

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1081

Introduced by Karpisek, 32.

Read first time January 22, 2014

Committee: Education

A BILL

1 FOR AN ACT relating to the schools; to amend section 79-233, Revised
2 Statutes Cumulative Supplement, 2012, and section 79-237,
3 Revised Statutes Supplement, 2013; to provide a duty for
4 the State Department of Education; to provide for
5 reversal of a transfer decision as prescribed; to provide
6 for eligibility for participation in certain activities
7 as prescribed; to provide for changes in classification
8 of schools relating to varsity athletic competition as
9 prescribed; to harmonize provisions; to provide duties
10 for the Revisor of Statutes; and to repeal the original
11 sections.

12 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-233, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 79-233 For purposes of sections 79-232 to 79-246 and
4 section 3 of this act:

5 (1) Enrollment option program means the program
6 established in section 79-234;

7 (2) Option school district means the public school
8 district that an option student chooses to attend instead of his or
9 her resident school district;

10 (3) Option student means a student that has chosen to
11 attend an option school district, including a student who resides in
12 a learning community and began attendance as an option student in an
13 option school district in such learning community prior to the end of
14 the first full school year for which the option school district will
15 be a member of such learning community, but not including a student
16 who resides in a learning community and who attends pursuant to
17 section 79-2110 another school district in such learning community;

18 (4) Resident school district means the public school
19 district in which a student resides or the school district in which
20 the student is admitted as a resident of the school district pursuant
21 to section 79-215; and

22 (5) Siblings means all children residing in the same
23 household on a permanent basis who have the same mother or father or
24 who are stepbrother or stepsister to each other.

25 Sec. 2. Section 79-237, Revised Statutes Supplement,

1 2013, is amended to read:

2 79-237 (1) For a student to begin attendance as an option
3 student in an option school district which is not in a learning
4 community in which the student resides, the student's parent or legal
5 guardian shall submit an application to the school board of the
6 option school district between September 1 and March 15 for
7 attendance during the following and subsequent school years. Except
8 as provided in subsection (2) of this section, applications submitted
9 after March 15 shall contain a release approval from the resident
10 school district on the application form prescribed and furnished by
11 the State Department of Education pursuant to subsection (8) of this
12 section. A district may not accept or approve any applications
13 submitted after such date without such a release approval. The option
14 school district shall provide the resident school district with the
15 name of the applicant on or before April 1 or, in the case of an
16 application submitted after March 15, within sixty days after
17 submission. The option school district shall notify, in writing, the
18 parent or legal guardian of the student and the resident school
19 district whether the application is accepted or rejected on or before
20 April 1 or, in the case of an application submitted after March 15,
21 within sixty days after submission.

22 (2) A student who relocates to a different resident
23 school district after February 1, whose option school district merges
24 with another district effective after February 1, or whose
25 qualification for the option for school year 2013-14 is changed

1 pursuant to the changes made to subsection (1) of section 79-234 by
2 Laws 2013, LB410, may submit an application to the school board of an
3 option school district for attendance during the immediately
4 following and subsequent school years. Such application does not
5 require the release approval of the resident school district. The
6 option school district shall accept or reject such application within
7 forty-five days.

8 (3) For a student who resides in a learning community to
9 begin attendance in an option school district which is a member of
10 such learning community, the student's parent or legal guardian shall
11 submit an application to the school board of the option school
12 district (a) for any learning community established prior to February
13 13, 2009, between February 13, 2009, and April 1, 2009, or (b) for
14 any learning community established thereafter, between September 1
15 and March 15. Applications submitted after such deadlines shall be
16 accompanied by a written release from the resident school district.
17 Students who reside in a learning community shall only begin
18 attendance in an option school district which is a member of such
19 learning community prior to the end of the first full school year for
20 which the option school district is a member of such learning
21 community. The option school district shall provide the resident
22 school district with the name of the applicant within five days after
23 the applicable deadline. The option school district shall notify, in
24 writing, the parent or legal guardian of the student and the resident
25 school district whether the application is accepted or rejected on or

1 before April 1. A parent or guardian may provide information on the
2 application regarding the applicant's potential qualification for
3 free or reduced-price lunches. Any such information provided shall be
4 subject to verification and shall only be used for the purposes of
5 subsection (4) of section 79-238. Nothing in this subsection requires
6 a parent or guardian to provide such information. Determinations
7 about an applicant's qualification for free or reduced-price lunches
8 for purposes of subsection (4) of section 79-238 shall be based on
9 any verified information provided on the application. If no such
10 information is provided, the student shall be presumed not to qualify
11 for free or reduced-price lunches for the purposes of subsection (4)
12 of section 79-238.

