

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 557**

Introduced by Armendariz, 18.

Read first time January 22, 2025

Committee: Education

1 A BILL FOR AN ACT relating to education; to amend sections 79-233,  
2 79-234, 79-235, 79-237, 79-238, 79-239, 79-240, 79-241, 79-2,127,  
3 79-2,134, 79-611, 79-769, 79-1009, 79-10,143, 79-2104, 79-2118, and  
4 79-2120, Reissue Revised Statutes of Nebraska; to provide, change,  
5 and eliminate definitions; to change provisions relating to the  
6 enrollment option program, student fees, student transportation,  
7 focus schools, focus programs, and magnet schools, net option  
8 funding under the Tax Equity and Educational Opportunities Support  
9 Act, the learning community coordinating council, diversity plans  
10 for each learning community, and certification of student qualifying  
11 for free or reduced-price lunches; to provide funding to students  
12 denied option enrollment as prescribed; to eliminate provisions  
13 relating to open enrollment option students and diversity plans; to  
14 harmonize provisions; to repeal the original sections; and to  
15 outright repeal sections 79-235.01 and 79-2110, Reissue Revised  
16 Statutes of Nebraska.  
17 Be it enacted by the people of the State of Nebraska,

1           **Section 1.** Section 79-233, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           79-233 For purposes of sections 79-232 to 79-246:

4           (1) Enrollment option program means the program established in  
5 section 79-234;

6           (2) Option school district means the public school district that an  
7 option student chooses to attend instead of his or her resident school  
8 district;

9           (3) Option student means a student that has chosen to attend an  
10 option school district ~~, including an open enrollment option student or a~~  
11 ~~student who resides in a learning community and began attendance as an~~  
12 ~~option student in an option school district in such learning community~~  
13 ~~prior to the end of the first full school year for which the option~~  
14 ~~school district will be a member of such learning community, but, for~~  
15 ~~school years prior to school year 2017-18, not including a student who~~  
16 ~~resides in a learning community and who attends pursuant to section~~  
17 ~~79-2110 another school district in such learning community;~~

18           ~~(4) Open enrollment option student means a student who resides in a~~  
19 ~~school district that is a member of a learning community, attended a~~  
20 ~~school building in another school district in such learning community as~~  
21 ~~an open enrollment student pursuant to section 79-2110, and attends such~~  
22 ~~school building as an option student pursuant to section 79-235.01;~~

23           (4) ~~(5)~~ Resident school district means the public school district in  
24 which a student resides or the school district in which the student is  
25 admitted as a resident of the school district pursuant to section 79-215;  
26 and

27           (5) ~~(6)~~ Siblings means all children residing in the same household  
28 on a permanent basis who have the same mother or father or who are  
29 stepbrother or stepsister to each other.

30           **Sec. 2.** Section 79-234, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           79-234 (1) An enrollment option program is hereby established to  
2 enable any kindergarten through twelfth grade Nebraska student to attend  
3 a school in a Nebraska public school district in which the student does  
4 not reside or a school in the resident school district to which the  
5 student is not assigned ~~subject to the limitations prescribed in section~~  
6 ~~79-238.~~ The option shall be available any time prior to graduation. ~~once~~  
7 ~~during elementary school, once during middle school or junior high~~  
8 ~~school, and once during high school for a total of three times to each~~  
9 ~~student, except that the option does not count toward such limitation if~~  
10 ~~such option meets, or met at the time of the option, one of the following~~  
11 ~~criteria: (a) The student relocates to a different resident school~~  
12 ~~district, (b) the option school district merges with another district,~~  
13 ~~(c) the student will have completed either the grades offered in the~~  
14 ~~school building originally attended in the option school district or the~~  
15 ~~grades immediately preceding the lowest grade offered in the school~~  
16 ~~building for which a new option is sought, (d) the option would allow the~~  
17 ~~student to continue current enrollment in a school district, (e) the~~  
18 ~~option would allow the student to enroll in a school district in which~~  
19 ~~the student was previously enrolled as a student, or (f) the student is~~  
20 ~~an open enrollment option student.~~ Sections 79-232 to 79-246 do not  
21 relieve a parent or guardian from the compulsory attendance requirements  
22 in section 79-201.

23           (2) The program shall not apply to any student who resides in a  
24 district which has entered into an annexation agreement pursuant to  
25 section 79-473, except that such student may transfer to another district  
26 which accepts option students.

27           **Sec. 3.** Section 79-235, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29           79-235 For purposes of all duties, entitlements, and rights  
30 established by law, including special education as provided in section  
31 79-1127, and ~~except~~ as provided in section 79-241 and, ~~for~~ ~~open~~

1 ~~enrollment option students, except as provided in section 79-235.01,~~  
2 option students shall be treated as resident students of the option  
3 school district. ~~The option student may request a particular school~~  
4 ~~building, but the building assignment of the option student shall be~~  
5 ~~determined by the option school district except as provided in section~~  
6 ~~79-235.01 for open enrollment option students and in subsection (3) of~~  
7 ~~section 79-2110 for students attending a focus school, focus program, or~~  
8 ~~magnet school.~~ In determining eligibility for extracurricular activities  
9 as defined in section 79-2,126, the option student shall be treated  
10 similarly to other students who transfer into the school from another  
11 public, private, denominational, or parochial school.

