

AMENDMENTS TO LB653

Introduced by Education.

1 1. Strike the original sections and insert the following new
2 sections:

3 **Section 1.** Section 79-215, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 79-215 (1) Except as otherwise provided in this section, a student
6 is a resident of the school district where he or she resides and shall be
7 admitted to any such school district upon request without charge.

8 (2) A school board shall admit a student upon request without charge
9 if at least one of the student's parents resides in the school district.

10 (3) A school board shall admit any homeless student upon request
11 without charge if the district is the district in which the student (a)
12 is currently located, (b) attended when permanently housed, or (c) was
13 last enrolled.

14 (4) A school board may allow a student whose residency in the
15 district ceases during a school year to continue attending school in such
16 district for the remainder of that school year.

17 (5) A school board may admit nonresident students to the school
18 district pursuant to a contract with the district where the student is a
19 resident and shall collect tuition pursuant to the contract.

20 (6) A school board may admit nonresident students to the school
21 district pursuant to the enrollment option program as authorized by
22 sections 79-232 to 79-246, and such admission shall be without charge.

23 (7) In order to carry out the provisions of section 79-2201, a
24 school board shall permit children of military families to enroll
25 preliminarily in a school district if a parent presents evidence of
26 military orders that the military family will be stationed in this state
27 during the current or following school year. A student of a military

1 family shall be admitted to the school district without charge upon
2 arrival in Nebraska if the requirements of this section are met.

3 (8) A school board may admit a student who is a resident of another
4 state to the school district and collect tuition in advance at a rate
5 determined by the school board.

6 (9) When a student as a ward of the state or as a ward of any court
7 (a) has been placed in a school district other than the district in which
8 he or she resided at the time he or she became a ward and such ward does
9 not reside in a foster family home licensed or approved by the Department
10 of Health and Human Services or a foster home maintained or used pursuant
11 to section 83-108.04 or (b) has been placed in any institution which
12 maintains a special education program which has been approved by the
13 State Department of Education and such institution is not owned or
14 operated by the district in which he or she resided at the time he or she
15 became a ward, the cost of his or her education and the required
16 transportation costs associated with the student's education shall be
17 paid by the state, but not in advance, to the receiving school district
18 or approved institution under rules and regulations prescribed by the
19 Department of Health and Human Services and the student shall remain a
20 resident of the district in which he or she resided at the time he or she
21 became a ward. Any student who is a ward of the state or a ward of any
22 court who resides in a foster family home licensed or approved by the
23 Department of Health and Human Services or a foster home maintained or
24 used pursuant to section 83-108.04 shall be deemed a resident of the
25 district in which he or she resided at the time he or she became a foster
26 child, unless it is determined under section 43-1311 or 43-1312 that he
27 or she will not attend such district in which case he or she shall be
28 deemed a resident of the district in which the foster family home or
29 foster home is located.

30 (10)(a) When a student is not a ward of the state or a ward of any
31 court and is residing in a residential setting located in Nebraska for

1 reasons other than to receive an education and the residential setting is
2 operated by a service provider which is certified or licensed by the
3 Department of Health and Human Services or is enrolled in the medical
4 assistance program established pursuant to the Medical Assistance Act and
5 Title XIX or XXI of the federal Social Security Act, as amended, the
6 student shall remain a resident of the district in which he or she
7 resided immediately prior to residing in such residential setting. The
8 resident district for a student who is not a ward of the state or a ward
9 of any court does not change when the student moves from one residential
10 setting to another.

11 (b) If a student is residing in a residential setting as described
12 in subdivision (10)(a) of this section and such residential setting does
13 not maintain an interim-program school as defined in section 79-1119.01
14 or an approved or accredited school, the resident school district shall
15 contract with the district in which such residential setting is located
16 for the provision of all educational services, including all special
17 education services and support services as defined in section 79-1125.01,
18 unless a parent or guardian and the resident school district agree that
19 an appropriate education will be provided by the resident school district
20 while the student is residing in such residential setting. If the
21 resident school district is required to contract, the district in which
22 such residential setting is located shall contract with the resident
23 district and provide all educational services, including all special
24 education services, to the student. If the two districts cannot agree on
25 the amount of the contract, the State Department of Education shall
26 determine the amount to be paid by the resident district to the district
27 in which such residential setting is located based on the needs of the
28 student, approved special education rates, the department's general
29 experience with special education budgets, and the cost per student in
30 the district in which such residential setting is located. Once the
31 contract has been entered into, all legal responsibility for special

1 education and related services shall be transferred to the school
2 district in which the residential setting is located.

3 (c) If a student is residing in a residential setting as described
4 in subdivision (10)(a) of this section and such residential setting
5 maintains an interim-program school as defined in section 79-1119.01 or
6 an approved or accredited school, the department shall reimburse such
7 residential setting for the provision of all educational services,
8 including all special education services and support services, with the
9 amount of payment for all educational services determined pursuant to the
10 average per pupil cost of the service agency as defined in section
11 79-1116. The resident school district shall retain responsibility for
12 such student's individualized education plan, if any. The educational
13 services may be provided through (i) such interim-program school or
14 approved or accredited school, (ii) a contract between the residential
15 setting and the school district in which such residential setting is
16 located, (iii) a contract between the residential setting and another
17 service agency as defined in section 79-1124, or (iv) a combination of
18 such educational service providers.

