

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 862**

Introduced by Linehan, 39.

Read first time January 03, 2024

Committee: Education

- 1 A BILL FOR AN ACT relating to schools; to amend section 79-611, Revised
- 2 Statutes Cumulative Supplement, 2022; to change provisions relating
- 3 to the transportation of students; to provide a reporting duty to
- 4 school districts; to provide powers and duties to the State
- 5 Department of Education; and to repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-611, Revised Statutes Cumulative Supplement,  
2 2022, is amended to read:

3 79-611 (1) The school board of any school district shall provide  
4 free transportation, partially provide free transportation, or pay an  
5 allowance for transportation in lieu of free transportation as follows:

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

11 (b) When a student is required to attend an elementary school  
12 outside of his or her own school district and lives more than four miles  
13 from such elementary school as measured by the shortest route that must  
14 actually and necessarily be traveled by motor vehicle to reach the  
15 student's residence;

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

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

30 (2)(a) For school years prior to school year 2017-18 and as required  
31 pursuant to subsection (3) of section 79-241, the school board of any

1 school district that is a member of a learning community shall provide  
2 free transportation for a student who resides in such learning community  
3 and attends school in such school district if (i) the student is  
4 transferring pursuant to the open enrollment provisions of section  
5 79-2110, qualifies for free or reduced-price lunches, lives more than one  
6 mile from the school to which he or she transfers, and is not otherwise  
7 disqualified under subdivision (2)(c) of this section, (ii) the student  
8 is transferring pursuant to the open enrollment provisions of section  
9 79-2110, is a student who contributes to the socioeconomic diversity of  
10 enrollment at the school building he or she attends, lives more than one  
11 mile from the school to which he or she transfers, and is not otherwise  
12 disqualified under subdivision (2)(c) of this section, (iii) the student  
13 is attending a focus school or program and lives more than one mile from  
14 the school building housing the focus school or program, or (iv) the  
15 student is attending a magnet school or program and lives more than one  
16 mile from the magnet school or the school housing the magnet program.

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

22 (c) For any student who resides within a learning community and  
23 transfers to another school building pursuant to the open enrollment  
24 provisions of section 79-2110 and who had not been accepted for open  
25 enrollment into any school building within such school district prior to  
26 September 6, 2013, the school board is exempt from the requirement of  
27 subdivision (2)(a) of this section if (i) the student is transferring to  
28 another school building within his or her home school district or (ii)  
29 the student is transferring to a school building in a school district  
30 that does not share a common border with his or her home school district.

31 (3) The transportation allowance which may be paid to the parent,

1 custodial parent, or guardian of students qualifying for free  
2 transportation pursuant to subsection (1) or (2) of this section shall  
3 equal two hundred eighty-five percent of the mileage rate provided in  
4 section 81-1176, multiplied by each mile actually and necessarily  
5 traveled, on each day of attendance, beyond which the one-way distance  
6 from the residence of the student to the school exceeds three miles. Such  
7 transportation allowance does not apply to students residing in a  
8 learning community who qualify for free or reduced-price lunches.

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

12 (a) To the parent, custodial parent, or guardian providing  
13 transportation for students from other families, one hundred percent of  
14 the amount prescribed in subsection (3) of this section for the  
15 transportation of students of such parent's, custodial parent's, or  
16 guardian's own family and an additional five percent for students of each  
17 other family not to exceed a maximum of one hundred twenty-five percent  
18 of the amount determined pursuant to subsection (3) of this section; and

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

26 (5) When a student who qualifies under the mileage requirements of  
27 subsection (1) of this section lives more than three miles from the  
28 location where the student must be picked up and dropped off in order to  
29 access school-provided free transportation, as measured by the shortest  
30 route that must actually and necessarily be traveled by motor vehicle  
31 between his or her residence and such location, such school-provided

1 transportation shall be deemed partially provided free transportation.  
2 School districts partially providing free transportation shall pay an  
3 allowance to the student's parent or guardian equal to two hundred  
4 eighty-five percent of the mileage rate provided in section 81-1176  
5 multiplied by each mile actually and necessarily traveled, on each day of  
6 attendance, beyond which the one-way distance from the residence of the  
7 student to the location where the student must be picked up and dropped  
8 off exceeds three miles.

9 (6)(a) ~~(6)~~ The board may authorize school-provided transportation to  
10 any student who does not qualify under the mileage requirements of  
11 subsection (1) of this section and may charge a fee to the parent or  
12 guardian of the student for such service. No transportation payments  
13 shall be made to a family for mileage not actually traveled by such  
14 family. The number of days the student has attended school shall be  
15 reported monthly by the teacher to the board of such public school  
16 district.

17 (b) A board which authorizes transportation to any student pursuant  
18 to subdivision (a) of this subsection shall keep a record of the  
19 transportation and the amount charged for such transportation. The school  
20 district shall annually submit a report relating to such information to  
21 the State Department of Education in a form and manner prescribed by the  
22 department. Such report shall include the number of students transported  
23 to school pursuant to this subsection, how much is charged for such  
24 transportation, and any other related information the department may  
25 require.

26 (c) The department shall make all reports submitted by a school  
27 district pursuant to subdivision (b) of this subsection publicly  
28 available on the department's website.

29 (7) No more than one allowance shall be made to a family  
30 irrespective of the number of students in a family being transported to  
31 school.

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

3           Sec. 2.    Original section 79-611, Revised Statutes Cumulative  
4 Supplement, 2022, is repealed.