12 **Sec. 4.** Section 79-237, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 79-237 (1) For a student to begin attendance as an option student in  
15 an option school district, the student's parent or legal guardian shall  
16 submit an application to the school board of the option school district.  
17 Such application may be submitted at any time. between September 1 and  
18 March 15 for attendance during the following and subsequent school years.  
19 ~~Except as provided in subsection (2) of this section, applications~~  
20 ~~submitted after March 15 shall contain a release approval from the~~  
21 ~~resident school district, or if the student is an option student at the~~  
22 ~~time of such application and applying to become an option student at a~~  
23 ~~subsequent option school district, a release approval from the option~~  
24 ~~school district the student is attending at the time of such application,~~  
25 ~~on the application form prescribed by the Commissioner of Education~~  
26 ~~pursuant to subsection (8) of this section. A district may not accept or~~  
27 ~~approve any applications submitted after such date without such a release~~  
28 ~~approval. The option school district the student is applying to attend~~  
29 ~~shall provide the resident school district, and if applicable, the option~~  
30 ~~school district the student is attending at the time of such application,~~  
31 ~~with the name of the applicant on or before April 1 or, in the case of an~~

1 ~~application submitted after March 15, within sixty days after submission.~~  
2 The option school district the student is applying to attend shall  
3 notify, in writing, the parent or legal guardian of the student and the  
4 resident school district, and, if applicable, the option school district  
5 the student is attending at the time of the application, whether the  
6 application is accepted or rejected ~~on or before April 1 or, in the case~~  
7 ~~of an application submitted after March 15, within ten sixty days after~~  
8 submission.

9 ~~(2) A student who relocates to a different resident school district~~  
10 ~~after February 1 or whose option school district merges with another~~  
11 ~~district effective after February 1 may submit an application to the~~  
12 ~~school board of an option school district for attendance during the~~  
13 ~~current or immediately following and subsequent school years. Such~~  
14 ~~application does not require the release approval of the resident school~~  
15 ~~district or the option school district the student is attending at the~~  
16 ~~time of such application. The option school district the student is~~  
17 ~~applying to attend shall accept or reject such application within forty-~~  
18 ~~five days.~~

19 ~~(3) A parent or guardian may provide information on the application~~  
20 ~~for an option school district that is a member of a learning community~~  
21 ~~regarding the applicant's potential qualification for free or reduced-~~  
22 ~~price lunches. Any such information provided shall be subject to~~  
23 ~~verification and shall only be used for the purposes of subsection (4) of~~  
24 ~~section 79-238. Nothing in this subsection requires a parent or guardian~~  
25 ~~to provide such information. Determinations about an applicant's~~  
26 ~~qualification for free or reduced price lunches for purposes of~~  
27 ~~subsection (4) of section 79-238 shall be based on any verified~~  
28 ~~information provided on the application. If no such information is~~  
29 ~~provided, the student shall be presumed not to qualify for free or~~  
30 ~~reduced-price lunches for the purposes of subsection (4) of section~~  
31 ~~79-238.~~

1           ~~(2) (4)~~ Applications for students who do not actually attend the  
2 option school district that the student applied to attend may be  
3 ~~withdrawn in good standing upon mutual agreement by the resident and~~  
4 option school district ~~districts~~ involved.

5           ~~(5)~~ No option student shall attend an option school district for  
6 less than one school year unless the student relocates to a different  
7 resident school district, completes requirements for graduation prior to  
8 the end of his or her senior year, transfers to a private or parochial  
9 school, or upon mutual agreement of the resident and option school  
10 districts cancels the enrollment option and returns to the resident  
11 school district or the previous option school district the student was  
12 attending immediately prior.

13           ~~(3) The (6)~~ Except as provided in subsection ~~(5)~~ of this section or,  
14 for open enrollment option students, in section 79-235.01, the option  
15 student shall attend the option school district until graduation unless  
16 the student (a) relocates in a different resident school district, (b)  
17 transfers to a private or parochial school, (c) chooses to return to the  
18 resident school district, or (d) options into a subsequent option school  
19 district, ~~except that no student may use the enrollment option program~~  
20 ~~other than as provided in section 79-234.~~

21           ~~(4) (7)~~ In each case of withdrawal and cancellation pursuant to  
22 ~~subsections (5) and subsection (3) (6)~~ of this section, the student's  
23 parent or legal guardian shall provide written notification to the school  
24 board of the option school district or districts and the resident school  
25 district on forms prescribed by the Commissioner of Education under  
26 subsection ~~(5) (8)~~ of this section in advance of such withdrawal or  
27 cancellation.

28           ~~(5) (8)~~ The application and withdrawal or cancellation forms shall  
29 be prescribed by the Commissioner of Education.

