

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 534

Introduced by Price, 3.

Read first time January 21, 2009

Committee: Education

A BILL

1 FOR AN ACT relating to learning communities; to amend section
2 79-2110, Reissue Revised Statutes of Nebraska; to change
3 provisions relating to 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, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 79-2110 (1)(a) Each diversity plan shall provide for
4 open enrollment in all school buildings in the learning community,
5 subject to specific limitations necessary to bring about diverse
6 enrollments in each school building in the learning community.
7 Such limitations, for school buildings other than focus schools and
8 programs other than focus programs, shall include giving preference
9 at each school building (i) first to siblings of students who
10 will be enrolled as continuing students in such school building or
11 program for the first school year for which enrollment is sought in
12 such school building and (ii) then to students ~~that~~ who contribute
13 to the socioeconomic diversity of enrollment at each building and
14 may include establishing zone limitations in which students may
15 access several schools other than their home attendance area school
16 or district-assigned attendance centers.

17 (b) Any school district that has attendance areas within
18 the district may assign open enrollment students to a building,
19 or choice of buildings, that is consistent with district policy
20 for assigning resident students or option enrollment students.
21 Districts within a learning community that use their attendance
22 areas for the purpose of assigning open enrollment students shall
23 maintain records with supporting data showing the efforts made to
24 provide improvement in socioeconomic diversity of enrollment within
25 the buildings in the district. Such records and supporting data

1 shall be made available to the learning community coordinating
2 council upon request within forty-five days.

3 (c) Notwithstanding the limitations necessary to bring
4 about diversity, open enrollment shall include providing access to
5 students who do not contribute to the socioeconomic diversity of
6 a school building, if, subsequent to the open enrollment selection
7 process that is subject to limitations necessary to bring about
8 diverse enrollments, capacity remains in a school building. In such
9 a case, students who have applied to attend such school building
10 shall be selected to attend such school building on a random basis
11 up to the remaining capacity of such building. A student who has
12 otherwise been disqualified from the school building pursuant to
13 the school district's code of conduct or related school discipline
14 rules shall not be eligible for open enrollment pursuant to this
15 section. Any student who attended a particular school building
16 in the prior school year and who is seeking education in the
17 grades offered in such school building shall be allowed to continue
18 attending such school building as a continuing student.

19 ~~(b)~~ (d) To facilitate the open enrollment provisions
20 of this subsection, each school year each member school district
21 in a learning community shall establish a maximum capacity for
22 each school building under such district's control pursuant to
23 procedures and criteria established by the learning community
24 coordinating council. Each member school district shall also
25 establish attendance areas for each school building under the

1 district's control, except that the school board shall not
2 establish attendance areas for focus schools or focus programs.
3 The attendance areas shall be established such that all of the
4 territory of the school district is within an attendance area for
5 each grade. Students residing in a school district shall be allowed
6 to attend a school building in such school district.

7 ~~(e)~~ (e) For purposes of this section and section
8 79-611, student who contributes to the socioeconomic diversity
9 of enrollment means (i) a student who does not qualify for free
10 or reduced-price lunches when, based upon official membership,
11 the school building the student will attend has more students
12 qualifying for free or reduced-price lunches than the average
13 percentage of such students in all school buildings in the learning
14 community or (ii) a student who qualifies for free or reduced-price
15 lunches when, based upon official membership, the school building
16 the student will attend has fewer students qualifying for free or
17 reduced-price lunches than the average percentage of such students
18 in all school buildings in the learning community.

19 (2)(a) On or before March 15 of each year beginning
20 with the year immediately following the year in which the initial
21 coordinating council for the learning community takes office, a
22 parent or guardian of a student residing in a member school
23 district in a learning community may submit an application to any
24 school district in the learning community on behalf of a student
25 who is applying to attend a school building for the following

1 school year that is not in an attendance area where the applicant
2 resides or a focus school, focus program, or magnet school as
3 such terms are defined in section 79-769. On or before April 1
4 of each year beginning with the year immediately following the
5 year in which the initial coordinating council for the learning
6 community takes office, the school district shall accept or reject
7 such applications based on the capacity of the school building, the
8 eligibility of the applicant for the school building or program,
9 the number of such applicants that will be accepted for a given
10 school building, and whether or not the applicant contributes to
11 the socioeconomic diversity of the school or program to which he
12 or she has applied and for which he or she is eligible. The school
13 district shall notify such parent or guardian in writing of the
14 acceptance or rejection.

