

AMENDMENTS TO LB1066

Introduced by Education.

1 1. Strike original section 19 and insert the following new sections:

2 Sec. 5. Section 79-246, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 79-246 (1) The State Department of Education shall reimburse each
5 option school district for special education programs provided to option
6 students in accordance with section 79-1142.

7 (2) The resident school district of an option student shall only
8 have reimbursement responsibility as provided in this subsection and
9 shall otherwise be exempted from the payment responsibility set forth in
10 section 79-1140. The resident school district shall have reimbursement
11 responsibility only for an option student who is verified as having a
12 disability as defined in section 79-1118.01 and who begins attendance in
13 a contiguous school district as an option student after August 1, 2016.
14 The amount of such reimbursement responsibility shall equal the allowable
15 excess cost attributable to such student minus any state special
16 education reimbursement received by the option school district pursuant
17 to section 79-1142 for such allowable excess cost and shall be paid to
18 the option school district within sixty days after receipt of notice from
19 the option school district of the final determination of the amount of
20 reimbursement responsibility after the receipt of state special education
21 reimbursement by the option school district. In order to receive payments
22 from the resident school district pursuant to this section, the option
23 school district shall:

24 (a) Notify the resident school district on or before the later of
25 (i) October 1, 2016, (ii) within sixty days after approval of the
26 enrollment option application for a student known by the option school
27 district to have been verified as having a disability, or (iii) within

1 sixty days after verification of a disability, that such resident school
2 district shall be responsible for reimbursements pursuant to this
3 subsection;

4 (b) Provide notice to the resident school district of the final
5 determination of the amount of reimbursement responsibility within sixty
6 days after receipt of state special education reimbursement; and

7 (c) Provide information to the resident school district upon request
8 with regard to the special education programs and services received by
9 the student, the excess allowable costs associated with such programs and
10 services, and the method for attributing such costs to the student.

11 (3) The department shall establish a procedure for resident school
12 districts to appeal the determination of the amount of reimbursement
13 responsibility pursuant to subsection (2) of this section. The department
14 may adopt and promulgate rules and regulations for the administration of
15 this section which may include methods for attributing excess allowable
16 costs to option students.

17 (4) For purposes of calculation to determine reimbursement pursuant
18 to section 79-1142, the option school district shall include the adjusted
19 average per pupil cost as defined in section 79-1114 of the option school
20 district and not the amount received pursuant to section 79-245.

21 Sec. 21. Section 79-10,143, Revised Statutes Supplement, 2015, is
22 amended to read:

23 79-10,143 A parent or guardian of any student enrolled in, or in the
24 process of enrolling in, any school district in the state may voluntarily
25 provide information on any application submitted pursuant to Nebraska
26 law, rules, and regulations regarding the applicant's potential to meet
27 the qualifications for free or reduced-price lunches solely for
28 determining eligibility pursuant to subsection (4) of section 79-238,
29 subsection (2) of section 79-241, section 79-2,131, section 79-2,133,
30 subsection (2) of section 79-611, subdivision (1)(c) and subsection (3)
31 of section 79-2110, or section 85-2104 without regard to whether the

1 ~~school the child attends, or will attend, is a school that uses such~~
2 ~~information to qualify students for free or reduced-price meals or a~~
3 ~~school that provides free meals to all students pursuant to the community~~
4 ~~eligibility provision.~~ Each school district shall process information
5 provided pursuant to this section ~~for students who attend a school that~~
6 ~~provides free meals to all students pursuant to the community eligibility~~
7 ~~provision~~ in the same manner as the district would to determine the
8 qualification status of the student ~~as the information for students who~~
9 ~~attend school in a school building that uses such information to qualify~~
10 ~~students~~ for free or reduced-price meals. Each school district shall
11 comply with the federal Family Educational Rights and Privacy Act of
12 1974, 20 U.S.C. 1232g, as such act and section existed on January 1,
13 2015, and regulations adopted thereunder with regard to any information
14 collected pursuant to this section. If no such information is provided
15 pursuant to this section or on an application for free or reduced-price
16 meals, the student shall be presumed not to qualify for free or reduced-
17 price lunches ~~for the purposes of the application.~~

18 Sec. 22. Section 79-2110, Revised Statutes Supplement, 2015, is
19 amended to read:

20 79-2110 (1)(a) Each diversity plan shall provide for open enrollment
21 in all school buildings in the learning community, subject to specific
22 limitations necessary to bring about diverse enrollments in each school
23 building in the learning community. Such limitations, for school
24 buildings other than focus schools and programs other than focus
25 programs, shall include giving preference at each school building first
26 to siblings of students who will be enrolled as continuing students in
27 such school building or program for the first school year for which
28 enrollment is sought in such school building and then to students that
29 contribute to the socioeconomic diversity of enrollment at each building
30 and may include establishing zone limitations in which students may
31 access several schools other than their home attendance area school.