30           ~~(6) (9)~~ An option student who subsequently chooses to attend a  
31 private or parochial school and ~~who is not an open enrollment option~~

1 ~~student~~ shall be automatically accepted to return to either the resident  
2 school district or option school district upon the completion of the  
3 grade levels offered at the private or parochial school. If such student  
4 chooses to return to the option school district, the student's parent or  
5 legal guardian shall submit another application to the school board of  
6 the option school district which shall be automatically accepted, ~~and~~  
7 ~~the deadlines prescribed in this section shall be waived.~~

8 **Sec. 5.** Section 79-238, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 79-238 (1) ~~Each~~ ~~(1)(a)~~ ~~Except as provided in this section and~~  
11 ~~sections 79-235.01 and 79-240,~~ the school board of the option school  
12 ~~district~~ shall adopt by resolution specific capacity standards for  
13 acceptance and rejection of applications for enrollment as an option  
14 student.

15 ~~(b) Capacity for special education services operated by an option~~  
16 ~~school district shall be determined on a case-by-case basis. If an~~  
17 ~~application for option enrollment received by a school district indicates~~  
18 ~~that the student has an individualized education program under the~~  
19 ~~federal Individuals with Disabilities Education Act, 20 U.S.C. 1400 et~~  
20 ~~seq., or has been diagnosed with a disability as defined in section~~  
21 ~~79-1118.01, such application shall be evaluated by the director of~~  
22 ~~special education services of the school district or the director's~~  
23 ~~designee who shall determine if the school district and the appropriate~~  
24 ~~class, grade level, or school building in such school district has the~~  
25 ~~capacity to provide the applicant the appropriate services and~~  
26 ~~accommodations.~~

27 ~~(c) For all other students, standards may include the capacity of a~~  
28 ~~program, class, grade level, or school building. Capacity shall be~~  
29 ~~determined by setting a maximum number of option students that a district~~  
30 ~~will accept in any program, class, grade level, or school building, based~~  
31 ~~upon available staff, facilities, projected enrollment of resident~~

1 ~~students, and projected number of students with which the option school~~  
2 ~~district will contract based on existing contractual arrangements.~~

3 ~~(2) Standards shall only include a random selection process and the~~  
4 ~~interest of the student and parent or legal guardian. (d) To facilitate~~  
5 ~~option enrollment, school districts shall annually establish, publish,~~  
6 ~~and report the capacity for each school building under such district's~~  
7 ~~control pursuant to procedures, criteria, and deadlines established by~~  
8 ~~the State Board of Education. Except as otherwise provided in this~~  
9 ~~section, a school board may by resolution, prior to October 15 of each~~  
10 ~~school year, declare a program, a class, or a school unavailable to~~  
11 ~~option students for the next school year due to lack of capacity.~~  
12 ~~Standards shall not include (a) previous academic achievement, (b)~~  
13 ~~athletic or other extracurricular ability, (c) disabilities, (d)~~  
14 ~~proficiency in the English language, (e) residential address, (f) any~~  
15 ~~capacity measurement of the school district, (g) any measure that~~  
16 ~~discriminates based on race, ethnicity, socioeconomic status, or any~~  
17 ~~protected class, or (h) previous disciplinary proceedings except as~~  
18 ~~provided in section 79-266.01. False or substantively misleading~~  
19 ~~information submitted by a parent or guardian on an application to an~~  
20 ~~option school district may be cause for the option school district to~~  
21 ~~reject a previously accepted application if the rejection occurs prior to~~  
22 ~~the student's attendance as an option student.~~

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

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



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

1           **Sec. 6.** Section 79-239, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           79-239 (1) If an application for enrollment as an option student is  
4 rejected by the option school district ~~or if the resident school district~~  
5 ~~rejects a request for release under subsection (1) of section 79-237,~~  
6 such the rejecting school district shall provide written notification to  
7 the parent or guardian stating (a) the specific reasons for the  
8 rejection, ~~including, for students with an individualized education~~  
9 ~~program under the federal Individuals with Disabilities Education Act, 20~~  
10 ~~U.S.C. 1400 et seq., or with a diagnosed disability as defined in section~~  
11 ~~79-1118.01, a description of services and accommodations required that~~  
12 ~~the school district does not have the capacity to provide, and (b) the~~  
13 process for appealing such rejection to the State Board of Education, and  
14 (c) the process for requesting an educational support payment for such  
15 student pursuant to subsection (3) of this section. Such notification  
16 shall be sent by certified mail.

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

28           (3) A parent or legal guardian of a student whose option enrollment  
29 application is rejected by the school district shall be eligible to  
30 receive two thousand five hundred dollars to support the student's  
31 education during the applicable school year in which the option

1 enrollment application was denied. Such parent or guardian may apply to  
2 the State Department of Education to receive such educational support  
3 payment. Upon evidence of the rejected application, the State Department  
4 of Education shall provide the educational support payment to the parent  
5 or legal guardian of such student. Such payment shall be used at the  
6 parent's or legal guardian's discretion for the educational support of  
7 the student. Such payment shall not be considered taxable income.