13 (4) Applications for students who do not actually attend
14 the option school district may be withdrawn in good standing upon
15 mutual agreement by both the resident and option school districts.

16 (5) No option student shall attend an option school
17 district for less than one school year unless the student relocates
18 to a different resident school district, completes requirements for
19 graduation prior to the end of his or her senior year, transfers to a
20 private or parochial school, or upon mutual agreement of the resident
21 and option school districts cancels the enrollment option and returns
22 to the resident school district.

23 (6) Except as provided in subsection (5) of this section,
24 the option student shall attend the option school district until
25 graduation unless the student relocates in a different resident

1 school district, transfers to a private or parochial school, or
2 chooses to return to the resident school district.

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

9 (8) The application and cancellation forms shall be
10 prescribed and furnished by the State Department of Education.

11 (9) An option student who subsequently chooses to attend
12 a private or parochial school shall be automatically accepted to
13 return to either the resident school district or option school
14 district upon the completion of the grade levels offered at the
15 private or parochial school. If such student chooses to return to the
16 option school district, the student's parent or legal guardian shall
17 submit another application to the school board of the option school
18 district which shall be automatically accepted, and the deadlines
19 prescribed in this section shall be waived.

20 (10) On or before May 1 of each year, the State
21 Department of Education shall compile a list of all students whose
22 applications to transfer to an option school district have been
23 approved pursuant to this section.

24 Sec. 3. A student who applies to transfer from his or her
25 resident school district to an option school district, which

1 application is approved as provided in section 79-237, may reverse
2 his or her transfer decision within fourteen calendar days after May
3 1 of the year in which the application is submitted and approved and
4 remain eligible to participate in school-sponsored extracurricular
5 activities in his or her resident school district for all of the
6 ensuing school year.

7 Sec. 4. If a student transfers into an option school
8 district after May 1, the student is not eligible to participate in
9 varsity athletic sports for a period of one hundred eighty school
10 days after the effective date of the transfer unless his or her
11 family has experienced a change of domicile to the option school
12 district.

13 For purposes of this section, domicile means the place of
14 lodging where the family regularly eats and sleeps, where the family
15 is habitually present, and to which, when departing, the family
16 intends to return.

17 Sec. 5. (1) For purposes of classification of schools for
18 varsity athletic competition, by an organization which oversees
19 interscholastic competition at the high school level in Nebraska,
20 schools shall be subject to reclassification every two years on a
21 sport-by-sport basis dependent on a school's tournament success
22 during the four years prior to reclassification.

23 (2) A school shall earn point values for the final level
24 the school achieves in tournament play for a varsity sport during the
25 four years prior to reclassification as follows:

- 1 (a) District champion: One point;
2 (b) First-round winner in state tournament: Two points;
3 (c) Semifinal-round winner in state tournament: Three
4 points; and
5 (d) Winner of state tournament: Four points.
- 6 (3) For a varsity sport in which a school achieves twelve
7 points or more pursuant to subsection (2) of this section during a
8 four-year period, such school shall move up to the next available
9 larger classification for the next two years for such varsity sport.
10 A change in a school's enrollment which would otherwise result in a
11 change of the school's classification shall not apply to a school
12 which changes classification under this section unless the enrollment
13 change would result in the school being placed in a classification
14 larger than the classification pursuant to this section, in which
15 case such school shall be placed in the classification determined by
16 the school's enrollment for the next two years.
- 17 (4) For any varsity sport in which a school achieves
18 eight or more but fewer than twelve points pursuant to subsection (2)
19 of this section during a four-year period, such school shall remain
20 in the same classification in such varsity sport for the next two
21 years, except that if there is a change in the school's enrollment
22 which would result in the school being placed in a larger
23 classification than the classification required pursuant to this
24 subsection, such school shall be placed in the classification
25 determined by the school's enrollment for the next two years.

1 (5) For any varsity sport in which a school achieves
2 seven or fewer points pursuant to subsection (2) of this section
3 during a four-year period, such school shall be placed in the
4 classification required by the school's enrollment for the next two
5 years.

6 (6) For classifications that have a set number of
7 schools, if a school is placed in a larger classification pursuant to
8 subsection (3) or (4) of this section, the school with the smallest
9 enrollment in such classification shall be moved to the next lower
10 classification containing schools with smaller enrollments.

11 Sec. 6. The Revisor of Statutes shall assign sections 3
12 and 4 of this act within sections 79-232 to 79-246.

13 Sec. 7. Original section 79-233, Revised Statutes
14 Cumulative Supplement, 2012, and section 79-237, Revised Statutes
15 Supplement, 2013, are repealed.