

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 9**

Introduced by Krist, 10.

Read first time January 10, 2013

Committee: Education

A BILL

1 FOR AN ACT relating to schools; to amend sections 79-611 and 79-2120,  
2 Revised Statutes Cumulative Supplement, 2012; to change  
3 provisions relating to free transportation for students  
4 in learning communities; to harmonize provisions; and to  
5 repeal the original sections.  
6 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 79-611, Revised Statutes Cumulative  
2 Supplement, 2012, is amended to read:

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

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

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

17                   (c) When a student attends a secondary school in his or  
18 her own Class II or Class III school district and lives more than  
19 four miles from the public schoolhouse as measured by the shortest  
20 route that must actually and necessarily be traveled by motor vehicle  
21 to reach the student's residence. This subdivision does not apply  
22 when one or more Class I school districts merge with a Class VI  
23 school district to form a new Class II or III school district on or  
24 after January 1, 1997; and

25                   (d) When a student, other than a student in grades ten

1 through twelve in a Class V district, attends an elementary or junior  
2 high school in his or her own Class V district and lives more than  
3 four miles from the public schoolhouse in such district as measured  
4 by the shortest route that must actually and necessarily be traveled  
5 by motor vehicle to reach the student's residence.

6 (2)(a) The school board of any school district that is a  
7 member of a learning community shall provide free transportation for  
8 a student who resides in such learning community and attends school  
9 in such school district if ~~(i) the student is transferring pursuant~~  
10 ~~to the open enrollment provisions of section 79-2110, qualifies for~~  
11 ~~free or reduced price lunches, and lives more than one mile from the~~  
12 ~~school to which he or she transfers, (ii) the student is transferring~~  
13 ~~pursuant to such open enrollment provisions, and either (i) is a~~  
14 student who contributes to the socioeconomic diversity of enrollment  
15 at the school building ~~he or she attends, to which he or she~~  
16 transfers and lives more than one mile from the school to which he or  
17 she transfers, ~~(iii) the student is~~ or (ii) is a student attending a  
18 focus school or program and lives more than one mile from the school  
19 building housing the focus school or program., ~~or (iv) the student~~  
20 ~~is attending a magnet school or program and lives more than one mile~~  
21 ~~from the magnet school or the school housing the magnet program.~~

22 (b) For purposes of this subsection, student who  
23 contributes to the socioeconomic diversity of enrollment ~~at the~~  
24 ~~school building he or she attends~~ has the definition found in section  
25 79-2110. This subsection does not prohibit a school district that is

1 a member of a learning community from providing transportation to any  
2 intradistrict student.

3 (3) The transportation allowance which may be paid to the  
4 parent, custodial parent, or guardian of students qualifying for free  
5 transportation pursuant to subsection (1) or (2) of this section  
6 shall equal two hundred eighty-five percent of the mileage rate  
7 provided in section 81-1176, multiplied by each mile actually and  
8 necessarily traveled, on each day of attendance, beyond which the  
9 one-way distance from the residence of the student to the schoolhouse  
10 exceeds three miles.

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

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

22 (b) To the parent, custodial parent, or guardian not  
23 providing transportation for students of other families, two hundred  
24 eighty-five percent of the mileage rate provided in section 81-1176  
25 multiplied by each mile actually and necessarily traveled, on each

1 day of attendance, from the residence of the student to the pick-up  
2 point at which students transfer to the vehicle of a parent,  
3 custodial parent, or guardian described in subdivision (a) of this  
4 subsection.

5           (5) When a student who qualifies under the mileage  
6 requirements of subsection (1) of this section lives more than three  
7 miles from the location where the student must be picked up and  
8 dropped off in order to access school-provided free transportation,  
9 as measured by the shortest route that must actually and necessarily  
10 be traveled by motor vehicle between his or her residence and such  
11 location, such school-provided transportation shall be deemed  
12 partially provided free transportation. School districts partially  
13 providing free transportation shall pay an allowance to the student's  
14 parent or guardian equal to two hundred eighty-five percent of the  
15 mileage rate provided in section 81-1176 multiplied by each mile  
16 actually and necessarily traveled, on each day of attendance, beyond  
17 which the one-way distance from the residence of the student to the  
18 location where the student must be picked up and dropped off exceeds  
19 three miles.

20           (6) The board may authorize school-provided  
21 transportation to any student who does not qualify under the mileage  
22 requirements of subsection (1) of this section and may charge a fee  
23 to the parent or guardian of the student for such service. An  
24 affiliated high school district may provide free transportation or  
25 pay the allowance described in this section for high school students

1 residing in an affiliated Class I district. No transportation  
2 payments shall be made to a family for mileage not actually traveled  
3 by such family. The number of days the student has attended school  
4 shall be reported monthly by the teacher to the board of such public  
5 school district.

6 (7) No more than one allowance shall be made to a family  
7 irrespective of the number of students in a family being transported  
8 to school. If a family resides in a Class I district which is part of  
9 a Class VI district and has students enrolled in any of the grades  
10 offered by the Class I district and in any of the non-high-school  
11 grades offered by the Class VI district, such family shall receive  
12 not more than one allowance for the distance actually traveled when  
13 both districts are on the same direct travel route with one district  
14 being located a greater distance from the residence than the other.  
15 In such cases, the travel allowance shall be prorated among the  
16 school districts involved.

17 (8) No student shall be exempt from school attendance on  
18 account of distance from the public schoolhouse.

19 Sec. 2. Section 79-2120, Revised Statutes Cumulative  
20 Supplement, 2012, is amended to read:

21 79-2120 On or before March 1, 2009, and February 1 of  
22 each year thereafter, for purposes of subsection (3) of section  
23 79-238 and ~~sections 79-611 and section~~ 79-2110, the State Department  
24 of Education shall certify to each learning community and each member  
25 school district the average percentage of students qualifying for

1 free or reduced-price lunches in each school building in each member  
2 school district and in the aggregate for all school buildings in the  
3 learning community based on the most current information available to  
4 the department on the immediately preceding January 1. The State  
5 Board of Education may adopt and promulgate rules and regulations to  
6 carry out this section.

7                   Sec. 3. Original sections 79-611 and 79-2120, Revised  
8 Statutes Cumulative Supplement, 2012, are repealed.