19 (d) If a school district pays a school district in which a
20 residential setting is located for educational services provided pursuant
21 to subdivision (10)(b) of this section and it is later determined that a
22 different school district was the resident school district for such
23 student at the time such educational services were provided, the school
24 district that was later determined to be the resident school district
25 shall reimburse the school district that initially paid for the
26 educational services one hundred ten percent of the amount paid.

27 (e) A student residing in a residential setting described in this
28 subsection shall be defined as a student with a handicap pursuant to
29 Article VII, section 11, of the Constitution of Nebraska, and as such the
30 state and any political subdivision may contract with institutions not
31 wholly owned or controlled by the state or any political subdivision to

1 provide the educational services to the student if such educational
2 services are nonsectarian in nature.

3 (11) A school board shall admit a student upon request without
4 charge for part-time enrollment for purposes of participating in
5 extracurricular activities in accordance with section 79-2,136 if (a) the
6 student is also enrolled in a private, denominational, or parochial
7 school or in a school which elects pursuant to section 79-1601 not to
8 meet accreditation or approval requirements and (b) either (i) the school
9 district where such student or such student's parent resides does not
10 offer the extracurricular activity in which the student desires to
11 participate and the school district which the student is requesting to
12 attend is the closest school district to the residence of such student or
13 such student's parent that offers such extracurricular activity or (ii)
14 the school district where such student or such student's parent resides
15 does offer the extracurricular activity in which the student desires to
16 participate but the school district the student is requesting to attend
17 includes the closest school to the residence of such student or such
18 student's parent that offers such extracurricular activity.

19 (12) ~~(11)~~ In the case of any individual eighteen years of age or
20 younger who is a ward of the state or any court and who is placed in a
21 county detention home established under section 43-2,110, the cost of his
22 or her education shall be paid by the state, regardless of the district
23 in which he or she resided at the time he or she became a ward, to the
24 agency or institution which: (a) Is selected by the county board with
25 jurisdiction over such detention home; (b) has agreed or contracted with
26 such county board to provide educational services; and (c) has been
27 approved by the State Department of Education pursuant to rules and
28 regulations prescribed by the State Board of Education.

29 (13) ~~(12)~~ No tuition shall be charged for students who may be by law
30 allowed to attend the school without charge.

31 (14) ~~(13)~~ The State Department of Education shall establish

1 procedures and criteria for collecting enrollment, admission, and related
2 information needed for any student to attend a school district in this
3 state which shall include, but not be limited to, having an adult with
4 legal or actual charge or control of a student provide through electronic
5 means or other means specified by the department the name of the student,
6 the name of the adult with legal or actual charge or control of the
7 student, the address where the student is or will be residing, and
8 information on how and where the adult may generally be reached during
9 the school day.

10 (15) ~~(14)~~ The department may adopt and promulgate rules and
11 regulations to carry out the provisions of this section.

12 **Sec. 2.** Section 79-233, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 79-233 For purposes of sections 79-232 to 79-246:

15 (1) Enrollment option program means the program established in
16 section 79-234;

17 (2) Homebound services means services offered to students who, by
18 medical need or necessity, are unable to attend school in person;

19 (3) Level I services means education and support services for a
20 student that spends eighty percent or more of such student's school day
21 in general education with special education support;

22 (4) Level II services means education and support services for a
23 student that spends forty percent or more but less than eighty percent of
24 such student's school day in general education with special education
25 support;

26 (5) Level III services means education and support services for a
27 student that spends less than forty percent of such student's school day
28 in general education with special education support, a student who
29 requires homebound services, or a student in juvenile justice placement;

30 (6) ~~(2)~~ Option school district means the public school district that
31 an option student chooses to attend instead of his or her resident school

1 district;

2 (7) ~~(3)~~ Option student means a student that has chosen to attend an
3 option school district, including an open enrollment option student or a
4 student who resides in a learning community and began attendance as an
5 option student in an option school district in such learning community
6 prior to the end of the first full school year for which the option
7 school district will be a member of such learning community, but, for
8 school years prior to school year 2017-18, not including a student who
9 resides in a learning community and who attends pursuant to section
10 79-2110 another school district in such learning community;

11 (8) ~~(4)~~ Open enrollment option student means a student who resides
12 in a school district that is a member of a learning community, attended a
13 school building in another school district in such learning community as
14 an open enrollment student pursuant to section 79-2110, and attends such
15 school building as an option student pursuant to section 79-235.01;

16 (9) ~~(5)~~ Resident school district means the public school district in
17 which a student resides or the school district in which the student is
18 admitted as a resident of the school district pursuant to section 79-215;
19 and

20 (10) ~~(6)~~ Siblings means all children residing in the same household
21 on a permanent basis who have the same mother or father or who are
22 stepbrother or stepsister to each other.

23 **Sec. 3.** Section 79-238, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 79-238 (1)(a) Except as provided in this section and sections
26 79-235.01 and 79-240, the school board of the option school district
27 shall adopt by resolution specific capacity standards for acceptance and
28 rejection of applications.

29 (b)(i) ~~(b)~~ Capacity for special education services operated by an
30 option school district shall be determined on a case-by-case basis,
31 subject to the requirements of subdivision (ii) of this subsection. If an

1 application for option enrollment received by a school district indicates
2 that the student has an individualized education program under the
3 federal Individuals with Disabilities Education Act, 20 U.S.C. 1400 et
4 seq., or has been diagnosed with a disability as defined in section
5 79-1118.01, such application shall be evaluated by the director of
6 special education services of the school district or the director's
7 designee who shall determine if the school district and the appropriate
8 class, grade level, or school building in such school district has the
9 capacity to provide the applicant the appropriate services and
10 accommodations.

