

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 550

Introduced by Ballard, 21.

Read first time January 17, 2023

Committee: Education

1 A BILL FOR AN ACT relating to schools; to amend sections 79-239, 79-240,
2 79-2,127, and 79-2,134, Reissue Revised Statutes of Nebraska, and
3 sections 79-233, 79-234, 79-235, 79-237, 79-238, 79-241, 79-611,
4 79-1009, 79-10,143, 79-2104, 79-2118, and 79-2120, Revised Statutes
5 Cumulative Supplement, 2022; to change and eliminate definitions and
6 provisions relating to the enrollment option program; to eliminate
7 obsolete provisions; to harmonize provisions; to repeal the original
8 sections; and to outright repeal sections 79-235.01 and 79-2110,
9 Revised Statutes Cumulative Supplement, 2022.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-233, Revised Statutes Cumulative Supplement,
2 2022, is 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, Revised Statutes Cumulative Supplement,
31 2022, is 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 ~~subject to the limitations prescribed in section 79-238.~~ The
5 option shall be available any time ~~only once to each student~~ prior to
6 graduation, ~~except that the option does not count toward such limitation~~
7 ~~if such option meets, or met at the time of the option, one of the~~
8 ~~following criteria: (a) The student relocates to a different resident~~
9 ~~school district, (b) the option school district merges with another~~
10 ~~district, (c) the student will have completed either the grades offered~~
11 ~~in the school building originally attended in the option school district~~
12 ~~or the grades immediately preceding the lowest grade offered in the~~
13 ~~school building for which a new option is sought, (d) the option would~~
14 ~~allow the student to continue current enrollment in a school district,~~
15 ~~(e) the option would allow the student to enroll in a school district in~~
16 ~~which the student was previously enrolled as a student, or (f) the~~
17 ~~student is an open enrollment option student.~~ Sections 79-232 to 79-246
18 do not relieve a parent or guardian from the compulsory attendance
19 requirements in section 79-201.

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

24 Sec. 3. Section 79-235, Revised Statutes Cumulative Supplement,
25 2022, is amended to read:

26 79-235 For purposes of all duties, entitlements, and rights
27 established by law, including special education as provided in section
28 79-1127, except as provided in section 79-241 ~~and, for open enrollment~~
29 ~~option students, except as provided in section 79-235.01,~~ option students
30 shall be treated as resident students of the option school district. The
31 option student may request a particular school building, but the building

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

9 Sec. 4. Section 79-237, Revised Statutes Cumulative Supplement,
10 2022, is amended to read:

11 79-237 (1) For a student to begin attendance as an option student in
12 an option school district, the student's parent or legal guardian shall
13 submit an application to the school board of the option school district.
14 Such application may be submitted at any time. ~~between September 1 and~~
15 ~~March 15 for attendance during the following and subsequent school years.~~
16 ~~Except as provided in subsection (2) of this section, applications~~
17 ~~submitted after March 15 shall contain a release approval from the~~
18 ~~resident school district on the application form prescribed and furnished~~
19 ~~by the State Department of Education pursuant to subsection (8) of this~~
20 ~~section. A district may not accept or approve any applications submitted~~
21 ~~after such date without such a release approval. The option school~~
22 ~~district shall provide the resident school district with the name of the~~
23 ~~applicant on or before April 1 or, in the case of an application~~
24 ~~submitted after March 15, within sixty days after submission.~~ The option
25 school district shall notify, in writing, the parent or legal guardian of
26 the student and the resident school district whether the application is
27 accepted or rejected ~~on or before April 1 or, in the case of an~~
28 ~~application submitted after March 15, within ten sixty days after~~
29 ~~submission.~~ An option school district that is a member of a learning
30 community may not approve an application pursuant to this section for a
31 student who resides in such learning community to attend prior to school