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

16 (b) To facilitate the open enrollment provisions of this subsection,
17 each school year each member school district in a learning community
18 shall establish a maximum capacity for each school building under such
19 district's control pursuant to procedures and criteria established by the
20 learning community coordinating council. Each member school district
21 shall also establish attendance areas for each school building under the
22 district's control, except that the school board shall not establish
23 attendance areas for focus schools or focus programs. The attendance
24 areas shall be established such that all of the territory of the school
25 district is within an attendance area for each grade. Students residing
26 in a school district shall be allowed to attend a school building in such
27 school district.

28 (c) For purposes of this section and sections 79-238 and 79-611,
29 student who contributes to the socioeconomic diversity of enrollment
30 means (i) a student who does not qualify for free or reduced-price
31 lunches when, based upon the certification pursuant to section 79-2120,

1 the school building the student will attend either has more students
2 qualifying for free or reduced-price lunches than the average percentage
3 of such students in all school buildings in the learning community or
4 provides free meals to all students pursuant to the community eligibility
5 provision or (ii) a student who qualifies for free or reduced-price
6 lunches based on information collected from parents and guardians when,
7 based upon the certification pursuant to section 79-2120, the school
8 building the student will attend has fewer students qualifying for free
9 or reduced-price lunches than the average percentage of such students in
10 all school buildings in the learning community and does not provide free
11 meals to all students pursuant to the community eligibility provision.

12 (2)(a) On or before March 15 of each year beginning with the year
13 immediately following the year in which the initial coordinating council
14 for the learning community takes office, a parent or guardian of a
15 student residing in a member school district in a learning community may
16 submit an application to any school district in the learning community on
17 behalf of a student who is applying to attend a school building for the
18 following school year that is not in an attendance area where the
19 applicant resides or a focus school, focus program, or magnet school as
20 such terms are defined in section 79-769. On or before April 1 of each
21 year beginning with the year immediately following the year in which the
22 initial coordinating council for the learning community takes office, the
23 school district shall accept or reject such applications based on the
24 capacity of the school building, the eligibility of the applicant for the
25 school building or program, the number of such applicants that will be
26 accepted for a given school building, and whether or not the applicant
27 contributes to the socioeconomic diversity of the school or program to
28 which he or she has applied and for which he or she is eligible. The
29 school district shall notify such parent or guardian in writing of the
30 acceptance or rejection.

31 ~~(b) A parent or guardian may provide information on the application~~

~~1 regarding the applicant's potential qualification for free or reduced-
2 price lunches. Any such information provided shall be subject to
3 verification and shall only be used for the purposes of this section.
4 Nothing in this section requires a parent or guardian to provide such
5 information. Determinations about an applicant's qualification for free
6 or reduced-price lunches for purposes of this section shall be based on
7 any verified information provided on the application. If no such
8 information is provided the student shall be presumed not to qualify for
9 free or reduced-price lunches for the purposes of this section.~~

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

25 (3) Each diversity plan may also include establishment of one or
26 more focus schools or focus programs and the involvement of every member
27 school district in one or more pathways across member school districts.
28 Enrollment in each focus school or focus program shall be designed to
29 reflect the socioeconomic diversity of the learning community as a whole.
30 School district selection of students for focus schools or focus programs
31 shall be on a random basis from two pools of applicants, those who

1 qualify for free and reduced-price lunches and those who do not qualify
2 for free and reduced-price lunches. The percentage of students selected
3 for focus schools from the pool of applicants who qualify for free and
4 reduced-price lunches shall be as nearly equal as possible to the
5 percentage of the student body of the learning community who qualify for
6 free and reduced-price lunches. The percentage of students selected for
7 focus schools from the pool of applicants who do not qualify for free and
8 reduced-price lunches shall be as nearly equal as possible to the
9 percentage of the student body of the learning community who do not
10 qualify for free and reduced-price lunches. If more capacity exists in a
11 focus school or program than the number of applicants for such focus
12 school or program that contribute to the socioeconomic diversity of the
13 focus school or program, the school district shall randomly select
14 applicants up to the number of applicants that will be accepted for such
15 building. A student who will complete the grades offered at a focus
16 program, focus school, or magnet school that is part of a pathway shall
17 be allowed to attend the focus program, focus school, or magnet school
18 offering the next grade level as part of the pathway as a continuing
19 student. A student who completes the grades offered at a focus program,
20 focus school, or magnet school shall be allowed to attend a school
21 offering the next grade level in the school district responsible for the
22 focus program, focus school, or magnet school as a continuing student. A
23 student who attended a program or school in the school year immediately
24 preceding the first school year for which the program or school will
25 operate as a focus program or focus school approved by the learning
26 community and meeting the requirements of section 79-769 and who has not
27 completed the grades offered at the focus program or focus school shall
28 be a continuing student in the program or school.

29 (4) On or before February 15 of each year beginning with the year
30 immediately following the year in which the initial coordinating council
31 for the learning community takes office, a parent or guardian of a

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

17 (5) A parent or guardian of a student who moves to a new residence
18 in the learning community after April 1 may apply directly to a school
19 board within the learning community within ninety days after moving for
20 the student to attend a school building outside of the attendance area
21 where the student resides. Such school board shall accept or reject such
22 application within fifteen days after receiving the application, based on
23 the number of applications and qualifications pursuant to subsection (2)
24 or (3) of this section for all other students.

