

## LEGISLATIVE BILL 249

Approved by the Governor May 28, 2003

Introduced by Stuhr, 24; D. Pederson, 42; Raikes, 25; Schimek, 27

AN ACT relating to schools; to amend section 79-235, Reissue Revised Statutes of Nebraska, and sections 79-2,125 to 79-2,128 and 79-2,131 to 79-2,134, Revised Statutes Supplement, 2002; to change provisions relating to eligibility for extracurricular activities; to change and eliminate provisions of the Public Elementary and Secondary Student Fee Authorization Act; to harmonize provisions; to repeal the original sections; to outright repeal section 79-2,130, Revised Statutes Supplement, 2002; and to declare an emergency.

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

Section 1. Section 79-235, Reissue Revised Statutes of Nebraska, is amended to read:

79-235. For purposes of all duties, entitlements, and rights established by law, including special education as provided in section 79-1127, except as provided in section 79-241, option students shall be treated as resident students of the option school district. The option student may request a particular school building, but the building assignment of the option student shall be determined by the option school district. In determining eligibility for extracurricular activities as defined in section 79-2,126, the option student shall be treated similarly to other students who transfer into the school from another public, private, denominational, or parochial school.

Sec. 2. Section 79-2,125, Revised Statutes Supplement, 2002, is amended to read:

79-2,125. Sections 79-2,125 to 79-2,135 and section 5 of this act shall be known and may be cited as the Public Elementary and Secondary Student Fee Authorization Act.

Sec. 3. Section 79-2,126, Revised Statutes Supplement, 2002, is amended to read:

79-2,126. For purposes of the Public Elementary and Secondary Student Fee Authorization Act:

(1) Extracurricular activities means student activities or organizations which are supervised or administered by the school district, which do not count toward graduation or advancement between grades, and in which participation is not otherwise required by the school district;

(2) Governing body means a school board of any class of school district or an educational service unit board; and

(3) Postsecondary education costs means tuition and other fees associated with obtaining credit from a postsecondary educational institution. For a course in which students receive both high school and credit and for which they may also choose to apply for postsecondary education credit, or a course being taken as part of an approved accelerated or differentiated curriculum program pursuant to sections 79-1106 to 79-1108.03, the course shall be offered without charge for tuition, transportation, books, or other fees, except that if the student chooses to apply for postsecondary education credit, he or she may be charged tuition and other fees only associated with obtaining credits from a postsecondary educational institution.

Sec. 4. Section 79-2,127, Revised Statutes Supplement, 2002, is amended to read:

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

(1) Participation in extracurricular activities;

(2) Admission fees and transportation charges for spectators attending extracurricular activities;

(3) Postsecondary education costs;

(4) Transportation pursuant to sections 79-241, 79-605, and 79-611;

(5) Copies of student files or records pursuant to section 79-2,104;

(6) Reimbursement to the school district or educational service unit for school district or educational service unit property lost or damaged by the student;

(7) Before-and-after-school or prekindergarten services offered pursuant to section 79-1104;

(8) Summer school or night school; ~~and~~

- (9) Parking; and  
 (10) Breakfast and lunch programs.

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

Sec. 5. The Public Elementary and Secondary Student Fee Authorization Act does not limit the ability of a governing body to request donations of money, materials, equipment, or attire to defray costs if the request is made in such a way that it is clear that the request is not a requirement. The act does not prohibit a governing body from permitting students to supply materials for course projects.

Sec. 6. Section 79-2,128, Revised Statutes Supplement, 2002, is amended to read:

79-2,128. A governing body may require students to furnish minor personal or minor consumable items for specified courses and participation in extracurricular activities. ~~including, but not limited to, pencils, paper, pens, erasers, and notebooks.~~

Sec. 7. Section 79-2,131, Revised Statutes Supplement, 2002, is amended to read:

79-2,131. A governing body may require students to furnish musical instruments for participation in optional music courses that are not extracurricular activities if the governing body provides for the use of a musical instrument without charge for any student who qualifies for free or reduced-price lunches under United States Department of Agriculture child nutrition programs. Participation in a free-lunch program or reduced-price lunch program is not required to qualify for free or reduced-price lunches for purposes of this section. This section does not require a governing body to provide for the use of a particular type of musical instrument for any student. ~~For music courses that are musical~~ extracurricular activities, a governing body may require fees or require students to provide specialized equipment, such as musical instruments, or specialized attire consistent with the Public Elementary and Secondary Student Fee Authorization Act.

Sec. 8. Section 79-2,132, Revised Statutes Supplement, 2002, is amended to read:

79-2,132. The Public Elementary and Secondary Student Fee Authorization Act does not preclude operation of a school store in which students may purchase food, beverages, and personal or consumable items. A school store need not have a permanent physical presence and may consist of providing order forms for students to voluntarily purchase items from the school or another vendor.

Sec. 9. Section 79-2,133, Revised Statutes Supplement, 2002, is amended to read:

79-2,133. Each governing body shall establish a policy waiving the fees and providing the items otherwise required to be provided by students pursuant to ~~subdivisions (1) and (2)~~ subdivision (1) of section 79-2,127 and pursuant to section 79-2,130 for students who qualify for free or reduced-price lunches under United States Department of Agriculture child nutrition programs. Participation in a free-lunch program or reduced-price lunch program is not required to qualify for free or reduced-price lunches for purposes of this section.

Each governing body may establish a policy for waiving fees or providing items otherwise required to be provided by students in other circumstances.

Sec. 10. Section 79-2,134, Revised Statutes Supplement, 2002, is amended to read:

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

- (1) The general written guidelines for any ~~clothing~~ nonspecialized attire required for specified courses and activities;
- (2) Any personal or consumable items a student will be required to furnish for specified courses and participation in extracurricular activities;
- (3) ~~Any materials required for course projects;~~
- (4) Any specialized equipment or attire which a student will be

required to provide for any extracurricular activity;

~~(5)~~ (4) Any fees required from a student for participation in any extracurricular activity;

~~(6)~~ (5) Any fees required for postsecondary education costs;

~~(7)~~ (6) Any fees required for transportation costs pursuant to sections 79-241, 79-605, and 79-611;

~~(8)~~ (7) Any fees required for copies of student files or records pursuant to section 79-2,104;

~~(9)~~ (8) Any fees required for participation in before-and-after-school or prekindergarten services offered pursuant to section 79-1104;

~~(10)~~ (9) Any fees required for participation in summer school or night school;

~~(11)~~ (10) Any fees for breakfast and lunch programs; and

~~(12)~~ (11) The waiver policy pursuant to section 79-2,133.

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

Sec. 11. Original section 79-235, Reissue Revised Statutes of Nebraska, and sections 79-2,125 to 79-2,128 and 79-2,131 to 79-2,134, Revised Statutes Supplement, 2002, are repealed.

Sec. 12. The following section is outright repealed: Section 79-2,130, Revised Statutes Supplement, 2002.

Sec. 13. Since an emergency exists, this act takes effect when passed and approved according to law.