1 ~~year 2017-18.~~

2 ~~(2) A student who relocates to a different resident school district~~
3 ~~after February 1 or whose option school district merges with another~~
4 ~~district effective after February 1 may submit an application to the~~
5 ~~school board of an option school district for attendance during the~~
6 ~~current or immediately following and subsequent school years unless the~~
7 ~~applicant is a resident of a learning community and the application is~~
8 ~~for attendance to begin prior to school year 2017-18 in an option school~~
9 ~~district that is also a member of such learning community. Such~~
10 ~~application does not require the release approval of the resident school~~
11 ~~district. The option school district shall accept or reject such~~
12 ~~application within forty-five days.~~

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

26 ~~(2) (4) Applications for students who do not actually attend the~~
27 ~~option school district may be withdrawn in good standing upon mutual~~
28 ~~agreement with by both the resident and option school district districts.~~

29 ~~(5) No option student shall attend an option school district for~~
30 ~~less than one school year unless the student relocates to a different~~
31 ~~resident school district, completes requirements for graduation prior to~~

1 ~~the end of his or her senior year, transfers to a private or parochial~~
2 ~~school, or upon mutual agreement of the resident and option school~~
3 ~~districts cancels the enrollment option and returns to the resident~~
4 ~~school district.~~

5 ~~(3) The (6) Except as provided in subsection (5) of this section or,~~
6 ~~for open enrollment option students, in section 79-235.01, the option~~
7 student shall attend the option school district until graduation unless
8 the student relocates in a different resident school district, enrolls in
9 a different option school district, transfers to a private or parochial
10 school, or chooses to return to the resident school district.

11 ~~(4) (7) In each case of cancellation pursuant to subsections (5) and~~
12 ~~(6) of this section,~~ the student's parent or legal guardian shall provide
13 written notification to the school board of the option school district
14 and the resident school district on forms prescribed and furnished by the
15 department under subsection (5) (8) of this section in advance of such
16 cancellation.

17 ~~(5) (8)~~ The application and cancellation forms shall be prescribed
18 and furnished by the State Department of Education.

19 ~~(6) (9)~~ An option student who subsequently chooses to attend a
20 private or parochial school ~~and who is not an open enrollment option~~
21 ~~student~~ shall be automatically accepted to return to either the resident
22 school district or option school district upon the completion of the
23 grade levels offered at the private or parochial school. If such student
24 chooses to return to the option school district, the student's parent or
25 legal guardian shall submit another application to the school board of
26 the option school district which shall be automatically accepted, and the
27 deadlines prescribed in this section shall be waived.

28 Sec. 5. Section 79-238, Revised Statutes Cumulative Supplement,
29 2022, is amended to read:

30 79-238 Each (1) Except as provided in this section and sections
31 79-235.01 and 79-240, the school board of the option school district

1 shall adopt by resolution specific standards for acceptance and rejection
2 of applications for enrollment and for providing transportation for
3 option students. Standards shall only include a random selection process
4 and the interest of the student and the student's parent or legal
5 guardian. ~~Standards may include the capacity of a program, class, grade~~
6 ~~level, or school building or the availability of appropriate special~~
7 ~~education programs operated by the option school district. For a school~~
8 ~~district that is not a member of a learning community, capacity shall be~~
9 ~~determined by setting a maximum number of option students that a district~~
10 ~~will accept in any program, class, grade level, or school building, based~~
11 ~~upon available staff, facilities, projected enrollment of resident~~
12 ~~students, projected number of students with which the option school~~
13 ~~district will contract based on existing contractual arrangements, and~~
14 ~~availability of appropriate special education programs. To facilitate~~
15 ~~option enrollment within a learning community, member school districts~~
16 ~~shall annually (a) establish and report a maximum capacity for each~~
17 ~~school building under such district's control pursuant to procedures,~~
18 ~~criteria, and deadlines established by the learning community~~
19 ~~coordinating council and (b) provide a copy of the standards for~~
20 ~~acceptance and rejection of applications and transportation policies for~~
21 ~~option students to the learning community coordinating council. Except as~~
22 ~~otherwise provided in this section, the school board of the option school~~
23 ~~district may by resolution declare a program, a class, or a school~~
24 ~~unavailable to option students due to lack of capacity. Standards shall~~
25 ~~not include previous academic achievement; 7 athletic or other~~
26 ~~extracurricular ability; 7 disabilities; 7 proficiency in the English~~
27 ~~language; 7 or previous disciplinary proceedings, except as provided in~~
28 ~~section 79-266.01; a student's residential address, provided the student~~
29 is a resident of this state; any capacity measurement; or any measurement
30 that discriminates against a student based on such student's race,
31 ethnicity, socioeconomic status, or any protected class. False or

1 substantively misleading information submitted by a parent or guardian on
2 an application to an option school district may be cause for the option
3 school district to reject a previously accepted application if the
4 rejection occurs prior to the student's attendance as an option student.

