

AMENDMENTS TO LB306

Introduced by Murman, 38.

1           1. Insert the following new sections:

2           **Sec. 2.** Section 79-215, Reissue Revised Statutes of Nebraska, 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. A student of a military  
27 family shall be admitted to the school district without charge upon

1 arrival in Nebraska if the requirements of this section are met.

2 (8) A school board may admit a student who is a resident of another  
3 state to the school district and collect tuition in advance at a rate  
4 determined by the school board.

5 (9) When a student as a ward of the state or as a ward of any court  
6 (a) has been placed in a school district other than the district in which  
7 he or she resided at the time he or she became a ward and such ward does  
8 not reside in a foster family home licensed or approved by the Department  
9 of Health and Human Services or a foster home maintained or used pursuant  
10 to section 83-108.04 or (b) has been placed in any institution which  
11 maintains a special education program which has been approved by the  
12 State Department of Education and such institution is not owned or  
13 operated by the district in which he or she resided at the time he or she  
14 became a ward, the cost of his or her education and the required  
15 transportation costs associated with the student's education shall be  
16 paid by the state, but not in advance, to the receiving school district  
17 or approved institution under rules and regulations prescribed by the  
18 Department of Health and Human Services and the student shall remain a  
19 resident of the district in which he or she resided at the time he or she  
20 became a ward. Any student who is a ward of the state or a ward of any  
21 court who resides in a foster family home licensed or approved by the  
22 Department of Health and Human Services or a foster home maintained or  
23 used pursuant to section 83-108.04 shall be deemed a resident of the  
24 district in which he or she resided at the time he or she became a foster  
25 child, unless it is determined under section 43-1311 or 43-1312 that he  
26 or she will not attend such district in which case he or she shall be  
27 deemed a resident of the district in which the foster family home or  
28 foster home is located.

29 (10)(a) When a student is not a ward of the state or a ward of any  
30 court and is residing in a residential setting located in Nebraska for  
31 reasons other than to receive an education and the residential setting is

1 operated by a service provider which is certified or licensed by the  
2 Department of Health and Human Services or is enrolled in the medical  
3 assistance program established pursuant to the Medical Assistance Act and  
4 Title XIX or XXI of the federal Social Security Act, as amended, the  
5 student shall remain a resident of the district in which he or she  
6 resided immediately prior to residing in such residential setting. The  
7 resident district for a student who is not a ward of the state or a ward  
8 of any court does not change when the student moves from one residential  
9 setting to another.

10 (b) If a student is residing in a residential setting as described  
11 in subdivision (10)(a) of this section and such residential setting does  
12 not maintain an interim-program school as defined in section 79-1119.01  
13 or an approved or accredited school, the resident school district shall  
14 contract with the district in which such residential setting is located  
15 for the provision of all educational services, including all special  
16 education services and support services as defined in section 79-1125.01,  
17 unless a parent or guardian and the resident school district agree that  
18 an appropriate education will be provided by the resident school district  
19 while the student is residing in such residential setting. If the  
20 resident school district is required to contract, the district in which  
21 such residential setting is located shall contract with the resident  
22 district and provide all educational services, including all special  
23 education services, to the student. If the two districts cannot agree on  
24 the amount of the contract, the State Department of Education shall  
25 determine the amount to be paid by the resident district to the district  
26 in which such residential setting is located based on the needs of the  
27 student, approved special education rates, the department's general  
28 experience with special education budgets, and the cost per student in  
29 the district in which such residential setting is located. Once the  
30 contract has been entered into, all legal responsibility for special  
31 education and related services shall be transferred to the school

1 district in which the residential setting is located.

2 (c) If a student is residing in a residential setting as described  
3 in subdivision (10)(a) of this section and such residential setting  
4 maintains an interim-program school as defined in section 79-1119.01 or  
5 an approved or accredited school, the department shall reimburse such  
6 residential setting for the provision of all educational services,  
7 including all special education services and support services, with the  
8 amount of payment for all educational services determined pursuant to the  
9 average per pupil cost of the service agency as defined in section  
10 79-1116. The resident school district shall retain responsibility for  
11 such student's individualized education plan, if any. The educational  
12 services may be provided through (i) such interim-program school or  
13 approved or accredited school, (ii) a contract between the residential  
14 setting and the school district in which such residential setting is  
15 located, (iii) a contract between the residential setting and another  
16 service agency as defined in section 79-1124, or (iv) a combination of  
17 such educational service providers.

18 (d) If a school district pays a school district in which a  
19 residential setting is located for educational services provided pursuant  
20 to subdivision (10)(b) of this section and it is later determined that a  
21 different school district was the resident school district for such  
22 student at the time such educational services were provided, the school  
23 district that was later determined to be the resident school district  
24 shall reimburse the school district that initially paid for the  
25 educational services one hundred ten percent of the amount paid.

26 (e) A student residing in a residential setting described in this  
27 subsection shall be defined as a student with a handicap pursuant to  
28 Article VII, section 11, of the Constitution of Nebraska, and as such the  
29 state and any political subdivision may contract with institutions not  
30 wholly owned or controlled by the state or any political subdivision to  
31 provide the educational services to the student if such educational

1 services are nonsectarian in nature.

