

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 668

FINAL READING

Introduced by Executive Board: Watermeier, 1, Chairperson.

Read first time January 03, 2018

Committee: General File

- 1 A BILL FOR AN ACT relating to schools; to eliminate inconsistent
- 2 language; to amend section 79-237, Revised Statutes Supplement,
- 3 2017; and to repeal the original section.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-237, Revised Statutes Supplement, 2017, is
2 amended to read:

3 79-237 (1) For a student to begin attendance as an option student in
4 an option school district ~~in which the student resides~~, the student's
5 parent or legal guardian shall submit an application to the school board
6 of the option school district between September 1 and March 15 for
7 attendance during the following and subsequent school years. Except as
8 provided in subsection (2) of this section, applications submitted after
9 March 15 shall contain a release approval from the resident school
10 district on the application form prescribed and furnished by the State
11 Department of Education pursuant to subsection (8) of this section. A
12 district may not accept or approve any applications submitted after such
13 date without such a release approval. The option school district shall
14 provide the resident school district with the name of the applicant on or
15 before April 1 or, in the case of an application submitted after March
16 15, within sixty days after submission. The option school district shall
17 notify, in writing, the parent or legal guardian of the student and the
18 resident school district whether the application is accepted or rejected
19 on or before April 1 or, in the case of an application submitted after
20 March 15, within sixty days after submission. An option school district
21 that is a member of a learning community may not approve an application
22 pursuant to this section for a student who resides in such learning
23 community to attend prior to school year 2017-18.

24 (2) A student who relocates to a different resident school district
25 after February 1 or whose option school district merges with another
26 district effective after February 1 may submit an application to the
27 school board of an option school district for attendance during the
28 current or immediately following and subsequent school years unless the
29 applicant is a resident of a learning community and the application is
30 for attendance to begin prior to school year 2017-18 in an option school
31 district that is also a member of such learning community. Such

1 application does not require the release approval of the resident school
2 district. The option school district shall accept or reject such
3 application within forty-five days.

4 (3) A parent or guardian may provide information on the application
5 for an option school district that is a member of a learning community
6 regarding the applicant's potential qualification for free or reduced-
7 price lunches. Any such information provided shall be subject to
8 verification and shall only be used for the purposes of subsection (4) of
9 section 79-238. Nothing in this subsection requires a parent or guardian
10 to provide such information. Determinations about an applicant's
11 qualification for free or reduced-price lunches for purposes of
12 subsection (4) of section 79-238 shall be based on any verified
13 information provided on the application. If no such information is
14 provided, the student shall be presumed not to qualify for free or
15 reduced-price lunches for the purposes of subsection (4) of section
16 79-238.

17 (4) Applications for students who do not actually attend the option
18 school district may be withdrawn in good standing upon mutual agreement
19 by both the resident and option school districts.

20 (5) No option student shall attend an option school district for
21 less than one school year unless the student relocates to a different
22 resident school district, completes requirements for graduation prior to
23 the end of his or her senior year, transfers to a private or parochial
24 school, or upon mutual agreement of the resident and option school
25 districts cancels the enrollment option and returns to the resident
26 school district.

27 (6) Except as provided in subsection (5) of this section or, for
28 open enrollment option students, in section 79-235.01, the option student
29 shall attend the option school district until graduation unless the
30 student relocates in a different resident school district, transfers to a
31 private or parochial school, or chooses to return to the resident school

1 district.

2 (7) In each case of cancellation pursuant to subsections (5) and (6)
3 of this section, the student's parent or legal guardian shall provide
4 written notification to the school board of the option school district
5 and the resident school district on forms prescribed and furnished by the
6 department under subsection (8) of this section in advance of such
7 cancellation.

8 (8) The application and cancellation forms shall be prescribed and
9 furnished by the State Department of Education.

10 (9) An option student who subsequently chooses to attend a private
11 or parochial school and who is not an open enrollment option student
12 shall be automatically accepted to return to either the resident school
13 district or option school district upon the completion of the grade
14 levels offered at the private or parochial school. If such student
15 chooses to return to the option school district, the student's parent or
16 legal guardian shall submit another application to the school board of
17 the option school district which shall be automatically accepted, and the
18 deadlines prescribed in this section shall be waived.

19 Sec. 2. Original section 79-237, Revised Statutes Supplement, 2017,
20 is repealed.