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

11 ~~(3) Any option school district that is not a member of a learning~~
12 ~~community shall give first priority for enrollment to siblings of option~~
13 ~~students, except that the option school district shall not be required to~~
14 ~~accept the sibling of an option student if the district is at capacity~~
15 ~~except as provided in subsection (1) of section 79-240.~~

16 ~~(4) Any option school district that is in a learning community shall~~
17 ~~give first priority for enrollment to siblings of option students~~
18 ~~enrolled in the option school district, second priority for enrollment to~~
19 ~~students who have previously been enrolled in the option school district~~
20 ~~as an open enrollment student, third priority for enrollment to students~~
21 ~~who reside in the learning community and who contribute to the~~
22 ~~socioeconomic diversity of enrollment at the school building to which the~~
23 ~~student will be assigned pursuant to section 79-235, and final priority~~
24 ~~for enrollment to other students who reside in the learning community.~~
25 ~~The option school district shall not be required to accept a student~~
26 ~~meeting the priority criteria in this section if the district is at~~
27 ~~capacity as determined pursuant to subsection (1) of this section except~~
28 ~~as provided in section 79-235.01 or 79-240. For purposes of the~~
29 ~~enrollment option program, a student who contributes to the socioeconomic~~
30 ~~diversity of enrollment at a school building within a learning community~~
31 ~~means (a) a student who does not qualify for free or reduced-price~~

1 ~~lunches when, based upon the certification pursuant to section 79-2120,~~
2 ~~the school building the student will be assigned to attend either has~~
3 ~~more students qualifying for free or reduced-price lunches than the~~
4 ~~average percentage of such students in all school buildings in the~~
5 ~~learning community or provides free meals to all students pursuant to the~~
6 ~~community eligibility provision or (b) a student who qualifies for free~~
7 ~~or reduced-price lunches based on information collected voluntarily from~~
8 ~~parents and guardians pursuant to section 79-237 when, based upon the~~
9 ~~certification pursuant to section 79-2120, the school building the~~
10 ~~student will be assigned to attend has fewer students qualifying for free~~
11 ~~or reduced-price lunches than the average percentage of such students in~~
12 ~~all school buildings in the learning community and does not provide free~~
13 ~~meals to all students pursuant to the community eligibility provision.~~

14 Sec. 6. Section 79-239, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 79-239 If an application is rejected by the option school district
17 ~~or if the resident school district rejects a request for release under~~
18 ~~subsection (1) of section 79-237, the rejecting school district shall~~
19 provide written notification to the parent or guardian stating the
20 reasons for the rejection and the process for appealing such rejection to
21 the State Board of Education. Such notification shall be sent by
22 certified mail. The parent or legal guardian may appeal a rejection to
23 the State Board of Education by filing a written request, together with a
24 copy of the rejection notice, with the State Board of Education. Such
25 request and copy of the notice must be received by the board within
26 thirty days after the date the notification of the rejection was received
27 by the parent or legal guardian. Such hearing shall be held in accordance
28 with the Administrative Procedure Act and shall determine whether the
29 procedures of sections 79-234 to 79-241 have been followed.