11 (ii) Regardless of capacity for special education services, a school
12 district accepting option students shall not deny the application of any
13 student with an individualized education program under the federal
14 Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., who
15 is expected to need Level I or Level II services until the school
16 district has accepted a percentage of applicants with an individualized
17 education program expected to need Level I, Level II, or Level III
18 services out of the total number of enrollment option applicants in such
19 school district. The percentage shall be the percentage of all students
20 in the state with an individualized education program as reported to the
21 State Department of Education for the preceding school year.

22 (c) For all other students, standards may include the capacity of a
23 program, class, grade level, or school building. Capacity shall be
24 determined by setting a maximum number of option students that a district
25 will accept in any program, class, grade level, or school building, based
26 upon available staff, facilities, projected enrollment of resident
27 students, and projected number of students with which the option school
28 district will contract based on existing contractual arrangements.

29 (d) To facilitate option enrollment, school districts shall annually
30 establish, publish, and report the capacity for each school building and
31 grade level under such district's control pursuant to procedures,

1 criteria, and deadlines established by the State Board of Education.
2 Except as otherwise provided in this section, a school board may by
3 resolution, prior to October 15 of each school year, declare a program, a
4 class, a grade level, or a school unavailable to option students for the
5 next school year due to lack of capacity. Standards shall not include
6 previous academic achievement, athletic or other extracurricular ability,
7 disabilities, proficiency in the English language, or previous
8 disciplinary proceedings except as provided in section 79-266.01. A
9 school district shall accept applications on a school building by school
10 building and grade level by grade level basis under the enrollment option
11 program. If a school district receives an application for a school
12 building or grade level that is at capacity for purposes of the
13 enrollment option program, the school district shall notify the parent or
14 guardian that submitted such application of the other school buildings in
15 such school district that are not at capacity for such building or grade
16 level and are available to the student for purposes of the enrollment
17 option program. False or substantively misleading information submitted
18 by a parent or guardian on an application to an option school district
19 may be cause for the option school district to reject a previously
20 accepted application if the rejection occurs prior to the student's
21 attendance as an option student.

22 (2) The school board of every school district shall also adopt
23 specific standards and conditions for acceptance or rejection of a
24 request for release of a resident or option student submitting an
25 application to an option school district after March 15 under subsection
26 (1) of section 79-237. Standards shall not include that a request
27 occurred after the deadline set forth in this subsection.

28 (3) Any option school district that is not a member of a learning
29 community shall automatically accept as option students ~~give first~~
30 ~~priority for enrollment to~~ siblings of option students that apply to such
31 school district , ~~except that the option school district shall not be~~

1 ~~required to accept the sibling of an option student if the district is at~~
2 ~~capacity except as provided in subsection (1) of section 79-240.~~

3 (4) Any option school district that is in a learning community shall
4 give first priority for enrollment to, and automatically accept
5 regardless of capacity, siblings of option students enrolled in the
6 option school district, second priority for enrollment to students who
7 have previously been enrolled in the option school district as an open
8 enrollment student, third priority for enrollment to students who reside
9 in the learning community and who contribute to the socioeconomic
10 diversity of enrollment at the school building to which the student will
11 be assigned pursuant to section 79-235, and final priority for enrollment
12 to other students who reside in the learning community. The option school
13 district shall not be required to accept a student meeting the priority
14 criteria in this section if the district is at capacity as determined
15 pursuant to subsection (1) of this section except for siblings of option
16 students or as provided in section 79-235.01 or 79-240. For purposes of
17 the enrollment option program, a student who contributes to the
18 socioeconomic diversity of enrollment at a school building within a
19 learning community means (a) a student who does not qualify for free or
20 reduced-price lunches when, based upon the certification pursuant to
21 section 79-2120, the school building the student will be assigned to
22 attend either has more 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 or provides free meals to all
25 students pursuant to the community eligibility provision or (b) a student
26 who qualifies for free or reduced-price lunches based on information
27 collected voluntarily from parents and guardians pursuant to section
28 79-237 when, based upon the certification pursuant to section 79-2120,
29 the school building the student will be assigned to attend has fewer
30 students qualifying for free or reduced-price lunches than the average
31 percentage of such students in all school buildings in the learning

1 community and does not provide free meals to all students pursuant to the
2 community eligibility provision.

3 **Sec. 4.** Section 79-239, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 79-239 (1) A school district that receives an incomplete application
6 shall notify the applicant within ten business days after receipt of such
7 incomplete application that the application is incomplete and will be
8 automatically rejected if not corrected.

9 (2) ~~(1)~~ If an application is rejected by the option school district
10 or if the resident school district rejects a request for release under
11 subsection (1) of section 79-237, the rejecting school district shall
12 provide written notification to the parent or guardian stating (a) the
13 specific reasons for the rejection including, for students with an
14 individualized education program under the federal Individuals with
15 Disabilities Education Act, 20 U.S.C. 1400 et seq., or with a diagnosed
16 disability as defined in section 79-1118.01, a description of services
17 and accommodations required that the school district does not have the
18 capacity to provide, and (b) the process for appealing such rejection to
19 the State Board of Education. Such notification shall be sent by
20 certified mail.

21 (3) ~~(2)~~ The parent or legal guardian may appeal a rejection to the
22 State Board of Education by filing a written request, together with a
23 copy of the rejection notice, with the State Board of Education. Such
24 request and copy of the notice must be received by the board within
25 thirty days after the date the notification of the rejection was received
26 by the parent or legal guardian. Such hearing shall be held in accordance
27 with the Administrative Procedure Act and shall determine whether the
28 procedures of sections 79-234 to 79-241 have been followed. Any rejection
29 based upon capacity limitations established under section 79-238 shall be
30 the responsibility of the school district to prove in any appeal filed
31 with the state board.