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

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. 7.** Section 79-240, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30       79-240 (1) The application of a student who relocates in a different  
31 school district but wants to continue attending his or her original

1 resident school district and who has been enrolled in his or her original  
2 resident school district for the immediately preceding two years shall be  
3 automatically accepted, ~~and the deadlines prescribed in section 79-237~~  
4 ~~shall be waived.~~

5 (2) The application of an option student who relocates in a  
6 different school district but wants to continue attending the option  
7 school district shall be automatically accepted, ~~and the deadlines~~  
8 ~~prescribed in section 79-237 shall be waived.~~

9 **Sec. 8.** Section 79-241, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 79-241 (1) Except as otherwise provided in this section, section  
12 79-611 does not apply to the transportation of an option student. The  
13 parent or legal guardian of the option student shall be responsible for  
14 required transportation. A school district may, upon mutual agreement  
15 with the parent or legal guardian of an option student, provide  
16 transportation to the option student on the same basis as provided for  
17 resident students. ~~The school district may charge the parents of each~~  
18 ~~option student transported a fee sufficient to recover the additional~~  
19 ~~costs of such transportation.~~

20 (2) Option students who qualify for free lunches shall be eligible  
21 for either free transportation or transportation reimbursement as  
22 described in section 79-611 from the option school district pursuant to  
23 policies established by the school district in compliance with this  
24 section, except that they shall be reimbursed at the rate of one hundred  
25 forty-two and one-half percent of the mandatorily established mileage  
26 rate provided in section 81-1176 for each mile actually and necessarily  
27 traveled on each day of attendance by which the distance traveled one way  
28 from the residence of such student to the schoolhouse exceeds three  
29 miles.

30 ~~(3) For open enrollment option students who received free~~  
31 ~~transportation for school year 2016-17 pursuant to subsection (2) of~~

1 ~~section 79-611, the school board of the option school district shall~~  
2 ~~continue to provide free transportation for the duration of the student's~~  
3 ~~status as an open enrollment option student or for the duration of the~~  
4 ~~student's enrollment in a pathway pursuant to subsection (3) of section~~  
5 ~~79-2110 unless the student relocates to a school district that would have~~  
6 ~~prevented the student from qualifying for free transportation for the~~  
7 ~~2016-17 school year pursuant to subsection (2) of section 79-611.~~

8 (3) (4) For option students verified as having a disability as  
9 defined in section 79-1118.01, the transportation services set forth in  
10 section 79-1129 shall be provided by the resident school district. The  
11 State Department of Education shall reimburse the resident school  
12 district for the cost of transportation in accordance with section  
13 79-1144.

14 **Sec. 9.** Section 79-2,127, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 79-2,127 Except as provided in section 79-2,133, a governing body  
17 may require and collect fees or other funds from or on behalf of students  
18 or require students to provide specialized equipment or specialized  
19 attire for any of the following purposes:

- 20 (1) Participation in extracurricular activities;
- 21 (2) Admission fees and transportation charges for spectators  
22 attending extracurricular activities;
- 23 (3) Postsecondary education costs;
- 24 (4) Transportation pursuant to sections ~~79-241~~, 79-605 ~~7~~ and 79-611;
- 25 (5) Copies of student files or records pursuant to section 79-2,104;
- 26 (6) Reimbursement to the school district or educational service unit  
27 for school district or educational service unit property lost or damaged  
28 by the student;
- 29 (7) Before-and-after-school or prekindergarten services offered  
30 pursuant to section 79-1104;
- 31 (8) Summer school or night school;

1 (9) Parking; and

2 (10) Breakfast and lunch programs.

3 Except as provided in this section and sections 79-2,127.01,  
4 79-2,131, and 79-2,132, a governing body shall not collect money pursuant  
5 to the Public Elementary and Secondary Student Fee Authorization Act from  
6 students.

7 **Sec. 10.** Section 79-2,134, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 79-2,134 On or before August 1, 2002, and annually each year  
10 thereafter, each school board shall hold a public hearing at a regular or  
11 special meeting of the board on a proposed student fee policy, following  
12 a review of the amount of money collected from students pursuant to, and  
13 the use of waivers provided in, the student fee policy for the prior  
14 school year. The student fee policy shall be adopted by a majority vote  
15 of the school board and shall be published in the student handbook. The  
16 board shall provide a copy of the student handbook to every student, or  
17 to every household in which at least one student resides, at no cost to  
18 the student or household. The student fee policy shall include specific  
19 details regarding:

20 (1) The general written guidelines for any nonspecialized attire  
21 required for specified courses and activities;

22 (2) Any personal or consumable items a student will be required to  
23 furnish for participation in extracurricular activities;

24 (3) Any specialized equipment or attire which a student will be  
25 required to provide for any extracurricular activity;

26 (4) Any fees required from a student for participation in any  
27 extracurricular activity;

28 (5) Any fees required for postsecondary education costs;

29 (6) Any fees required for transportation costs pursuant to sections  
30 ~~79-241~~, 79-605 ~~r~~ and 79-611;

31 (7) Any fees required for copies of student files or records

1 pursuant to section 79-2,104;

2 (8) Any fees required for participation in before-and-after-school  
3 or prekindergarten services offered pursuant to section 79-1104;

4 (9) Any fees required for participation in summer school or night  
5 school;

6 (10) Any fees for breakfast and lunch programs; and

7 (11) The waiver policy pursuant to section 79-2,133.

