  
25 applicants that will be accepted for a given school building,

1 and whether or not the applicant contributes to the socioeconomic  
2 diversity of the school or program to which he or she has applied  
3 and for which he or she is eligible. The school district shall  
4 notify such parent or guardian in writing of the acceptance or  
5 rejection. Such parent or guardian may provide information on  
6 the application regarding the applicant's potential qualification  
7 for free or reduced-price lunches. Any such information provided  
8 shall be subject to verification and shall only be used for the  
9 purposes of this section. Nothing in this section requires a parent  
10 or guardian to provide such information. Determinations about an  
11 applicant's qualification for free or reduced-price lunches for  
12 purposes of this section shall be based on any verified information  
13 provided on the application. If no such information is provided the  
14 student shall be presumed not to qualify for free or reduced-price  
15 lunches for the purposes of this section. A student may not  
16 apply to attend a school building in the learning community for  
17 any grades that are offered by another school building for which  
18 the student had previously applied and been accepted pursuant  
19 to this section, absent a hardship exception as established by  
20 the individual school district. On or before September 1 of  
21 each year, each school district shall provide to the learning  
22 community coordinating council a complete and accurate report of  
23 all applications received, including the number of students who  
24 applied at each grade level at each building, the number of  
25 students accepted at each grade level at each building, the number

1 of such students that contributed to the socioeconomic diversity  
2 that applied and were accepted, the number of applicants denied and  
3 the rationales for denial, and other such information as requested  
4 by the learning community coordinating council.

5 (b) Each diversity plan may also include establishment of  
6 one or more focus schools or focus programs and the involvement of  
7 every member school district in one or more magnet pathways across  
8 member school districts. Enrollment in each focus school or focus  
9 program shall be designed to reflect the socioeconomic diversity  
10 of the learning community as a whole. School district selection of  
11 students for focus schools or focus programs shall be on a random  
12 basis from two pools of applicants, those who qualify for free  
13 and reduced-price lunches and those who do not qualify for free  
14 and reduced-price lunches. The percentage of students selected for  
15 focus schools from the pool of applicants who qualify for free  
16 and reduced-price lunches shall be as nearly equal as possible  
17 to the percentage of the student body of the learning community  
18 who qualify for free and reduced-price lunches. The percentage of  
19 students selected for focus schools from the pool of applicants  
20 who do not qualify for free and reduced-price lunches shall be  
21 as nearly equal as possible to the percentage of the student  
22 body of the learning community who do not qualify for free and  
23 reduced-price lunches. If more capacity exists in a focus school  
24 or program than the number of applicants for such focus school  
25 or program that contribute to the socioeconomic diversity of the

1 focus school or program, the school district shall randomly select  
2 applicants for approval up to the number of applicants that will be  
3 accepted for such building.

4 (c) The goal of the diversity plan shall be to annually  
5 increase the socioeconomic diversity of enrollment at each grade  
6 level in each school building within the learning community until  
7 such enrollment reflects the average socioeconomic diversity of the  
8 entire enrollment of the learning community. The learning community  
9 shall annually publish statistics on changes in diversity at each  
10 grade level in each school building within the learning community.

11 (d) Any student who attended a particular school building  
12 in the prior school year and who is seeking education in the  
13 grades offered in such school building shall be allowed to continue  
14 attending such school building as a continuing student.

15 (3) On or before February 15 of each year, a parent or  
16 guardian of a student who is currently attending a school building  
17 outside of the attendance area where the student resides and who  
18 will complete the grades offered at such school building prior to  
19 the following school year shall provide notice, on a form provided  
20 by the school district, to the school board of the school district  
21 containing such school building if such student will attend another  
22 school building within such district as a continuing student and  
23 which school building such student would prefer to attend. On or  
24 before March 1, such school board shall provide a notice to such  
25 parent or guardian stating which school building or buildings the

1 student shall be allowed to attend in such school district as a  
2 continuing student for the following school year. If the student  
3 resides within the school district, the notice shall include the  
4 school building offering the grade the student will be entering  
5 for the following school year in the attendance area where the  
6 student resides. This subsection shall not apply to focus schools  
7 or programs.

8 (4) A student who will complete the grades offered at a  
9 magnet school shall be allowed to attend the magnet school offering  
10 the next grade level as part of the magnet pathway as a continuing  
11 student.

12 (5) A parent or guardian of a student who moves to a  
13 new residence in the learning community after April 1 may apply  
14 directly to a school board within the learning community within  
15 ninety days after moving for the student to attend a school  
16 building outside of the attendance area where the student resides.  
17 Such school board shall accept or reject such application within  
18 fifteen days after receiving the application, based on the number  
19 of applications and qualifications pursuant to subsection (2) of  
20 this section for all other students.

21 (6) A parent or guardian of a student who wishes to  
22 change school buildings for emergency or hardship reasons may apply  
23 directly to a school board within the learning community at any  
24 time for the student to attend a school building outside of the  
25 attendance area where the student resides. Such application shall

1 state the emergency or hardship and shall be kept confidential by  
2 the school board. Such school board shall accept or reject such  
3 application within fifteen days after receiving the application.  
4 Applications shall only be accepted if an emergency or hardship  
5 was presented which justifies an exemption from the procedures  
6 in subsection (3) of this section based on the judgment of such  
7 school board, and such acceptance shall not exceed the number of  
8 applications that will be accepted for the school year pursuant to  
9 subsection (2) of this section for such building.

10 (7) For purposes of this section, a student is deemed to  
11 reside in any attendance area where such student or at least one of  
12 his or her parents or guardians resides.

13 Sec. 2. Original section 79-2110, Revised Statutes  
14 Supplement, 2007, is repealed.