1 ~~(4)(a) (3)(a)~~ Beginning July 1, 2024, and on or before July 1 of
2 each year thereafter, each school district shall provide to the State
3 Department of Education information prescribed by the Commissioner of
4 Education relating to all applications rejected by the option school
5 district and applications related to students with an individualized
6 education program under the federal Individuals with Disabilities
7 Education Act, 20 U.S.C. 1400 et seq. Such information shall include, but
8 not be limited to, ~~(i) (a)~~ the number of applications rejected in each
9 public school in such district, except that incomplete applications
10 rejected by the school district shall not be included, ~~(ii) (b)~~ an
11 explanation why each application was rejected, ~~(iii) (c)~~ whether each
12 application for option enrollment indicated that the student had an
13 individualized education program under the federal Individuals with
14 Disabilities Education Act, 20 U.S.C. 1400 et seq., or had been
15 identified as a student with a disability as defined in section
16 79-1118.01, ~~(iv) and (d)~~ whether information regarding the requirements
17 of subsection (4) of section 79-238 was provided to the applicant, and
18 (v) the number of applications accepted in each public school in such
19 district for a student with an individualized education program under the
20 federal Individuals with Disabilities Education Act, 20 U.S.C. 1400 et
21 seq.

22 (b) The Commissioner of Education shall annually compile the
23 information received pursuant to this subsection and provide a report on
24 such information electronically to the Legislature beginning on September
25 1, 2024, and on or before September 1 of each year thereafter. The State
26 Board of Education may adopt and promulgate rules and regulations to
27 carry out this subsection.

28 **Sec. 5.** Section 79-246, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 79-246 (1)(a) The State Department of Education shall reimburse each
31 option school district for special education programs provided to option

1 students in accordance with section 79-1142.

2 (b) The resident school district of an option student shall be
3 exempted from the payment responsibility set forth in section 79-1140.

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

8 (2)(a) On or before October 15 of each school fiscal year, a school
9 district that accepts an application for an option student with an
10 individualized education program under the federal Individuals with
11 Disabilities Education Act, 20 U.S.C. 1400 et seq., who is expected to
12 require Level III services, may apply to the State Department of
13 Education, in a manner prescribed by the department, for a payment from
14 the Education Future Fund to cover the expected expenses to provide the
15 needed education and support services to such student. Such application
16 shall include detailed expected costs for providing education and support
17 services to such student.

18 (b) The State Department of Education shall make a payment to each
19 qualifying applicant school district on or before November 15 for the
20 school fiscal year in which the application is submitted. Such payment
21 shall equal the expected amount to provide education and support services
22 for such student subtracted from the adjusted average per pupil cost of
23 the preceding school fiscal year, except that if the sum of all payments
24 for applicant school districts for such school fiscal year exceed the
25 available balance for such purpose in the Education Future Fund, each
26 payment shall be reduced proportionally so the sum of all payments for
27 applicant school districts for such school fiscal year equals the
28 available balance for such purpose in the fund.

29 **Sec. 6.** Section 79-265, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 79-265 (1) Except as provided in section 79-265.01, the principal

1 may deny any student the right to attend school or to take part in any
2 school function for a period of up to five school days on the following
3 grounds:

4 (a) Conduct constituting grounds for expulsion as set out in the
5 Student Discipline Act; or

6 (b) Any other violation of rules and standards of behavior adopted
7 under the act.

8 (2) Such short-term suspension shall be made only after the
9 principal has made an investigation of the alleged conduct or violation
10 and has determined that such suspension is necessary to help any student,
11 to further school purposes, or to prevent an interference with school
12 purposes.

13 (3) Before such short-term suspension takes effect, the student
14 shall be given oral or written notice of the charges against him or her,
15 an explanation of the evidence the authorities have, and an opportunity
16 to present his or her version.

17 ~~(4)(a) (4)~~ Within twenty-four hours or such additional time as is
18 reasonably necessary, not to exceed an additional forty-eight hours,
19 following such suspension, the principal shall send a written statement
20 to the student and his or her parent or guardian describing:

21 (i) The the student's conduct, misconduct, or violation of the rule
22 or standard; and

23 (ii) The the reasons for the action taken; -

24 (iii) The actions made by the school to try to discontinue or
25 alleviate the behavior of the student prior to considering suspension;

26 (iv) Resources the school can provide or recommend to assist the
27 student; and

28 (v) How the school plans to handle such behavior moving forward,
29 including an actionable plan aimed at maximizing strategies to keep the
30 student in school.

31 (b) The principal shall make a reasonable effort to hold a

1 conference with the parent or guardian before or at the time the student
2 returns to school and shall document such effort in writing.

3 **Sec. 7.** Section 79-265.01, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 79-265.01 (1) Except as provided in subsection (2) of this section,
6 an elementary school shall not suspend a student in pre-kindergarten
7 through second grade. Each school district shall develop a policy to
8 implement this section which shall include disciplinary measures inside
9 the school as an alternative to suspension.

10 (2) An elementary school may suspend a student in pre-kindergarten
11 through second grade if such student:

12 (a) Brings ~~brings~~ a deadly weapon as defined in section 28-109 onto
13 ~~on~~ school grounds, into ~~in~~ a vehicle owned, leased, or contracted by a
14 school being used for a school purpose or into ~~in~~ a vehicle being driven
15 for a school purpose by a school employee or his or her designee, or to
16 ~~at~~ a school-sponsored activity or athletic event; or -

17 (b) Engages in violent behavior capable of causing physical harm to
18 another student or school employee.