25 (6) A parent or guardian of a student who wishes to change school
26 buildings for emergency or hardship reasons may apply directly to a
27 school board within the learning community at any time for the student to
28 attend a school building outside of the attendance area where the student
29 resides. Such application shall state the emergency or hardship and shall
30 be kept confidential by the school board. Such school board shall accept
31 or reject such application within fifteen days after receiving the

1 application. Applications shall only be accepted if an emergency or
2 hardship was presented which justifies an exemption from the procedures
3 in subsection (4) of this section based on the judgment of such school
4 board, and such acceptance shall not exceed the number of applications
5 that will be accepted for the school year pursuant to subsection (2) or
6 (3) of this section for such building.

7 Sec. 23. Section 79-2120, Revised Statutes Supplement, 2015, is
8 amended to read:

9 79-2120 On or before March 1, 2009, and February 1 of each year
10 thereafter, for purposes of determining socioeconomic diversity of
11 enrollment as defined in section subsection (3) of section 79-238 and
12 sections 79-611 and 79-2110, the State Department of Education shall
13 certify to each learning community and each member school district the
14 average percentage of students qualifying for free or reduced-price
15 lunches in each school building in each member school district and in the
16 aggregate for all school buildings in the learning community based on the
17 most current information available to the department on the immediately
18 preceding January 1. For purposes of this section, the average percentage
19 of students qualifying for free or reduced-price lunches in school
20 buildings that provide free meals to all students pursuant to the
21 community eligibility provision shall equal the identified student
22 percentage, multiplied by 1.6, calculated pursuant to the community
23 eligibility provision. The State Board of Education may adopt and
24 promulgate rules and regulations to carry out this section.

25 Sec. 24. The State Department of Education shall promote the
26 community eligibility provision to schools and school districts eligible
27 to participate, and such promotion shall include, but is not limited to,
28 providing official departmental guidance regarding the options available
29 to schools and school districts for implementation and options for school
30 districts in maintaining state aid and federal funds.

31 2. On page 8, line 26, strike both occurrences of "shall", show as

1 stricken, and insert "may"; in line 29 strike "shall", show as stricken,
2 and insert "may"; in line 30 after "and" insert "such person may be
3 dismissed or"; and in line 31 strike "the responsible officers of" and
4 show as stricken.

5 3. On page 10, strike the new matter in lines 2 through 8 and insert
6 "It is the intent of the Legislature that on or before October 1, 2016,
7 the department provide to the Education Committee of the Legislature
8 recommended changes to this subsection that reflect advances in
9 technology and educational content for students.".

10 4. On page 14, strike beginning with "such" in line 8 through line
11 12, show the old matter as stricken, and insert an underscored semicolon.

12 5. On page 24, strike beginning with "student" in line 1 through
13 "thereafter" in line 2, show as stricken, and insert "students means"; in
14 line 5 strike "a student who", show as stricken, and insert "for schools
15 that did not provide free meals to all students pursuant to the community
16 eligibility provision, students who individually"; strike beginning with
17 "and" in line 5 through "qualifications" in line 7 and show as stricken;
18 strike beginning with the first "the" in line 11 through "provision" in
19 line 13, show as stricken, and insert "for schools that provided free
20 meals to all students pursuant to the community eligibility provision,
21 (i) for school fiscal year 2016-17, the product of the students who
22 attended such school"; and in line 14 after "provision" insert "or (ii)
23 for school fiscal year 2017-18 and each school fiscal year thereafter,
24 for schools that provided free meals to all students pursuant to the
25 community eligibility provision, the greater of the number of students in
26 such school who individually qualified for free lunch or free milk using
27 the most recent school fiscal year for which the school did not provide
28 free meals to all students pursuant to the community eligibility
29 provision or one hundred ten percent of the product of the students who
30 qualified for free meals at such school pursuant to the community
31 eligibility provision multiplied by the identified student percentage

1 calculated pursuant to such federal provision, except that the free lunch
2 and free milk students calculated for any school pursuant to subdivision
3 (18)(b)(ii) of this section shall not exceed one hundred percent of the
4 students qualified for free meals at such school pursuant to the
5 community eligibility provision".

6 6. On page 32, line 16, after "dollars" insert "which is"; and
7 reinstate the stricken matter beginning with "equal" in line 16 through
8 "1992-93" in line 18.

9 7. On page 34, line 27, strike "and" and show as stricken; and in
10 line 28 after "funds" insert "; and

11 (j) Expenditures of funds received as federal impact aid pursuant to
12 20 U.S.C. 7701 to 7714, as such sections existed on January 1, 2016, due
13 to a district having land within its boundaries that is federal property
14 classified as Indian lands under 20 U.S.C. 7713(7), as such section
15 existed on January 1, 2016, and funds received as impact aid due to
16 children in attendance who resided on Indian lands in accordance with 20
17 U.S.C. 7703(a)(1)(C), as such section existed on January 1, 2016".

18 8. Renumber the remaining sections and correct the repealer
19 accordingly.