8 No fee, specialized equipment or attire, or nonspecialized attire  
9 may be required pursuant to the Public Elementary and Secondary Student  
10 Fee Authorization Act unless the maximum dollar amount of the fee, the  
11 specifications for the specialized equipment or attire, or the  
12 specifications for the nonspecialized attire are specified in the student  
13 fee policy approved by the board. Reimbursement pursuant to subdivision  
14 (6) of section 79-2,127 for property lost or damaged by a student may be  
15 required without specification in the student fee policy.

16 **Sec. 11.** Section 79-611, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 79-611 (1) The school board of any school district shall provide  
19 free transportation, partially provide free transportation, or pay an  
20 allowance for transportation in lieu of free transportation as follows:

21 (a) When a student attends an elementary school in his or her own  
22 school district and lives more than four miles from such elementary  
23 school as measured by the shortest route that must actually and  
24 necessarily be traveled by motor vehicle to reach the student's  
25 residence;

26 (b) When a student is required to attend an elementary school  
27 outside of his or her own school district and lives more than four miles  
28 from such elementary school as measured by the shortest route that must  
29 actually and necessarily be traveled by motor vehicle to reach the  
30 student's residence;

31 (c) When a student attends a secondary school in his or her own

1 Class I, II, or III school district and lives more than four miles from  
2 such secondary school as measured by the shortest route that must  
3 actually and necessarily be traveled by motor vehicle to reach the  
4 student's residence. This subdivision does not apply to any elementary-  
5 only school district that merged with a high-school-only school district  
6 to form a new Class I, II, or III school district on or after January 1,  
7 1997, and before June 16, 2006; and

8 (d) When a student, other than a student in grades ten through  
9 twelve in a Class V school district, attends an elementary or junior high  
10 school in his or her own Class V school district and lives more than four  
11 miles from such elementary or junior high school as measured by the  
12 shortest route that must actually and necessarily be traveled by motor  
13 vehicle to reach the student's residence.

14 ~~(2)(a) For school years prior to school year 2017-18 and as required~~  
15 ~~pursuant to subsection (3) of section 79-241, the school board of any~~  
16 ~~school district that is a member of a learning community shall provide~~  
17 ~~free transportation for a student who resides in such learning community~~  
18 ~~and attends school in such school district if (i) the student is~~  
19 ~~transferring pursuant to the open enrollment provisions of section~~  
20 ~~79-2110, qualifies for free or reduced price lunches, lives more than one~~  
21 ~~mile from the school to which he or she transfers, and is not otherwise~~  
22 ~~disqualified under subdivision (2)(c) of this section, (ii) the student~~  
23 ~~is transferring pursuant to the open enrollment provisions of section~~  
24 ~~79-2110, is a student who contributes to the socioeconomic diversity of~~  
25 ~~enrollment at the school building he or she attends, lives more than one~~  
26 ~~mile from the school to which he or she transfers, and is not otherwise~~  
27 ~~disqualified under subdivision (2)(c) of this section, (iii) the student~~  
28 ~~is attending a focus school or program and lives more than one mile from~~  
29 ~~the school building housing the focus school or program, or (iv) the~~  
30 ~~student is attending a magnet school or program and lives more than one~~  
31 ~~mile from the magnet school or the school housing the magnet program.~~



1           ~~(b) For purposes of this subsection, student who contributes to the~~  
2           ~~socioeconomic diversity of enrollment at the school building he or she~~  
3           ~~attends has the definition found in section 79-2110. This subsection does~~  
4           ~~not prohibit a school district that is a member of a learning community~~  
5           ~~from providing transportation to any intradistrict student.~~

6           ~~(c) For any student who resides within a learning community and~~  
7           ~~transfers to another school building pursuant to the open enrollment~~  
8           ~~provisions of section 79-2110 and who had not been accepted for open~~  
9           ~~enrollment into any school building within such school district prior to~~  
10          ~~September 6, 2013, the school board is exempt from the requirement of~~  
11          ~~subdivision (2)(a) of this section if (i) the student is transferring to~~  
12          ~~another school building within his or her home school district or (ii)~~  
13          ~~the student is transferring to a school building in a school district~~  
14          ~~that does not share a common border with his or her home school district.~~

15          ~~(2) (3)~~ The transportation allowance which may be paid to the  
16          parent, custodial parent, or guardian of students qualifying for free  
17          transportation pursuant to subsection (1) ~~or (2)~~ of this section shall  
18          equal two hundred eighty-five percent of the mileage rate provided in  
19          section 81-1176, multiplied by each mile actually and necessarily  
20          traveled, on each day of attendance, beyond which the one-way distance  
21          from the residence of the student to the school exceeds three miles. Such  
22          transportation allowance does not apply to students residing in a  
23          learning community who qualify for free or reduced-price lunches.