19 **Sec. 8.** Section 79-268, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 79-268 If a principal makes a decision to discipline a student by
22 long-term suspension, expulsion, or mandatory reassignment, the following
23 procedures shall be followed:

24 (1) The decision as to recommend discipline shall be made within two
25 school days after learning of the alleged student misconduct. On the date
26 of the decision, a written charge and a summary of the evidence
27 supporting such charge shall be filed with the superintendent. The school
28 shall, within two school days after the decision, send written notice by
29 registered or certified mail to the student and his or her parent or
30 guardian informing them of the rights established under the Student
31 Discipline Act;

1 (2) Such written notice shall include the following:

2 (a) The rule or standard of conduct allegedly violated and the acts
3 of the student alleged to constitute a cause for long-term suspension,
4 expulsion, or mandatory reassignment, including a summary of the evidence
5 to be presented against the student;

6 (b) The penalty, if any, which the principal has recommended in the
7 charge and any other penalty to which the student may be subject;

8 (c) Resources the school can provide or recommend to assist the
9 student;

10 (d) How the school plans to handle such behavior moving forward,
11 including an actionable plan aimed at maximizing strategies to keep the
12 student in school;

13 (e) ~~(e)~~ A statement that, before long-term suspension, expulsion, or
14 mandatory reassignment can be invoked, the student has a right to a
15 hearing, upon request, and that if the student is suspended pending the
16 outcome of the hearing, the student may complete classwork and homework,
17 including, but not limited to, examinations, missed during the period of
18 suspension pursuant to district guidelines which shall not require the
19 student to attend the school district's alternative programs for expelled
20 students in order to complete classwork or homework;

21 (f) ~~(d)~~ A description of the hearing procedures provided by the act,
22 along with procedures for appealing any decision rendered at the hearing;

23 (g) ~~(e)~~ A statement that the principal, legal counsel for the
24 school, the student, the student's parent, or the student's
25 representative or guardian has the right (i) to examine the student's
26 academic and disciplinary records and any affidavits to be used at the
27 hearing concerning the alleged misconduct and (ii) to know the identity
28 of the witnesses to appear at the hearing and the substance of their
29 testimony; and

30 (h) ~~(f)~~ A form on which the student, the student's parent, or the
31 student's guardian may request a hearing, to be signed by such parties

1 and delivered to the principal or superintendent in person or by
2 registered or certified mail to the address provided on such form, as
3 prescribed in sections 79-271 and 79-272;

4 (3) When a notice of intent to discipline a student by long-term
5 suspension, expulsion, or mandatory reassignment is filed with the
6 superintendent, the student may be suspended by the principal until the
7 date the long-term suspension, expulsion, or mandatory reassignment takes
8 effect, if the principal determines that the student must be suspended
9 immediately to prevent or substantially reduce the risk of (a)
10 interference with an educational function or school purpose or (b) a
11 personal injury to the student himself or herself, other students, school
12 employees, or school volunteers; and

13 (4) For purposes of this section, mandatory reassignment, regardless
14 of its implementation date, shall be subject to the procedures of this
15 section.

16 The Student Discipline Act does not preclude the student or the
17 student's parent, guardian, or representative from discussing and
18 settling the matter with appropriate school personnel prior to the time
19 the long-term suspension, expulsion, or mandatory reassignment takes
20 effect.

21 **Sec. 9.** Section 79-2,136, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 79-2,136 (1) Each school board shall allow the part-time enrollment
24 of students, for all courses selected by the students, who are residents
25 of, or admitted to, the school district pursuant to subsection
26 subsections (1), and (2), or (11) of section 79-215 and who are also
27 enrolled in a private, denominational, or parochial school or in a school
28 which elects pursuant to section 79-1601 not to meet accreditation or
29 approval requirements and shall establish policies and procedures for
30 such part-time enrollment. Such policies and procedures may include
31 provisions permitting the part-time enrollment of such students who are

1 not residents of, or admitted to, such school districts to the extent
2 permitted pursuant to section 79-215 and may require part-time students
3 to follow school policies that apply to other students at any time the
4 part-time student is present on school grounds or at a school-sponsored
5 activity or athletic event. Part-time enrollment shall not entitle a
6 student to transportation or transportation reimbursements pursuant to
7 section 79-611.

8 (2) Each school board shall establish policies and procedures to
9 allow any student who is a resident of, or admitted to, the school
10 district pursuant to subsection (1), ~~or (2)~~, or (11) of section 79-215
11 and who is enrolled in a school which elects pursuant to section 79-1601
12 not to meet accreditation or approval requirements to participate in any
13 extracurricular activities as defined in section 79-2,126, including, but
14 not limited to, interschool competitions, to the same extent and subject
15 to the same requirements, conditions, and procedures as a student
16 enrolled in a public school governed by such board, except that any
17 school which elects pursuant to section 79-1601 not to meet accreditation
18 or approval requirements shall set the standards for satisfactory
19 academic performance for a student from the school to participate in
20 extracurricular activities pursuant to this subsection and shall provide
21 assurances of compliance with such academic standards.

