

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 633

Introduced by Hansen, 16.

Read first time January 22, 2025

Committee: Education

1 A BILL FOR AN ACT relating to education; to amend section 79-239, Reissue
2 Revised Statutes of Nebraska; to change provisions relating to
3 applications rejected under the enrollment option program; to define
4 terms; to create the Nebraska Option Enrollment Tuition Account
5 Program; to harmonize provisions; to repeal the original section;
6 and to declare an emergency.

7 Be it enacted by the people of the State of Nebraska,

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

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

16 (2) The parent or legal guardian may:

17 (a) Appeal ~~appeal~~ a rejection to the State Board of Education by
18 filing a written request, together with a copy of the rejection notice,
19 with the State Board of Education. Such request and copy of the notice
20 must be received by the board within thirty days after the date the
21 notification of the rejection was received by the parent or legal
22 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; or -

28 (b) Decline to appeal and request an option enrollment tuition
29 account as described in section 2 of this act. Such request and copy of
30 the rejection notice must be received by the State Board of Education
31 within thirty days after the date when notification of the rejection was

1 received by the parent or legal guardian. Upon receipt of such request
2 and copy of the rejection notice, the board shall issue an option
3 enrollment tuition account to the parent or guardian.

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

17 (b) The Commissioner of Education shall annually compile the
18 information received pursuant to this subsection and provide a report on
19 such information electronically to the Legislature beginning on September
20 1, 2024, and on or before September 1 of each year thereafter. The State
21 Board of Education may adopt and promulgate rules and regulations to
22 carry out this subsection.

23 **Sec. 2. (1) For purposes of this section:**

24 (a) Board means the State Board of Education;

25 (b) Eligible student means a student who has had their application
26 for the enrollment option program rejected by a public school district;

27 (c) Parent means a resident of the state who is a parent, a legal
28 guardian, or any other legal custodian of a child;

29 (d) Program means the Nebraska Option Enrollment Tuition Account
30 Program;

31 (e) Qualified education expense means the cost to educate an

1 eligible student attending a private, denominational, or parochial school
2 which fulfills applicable accreditation and approval requirements
3 established by the State Board of Education in section 79-318; and

4 (f) Scholarship account means an option enrollment tuition account
5 established through the program.

6 (2) The Nebraska Option Enrollment Tuition Account Program is
7 created. The program shall be administered by the board.

8 (3) The board shall establish and cause funds to be credited to a
9 scholarship account within fifteen calendar days upon receiving a notice
10 of a decline to appeal and a request for a scholarship account,
11 accompanied by a copy of the rejection notice provided pursuant to
12 subsection (1) of section 79-239.

13 (4) Pursuant to subsection (3) of this section, the board shall
14 credit to a scholarship account for: (a) An eligible student, an amount
15 of funds equal to the adjusted average per pupil cost of the preceding
16 year as defined in section 79-1114; and (b) an eligible student who has a
17 disability as defined in section 79-1118.01, an additional amount of
18 funds equal to the reimbursement rate as provided in section 79-1142 of
19 the eligible student's resident school district.

20 (5) The board shall provide the parent of an eligible student access
21 to funds deposited into a scholarship account, upon a signed agreement
22 to: (a) Not enroll the eligible student as a full-time student in a
23 public school district; (b) use the funds in a scholarship account only
24 for qualified education expenses and provide verification upon request by
25 the board; and (c) comply with all other rules and requirements of the
26 program.

27 (6) A parent of an eligible student shall lose access to funds in a
28 scholarship account if: (a) The student reenrolls in a public school
29 district; (b) the student moves out of state; (c) the student graduates
30 from high school or earns a diploma of high school equivalency; or (d)
31 the parent or legal guardian of the eligible student fails to comply with

1 subsection (5) of this section.

2 (7) An eligible student shall be considered to satisfy the
3 compulsory school attendance requirements provided in section 79-201 so
4 long as the eligible student and such student's parent or legal guardian
5 comply with subsection (4) of this section.

6 (8) Nothing in this section shall be construed as granting any
7 expanded or additional authority to the State of Nebraska to control or
8 influence the governance or policies of any public, private, or
9 denominational school due to the fact that the school admits and enrolls
10 students who participate in the program or as requiring any such school
11 to admit or, once admitted, to continue the enrollment of any student
12 participating in the program.

13 (9) The board may use up to five percent of scholarship account
14 funds for purposes of administering the program, or may use such funds to
15 contract with a third party to assist in carrying out the program.

16 (10) The board may adopt and promulgate rules and regulations to
17 carry out the program.

18 **Sec. 3.** Original section 79-239, Reissue Revised Statutes of
19 Nebraska, is repealed.

20 **Sec. 4.** Since an emergency exists, this act takes effect when
21 passed and approved according to law.