

LEGISLATIVE BILL 1311

Approved by the Governor April 12, 1994

Introduced by Bohlke, 33

AN ACT relating to schools and school districts; to amend section 79-490, Revised Statutes Supplement, 1993; to change provisions relating to transportation allowances; and to repeal the original section.
Be it enacted by the people of the State of Nebraska,

Section 1. That section 79-490, Revised Statutes Supplement, 1993, be amended to read as follows:

79-490. When no other means of free transportation is provided to a student attending a public school, (1) The school board or board of education shall either provide free transportation or pay an allowance for transportation shall be made to the family of such student by the district in which such family resides in lieu of free transportation as follows:

(1) (a) When a student attends an elementary school in his or her own district and lives more than four miles from the public schoolhouse in such district; there shall be paid two hundred eighty-five percent of the mileage rate provided in section 81-1176 for each mile actually and necessarily traveled on each day of attendance by which the distance traveled one way from the residence of such student to the schoolhouse exceeds three miles;

(2) (b) When a student is required to attend an elementary school outside of his or her own district and lives more than four miles from such elementary school; there shall be paid two hundred eighty-five percent of the mileage rate provided in section 81-1176 for each mile actually and necessarily traveled on each day of attendance by which the distance traveled one way from the residence of such student to the schoolhouse exceeds three miles;

(3) (c) When a student attends a secondary school in his or her own Class II or III school district and lives more than four miles from the public schoolhouse; and there shall be paid two hundred eighty-five percent of the mileage rate provided in section 81-1176 for each mile actually and necessarily traveled on each day of attendance by which the distance traveled one way from the residence of such student to the schoolhouse exceeds three miles; and

(4) (d) When a student, other than a student in grades ten through twelve in a Class V district, attends an elementary or junior high school in his or her own Class V district and lives more than four miles from the public schoolhouse in such district.

(2) The transportation allowance which may be paid to the parent, custodial parent, or guardian of students qualifying for free transportation pursuant to subsection (1) of this section shall equal two hundred eight-five percent of the mileage rate provided in section 81-1176, multiplied by each mile actually and necessarily traveled, on each day of attendance, beyond which the one-way distance from the residence of the student to the schoolhouse exceeds three miles. there shall be paid for each day of attendance two hundred eighty-five percent of the mileage rate provided in section 81-1176 for each mile actually and necessarily traveled by which the distance of the residence of such student from the schoolhouse exceeds three miles.

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

(a) To the parent, custodial parent, or guardian providing transportation for students from other families, one hundred percent of the amount prescribed in subsection (2) of this section for the transportation of students of such parent's, custodial parent's, or guardian's own family and an additional five percent for students of each other family not to exceed a maximum of one hundred twenty-five percent of the amount determined pursuant to subsection (2) of this section; and

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

(4) The school board may authorize school-provided transportation to any student who does not qualify under the mileage requirements of subdivisions (1) through (4) subsection (1) of this section- ~~but a fee may be charged and may charge a fee~~ to the parent or guardian of the student for such service. An affiliated high school district may provide free transportation or pay the allowance described in this section for high school students residing in an affiliated Class I district. No transportation payments shall be made to a family for mileage not actually traveled by such family. The number of days the student has attended school shall be reported monthly by the teacher to the school board of such public school district.

(5) No more than one allowance shall be made to a family irrespective of the number of students in a family being transported to school. If a family resides in a Class I district which is part of a Class VI district and has students enrolled in any grade of grades kindergarten through six in the Class I district and in any grade of grades seven and eight in the Class VI district, such family shall receive not more than one allowance for the distance actually traveled when both districts are on the same direct travel route with one district being located a greater distance from the residence than the other. In such cases, the travel allowance shall be prorated among the school districts involved. Unless the parties involved can mutually agree, the county superintendent of the district in which the school attended is located shall determine the pro rata share to be paid by each district. In the event the schools attended are in different counties, the respective county superintendents shall determine the proper pro rata amount each district shall pay.

(6) No student shall be exempt from school attendance on account of distance from the public schoolhouse.

Sec. 2. That original section 79-490, Revised Statutes Supplement, 1993, is repealed.