2 (11) A school board shall admit a student upon request without  
3 charge for part-time enrollment for purposes of participating in  
4 extracurricular activities in accordance with section 79-2,136 if (a) the  
5 student is also enrolled in a private, denominational, or parochial  
6 school or in a school which elects pursuant to section 79-1601 not to  
7 meet accreditation or approval requirements and (b) either (i) the school  
8 district where such student or such student's parent resides does not  
9 offer the extracurricular activity in which the student desires to  
10 participate and the school district which the student is requesting to  
11 attend is the closest school district to the residence of such student or  
12 such student's parent that offers such extracurricular activity or (ii)  
13 the school district where such student or such student's parent resides  
14 does offer the extracurricular activity in which the student desires to  
15 participate but the school district the student is requesting to attend  
16 includes the closest school to the residence of such student or such  
17 student's parent that offers such extracurricular activity.

18 (12) ~~(11)~~ In the case of any individual eighteen years of age or  
19 younger who is a ward of the state or any court and who is placed in a  
20 county detention home established under section 43-2,110, the cost of his  
21 or her education shall be paid by the state, regardless of the district  
22 in which he or she resided at the time he or she became a ward, to the  
23 agency or institution which: (a) Is selected by the county board with  
24 jurisdiction over such detention home; (b) has agreed or contracted with  
25 such county board to provide educational services; and (c) has been  
26 approved by the State Department of Education pursuant to rules and  
27 regulations prescribed by the State Board of Education.

28 (13) ~~(12)~~ No tuition shall be charged for students who may be by law  
29 allowed to attend the school without charge.

30 (14) ~~(13)~~ The State Department of Education shall establish  
31 procedures and criteria for collecting enrollment, admission, and related

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

9 (15) ~~(14)~~ The department may adopt and promulgate rules and  
10 regulations to carry out the provisions of this section.

11 **Sec. 3.** Section 79-2,136, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 79-2,136 (1) Each school board shall allow the part-time enrollment  
14 of students, for all courses selected by the students, who are residents  
15 of, or admitted to, the school district pursuant to subsection  
16 ~~subsections~~ (1), and (2), or (11) of section 79-215 and who are also  
17 enrolled in a private, denominational, or parochial school or in a school  
18 which elects pursuant to section 79-1601 not to meet accreditation or  
19 approval requirements and shall establish policies and procedures for  
20 such part-time enrollment. Such policies and procedures may include  
21 provisions permitting the part-time enrollment of such students who are  
22 not residents of, or admitted to, such school districts to the extent  
23 permitted pursuant to section 79-215 and may require part-time students  
24 to follow school policies that apply to other students at any time the  
25 part-time student is present on school grounds or at a school-sponsored  
26 activity or athletic event. Part-time enrollment shall not entitle a  
27 student to transportation or transportation reimbursements pursuant to  
28 section 79-611.

29 (2) Each school board shall establish policies and procedures to  
30 allow any student who is a resident of, or admitted to, the school  
31 district pursuant to subsection (1), ~~or~~ (2), or (11) of section 79-215

1 and who is enrolled in a school which elects pursuant to section 79-1601  
2 not to meet accreditation or approval requirements to participate in any  
3 extracurricular activities as defined in section 79-2,126, including, but  
4 not limited to, interschool competitions, to the same extent and subject  
5 to the same requirements, conditions, and procedures as a student  
6 enrolled in a public school governed by such board, except that any  
7 school which elects pursuant to section 79-1601 not to meet accreditation  
8 or approval requirements shall set the standards for satisfactory  
9 academic performance for a student from the school to participate in  
10 extracurricular activities pursuant to this subsection and shall provide  
11 assurances of compliance with such academic standards.

12 (3) School board policies and procedures adopted pursuant to  
13 subsection (2) of this section (a) shall require any student desiring to  
14 participate ~~participating~~ in extracurricular activities regulated by an  
15 athletics or activities association to which such school is a member  
16 pursuant to such subsection to be enrolled in ~~no more and no less than~~  
17 five credit hours offered by the school district in any semester in order  
18 to participate in such extracurricular activities, but may not prohibit a  
19 student from enrolling in more than five credit hours, (b) shall not  
20 allow any preference in the selection of a student for participation in  
21 an extracurricular activity based on such student's status as a full-time  
22 student in the school district, and (c) may require any student  
23 participating in extracurricular activities pursuant to such subsection  
24 to follow school policies that apply to other students when present on  
25 school grounds or at a school-sponsored activity or athletic event.  
26 Participation in extracurricular activities pursuant to subsection (2) of  
27 this section shall not entitle a student to transportation, except to and  
28 from practices and events to the same extent as public school students  
29 participating in such activities, or transportation reimbursement  
30 pursuant to section 79-611.

31 (4) Nothing in this section shall be construed to exempt any student

- 1 from the compulsory attendance provisions of section ~~sections~~ 79-201 or
- 2 any statutes relating to habitual truancy to 79-210.
- 3 2. Renumber the remaining sections and correct internal references
- 4 and the repealer accordingly.