

AMENDMENTS TO LB937

(Amendments to Standing Committee amendments, AM2454)

Introduced by Hunt, 8.

1 1. Insert the following new section:

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 attending a school within the learning community, such Class V school
24 district shall provide for transportation, in an appropriate vehicle,
25 from the residential setting to and from school and between schools, and
26 all educational services, including all special education services and
27 support services as defined in section 79-1125.01, unless the parent or
28 guardian of such student requests that the Class V school district
29 contract with the school district in which the residential setting is
30 located for all such services; or

31 (B) For a student who is a resident of a Class V school district

1 attending a school outside of the learning community or for a student who
2 is not a resident of a Class V school district, the resident school
3 district shall contract with the school district in which such
4 residential setting is located for the provision of all educational
5 services, including all special education services and support services
6 as defined in section 79-1125.01, unless a parent or guardian and the
7 resident school district agree that an appropriate education will be
8 provided by the resident school district while the student is residing in
9 such residential setting.

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

24 (c) If a student is residing in a residential setting as described
25 in subdivision (10)(a) of this section and such residential setting
26 maintains an interim-program school as defined in section 79-1119.01 or
27 an approved or accredited school, the department shall reimburse such
28 residential setting for the provision of all educational services,
29 including all special education services and support services, with the
30 amount of payment for all educational services determined pursuant to the
31 average per pupil cost of the service agency as defined in section

1 79-1116. The resident school district shall retain responsibility for
2 such student's individualized education program plan, if any. The
3 educational services may be provided through (i) such interim-program
4 school or approved or accredited school, (ii) a contract between the
5 residential setting and the school district in which such residential
6 setting is located, (iii) a contract between the residential setting and
7 another service agency as defined in section 79-1124, or (iv) a
8 combination of such educational service providers.

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

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

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

1 participate and the school district which the student is requesting to
2 attend is the closest school district to the residence of such student or
3 such student's parent that offers such extracurricular activity or (ii)
4 the school district where such student or such student's parent resides
5 does offer the extracurricular activity in which the student desires to
6 participate but the school district the student is requesting to attend
7 includes the closest school to the residence of such student or such
8 student's parent that offers such extracurricular activity.

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

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

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

29 (15) The State Department of Education shall establish procedures
30 and criteria for collecting enrollment, admission, and related
31 information needed for any student to attend a school district in this

1 state which shall include, but not be limited to, having an adult with
2 legal or actual charge or control of a student provide through electronic
3 means or other means specified by the department the name of the student,
4 the name of the adult with legal or actual charge or control of the
5 student, the address where the student is or will be residing, and
6 information on how and where the adult may generally be reached during
7 the school day.

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

10 2. Renumber the remaining sections, correct internal references, and
11 correct the repealer accordingly.