

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 668**

Introduced by Executive Board: Watermeier, 1, Chairperson.

Read first time January 03, 2018

Committee: General File

- 1 A BILL FOR AN ACT relating to schools; to eliminate inconsistent
- 2 language; to amend section 79-237, Revised Statutes Supplement,
- 3 2017; and to repeal the original section.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-237, Revised Statutes Supplement, 2017, is  
2 amended to read:

3 79-237 (1) For a student to begin attendance as an option student in  
4 an option school district ~~in which the student resides~~, the student's  
5 parent or legal guardian shall submit an application to the school board  
6 of the option school district between September 1 and March 15 for  
7 attendance during the following and subsequent school years. Except as  
8 provided in subsection (2) of this section, applications submitted after  
9 March 15 shall contain a release approval from the resident school  
10 district on the application form prescribed and furnished by the State  
11 Department of Education pursuant to subsection (8) of this section. A  
12 district may not accept or approve any applications submitted after such  
13 date without such a release approval. The option school district shall  
14 provide the resident school district with the name of the applicant on or  
15 before April 1 or, in the case of an application submitted after March  
16 15, within sixty days after submission. The option school district shall  
17 notify, in writing, the parent or legal guardian of the student and the  
18 resident school district whether the application is accepted or rejected  
19 on or before April 1 or, in the case of an application submitted after  
20 March 15, within sixty days after submission. An option school district  
21 that is a member of a learning community may not approve an application  
22 pursuant to this section for a student who resides in such learning  
23 community to attend prior to school year 2017-18.

24 (2) A student who relocates to a different resident school district  
25 after February 1 or whose option school district merges with another  
26 district effective after February 1 may submit an application to the  
27 school board of an option school district for attendance during the  
28 current or immediately following and subsequent school years unless the  
29 applicant is a resident of a learning community and the application is  
30 for attendance to begin prior to school year 2017-18 in an option school  
31 district that is also a member of such learning community. Such

1 application does not require the release approval of the resident school  
2 district. The option school district shall accept or reject such  
3 application within forty-five days.

4 (3) A parent or guardian may provide information on the application  
5 for an option school district that is a member of a learning community  
6 regarding the applicant's potential qualification for free or reduced-  
7 price lunches. Any such information provided shall be subject to  
8 verification and shall only be used for the purposes of subsection (4) of  
9 section 79-238. Nothing in this subsection requires a parent or guardian  
10 to provide such information. Determinations about an applicant's  
11 qualification for free or reduced-price lunches for purposes of  
12 subsection (4) of section 79-238 shall be based on any verified  
13 information provided on the application. If no such information is  
14 provided, the student shall be presumed not to qualify for free or  
15 reduced-price lunches for the purposes of subsection (4) of section  
16 79-238.

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

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

27 (6) Except as provided in subsection (5) of this section or, for  
28 open enrollment option students, in section 79-235.01, the option student  
29 shall attend the option school district until graduation unless the  
30 student relocates in a different resident school district, transfers to a  
31 private or parochial school, or chooses to return to the resident school

1 district.

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

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

10 (9) An option student who subsequently chooses to attend a private  
11 or parochial school and who is not an open enrollment option student  
12 shall be automatically accepted to return to either the resident school  
13 district or option school district upon the completion of the grade  
14 levels offered at the private or parochial school. If such student  
15 chooses to return to the option school district, the student's parent or  
16 legal guardian shall submit another application to the school board of  
17 the option school district which shall be automatically accepted, and the  
18 deadlines prescribed in this section shall be waived.

19 Sec. 2. Original section 79-237, Revised Statutes Supplement, 2017,  
20 is repealed.