22 (3) School board policies and procedures adopted pursuant to
23 subsection (2) of this section (a) shall require any student desiring to
24 participate ~~participating~~ in extracurricular activities regulated by an
25 athletics or activities association to which such school is a member
26 pursuant to such subsection to be enrolled in ~~no more and no less than~~
27 five credit hours offered by the school district in any semester in order
28 to participate in such extracurricular activities, but may not prohibit a
29 student from enrolling in more than five credit hours, (b) shall not
30 allow any preference in the selection of a student for participation in
31 an extracurricular activity based on such student's status as a full-time

1 student in the school district, and (c) may require any student
2 participating in extracurricular activities pursuant to such subsection
3 to follow school policies that apply to other students when present on
4 school grounds or at a school-sponsored activity or athletic event.
5 Participation in extracurricular activities pursuant to subsection (2) of
6 this section shall not entitle a student to transportation, except to and
7 from practices and events to the same extent as public school students
8 participating in such activities, or transportation reimbursement
9 pursuant to section 79-611.

10 (4) Nothing in this section shall be construed to exempt any student
11 from the compulsory attendance provisions of section sections 79-201 or
12 any statutes relating to habitual truancy to 79-210.

13 **Sec. 10.** Section 79-1021, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 79-1021 (1) The Education Future Fund is created. The fund shall be
16 administered by the department and shall consist of money transferred to
17 the fund by the Legislature. Transfers may be made from the Education
18 Future Fund to the Computer Science and Technology Education Fund at the
19 direction of the Legislature. Any money in the Education Future Fund
20 available for investment shall be invested by the state investment
21 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
22 State Funds Investment Act.

23 (2) The fund shall be used only for the following purposes, in order
24 of priority:

25 (a) To fully fund equalization aid under the Tax Equity and
26 Educational Opportunities Support Act;

27 (b) To fund reimbursements related to special education under
28 section 79-1142;

29 (c) To fund foundation aid under the Tax Equity and Educational
30 Opportunities Support Act;

31 (d) To increase funding for school districts in a way that results

1 in direct property tax relief, which means a dollar-for-dollar
2 replacement of property taxes by a state funding source;

3 (e) To provide funding for a grant program created by the
4 Legislature to address teacher turnover rates and keep existing teachers
5 in classrooms;

6 (f) To provide funding to increase career and technical educational
7 classroom opportunities for students, including, but not limited to,
8 computer science education. Such funding must provide students with the
9 academic and technical skills, knowledge, and training necessary to
10 succeed in future careers;

11 (g) To provide funding for a grant program created by the
12 Legislature to provide students the opportunity to have a mentor who will
13 continuously engage with the student directly to aid in the student's
14 professional growth and give ongoing support and encouragement to the
15 student;

16 (h) To provide funding for extraordinary increases in special
17 education expenditures to allow school districts with large, unexpected
18 special education expenditures to more easily meet the needs of all
19 students;

20 (i) To provide funding to help recruit teachers throughout the state
21 by utilizing apprenticeships through a teacher apprenticeship program and
22 an alternative certification process;

23 (j) To provide funding to develop and implement a professional
24 learning system to help provide sustained professional learning and
25 training regarding evidence-based reading instruction and for a grant
26 program relating to dyslexia research; ~~and~~

27 (k) To provide funding for a pilot project administered by the State
28 Department of Education to provide menstrual products to school
29 districts; and -

30 (l) To provide funding for education and support services of
31 students with an individualized education program under the federal

1 Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., that
2 are accepted as option students into a school district to allow school
3 districts to accept more option students and allow students to receive
4 the best education possible.

5 (3)(a) The State Treasurer shall transfer one billion dollars from
6 the General Fund to the Education Future Fund in fiscal year 2023-24, on
7 such dates and in such amounts as directed by the budget administrator of
8 the budget division of the Department of Administrative Services.

9 (b) The State Treasurer shall transfer two hundred fifty million
10 dollars from the General Fund to the Education Future Fund in fiscal year
11 2024-25, on such dates and in such amounts as directed by the budget
12 administrator of the budget division of the Department of Administrative
13 Services.

14 (c) It is the intent of the Legislature that two hundred fifty
15 million dollars be transferred from the General Fund to the Education
16 Future Fund in fiscal year 2025-26 and each fiscal year thereafter.

17 **Sec. 11.** Section 79-1119, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 79-1119 Excess cost means the difference between the total cost of
20 the special education program excluding residential care minus ~~federal~~
21 ~~medicaid funds received pursuant to section 43-2511 for services to~~
22 ~~school-age children excluding amounts designated as reimbursement for~~
23 ~~costs associated with the implementation and administration of the~~
24 ~~billing system pursuant to section 43-2511 and minus the product of the~~
25 number of students in the special education program multiplied by the
26 adjusted average per pupil cost of the preceding year for the school
27 district of residence of each child.

28 **Sec. 12.** Section 79-1129, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 79-1129 (1) The school board of the resident school district shall
31 provide one of the following types of services to children with

1 disabilities:

2 (a) Provide for the transportation expenses for children with
3 disabilities who are forced to leave the school district temporarily
4 because of lack of educational services. A parent or guardian
5 transporting such a child shall be paid for each day of attendance at the
6 mileage rate provided in section 81-1176 for each actual mile or fraction
7 thereof traveled between the place of residence and the program of
8 attendance, and when any parent or guardian transports more than one
9 child with a disability in his or her custody or control enrolled in
10 programs at the same location, the amount of payments to such parent or
11 guardian shall be based upon the transportation of one such child. No
12 transportation payments shall be made to a parent or guardian for mileage
13 not actually traveled by such parent or guardian;

