

LEGISLATIVE BILL 592

Approved by the Governor March 25, 1985

Introduced by Vickers, 38; Harris, 27; Peterson, 21

AN ACT relating to schools; to amend section 79-447, Reissue Revised Statutes of Nebraska, 1943, and section 79-445, Revised Statutes Supplement, 1984; to provide for the admission of certain nonresident students as prescribed; to change tuition rates for certain students as prescribed; and to repeal the original sections. Be it enacted by the people of the State of Nebraska,

Section 1. That section 79-445, Revised Statutes Supplement, 1984, be amended to read as follows:
79-445. The school board or board of education may admit nonresident pupils to the district school, may determine the rate of tuition of the pupils, and shall collect such tuition in advance. When the pupil has, as a ward of the state or as a ward of any court, been placed in a public school district other than the district in which he or she resided at the time he or she became a ward or been placed in an institution which maintains a special education program which has been approved by the State Department of Education and such institution is outside of the pupil's resident school district, the cost of his or her education and the required transportation costs associated with the child's education shall be paid by the state to the receiving school district or approved institution or paid to the county nonresident tuition fund under rules and regulations prescribed by the State Board of Education. In the case of any individual eighteen years of age or younger who is a ward of the state or any court and who is placed in a county detention home as established under section 43-220, the cost of his or her education shall be paid by the state, regardless of such individual's district of residency, to the agency or institution which: (1) Is selected by the county board with jurisdiction over such detention home; (2) has agreed or contracted with such county board to provide educational services; and (3) has been approved by the State Department of Education pursuant to rules and regulations prescribed by the State Board of Education. No tuition shall be charged for children who may be by law allowed to attend the school without charge. The public school district in which the parent or guardian of any nonresident pupil maintains his or her legal residence shall not be liable for the payment of tuition fees and the children of school age of such parent or guardian shall be entitled to free common school

privileges the same as any child who is a bona fide resident of such school district whenever the parent or guardian of such nonresident pupil, having entered the public service of the State of Nebraska, has removed from the school district in which he or she maintains legal residence into another school district for temporary purposes incidental to serving the state, without the intention of making the school district to which the parent or guardian has removed his or her legal residence. No tuition shall be charged for a child whose parents are divorced if such child attends school in a district in which either parent resides. The burden of proof as to legal residence shall rest with the person claiming legal residence in any district. The school district may allow a pupil whose residency in the district ceases during a school year to continue attending school for the remainder of that school year without payment of tuition.

The school board or board of education may admit nonresident pupils to the district school without requiring the payment of tuition if such pupils are in the actual physical custody of a resident of the school district and are not residents of an adjoining school district and the school board or board of education determines that the pupils would otherwise be denied guaranteed free common school privileges.

Sec. 2. That section 79-447, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:
79-447. Any school district in this state, wherein which admits one or more of the children of nonmilitary federal employees residing in national parks or national monuments within the state referred to in section 79-446 attend to school, shall be entitled to charge as tuition for each of such pupils, for the time such pupil is enrolled, the sum of three fifty dollars per week, if such child is enrolled in the grade school of such district, and the sum of six seventy dollars per week, if such child is enrolled in any high school district, in, near, or adjacent to the place where such officer or enlisted man is stationed nonmilitary federal employees reside as provided in section 79-446. The tuition so charged may be paid by the State of Nebraska out of an appropriation therefor from the General Fund, except that state appropriations shall not be made for more than an amount equal to the tuition for ten high school pupils each year. If the amount appropriated is insufficient for the total tuition for all pupils, a pro rata share of the amount appropriated shall be paid for each pupil.

Sec. 3. That original section 79-447, Reissue Revised Statutes of Nebraska, 1943, and section 79-445, Revised Statutes Supplement, 1984, are repealed.