

AMENDMENTS TO LB937

(Amendments to Standing Committee amendments, AM2454)

Introduced by Hunt, 8.

1 1. Insert the following new sections:

2 **Sec. 4.** Section 79-215, Revised Statutes Supplement, 2025, is
3 amended to read:

4 79-215 (1) Except as otherwise provided in this section, a student
5 is a resident of the school district where he or she resides and shall be
6 admitted to any such school district upon request without charge.

7 (2) A school board shall admit a student upon request without charge
8 if at least one of the student's parents resides in the school district.

9 (3) A school board shall admit any homeless student upon request
10 without charge if the district is the district in which the student (a)
11 is currently located, (b) attended when permanently housed, or (c) was
12 last enrolled.

13 (4) A school board may allow a student whose residency in the
14 district ceases during a school year to continue attending school in such
15 district for the remainder of that school year.

16 (5) A school board may admit nonresident students to the school
17 district pursuant to a contract with the district where the student is a
18 resident and shall collect tuition pursuant to the contract.

19 (6) A school board may admit nonresident students to the school
20 district pursuant to the enrollment option program as authorized by
21 sections 79-232 to 79-246, and such admission shall be without charge.

22 (7) In order to carry out the provisions of section 79-2201, a
23 school board shall permit children of military families to enroll
24 preliminarily in a school district if a parent presents evidence of
25 military orders that the military family will be stationed in this state
26 during the current or following school year. Such preliminary enrollment

1 and any advanced enrollment policies related to a child of a military
2 family shall also apply if such child has an individualized family
3 service plan, has an individualized education program under the federal
4 Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq.,
5 receives special accommodations or services under section 504 of the
6 federal Rehabilitation Act of 1973, 29 U.S.C. 794, or receives special
7 education as defined in section 79-1125. A student of a military family
8 shall be admitted to the school district without charge upon arrival in
9 Nebraska if the requirements of this section are met.

10 (8) A school board may admit a student who is a resident of another
11 state to the school district and collect tuition in advance at a rate
12 determined by the school board.

13 (9) When a student as a ward of the state or as a ward of any court
14 (a) has been placed in a school district other than the district in which
15 he or she resided at the time he or she became a ward and such ward does
16 not reside in a foster family home licensed or approved by the Department
17 of Health and Human Services or a foster home maintained or used pursuant
18 to section 83-108.04 or (b) has been placed in any institution which
19 maintains a special education program which has been approved by the
20 State Department of Education and such institution is not owned or
21 operated by the district in which he or she resided at the time he or she
22 became a ward, the cost of his or her education and the required
23 transportation costs associated with the student's education shall be
24 paid by the state, but not in advance, to the receiving school district
25 or approved institution under rules and regulations prescribed by the
26 Department of Health and Human Services and the student shall remain a
27 resident of the district in which he or she resided at the time he or she
28 became a ward. Any student who is a ward of the state or a ward of any
29 court who resides in a foster family home licensed or approved by the
30 Department of Health and Human Services or a foster home maintained or
31 used pursuant to section 83-108.04 shall be deemed a resident of the

1 district in which he or she resided at the time he or she became a foster
2 child, unless it is determined under section 43-1311 or 43-1312 that he
3 or she will not attend such district in which case he or she shall be
4 deemed a resident of the district in which the foster family home or
5 foster home is located.

6 (10)(a) When a student is not a ward of the state or a ward of any
7 court and is residing in a residential setting located in Nebraska for
8 reasons other than to receive an education and the residential setting is
9 operated by a service provider which is certified or licensed by the
10 Department of Health and Human Services or is enrolled in the medical
11 assistance program established pursuant to the Medical Assistance Act and
12 Title XIX or XXI of the federal Social Security Act, as amended, the
13 student shall remain a resident of the district in which he or she
14 resided immediately prior to residing in such residential setting. The
15 resident district for a student who is not a ward of the state or a ward
16 of any court does not change when the student moves from one residential
17 setting to another.

