

ONE HUNDRED EIGHTH LEGISLATURE - SECOND SESSION - 2024
COMMITTEE STATEMENT
LB550

Hearing Date: Tuesday February 28, 2023
Committee On: Education
Introducer: Ballard
One Liner: Change provisions relating to the enrollment option program

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye: 8 Senators Albrecht, Sanders, Murman, Meyer, Linehan, Conrad,
Wayne, Walz
Nay:
Absent:
Present Not Voting:

Testimony:

Proponents:

Senator Beau Ballard
Shannon Pahls

Representing:

Opening Presenter
Yes, Every Kid

Opponents:

Kyle McGowan

Representing:

Nebraska Council of School Administrators,
Nebraska State Education Association, Nebraska
Association of School Boards, Greater Nebraska
Schools Association, Schools Taking Action
Nebraska Children's Education, Nebraska Rural
Community Schools Association
Ralston Public Schools
OpenSky Policy Institute
Stand for Schools
Higher Power Church

Jason Buckingham
Connie Knoche
Dunixi Guereca
Josephine (Vincent) Litwinowicz

Neutral:

Representing:

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

LB550 Changes provisions relating to the enrollment option program

Bill Summary:

LB 550 would change provisions for option enrollment, addresses student fees, and addresses transportation

reimbursement.

Section-by-Section Summary:

SECTION 1

This section defines five terms for the purposes of 79-232 through 79-246:

Enrollment Option Program

Option School District

Option Student

Resident School District

Siblings

SECTION 2

Amends 79-234.

Option enrollment program is established to enable any K-12 Nebraska student to attend a school in a Nebraska public school district in which the student does not reside.

SECTION 3

The option school district may choose which building the option student is enrolled in.

Regarding eligibility for extracurricular activities, option students shall be treated similarly to other students who have transferred into the option school from other public, private, denominational, or parochial schools.

SECTION 4

Parents must apply to the option school district. Such application may be submitted at any time.

The option school district must respond in writing within 10 days.

Applications for students who do not actually attend the option school district may withdraw their application upon agreement with the option school district.

An option student may transfer to a different option school district.

If an option student subsequently attends a private or parochial school, then such student shall automatically be accepted to re-enroll in the option school upon reapplication.

SECTION 5

School boards shall adopt specific standards for acceptance and rejection of enrollment applications in accordance with this section.

Standards are prohibited from considering:

Academic achievement

Athletic or extracurricular abilities

Disabilities

English proficiency

Previous discipline proceedings (with exceptions as provided in 79-266.01)

Residential address

Any capacity measurement

Any measurement that discriminates based upon any protected class

False or misleading statements in an application may be grounds for a rejection if the rejection occurs prior to enrollment.

SECTION 6

A school district who rejects an application must do so in writing, stating the reasons and also informing the parent of the appeals process. Notice must be sent by certified mail.

Appeals must be submitted in writing within 30 days to the State Board of Education.

SECTION 7

A student who relocates to a different school district may automatically continue to attend their original school district if they attended the original school district for the immediately preceding two years.

A student who relocates to a different school district may automatically continue to attend their option school.

SECTION 8

Regarding transportation:

79-611 does not apply to the transportation of an option student, except as this section may provide otherwise.

Parents of an option student shall be responsible for transportation.

A school district may, upon mutual agreement, provide transportation on the same basis as a resident student.

Option students who qualify for free lunches shall be eligible for either free transportation or transportation reimbursement as set forth in this section.

Option students verified as having a disability shall be provided transportation by the resident school district. See: 79-1129.

The DOE shall reimburse the resident school district for the cost of transportation in accordance with 79-1144.

SECTION 9

Fees and other funds:

A governing body may require or collect fees or other funds from or on behalf of students.

A governing body may also require students to provide specialized equipment or attire for any of the purposes set forth in this section.

A governing body may not collect money pursuant to the Public Elementary and Secondary student Fee Authorization Act from students.

SECTION 10

On or before August 1st each year, each school board shall hold a public hearing, in accordance with direction provided, to address the proposed student fee policy, which shall be adopted by majority vote and published in the student handbook which shall be distributed in accordance with this section.

