

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 497

Introduced by Murman, 38; Clements, 2; Lippincott, 34.

Read first time January 21, 2025

Committee: Education

- 1 A BILL FOR AN ACT relating to education; to amend sections 79-215 and
- 2 79-2,136, Reissue Revised Statutes of Nebraska; to change provisions
- 3 relating to the admission of students and require each school board
- 4 to allow certain students that are not residents of the school
- 5 district to participate in extracurricular activities as prescribed;
- 6 to harmonize provisions; and to repeal the original sections.
- 7 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 79-215, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 79-215 (1) Except as otherwise provided in this section, a student
4 is a resident of the school district where he or she resides and shall be
5 admitted to any such school district upon request without charge.

6 (2) A school board shall admit a student upon request without charge
7 if at least one of the student's parents resides in the school district.

8 (3) A school board shall admit any homeless student upon request
9 without charge if the district is the district in which the student (a)
10 is currently located, (b) attended when permanently housed, or (c) was
11 last enrolled.

12 (4) A school board may allow a student whose residency in the
13 district ceases during a school year to continue attending school in such
14 district for the remainder of that school year.

15 (5) A school board may admit nonresident students to the school
16 district pursuant to a contract with the district where the student is a
17 resident and shall collect tuition pursuant to the contract.

18 (6) A school board may admit nonresident students to the school
19 district pursuant to the enrollment option program as authorized by
20 sections 79-232 to 79-246, and such admission shall be without charge.

21 (7) In order to carry out the provisions of section 79-2201, a
22 school board shall permit children of military families to enroll
23 preliminarily in a school district if a parent presents evidence of
24 military orders that the military family will be stationed in this state
25 during the current or following school year. A student of a military
26 family shall be admitted to the school district without charge upon
27 arrival in Nebraska if the requirements of this section are met.

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

31 (9) When a student as a ward of the state or as a ward of any court

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

24 (10)(a) When a student is not a ward of the state or a ward of any
25 court and is residing in a residential setting located in Nebraska for
26 reasons other than to receive an education and the residential setting is
27 operated by a service provider which is certified or licensed by the
28 Department of Health and Human Services or is enrolled in the medical
29 assistance program established pursuant to the Medical Assistance Act and
30 Title XIX or XXI of the federal Social Security Act, as amended, the
31 student shall remain a resident of the district in which he or she

1 resided immediately prior to residing in such residential setting. The
2 resident district for a student who is not a ward of the state or a ward
3 of any court does not change when the student moves from one residential
4 setting to another.

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

28 (c) If a student is residing in a residential setting as described
29 in subdivision (10)(a) of this section and such residential setting
30 maintains an interim-program school as defined in section 79-1119.01 or
31 an approved or accredited school, the department shall reimburse such

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

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

21 (e) A student residing in a residential setting described in this
22 subsection shall be defined as a student with a handicap pursuant to
23 Article VII, section 11, of the Constitution of Nebraska, and as such the
24 state and any political subdivision may contract with institutions not
25 wholly owned or controlled by the state or any political subdivision to
26 provide the educational services to the student if such educational
27 services are nonsectarian in nature.

28 (11) A school board shall admit a student who is also enrolled (a)
29 in a private, denominational, or parochial school or (b) in a school
30 which elects pursuant to section 79-1601 not to meet accreditation or
31 approval requirements, without charge for part-time enrollment in the

1 school district for purposes of participation in extracurricular
2 activities in accordance with section 79-2,136 if the school district
3 where such student or such student's parent resides does not offer the
4 extracurricular activity in which the student desires to participate
5 through part-time enrollment and the school district in which the student
6 is attempting to attend part-time pursuant to section 79-2,136, is the
7 closest school district to where such student or such student's parent
8 resides that offers such extracurricular activity.

9 (12) ~~(11)~~ In the case of any individual eighteen years of age or
10 younger who is a ward of the state or any court and who is placed in a
11 county detention home established under section 43-2,110, the cost of his
12 or her education shall be paid by the state, regardless of the district
13 in which he or she resided at the time he or she became a ward, to the
14 agency or institution which: (a) Is selected by the county board with
15 jurisdiction over such detention home; (b) has agreed or contracted with
16 such county board to provide educational services; and (c) has been
17 approved by the State Department of Education pursuant to rules and
18 regulations prescribed by the State Board of Education.

19 (13) ~~(12)~~ No tuition shall be charged for students who may be by law
20 allowed to attend the school without charge.

21 (14) ~~(13)~~ The State Department of Education shall establish
22 procedures and criteria for collecting enrollment, admission, and related
23 information needed for any student to attend a school district in this
24 state which shall include, but not be limited to, having an adult with
25 legal or actual charge or control of a student provide through electronic
26 means or other means specified by the department the name of the student,
27 the name of the adult with legal or actual charge or control of the
28 student, the address where the student is or will be residing, and
29 information on how and where the adult may generally be reached during
30 the school day.

31 (15) ~~(14)~~ The department may adopt and promulgate rules and

1 regulations to carry out the provisions of this section.

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

4 79-2,136 (1) Each school board shall allow the part-time enrollment
5 of students, for all courses selected by the students, who are residents
6 of, or admitted to, the school district pursuant to subsection
7 subsections (1), and (2), or (11) of section 79-215 and who are also
8 enrolled in a private, denominational, or parochial school or in a school
9 which elects pursuant to section 79-1601 not to meet accreditation or
10 approval requirements and shall establish policies and procedures for
11 such part-time enrollment. Such policies and procedures may include
12 provisions permitting the part-time enrollment of such students who are
13 not residents of, or admitted to, such school districts to the extent
14 permitted pursuant to section 79-215 and may require part-time students
15 to follow school policies that apply to other students at any time the
16 part-time student is present on school grounds or at a school-sponsored
17 activity or athletic event. Part-time enrollment shall not entitle a
18 student to transportation or transportation reimbursements pursuant to
19 section 79-611.

20 (2) Each school board shall establish policies and procedures to
21 allow any student who is a resident of, or admitted to, the school
22 district pursuant to subsection (1), ~~or~~ (2), or (11) of section 79-215
23 and who is enrolled in a school which elects pursuant to section 79-1601
24 not to meet accreditation or approval requirements to participate in any
25 extracurricular activities as defined in section 79-2,126, including, but
26 not limited to, interschool competitions, to the same extent and subject
27 to the same requirements, conditions, and procedures as a student
28 enrolled in a public school governed by such board, except that any
29 school which elects pursuant to section 79-1601 not to meet accreditation
30 or approval requirements shall set the standards for satisfactory
31 academic performance for a student from the school to participate in

1 extracurricular activities pursuant to this subsection and shall provide
2 assurances of compliance with such academic standards.

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

20 (4) Nothing in this section shall be construed to exempt any student
21 from the compulsory attendance provisions of section sections 79-201 or
22 any statutes relating to habitual truancy to 79-210.

23 **Sec. 3.** Original sections 79-215 and 79-2,136, Reissue Revised
24 Statutes of Nebraska, are repealed.