14 (b)(i) Subject to the limitations provided in subdivision (1)(b)(ii)
15 of this section, provide (b) Provide for the transportation expenses
16 within the school district of any child with a disability enrolled in the
17 school district who is also enrolled in a special educational program of
18 the district when either (A) (i) the child is required to attend a
19 facility other than what would be the normal school or attendance
20 facility of the child to receive appropriate special educational services
21 or (B) (ii) the nature of the child's disability is such that special
22 transportation is required. A parent or guardian transporting such child
23 shall be paid for each day of attendance at the mileage rate provided in
24 section 81-1176 for each actual mile or fraction thereof traveled between
25 the place of residence and the program of attendance, and when any parent
26 or guardian transports more than one child with a disability in his or
27 her custody or control enrolled in programs at the same location, the
28 amount of payments to such parent or guardian shall be based upon the
29 transportation of one such child. No transportation payments shall be
30 made to a parent or guardian for mileage not actually traveled by such
31 parent or guardian. ÷

1 (ii) Subdivision (1)(b)(i) of this section shall only apply:

2 (A) To a child with a disability that resides in a residential
3 facility, boarding home, or foster home or a child with an individualized
4 education program under the federal Individuals with Disabilities
5 Education Act, 20 U.S.C. 1400 et seq., whose program requires
6 transportation; and

7 (B) For transportation expenses (i) within thirty-five miles of the
8 school such child is enrolled in if such child is attending an
9 alternative facility under subdivision (1)(b)(i)(A) of this section or
10 (ii) when required under subdivision (1)(b)(i)(B) of this section if such
11 child resides within thirty-five miles of the school;

12 (c) Provide visiting teachers for homebound children with
13 disabilities. Such teachers shall be certified and qualified in the same
14 manner as required for other teachers in Nebraska;

15 (d) Provide correspondence instruction approved by the Commissioner
16 of Education; or

17 (e) Provide any other method of instruction approved by the
18 Commissioner of Education.

19 (2) When a child with a disability resides in or attends a preschool
20 or child care program in a school district other than the school district
21 of residence of his or her parents or guardian, the nonresident school
22 district may, upon mutual agreement with the school district of
23 residence, provide for the transportation expenses of the child.

24 **Sec. 13.** Section 79-1142, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 79-1142 (1) Level I services refers to services provided to children
27 with disabilities who require an aggregate of not more than three hours
28 per week of special education services and support services and includes
29 all administrative, diagnostic, consultative, and vocational-adjustment
30 counselor services.

31 (2)(a) The total allowable excess cost for special education

1 programs and support services is (i) the excess cost for special
2 education programs plus (ii) the total allowable reimbursable cost for
3 support services minus (iii) federal medicaid funds received pursuant to
4 section 43-2511 for services to school-age children excluding amounts
5 designated pursuant to such section as reimbursement for costs associated
6 with the implementation and administration of the billing system.

7 (b) ~~(2)~~ The total allowable reimbursable cost for support services
8 shall not exceed a percentage, established by the State Board of
9 Education, of the school district's or approved cooperative's total
10 allowable reimbursable cost for all special education programs and
11 support services. The percentage established by the board for support
12 services shall not exceed the difference of ten percent minus the
13 percentage of the appropriations for special education approved by the
14 Legislature set aside for reimbursements for support services pursuant to
15 subsection (5) of this section.

16 (3) Except as provided in this subsection and subsections subsection
17 (6) and (7) of this section, for special education and support services
18 provided in each school fiscal year, the department shall reimburse each
19 school district in the following school fiscal year eighty percent of the
20 total allowable excess costs for all special education programs and
21 support services. If the nonreimbursable expenditures as defined in
22 section 79-1145 do not equal the three-year average nonreimbursable
23 expenditures used in calculating the amount required to reimburse eighty
24 percent of the total allowable excess costs for all special education
25 programs and support services for any school fiscal year, reimbursements
26 pursuant to this subsection shall be adjusted on a pro rata basis to make
27 the total reimbursements pursuant to this subsection equal to the amount
28 appropriated pursuant to subdivision (2)(b) of section 79-1145.
29 Cooperatives of school districts or educational service units shall also
30 be eligible for reimbursement for cooperative programs pursuant to this
31 section if such cooperatives or educational service units have complied

1 with the reporting and approval requirements of section 79-1155 for
2 cooperative programs which were offered in the preceding school fiscal
3 year.

4 ~~(4) (4)(a)~~ The department shall make the reimbursement payments
5 ~~shall be made by the department~~ to the school district of residence,
6 cooperative of school districts, or educational service unit each school
7 fiscal year in a minimum of seven payments between the fifth and
8 twentieth day of each month beginning in December. Such reimbursement
9 Additional payments may be adjusted as claims are reviewed and finalized
10 ~~made based upon additional valid claims submitted.~~ The State Treasurer
11 shall, between the fifth and twentieth day of each month, notify the
12 Director of Administrative Services of the amount of funds available in
13 the General Fund and the Education Future Fund for payment purposes. The
14 director shall, upon receiving such certification, draw warrants against
15 such funds as appropriated.

16 ~~(b) If the General Fund appropriations for special education~~
17 ~~approved by the Legislature, minus the amounts set aside pursuant to~~
18 ~~subsection (5) of this section, are insufficient to reimburse eighty~~
19 ~~percent of the total allowable excess costs for all special education~~
20 ~~programs and support services for any school fiscal year:~~

21 ~~(i) Such allowable excess costs shall be reimbursed from the General~~
22 ~~Fund appropriations for special education approved by the Legislature,~~
23 ~~minus the amounts set aside pursuant to subsection (5) of this section,~~
24 ~~on a pro rata basis at the maximum rate of reimbursement such~~
25 ~~appropriations will allow as determined by the department; and~~

26 ~~(ii) The remainder of the eighty percent reimbursement of such~~
27 ~~allowable excess costs shall be paid from the Education Future Fund.~~

28 (5) Residential settings described in subdivision (10)(c) of section
29 79-215 shall be reimbursed for the educational services, including
30 special education services and support services, in an amount determined
31 pursuant to the average per pupil cost of the service agency.