24          ~~(3) (4)~~ Whenever students from more than one family travel to school  
25          in the same vehicle, the transportation allowance prescribed in  
26          subsection ~~(2) (3)~~ of this section shall be payable as follows:

27          (a) To the parent, custodial parent, or guardian providing  
28          transportation for students from other families, one hundred percent of  
29          the amount prescribed in subsection ~~(2) (3)~~ of this section for the  
30          transportation of students of such parent's, custodial parent's, or  
31          guardian's own family and an additional five percent for students of each

1 other family not to exceed a maximum of one hundred twenty-five percent  
2 of the amount determined pursuant to subsection (2) ~~(3)~~ of this section;  
3 and

4 (b) To the parent, custodial parent, or guardian not providing  
5 transportation for students of other families, two hundred eighty-five  
6 percent of the mileage rate provided in section 81-1176 multiplied by  
7 each mile actually and necessarily traveled, on each day of attendance,  
8 from the residence of the student to the pick-up point at which students  
9 transfer to the vehicle of a parent, custodial parent, or guardian  
10 described in subdivision (a) of this subsection.

11 (4) ~~(5)~~ When a student who qualifies under the mileage requirements  
12 of subsection (1) of this section lives more than three miles from the  
13 location where the student must be picked up and dropped off in order to  
14 access school-provided free transportation, as measured by the shortest  
15 route that must actually and necessarily be traveled by motor vehicle  
16 between his or her residence and such location, such school-provided  
17 transportation shall be deemed partially provided free transportation.  
18 School districts partially providing free transportation shall pay an  
19 allowance to the student's parent or guardian equal to two hundred  
20 eighty-five percent of the mileage rate provided in section 81-1176  
21 multiplied by each mile actually and necessarily traveled, on each day of  
22 attendance, beyond which the one-way distance from the residence of the  
23 student to the location where the student must be picked up and dropped  
24 off exceeds three miles.

25 (5) ~~(6)~~ The board may authorize school-provided transportation to  
26 any student who does not qualify under the mileage requirements of  
27 subsection (1) of this section and may charge a fee to the parent or  
28 guardian of the student for such service. No transportation payments  
29 shall be made to a family for mileage not actually traveled by such  
30 family. The number of days the student has attended school shall be  
31 reported monthly by the teacher to the board of such public school

1 district.

2 ~~(6)~~ ~~(7)~~ No more than one allowance shall be made to a family  
3 irrespective of the number of students in a family being transported to  
4 school.

5 ~~(7)~~ ~~(8)~~ No student shall be exempt from school attendance on account  
6 of distance from the school.

7 **Sec. 12.** Section 79-769, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 79-769 (1) Any one or more member school districts of a learning  
10 community may establish one or more focus programs, focus schools, or  
11 magnet schools. If included as part of the diversity plan of a learning  
12 community, the focus school or focus program shall be eligible for a  
13 focus school and program allowance pursuant to section 79-1007.05.

14 (2) Focus schools, focus programs, and magnet schools may be  
15 included in pathways across member school districts pursuant to the  
16 diversity plan developed by the learning community coordinating council  
17 pursuant to section 79-2104.

18 (3) If multiple member school districts collaborate on a focus  
19 program, focus school, or magnet school, the school districts shall form  
20 a joint entity pursuant to the Interlocal Cooperation Act for the purpose  
21 of creating, implementing, and operating such focus program, focus  
22 school, or magnet school. The agreement creating such joint entity shall  
23 address legal, financial, and academic responsibilities and the  
24 assignment to participating school districts of students enrolled in such  
25 focus program, focus school, or magnet school who reside in  
26 nonparticipating school districts.

27 (4) For purposes of this section:

28 (a) Focus program means a program that does not have an attendance  
29 area, whose enrollment is designed so that the socioeconomic diversity of  
30 the students attending the focus program reflects as nearly as possible  
31 the socioeconomic diversity of the student body of the learning

1 community, which has a unique curriculum with specific learning goals or  
2 teaching techniques different from the standard curriculum, which may be  
3 housed in a building with other public school programs, and which may  
4 consist of either the complete education program for participating  
5 students or part of the education program for participating students;

6 (b) Focus school means a school that does not have an attendance  
7 area, whose enrollment is designed so that the socioeconomic diversity of  
8 the students attending the focus school reflects as nearly as possible  
9 the socioeconomic diversity of the student body of the learning  
10 community, which has a unique curriculum with specific learning goals or  
11 teaching techniques different from the standard curriculum, and which is  
12 housed in a building that does not contain another public school program;

13 (c) Magnet school means a school having a home attendance area but  
14 which reserves a portion of its capacity specifically for students from  
15 outside the attendance area who will contribute to the socioeconomic  
16 diversity of the student body of such school and which has a unique  
17 curriculum with specific learning goals or teaching techniques different  
18 from the standard curriculum; ~~and~~

19 (d) Pathway means elementary, middle, and high school focus  
20 programs, focus schools, and magnet schools with coordinated curricula  
21 based on specific learning goals or teaching techniques; and -

22 (e) Student who contributes to the socioeconomic diversity of  
23 enrollment means (i) a student who does not qualify for free or reduced-  
24 price lunches when, based upon the certification pursuant to section  
25 79-2120, the school building the student will attend either has more  
26 students qualifying for free or reduced-price lunches than the average  
27 percentage of such students in all school buildings in the learning  
28 community or provides free meals to all students pursuant to the  
29 community eligibility provision or (ii) a student who qualifies for free  
30 or reduced-price lunches based on information collected from parents and  
31 guardians when, based upon the certification pursuant to section 79-2120,

1 the school building the student will attend has fewer students qualifying  
2 for free or reduced-price lunches than the average percentage of such  
3 students in all school buildings in the learning community and does not  
4 provide free meals to all students pursuant to the community eligibility  
5 provision.