SECTION 11

11.1

The school board shall provide free transportation, or partially provide free transportation, or pay an allowance for transportation as follows:

Elementary school students attending in their own district who lives more than four miles away from such school.

Elementary school students who are required to attend an elementary school outside of their own school district and lives more than four miles away from such school.

When a student attends a secondary school in their own Class III school district and lives more than four miles away from such school.

This subdivision does not apply to any elementary-only school district that merged with a high-school-only school district to form a new Class III district.

When a student, other than grades ten through twelve, attends an elementary or junior high school in their own Class V school district and lives more than four miles away from such school.

11.2

Sets forth the transportation allowance paid to the parent / guardian of students qualifying for free transportation.

Such allowance does not apply to students residing in a learning community who qualify for free or reduced-lunch prices.

11.3

Provides reimbursement rates for students who carpool.

11.4

Defines: Partially Provided Free Transportation.

Provides the reimbursement rate for students who are served by Partially Provided Free Transportation.

11.5 – 11.7

The board may authorize school-provided transportation to any student who does not qualify under the mileage requirements of section 11.1. In such cases the board may charge a fee to the parent / guardian for such service.

Transportation payments must be for miles actually travelled.

The number of days the student has attended must be reported monthly by the teacher.

Only one travel allowance per family irrespective of the number of students in a family being transported.

Students are not exempt from attendance regardless of distance of residence from school.

SECTION 12

12.1

A district shall receive net option funding if:

Option students were actually enrolled in the school year immediately preceding the school year in which the aid is to be paid.

or

Option students will be enrolled in in the school year in which the aid is to be paid as converted contract option students.

The determination of the net number of option students shall be based on the two criteria set forth this subsection.

12.1.c – Defines: Net Number of Option Students

12.2

Provides net option funding formula:

Net number of option students multiplied by the statewide average basic funding per formula student.

12.3

Net option funding shall be zero if the calculation produces a negative result.

Payments shall go directly to the option school but shall count as a formula resource for the local system.

SECTION 13

A parent or guardian may voluntarily provide information regarding an applicant's potential to meet the qualifications for free or reduced-price lunch.

Such information shall be processed in the same manner the district would employ to determine the qualification status of the student for free or reduced-price lunch.

If no such information is provided, the student shall be presumed not to qualify.

SECTION 14

This section identifies the authority held by a learning community coordinating council.

SECTION 15

Directs the learning community, together with its member school districts as to the requirements of a diversity plan.

SECTION 16

The DOE shall certify to identified parties the average percentage of students qualifying for free or reduced-lunch.

Explanation of amendments:

SECTION 1

The bill establishes an enrollment option program in Nebraska, allowing K-12 students to attend a public school in a district other than their residence. Students can exercise this option once during elementary, once during middle school or junior high, and once during high school, totaling three times before graduation. Exceptions to the three-time limit include situations like relocating to a different resident school district, the merging of the option school district with another, completing grades in the originally attended school, continuing current enrollment, returning to a previously attended district, or being an open enrollment option student. The program does not relieve parents or guardians from compulsory attendance requirements. However, it doesn't apply to students residing in a district that has entered into an annexation agreement, unless the student transfers to another district accepting option students.

Section 2

The enrollment option program in Nebraska allows K-12 students to attend a public school in a district other than their residence, subject to certain conditions. Parents or guardians must submit an application between September 1 and March 15 for attendance in the following school years. Late applications require release approval from the resident or current option school district. The application process involves notifying relevant districts and determining acceptance or rejection by April 1 or within sixty days for late applications. Students can apply three times before graduation, with exceptions for specific criteria. A learning community member cannot approve applications for residents until the 2017-18 school year. There are provisions for students relocating or merging districts after February

1. Parents may provide lunch qualification information, and applications may be withdrawn upon mutual agreement. Option students attend for at least one school year, with specific conditions for cancellation or return to the resident district. Application and cancellation forms are provided by the State Department of Education, and a student choosing a private or parochial school may return to the original or option district upon completion of the grade levels offered at the private or parochial school.

Dave Murman, Chairperson