

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 886

Introduced by Gay, 14; Kopplin, 3.

Read first time January 11, 2008

Committee: Education

A BILL

1 FOR AN ACT relating to schools; to amend section 79-611, Revised
2 Statutes Supplement, 2007; to change provisions relating
3 to student transportations; and to repeal the original
4 section.

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

1 Section 1. Section 79-611, Revised Statutes Supplement,
2 2007, is amended to read:

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

6 (a) When a student attends an elementary school in his
7 or her own district and lives more than four miles from the public
8 schoolhouse in such district;

9 (b) When a student is required to attend an elementary
10 school outside of his or her own district and lives more than four
11 miles from such elementary school;

12 (c) When a student attends a secondary school in his or
13 her own Class II or Class III school district and lives more than
14 four miles from the public schoolhouse. This subdivision does not
15 apply when one or more Class I school districts merge with a Class
16 VI school district to form a new Class II or III school district on
17 or after January 1, 1997; and

18 (d) When a student, other than a student in grades ten
19 through twelve in a Class V district, attends an elementary or
20 junior high school in his or her own Class V district and lives
21 more than four miles from the public schoolhouse in such district.

22 (2) (a) The Beginning in school fiscal year 2010-11 and
23 for each school fiscal year thereafter, the school board of any
24 school district that is a member of a learning community shall
25 provide free transportation for a student if (i) the student is

1 transferring pursuant to the open enrollment provisions of section
2 79-2110, qualifies for free or reduced-price lunches, and lives
3 more than one mile from the school to which he or she transfers,
4 (ii) the student is transferring pursuant to such open enrollment
5 provisions and the student is a student who contributes to the
6 socioeconomic diversity of the school building the student attends,
7 (iii) the student is attending a focus school or program and lives
8 more than one mile from the school building housing the focus
9 school or program, or (iv) the student is attending a magnet school
10 or program and lives more than one mile from the magnet school or
11 the school housing the magnet program.

12 (b) For purposes of this subsection, a student who
13 contributes to the socioeconomic diversity of the school building
14 he or she attends means (i) a student who is not a student
15 qualifying for free or reduced-price lunches when, based upon
16 official membership, the school building the student will attend
17 has more students qualifying for free or reduced-price lunches than
18 the average percentage of such students in all school buildings
19 in the learning community or (ii) a student who is a student
20 that qualifies for free or reduced-price lunches when, based
21 upon official membership, the school building the student will
22 attend has fewer students qualifying for free or reduced-price
23 lunches than the average percentage of such students in all school
24 buildings in the learning community. This subsection does not
25 prohibit a school district that is a member of a learning community

1 from providing transportation to any intradistrict student.

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

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

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

21 (b) To the parent, custodial parent, or guardian not
22 providing transportation for students of other families, two
23 hundred eighty-five percent of the mileage rate provided in section
24 81-1176 multiplied by each mile actually and necessarily traveled,
25 on each day of attendance, from the residence of the student to

1 the pick-up point at which students transfer to the vehicle of a
2 parent, custodial parent, or guardian described in subdivision (a)
3 of this subsection.

4 (5) The board may authorize school-provided
5 transportation to any student who does not qualify under the
6 mileage requirements of subsection (1) of this section and may
7 charge a fee to the parent or guardian of the student for such
8 service. An affiliated high school district may provide free
9 transportation or pay the allowance described in this section for
10 high school students residing in an affiliated Class I district. No
11 transportation payments shall be made to a family for mileage not
12 actually traveled by such family. The number of days the student
13 has attended school shall be reported monthly by the teacher to the
14 board of such public school district.

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

1 (7) No student shall be exempt from school attendance on
2 account of distance from the public schoolhouse.

3 Sec. 2. Original section 79-611, Revised Statutes
4 Supplement, 2007, is repealed.