15 (b) A parent or guardian may provide information on
16 the application regarding the applicant's potential qualification
17 for free or reduced-price lunches. Any such information provided
18 shall be subject to verification and shall only be used for the
19 purposes of this section. Nothing in this section requires a parent
20 or guardian to provide such information. Determinations about an
21 applicant's qualification for free or reduced-price lunches for
22 purposes of this section shall be based on any verified information
23 provided on the application. If no such information is provided the
24 student shall be presumed not to qualify for free or reduced-price
25 lunches for the purposes of this section.

1 (c) A student may not apply to attend a school building
2 in the learning community for any grades that are offered by
3 another school building for which the student had previously
4 applied and been accepted pursuant to this section, absent
5 a hardship exception as established by the individual school
6 district. On or before September 1 of each year beginning with
7 the year immediately following the year in which the initial
8 coordinating council for the learning community takes office,
9 each school district shall provide to the learning community
10 coordinating council a complete and accurate report of all
11 applications received, including the number of students who applied
12 at each grade level at each building, the number of students
13 accepted at each grade level at each building, the number of
14 such students that contributed to the socioeconomic diversity that
15 applied and were accepted, the number of applicants denied and the
16 rationales for denial, and other such information as requested by
17 the learning community coordinating council.

18 (3) Each diversity plan may also include establishment of
19 one or more focus schools or focus programs and the involvement
20 of every member school district in one or more pathways across
21 member school districts. Enrollment in each focus school or focus
22 program shall be designed to reflect the socioeconomic diversity
23 of the learning community as a whole. School district selection of
24 students for focus schools or focus programs shall be on a random
25 basis from two pools of applicants, those who qualify for free

1 and reduced-price lunches and those who do not qualify for free
2 and reduced-price lunches. The percentage of students selected for
3 focus schools from the pool of applicants who qualify for free
4 and reduced-price lunches shall be as nearly equal as possible
5 to the percentage of the student body of the learning community
6 who qualify for free and reduced-price lunches. The percentage of
7 students selected for focus schools from the pool of applicants
8 who do not qualify for free and reduced-price lunches shall be
9 as nearly equal as possible to the percentage of the student
10 body of the learning community who do not qualify for free and
11 reduced-price lunches. If more capacity exists in a focus school
12 or program than the number of applicants for such focus school
13 or program that contribute to the socioeconomic diversity of the
14 focus school or program, the school district shall randomly select
15 applicants up to the number of applicants that will be accepted
16 for such building. A student who will complete the grades offered
17 at a focus program, focus school, or magnet school that is part
18 of a pathway shall be allowed to attend the focus program, focus
19 school, or magnet school offering the next grade level as part of
20 the pathway as a continuing student. A student who completes the
21 grades offered at a focus program, focus school, or magnet school
22 shall not be considered a continuing student in the school district
23 responsible for the program or school.

24 (4) On or before February 15 of each year beginning
25 with the year immediately following the year in which the initial

1 coordinating council for the learning community takes office, a
2 parent or guardian of a student who is currently attending a school
3 building or program, except a magnet school, focus school, or focus
4 program, outside of the attendance area where the student resides
5 and who will complete the grades offered at such school building
6 prior to the following school year shall provide notice, on a form
7 provided by the school district, to the school board of the school
8 district containing such school building if such student will
9 attend another school building within such district as a continuing
10 student and which school building such student would prefer to
11 attend. On or before March 1, such school board shall provide a
12 notice to such parent or guardian stating which school building or
13 buildings the student shall be allowed to attend in such school
14 district as a continuing student for the following school year. If
15 the student resides within the school district, the notice shall
16 include the school building offering the grade the student will
17 be entering for the following school year in the attendance area
18 where the student resides. This subsection shall not apply to focus
19 schools or programs.

20 (5) A parent or guardian of a student who moves to a
21 new residence in the learning community after April 1 may apply
22 directly to a school board within the learning community within
23 ninety days after moving for the student to attend a school
24 building outside of the attendance area where the student resides.
25 Such school board shall accept or reject such application within

1 fifteen days after receiving the application, based on the number
2 of applications and qualifications pursuant to subsection (2) or
3 (3) of this section for all other students.

4 (6) A parent or guardian of a student who wishes to
5 change school buildings for emergency or hardship reasons may apply
6 directly to a school board within the learning community at any
7 time for the student to attend a school building outside of the
8 attendance area where the student resides. Such application shall
9 state the emergency or hardship and shall be kept confidential by
10 the school board. Such school board shall accept or reject such
11 application within fifteen days after receiving the application.
12 Applications shall only be accepted if an emergency or hardship
13 was presented which justifies an exemption from the procedures
14 in subsection (4) of this section based on the judgment of such
15 school board, and such acceptance shall not exceed the number of
16 applications that will be accepted for the school year pursuant to
17 subsection (2) or (3) of this section for such building.

18 Sec. 2. Original section 79-2110, Reissue Revised
19 Statutes of Nebraska, is repealed.