6 **Sec. 13.** Section 79-1009, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 79-1009 (1)(a) A district shall receive net option funding if (i)  
9 option students as defined in section 79-233 were actually enrolled in  
10 the school year immediately preceding the school year in which the aid is  
11 to be paid or ~~∩~~ (ii) option students as defined in such section will be  
12 enrolled in the school year in which the aid is to be paid as converted  
13 contract option students ~~,~~ ~~or (iii) for the calculation of aid for school~~  
14 ~~fiscal year 2017-18 for school districts that are members of a learning~~  
15 ~~community, open enrollment students were actually enrolled for school~~  
16 ~~year 2016-17 pursuant to section 79-2110.~~

17 (b) The determination of the net number of option students shall be  
18 based on (i) the number of students enrolled in the district as option  
19 students and the number of students residing in the district but enrolled  
20 in another district as option students as of the day of the fall  
21 membership count pursuant to section 79-528, for the school fiscal year  
22 immediately preceding the school fiscal year in which aid is to be paid  
23 or ~~∩~~ (ii) the number of option students that will be enrolled in the  
24 district or enrolled in another district as converted contract option  
25 students for the fiscal year in which the aid is to be paid ~~,~~ ~~and (iii)~~  
26 ~~for the calculation of aid for school fiscal year 2017-18 for school~~  
27 ~~districts that are members of a learning community, the number of~~  
28 ~~students enrolled in the district as open enrollment students and the~~  
29 ~~number of students residing in the district but enrolled in another~~  
30 ~~district as open enrollment students as of the day of the fall membership~~  
31 ~~count pursuant to section 79-528 for school fiscal year 2016-17.~~

1 (c) Except as otherwise provided in this subsection, net number of  
2 option students means the difference of the number of option students  
3 enrolled in the district minus the number of students residing in the  
4 district but enrolled in another district as option students. For  
5 ~~purposes of the calculation of aid for school fiscal year 2017-18 for~~  
6 ~~school districts that are members of a learning community, net number of~~  
7 ~~option students means the difference of the number of students residing~~  
8 ~~in another school district who are option students or open enrollment~~  
9 ~~students enrolled in the district minus the number of students residing~~  
10 ~~in the district but enrolled in another district as option students or~~  
11 ~~open enrollment students.~~

12 (2)(a) For school fiscal years prior to school fiscal year 2023-24,  
13 net option funding shall be the product of the net number of option  
14 students multiplied by the statewide average basic funding per formula  
15 student.

16 (b) For school fiscal year 2023-24 and each school fiscal year  
17 thereafter, net option funding shall be the product of the net number of  
18 option students multiplied by the difference of the statewide average  
19 basic funding per formula student minus the amount of foundation aid paid  
20 per formula student pursuant to section 79-1006.

21 (3) A district's net option funding shall be zero if the calculation  
22 produces a negative result.

23 Payments made under this section for school fiscal years prior to  
24 school fiscal year 2017-18 shall be made from the funds to be disbursed  
25 under section 79-1005.01.

26 Such payments shall go directly to the option school district but  
27 shall count as a formula resource for the local system.

28 **Sec. 14.** Section 79-10,143, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 79-10,143 A parent or guardian of any student enrolled in, or in the  
31 process of enrolling in, any school district in the state may voluntarily

1 provide information on any application submitted pursuant to Nebraska  
2 law, rules, and regulations regarding the applicant's potential to meet  
3 the qualifications for free or reduced-price lunches solely for  
4 determining eligibility pursuant to ~~subsection (4) of section 79-238,~~  
5 subsection (2) of section 79-241, section 79-2,131, section 79-2,133,  
6 ~~subsection (2) of section 79-611, subdivision (1)(c) and subsection (3)~~  
7 ~~of section 79-2110,~~ or section 85-2104. Each school district shall  
8 process information provided pursuant to this section in the same manner  
9 as the district would to determine the qualification status of the  
10 student 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.

18 **Sec. 15.** Section 79-2104, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 79-2104 A learning community coordinating council shall have the  
21 authority to:

22 (1) For fiscal years prior to fiscal year 2017-18, levy a common  
23 levy for the general funds of member school districts pursuant to  
24 sections 77-3442 and 79-1073;

25 (2) Levy for elementary learning center facility leases, for  
26 remodeling of leased elementary learning center facilities, and for up to  
27 fifty percent of the estimated cost for focus school or program capital  
28 projects approved by the learning community coordinating council pursuant  
29 to subdivision (2)(f) of section 77-3442 and section 79-2111;

30 (3) Levy for early childhood education programs for children in  
31 poverty, for elementary learning center employees, for contracts with

1 other entities or individuals who are not employees of the learning  
2 community for elementary learning center programs and services, and for  
3 pilot projects pursuant to subdivision (2)(g) of section 77-3442, except  
4 that not more than ten percent of such levy may be used for elementary  
5 learning center employees;