30 Sec. 7. Section 79-240, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 79-240 (1) The application of a student who relocates in a different
2 school district but wants to continue attending his or her original
3 resident school district and who has been enrolled in his or her original
4 resident school district for the immediately preceding two years shall be
5 automatically accepted, ~~and the deadlines prescribed in section 79-237~~
6 ~~shall be waived.~~

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

11 Sec. 8. Section 79-241, Revised Statutes Cumulative Supplement,
12 2022, is amended to read:

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

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

1 ~~(3) For open enrollment option students who received free~~
2 ~~transportation for school year 2016-17 pursuant to subsection (2) of~~
3 ~~section 79-611, the school board of the option school district shall~~
4 ~~continue to provide free transportation for the duration of the student's~~
5 ~~status as an open enrollment option student or for the duration of the~~
6 ~~student's enrollment in a pathway pursuant to subsection (3) of section~~
7 ~~79-2110 unless the student relocates to a school district that would have~~
8 ~~prevented the student from qualifying for free transportation for the~~
9 ~~2016-17 school year pursuant to subsection (2) of section 79-611.~~

10 (3) ~~(4)~~ For option students verified as having a disability as
11 defined in section 79-1118.01, the transportation services set forth in
12 section 79-1129 shall be provided by the resident school district. The
13 State Department of Education shall reimburse the resident school
14 district for the cost of transportation in accordance with section
15 79-1144.

16 Sec. 9. Section 79-2,127, Reissue Revised Statutes of Nebraska, is
17 amended to read:

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

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

- 1 pursuant to section 79-1104;
- 2 (8) Summer school or night school;
- 3 (9) Parking; and
- 4 (10) Breakfast and lunch programs.

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

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

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

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

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

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

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

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

31 (6) Any fees required for transportation costs pursuant to sections

1 ~~79-241,~~ 79-605, and 79-611;

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

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

6 (9) Any fees required for participation in summer school or night
7 school;

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

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

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

18 Sec. 11. Section 79-611, Revised Statutes Cumulative Supplement,
19 2022, is amended to read:

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

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

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

1 student's residence;

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

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

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

1 ~~student is attending a magnet school or program and lives more than one~~
2 ~~mile from the magnet school or the school housing the magnet program.~~

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

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

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

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

29 (a) To the parent, custodial parent, or guardian providing
30 transportation for students from other families, one hundred percent of
31 the amount prescribed in subsection ~~(2) (3)~~ of this section for the

1 transportation of students of such parent's, custodial parent's, or
2 guardian's own family and an additional five percent for students of each
3 other family not to exceed a maximum of one hundred twenty-five percent
4 of the amount determined pursuant to subsection (2) ~~(3)~~ of this section;
5 and

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

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

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

1 family. The number of days the student has attended school shall be
2 reported monthly by the teacher to the board of such public school
3 district.

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

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

9 Sec. 12. Section 79-1009, Revised Statutes Cumulative Supplement,
10 2022, is amended to read:

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

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

1 ~~number of students residing in the district but enrolled in another~~
2 ~~district as open enrollment students as of the day of the fall membership~~
3 ~~count pursuant to section 79-528 for school fiscal year 2016-17.~~

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

15 ~~(2) Net~~ (2)(a) ~~For all school fiscal years except school fiscal~~
16 ~~years 2017-18 and 2018-19, net option funding shall be the product of the~~
17 ~~net number of option students multiplied by the statewide average basic~~
18 ~~funding per formula student.~~

19 ~~(b) For school fiscal years 2017-18 and 2018-19, net option funding~~
20 ~~shall be the product of the net number of option students multiplied by~~
21 ~~ninety-five and five-tenths percent of the statewide average basic~~
22 ~~funding per formula student.~~

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

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

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

30 Sec. 13. Section 79-10,143, Revised Statutes Cumulative Supplement,
31 2022, is amended to read:

1 79-10,143 A parent or guardian of any student enrolled in, or in the
2 process of enrolling in, any school district in the state may voluntarily
3 provide information on any application submitted pursuant to Nebraska
4 law, rules, and regulations regarding the applicant's potential to meet
5 the qualifications for free or reduced-price lunches solely for
6 determining eligibility pursuant to ~~subsection (4) of section 79-238,~~
7 subsection (2) of section 79-241, section 79-2,131, section 79-2,133,
8 ~~subsection (2) of section 79-611, subdivision (1)(c) and subsection (3)~~
9 ~~of section 79-2110,~~ or section 85-2104. Each school district shall
10 process information provided pursuant to this section in the same manner
11 as the district would to determine the qualification status of the
12 student for free or reduced-price meals. Each school district shall
13 comply with the federal Family Educational Rights and Privacy Act of
14 1974, 20 U.S.C. 1232g, as such act and section existed on January 1,
15 2015, and regulations adopted thereunder with regard to any information
16 collected pursuant to this section. If no such information is provided
17 pursuant to this section or on an application for free or reduced-price
18 meals, the student shall be presumed not to qualify for free or reduced-
19 price lunches.