18 (b)(i) ~~(b)~~ If a student is residing in a residential setting as
19 described in subdivision (10)(a) of this section and such residential
20 setting does not maintain an interim-program school as defined in section
21 79-1119.01 or an approved or accredited school; τ

22 (A) For a student who is a resident of a Class V school district,
23 such Class V school district shall provide for transportation and all
24 educational services, including all special education services and
25 support services as defined in section 79-1125.01, unless the parent or
26 guardian of such student requests that the Class V school district
27 contract with the school district in which the residential setting is
28 located for all such services; or

29 (B) For a student who is not a resident of a Class V school
30 district, the resident school district shall contract with the school
31 district in which such residential setting is located for the provision

1 of all educational services, including all special education services and
2 support services as defined in section 79-1125.01, unless a parent or
3 guardian and the resident school district agree that an appropriate
4 education will be provided by the resident school district while the
5 student is residing in such residential setting.

6 (ii) If the resident school district is required to contract, the
7 school district in which such residential setting is located shall
8 contract with the resident school district and provide all educational
9 services, including all special education services, to the student. If
10 the two school districts cannot agree on the amount of the contract, the
11 State Department of Education shall determine the amount to be paid by
12 the resident school district to the school district in which such
13 residential setting is located based on the needs of the student,
14 approved special education rates, the department's general experience
15 with special education budgets, and the cost per student in the school
16 district in which such residential setting is located. Once the contract
17 has been entered into, all legal responsibility for special education and
18 related services shall be transferred to the school district in which the
19 residential setting is located.

20 (c) If a student is residing in a residential setting as described
21 in subdivision (10)(a) of this section and such residential setting
22 maintains an interim-program school as defined in section 79-1119.01 or
23 an approved or accredited school, the department shall reimburse such
24 residential setting for the provision of all educational services,
25 including all special education services and support services, with the
26 amount of payment for all educational services determined pursuant to the
27 average per pupil cost of the service agency as defined in section
28 79-1116. The resident school district shall retain responsibility for
29 such student's individualized education program plan, if any. The
30 educational services may be provided through (i) such interim-program
31 school or approved or accredited school, (ii) a contract between the

1 residential setting and the school district in which such residential
2 setting is located, (iii) a contract between the residential setting and
3 another service agency as defined in section 79-1124, or (iv) a
4 combination of such educational service providers.

5 (d) If a school district pays a school district in which a
6 residential setting is located for educational services provided pursuant
7 to subdivision (10)(b) of this section and it is later determined that a
8 different school district was the resident school district for such
9 student at the time such educational services were provided, the school
10 district that was later determined to be the resident school district
11 shall reimburse the school district that initially paid for the
12 educational services one hundred ten percent of the amount paid.

13 (e) A student residing in a residential setting described in this
14 subsection shall be defined as a student with a handicap pursuant to
15 Article VII, section 11, of the Constitution of Nebraska, and as such the
16 state and any political subdivision may contract with institutions not
17 wholly owned or controlled by the state or any political subdivision to
18 provide the educational services to the student if such educational
19 services are nonsectarian in nature.

20 (11) A school board shall admit a student upon request without
21 charge for part-time enrollment for purposes of participating in
22 extracurricular activities in accordance with section 79-2,136 if (a) the
23 student is also enrolled in a private, denominational, or parochial
24 school or in a school which elects pursuant to section 79-1601 not to
25 meet accreditation or approval requirements and (b) either (i) the school
26 district where such student or such student's parent resides does not
27 offer the extracurricular activity in which the student desires to
28 participate and the school district which the student is requesting to
29 attend is the closest school district to the residence of such student or
30 such student's parent that offers such extracurricular activity or (ii)
31 the school district where such student or such student's parent resides

1 does offer the extracurricular activity in which the student desires to
2 participate but the school district the student is requesting to attend
3 includes the closest school to the residence of such student or such
4 student's parent that offers such extracurricular activity.