6 (4) Develop, submit, administer, and evaluate community achievement  
7 plans in collaboration with the advisory committee, educational service  
8 units serving member school districts, member school districts, and the  
9 student achievement coordinator or other department staff designated by  
10 the Commissioner of Education;

11 (5) Collect, analyze, and report data and information, including,  
12 but not limited to, information provided by a school district pursuant to  
13 subsection (5) of section 79-201;

14 (6) Approve focus schools and focus programs to be operated by  
15 member school districts;

16 (7) Adopt, approve, and implement a diversity plan pursuant to  
17 ~~section sections 79-2110 and 79-2118;~~

18 ~~(8) Through school year 2016-17, administer the open enrollment~~  
19 ~~provisions in section 79-2110 for the learning community as part of a~~  
20 ~~diversity plan developed by the council to provide educational~~  
21 ~~opportunities which will result in increased diversity in schools across~~  
22 ~~the learning community;~~

23 ~~(8)~~ (9) Annually conduct school fairs to provide students and  
24 parents the opportunity to explore the educational opportunities  
25 available at each school in the learning community and develop other  
26 methods for encouraging access to such information and promotional  
27 materials;

28 ~~(9)~~ (10) Develop procedures for determining best practices for  
29 addressing student achievement barriers and for disseminating such  
30 practices within the learning community and to other school districts;

31 ~~(10)~~ (11) Establish and administer elementary learning centers



1 through achievement subcouncils pursuant to sections 79-2112 to 79-2114;

2 ~~(11) (12)~~ Administer the learning community funds distributed to the  
3 learning community pursuant to section 79-2111;

4 ~~(12) (13)~~ Establish a procedure for receiving community input and  
5 complaints regarding the learning community;

6 ~~(13) (14)~~ Establish a procedure to assist parents, citizens, and  
7 member school districts in accessing an approved center pursuant to the  
8 Dispute Resolution Act to resolve disputes involving member school  
9 districts or the learning community. Such procedure may include payment  
10 by the learning community for some mediation services;

11 ~~(14) (15)~~ Establish and administer pilot projects related to  
12 enhancing the academic achievement of elementary students, particularly  
13 students who face challenges in the educational environment due to  
14 factors such as poverty, limited English skills, and mobility;

15 ~~(15) (16)~~ Provide funding to public or private entities engaged in  
16 the juvenile justice system providing pre-filing and diversion programming  
17 designed to reduce excessive absenteeism and unnecessary involvement with  
18 the juvenile justice system; and

19 ~~(16) (17)~~ Hold public hearings at its discretion in response to  
20 issues raised by residents regarding the learning community, a member  
21 school district, and academic achievement.

22 **Sec. 16.** Section 79-2118, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 79-2118 (1) Each learning community, together with its member school  
25 districts, shall develop a diversity plan to provide educational  
26 opportunities pursuant to section ~~sections~~ 79-769 and ~~79-2110~~ in each  
27 subcouncil district designed to attract students from diverse  
28 backgrounds, which plan may be revised from time to time. The initial  
29 diversity plan shall be completed by December 31 of the year the initial  
30 learning community coordinating council for the learning community takes  
31 office. The goal of the diversity plan shall be to increase the

1 socioeconomic diversity of enrollment at each grade level in each school  
2 building within the learning community.

3 (2) Each diversity plan for a learning community shall include  
4 specific provisions relating to each subcouncil district within such  
5 learning community. The specific provisions relating to each subcouncil  
6 district shall be approved by both the achievement subcouncil for such  
7 district and by the learning community coordinating council.

8 (3) The learning community coordinating council shall report  
9 electronically to the Education Committee of the Legislature on or before  
10 February 1 of each odd-numbered year on the diversity and changes in  
11 diversity at each grade level in each school building within the learning  
12 community and on the academic achievement for different demographic  
13 groups in each school building within the learning community.

14 **Sec. 17.** Section 79-2120, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 79-2120 On or before March 1, 2009, and February 1 of each year  
17 thereafter, for purposes of determining socioeconomic diversity of  
18 enrollment as defined in section 79-769 ~~79-2110~~, the State Department of  
19 Education shall certify to each learning community and each member school  
20 district the average percentage of students qualifying for free or  
21 reduced-price lunches in each school building in each member school  
22 district and in the aggregate for all school buildings in the learning  
23 community based on the most current information available to the  
24 department on the immediately preceding January 1. For purposes of this  
25 section, the average percentage of students qualifying for free or  
26 reduced-price lunches in school buildings that provide free meals to all  
27 students pursuant to the community eligibility provision shall equal the  
28 identified student percentage, multiplied by 1.6, calculated pursuant to  
29 the community eligibility provision. The State Board of Education may  
30 adopt and promulgate rules and regulations to carry out this section.

31 **Sec. 18.** Original sections 79-233, 79-234, 79-235, 79-237, 79-238,

1 79-239, 79-240, 79-241, 79-2,127, 79-2,134, 79-611, 79-769, 79-1009,  
2 79-10,143, 79-2104, 79-2118, and 79-2120, Reissue Revised Statutes of  
3 Nebraska, are repealed.

4 **Sec. 19.** The following sections are outright repealed: Sections  
5 79-235.01 and 79-2110, Reissue Revised Statutes of Nebraska.