20 Sec. 14. Section 79-2104, Revised Statutes Cumulative Supplement,
21 2022, is amended to read:

22 79-2104 A learning community coordinating council shall have the
23 authority to:

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

27 (1) ~~(2)~~ Levy for elementary learning center facility leases, for
28 remodeling of leased elementary learning center facilities, and for up to
29 fifty percent of the estimated cost for focus school or program capital
30 projects approved by the learning community coordinating council pursuant
31 to subdivision (2)(f) of section 77-3442 and section 79-2111;

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

8 (3) ~~(4)~~ Develop, submit, administer, and evaluate community
9 achievement plans in collaboration with the advisory committee,
10 educational service units serving member school districts, member school
11 districts, and the student achievement coordinator or other department
12 staff designated by the Commissioner of Education;

13 (4) ~~(5)~~ Collect, analyze, and report data and information,
14 including, but not limited to, information provided by a school district
15 pursuant to subsection (5) of section 79-201;

16 (5) ~~(6)~~ Approve focus schools and focus programs to be operated by
17 member school districts;

18 (6) ~~(7)~~ Adopt, approve, and implement a diversity plan pursuant to
19 sections 79-2110 and 79-2118;

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

25 (7) ~~(9)~~ Annually conduct school fairs to provide students and
26 parents the opportunity to explore the educational opportunities
27 available at each school in the learning community and develop other
28 methods for encouraging access to such information and promotional
29 materials;

30 (8) ~~(10)~~ Develop procedures for determining best practices for
31 addressing student achievement barriers and for disseminating such

1 practices within the learning community and to other school districts;

2 (9) ~~(11)~~ Establish and administer elementary learning centers
3 through achievement subcouncils pursuant to sections 79-2112 to 79-2114;

4 (10) ~~(12)~~ Administer the learning community funds distributed to the
5 learning community pursuant to section 79-2111;

6 (11) ~~(13)~~ Establish a procedure for receiving community input and
7 complaints regarding the learning community;

8 (12) ~~(14)~~ Establish a procedure to assist parents, citizens, and
9 member school districts in accessing an approved center pursuant to the
10 Dispute Resolution Act to resolve disputes involving member school
11 districts or the learning community. Such procedure may include payment
12 by the learning community for some mediation services;

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

17 (14) ~~(16)~~ Provide funding to public or private entities engaged in
18 the juvenile justice system providing profiling and diversion programming
19 designed to reduce excessive absenteeism and unnecessary involvement with
20 the juvenile justice system; and

21 (15) ~~(17)~~ Hold public hearings at its discretion in response to
22 issues raised by residents regarding the learning community, a member
23 school district, and academic achievement.

24 Sec. 15. Section 79-2118, Revised Statutes Cumulative Supplement,
25 2022, is amended to read:

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

1 learning community coordinating council for the learning community takes
2 office. The goal of the diversity plan shall be to increase the
3 socioeconomic diversity of enrollment at each grade level in each school
4 building within the learning community.

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

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

16 Sec. 16. Section 79-2120, Revised Statutes Cumulative Supplement,
17 2022, is amended to read:

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

1 adopt and promulgate rules and regulations to carry out this section.

2 Sec. 17. Original sections 79-239, 79-240, 79-2,127, and 79-2,134,
3 Reissue Revised Statutes of Nebraska, and sections 79-233, 79-234,
4 79-235, 79-237, 79-238, 79-241, 79-611, 79-1009, 79-10,143, 79-2104,
5 79-2118, and 79-2120, Revised Statutes Cumulative Supplement, 2022, are
6 repealed.

7 Sec. 18. The following sections are outright repealed: Sections
8 79-235.01 and 79-2110, Revised Statutes Cumulative Supplement, 2022.