

AMENDMENTS TO LB1329

(Amendments to Standing Committee amendments, AM2831)

Introduced by Ballard, 21.

1 1. Insert the following new sections:

2 Sec. 4. Section 79-234, Revised Statutes Cumulative Supplement,
3 2022, is amended to read:

4 79-234 (1) An enrollment option program is hereby established to
5 enable any kindergarten through twelfth grade Nebraska student to attend
6 a school in a Nebraska public school district in which the student does
7 not reside subject to the limitations prescribed in section 79-238. The
8 option shall be available once during elementary school, once during
9 middle school or junior high school, and once during high school for a
10 total of three times only ~~once~~ to each student ~~prior to graduation,~~
11 except that the option does not count toward such limitation if such
12 option meets, or met at the time of the option, one of the following
13 criteria: (a) The student relocates to a different resident school
14 district, (b) the option school district merges with another district,
15 (c) the student will have completed either the grades offered in the
16 school building originally attended in the option school district or the
17 grades immediately preceding the lowest grade offered in the school
18 building for which a new option is sought, (d) the option would allow the
19 student to continue current enrollment in a school district, (e) the
20 option would allow the student to enroll in a school district in which
21 the student was previously enrolled as a student, or (f) the student is
22 an open enrollment option student. Sections 79-232 to 79-246 do not
23 relieve a parent or guardian from the compulsory attendance requirements
24 in section 79-201.

25 (2) The program shall not apply to any student who resides in a
26 district which has entered into an annexation agreement pursuant to

1 section 79-473, except that such student may transfer to another district
2 which accepts option students.

3 Sec. 5. Section 79-237, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

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

1 community to attend prior to school year 2017-18.

2 (2) A student who relocates to a different resident school district
3 after February 1 or whose option school district merges with another
4 district effective after February 1 may submit an application to the
5 school board of an option school district for attendance during the
6 current or immediately following and subsequent school years unless the
7 applicant is a resident of a learning community and the application is
8 for attendance to begin prior to school year 2017-18 in an option school
9 district that is also a member of such learning community. Such
10 application does not require the release approval of the resident school
11 district or the option school district the student is attending at the
12 time of such application. The option school district the student is
13 applying to attend shall accept or reject such application within forty-
14 five days.

15 (3) A parent or guardian may provide information on the application
16 for an option school district that is a member of a learning community
17 regarding the applicant's potential qualification for free or reduced-
18 price lunches. Any such information provided shall be subject to
19 verification and shall only be used for the purposes of subsection (4) of
20 section 79-238. Nothing in this subsection requires a parent or guardian
21 to provide such information. Determinations about an applicant's
22 qualification for free or reduced-price lunches for purposes of
23 subsection (4) of section 79-238 shall be based on any verified
24 information provided on the application. If no such information is
25 provided, the student shall be presumed not to qualify for free or
26 reduced-price lunches for the purposes of subsection (4) of section
27 79-238.

28 (4) Applications for students who do not actually attend the option
29 school district that the student applied to attend may be withdrawn in
30 good standing upon mutual agreement by ~~both~~ the resident and option
31 school districts involved.

1 (5) No option student shall attend an option school district for
2 less than one school year unless the student relocates to a different
3 resident school district, completes requirements for graduation prior to
4 the end of his or her senior year, transfers to a private or parochial
5 school, or upon mutual agreement of the resident and option school
6 districts cancels the enrollment option and returns to the resident
7 school district or the previous option school district the student was
8 attending immediately prior.

9 (6) Except as provided in subsection (5) of this section or, for
10 open enrollment option students, in section 79-235.01, the option student
11 shall attend the option school district until graduation unless the
12 student relocates in a different resident school district, transfers to a
13 private or parochial school, ~~or~~ chooses to return to the resident school
14 district, or options into a subsequent option school district, except
15 that no student may use the enrollment option program other than as
16 provided in section 79-234.

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

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

25 (9) An option student who subsequently chooses to attend a private
26 or parochial school and who is not an open enrollment option student
27 shall be automatically accepted to return to either the resident school
28 district or option school district upon the completion of the grade
29 levels offered at the private or parochial school. If such student
30 chooses to return to the option school district, the student's parent or
31 legal guardian shall submit another application to the school board of

- 1 the option school district which shall be automatically accepted, and the
- 2 deadlines prescribed in this section shall be waived.
- 3 2. Renumber the remaining sections and correct internal references
- 4 and the repealer accordingly.