5 (12) A school board shall ensure that any preliminary or advanced
6 enrollment policies of a school district that apply to a student
7 enrolling in such school also apply to a student enrolling in such school
8 that has an individualized family service plan, has an individualized
9 education program under the federal Individuals with Disabilities
10 Education Act, 20 U.S.C. 1400 et seq., receives special accommodations or
11 services under section 504 of the federal Rehabilitation Act of 1973, 29
12 U.S.C. 794, or receives special education as defined in section 79-1125.

13 (13) In the case of any individual eighteen years of age or younger
14 who is a ward of the state or any court and who is placed in a county
15 detention home established under section 43-2,110, the cost of his or her
16 education shall be paid by the state, regardless of the district in which
17 he or she resided at the time he or she became a ward, to the agency or
18 institution which: (a) Is selected by the county board with jurisdiction
19 over such detention home; (b) has agreed or contracted with such county
20 board to provide educational services; and (c) has been approved by the
21 State Department of Education pursuant to rules and regulations
22 prescribed by the State Board of Education.

23 (14) No tuition shall be charged for students who may be by law
24 allowed to attend the school without charge.

25 (15) The State Department of Education shall establish procedures
26 and criteria for collecting enrollment, admission, and related
27 information needed for any student to attend a school district in this
28 state which shall include, but not be limited to, having an adult with
29 legal or actual charge or control of a student provide through electronic
30 means or other means specified by the department the name of the student,
31 the name of the adult with legal or actual charge or control of the

1 student, the address where the student is or will be residing, and
2 information on how and where the adult may generally be reached during
3 the school day.

4 (16) The department may adopt and promulgate rules and regulations
5 to carry out the provisions of this section.

6 **Sec. 14.** Section 79-1129, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 79-1129 (1) The school board of the resident school district shall
9 provide one of the following types of services to children with
10 disabilities:

11 (a) Provide for the transportation expenses for children with
12 disabilities who are forced to leave the school district temporarily
13 because of lack of educational services. A parent or guardian
14 transporting such a child shall be paid for each day of attendance at the
15 mileage rate provided in section 81-1176 for each actual mile or fraction
16 thereof traveled between the place of residence and the program of
17 attendance, and when any parent or guardian transports more than one
18 child with a disability in his or her custody or control enrolled in
19 programs at the same location, the amount of payments to such parent or
20 guardian shall be based upon the transportation of one such child. No
21 transportation payments shall be made to a parent or guardian for mileage
22 not actually traveled by such parent or guardian;

23 (b) Provide for the transportation expenses within the school
24 district, or for a Class V school district, within the county or counties
25 in which such school district has schools, of any child with a disability
26 who is enrolled in a special educational program of the district when
27 either (i) the child is required to attend a facility other than what
28 would be the normal school or attendance facility of the child to receive
29 appropriate special educational services or (ii) the nature of the
30 child's disability is such that special transportation is required. A
31 parent or guardian transporting such child shall be paid for each day of

1 attendance at the mileage rate provided in section 81-1176 for each
2 actual mile or fraction thereof traveled between the place of residence
3 and the program of attendance, and when any parent or guardian transports
4 more than one child with a disability in his or her custody or control
5 enrolled in programs at the same location, the amount of payments to such
6 parent or guardian shall be based upon the transportation of one such
7 child. No transportation payments shall be made to a parent or guardian
8 for mileage not actually traveled by such parent or guardian;

9 (c) Provide visiting teachers for homebound children with
10 disabilities. Such teachers shall be certified and qualified in the same
11 manner as required for other teachers in Nebraska;

12 (d) Provide correspondence instruction approved by the Commissioner
13 of Education; or

14 (e) Provide any other method of instruction approved by the
15 Commissioner of Education.

16 (2) When a child with a disability resides in or attends a preschool
17 or child care program in a school district other than the school district
18 of residence of his or her parents or guardian, the nonresident school
19 district may, upon mutual agreement with the school district of
20 residence, provide for the transportation expenses of the child.

21 2. Renumber the remaining sections, correct internal references, and
22 correct the repealer accordingly.