1 Reimbursements pursuant to this section shall be made from funds set
2 aside for such purpose within sixty days after receipt of a reimbursement
3 request submitted in the manner required by the department and including
4 any documentation required by the department for educational services
5 that have been provided, except that if there are not any funds available
6 for the remainder of the state fiscal year for such reimbursements, the
7 reimbursement shall occur within thirty days after the beginning of the
8 immediately following state fiscal year. The department may audit any
9 required documentation and subtract any payments made in error from
10 future reimbursements. The department shall set aside separate amounts
11 from the appropriations for special education approved by the Legislature
12 for reimbursements pursuant to this subsection for students receiving
13 special education services and for students receiving support services
14 for each state fiscal year. The amounts set aside for each purpose shall
15 be based on estimates of the reimbursements to be requested during the
16 state fiscal year and shall not be less than the total amount of
17 reimbursements requested in the prior state fiscal year plus any unpaid
18 requests from the prior state fiscal year.

19 (6) For each school district that received a payment pursuant to the
20 Extraordinary Increase in Special Education Expenditures Act in the
21 school fiscal year for which special education expenditures were
22 reimbursed pursuant to subsection (3) of this section, an amount equal to
23 such payment shall be subtracted from the reimbursement calculated
24 pursuant to subsection (3) of this section and such amount shall be
25 transferred to the Education Future Fund.

26 (7) For each school district that received a payment pursuant to
27 subsection (2) of section 79-246 in the school fiscal year for which
28 special education expenditures were reimbursed pursuant to subsection (3)
29 of this section, an amount equal to the payment made pursuant to
30 subsection (2) of section 79-246 shall be subtracted from the
31 reimbursement calculated pursuant to subsection (3) of this section and

1 such amount shall be transferred to the Education Future Fund.

2 (8) (7) On or before November 15 of each year, the department shall
3 submit to the Governor, the Appropriations Committee of the Legislature,
4 and the Education Committee of the Legislature:

5 (a) The total allowable excess costs for all special education
6 programs and support services for all school districts, cooperatives of
7 school districts, and educational service units; and

8 (b) The total reimbursements requested pursuant to subsection (5) of
9 this section for the most recently completed school fiscal year.

10 **Sec. 14.** Section 79-1145, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 79-1145 (1) For purposes of this section and section 79-1142:

13 (a) Nonreimbursable expenditure means an expenditure included within
14 the total allowable excess cost for all special education programs and
15 support services as submitted to the department on or before the first
16 October 31 following the school fiscal year in which the expenditure
17 occurred that is later determined to be nonreimbursable as a special
18 education program or support services expenditure; and

19 (b) Three-year average nonreimbursable expenditures means the
20 average total nonreimbursable expenditures for all school districts for
21 the most recent three school fiscal years for which such information is
22 available.

23 (2)(a) For each fiscal year, the aggregate amount appropriated from
24 the of General Fund and the Education Future Fund Funds appropriated for
25 special education programs and support services pursuant to sections
26 79-1129, 79-1132, and 79-1144 shall not be less than the amounts required
27 pursuant to section 79-1142 to (a) reimburse residential settings
28 described in subdivision (10)(c) of section 79-215 for educational
29 services and reimburse eighty percent of the total allowable excess costs
30 for all special education programs and support services or (b) meet
31 federal maintenance of state financial support requirements, whichever is

1 ~~greater exceed the aggregate amount of General Funds appropriated~~
2 ~~pursuant to such sections for the previous fiscal year, increased by ten~~
3 ~~percent.~~

4 (b) The amount required to reimburse eighty percent of the total
5 allowable excess costs for all special education programs and support
6 services shall be calculated by subtracting eighty percent of three-year
7 average nonreimbursable expenditures from eighty percent of the total
8 allowable excess costs for all special education programs and support
9 services as submitted to the department on or before the first October 31
10 following the school fiscal year in which the allowable excess costs
11 occurred.

12 **Sec. 15.** (1) The Department of Administrative Services shall
13 develop, maintain, and make available for public inspection on its
14 website a database of financial information from all school districts in
15 the state. The information required shall include, but not be limited to,
16 revenue sources, expenditures, and a balance sheet that contains all
17 assets and liabilities, which reflects all committed and uncommitted
18 funds. The budget administrator of the budget division of the Department
19 of Administrative Services shall designate an implementation date for
20 such database which date is on or before January 1, 2026.

21 (2) School districts shall provide to the department such
22 information as is necessary to develop and maintain the database. School
23 districts shall provide updated information to the department on an
24 annual basis, and the department shall update the database no later than
25 thirty days after receiving any such information.

26 (3) Nothing in this section requires the disclosure of information
27 which is considered confidential under state or federal law or is not a
28 public record under section 84-712.05.

29 **Sec. 16.** Original sections 79-215, 79-233, 79-238, 79-239, 79-246,
30 79-265, 79-265.01, 79-268, 79-2,136, 79-1021, 79-1119, 79-1129, 79-1142,
31 and 79-1145, Reissue Revised Statutes of Nebraska, are repealed.