

LEGISLATIVE BILL 469

Approved by the Governor April 5, 1971

Introduced by Wayne W. Ziebarth, 37th District; Ramey C. Whitney, 44th District; Harold D. Simpson, 46th District; Thomas C. Kennedy, 21st District

AN ACT relating to schools; to provide for payment of nonresident tuition for pupils attending school in another state as prescribed; and to repeal section 79-4,106, Reissue Revised Statutes of Nebraska, 1943.

Be it enacted by the people of the State of Nebraska,

Section 1. In counties which are contiguous to the boundary line of this state, the parent or legal guardian of any pupil authorized or required to attend any of grades kindergarten through twelve may apply for authority for such pupil to attend school in a district in an adjoining state. Such application shall be made on or before August 15 of each year to the board of education of the school district in which the parent or guardian resides, and shall specify the district in the adjoining state to which the parent or guardian seeks to send the pupil. The application also shall state whether any of the following conditions exists: (1) The pupil lives nearer an attendance center in the proposed receiving district than in the district of residence; (2) natural barriers such as rivers cause transportation difficulties within the district of residence; (3) road conditions from the pupil's home to the school in the proposed receiving district are better than to the school in the district of residence; (4) travel time would be less to the school in the proposed receiving district; or (5) educational advantages for the pupil exist in the proposed receiving district.

Sec. 2. Upon receipt of an application pursuant to section 1 of this act, the board of education shall inquire of the proposed receiving district if it is willing to receive the pupil. If the proposed receiving district is willing to do so and the school which the pupil would attend is accredited, and the conditions of section 3 of this act have been met, the board of education may authorize such attendance.

Sec. 3. No application for attendance of a pupil in a school of another state pursuant to this act shall be approved unless such state has in force an act

which the State Board of Education determines to be similar to the provisions of this act.

Sec. 4. When any board of education authorizes attendance at a school in an adjoining state pursuant to this act, the sending district shall pay to the receiving district tuition for each pupil for each day the pupil is actually enrolled in the receiving district up to one hundred eighty-five days per year. The daily rate of tuition shall be equal to the amount of the actual per pupil per day operating expense of the receiving district for the preceding school year.

Sec. 5. The State Board of Education shall have access to the records of the receiving district in an adjoining state in order to verify the amount charged by the receiving district, and the state board of education of an adjoining state sending students to a district in this state shall have similar access to the records of a receiving district in this state. When necessary the Commissioner of Education shall confer with the head of the department of education of an adjoining state to establish uniform methods of determining costs pursuant to this act. The Commissioner of Education also may prescribe forms to be used for applications pursuant to section 1 of this act, and shall assist local boards of education in carrying out the provisions of this act.

Sec. 6. That section 79-4,106, Reissue Revised Statutes of Nebraska, 1943, is repealed.