

LEGISLATIVE BILL 419

Approved by the Governor April 17, 1986

Introduced by Education Committee, Vickers, 38,
Chairperson; Baack, 47; Barrett, 39;
Eret, 32; Lamb, 43; Morehead, 30;
Nelson, 35

AN ACT relating to schools; to amend sections 79-490 and 79-492, Reissue Revised Statutes of Nebraska, 1943, and section 79-1333.01, Revised Statutes Supplement, 1984; to change provisions relating to transportation allowances for pupils; to change provisions relating to financial support for school districts; and to repeal the original sections.

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

Section 1. That section 79-490, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-490. When no other means of free transportation is provided to a student attending a public school, an allowance for transportation shall be made to the family of such student by the district in which such family resides as follows: (1) When a student attends an elementary school in his or her own district and lives more than four miles from the public schoolhouse therein, there shall be paid two hundred and eighty-five per cent of the mileage rate provided in section 84-306.03 for each mile actually and necessarily traveled on each day of attendance by which the distance traveled one way from the residence of such student to the schoolhouse exceeds three miles; (2) when a student is required to attend an elementary school outside of his or her own district and lives more than four miles from such elementary school there shall be paid two hundred and eighty-five per cent of the mileage rate provided in section 84-306.03 for each mile actually and necessarily traveled on each day of attendance by which the distance traveled one way to the school in the other district is in excess of the distance traveled one way to the school in the district of his or her residence from the residence of such student to the schoolhouse exceeds three miles; (3) when a student attends a secondary school in his or her own Class II or III school district and lives more than four miles from the

public schoolhouse there shall be paid two hundred and eighty-five per cent of the mileage rate provided in section 84-306.03 for each mile actually and necessarily traveled on each day of attendance by which the distance traveled one way from the residence of such student to the schoolhouse exceeds three miles; and (4) when a student, other than a student in grades ten through twelve in a Class V district, attends an elementary or junior high school in his or her own Class V district and lives more than four miles from the public schoolhouse therein, there shall be paid for each day of attendance two hundred and eighty-five per cent of the mileage rate provided in section 84-306.03 for each mile ~~or fraction thereof~~ actually and necessarily traveled by which the distance of the residence of such student from the schoolhouse exceeds three miles. Where the patrons of a Class VI school district have voted to operate and provide free bus transportation for the pupils of the district, such district shall be eligible for payment for transportation as provided for in the School Foundation and Equalization Act. No transportation payments shall be made to a family for mileage not actually traveled by such family. The number of days the student has attended school shall be reported monthly by the teacher to the school board of such public school district. No more than one allowance shall be made to a family irrespective of the number of students in a family being transported to school. If a family resides in a Class I district which is part of a Class VI district, and has students enrolled in any grade of grades kindergarten through six in the Class I district and in any grade of grades seven and eight in the Class VI district, such family shall receive not more than one allowance for the distance actually traveled when both districts are on the same direct travel route with one district being located a greater distance from the residence than the other. In such cases, the travel allowance shall be prorated among the school districts involved. Unless the parties involved ~~cannot~~ can mutually agree, the county superintendent of the district in which the school attended is located shall determine the pro rata share to be paid by each district. In the event the schools attended are in different counties, the respective county superintendents shall determine the proper pro rata amount each district shall pay. No pupil shall be exempt from school attendance on account of distance from the public schoolhouse.

Sec. 2. That section 79-492, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

79-492. Any student whose family is entitled to pay for transportation, as provided in section 79-490, may attend another school, if more convenient, or may reside temporarily for school purposes with relatives or friends within the applicable distance from the schoolhouse of his own school district as provided in section 79-490. In such cases, if the family of such student would have been entitled to the payment for his transportation in the event that the attendance of such student had been from his domicile in the home district, then the family of such student shall be paid the transportation rate in the amount and manner as provided in section 79-490. (1) When a student or students, whose family would otherwise be eligible for the transportation allowance provided in section 79-490, reside temporarily for school purposes within four miles of the schoolhouse, the family of such student or students shall be paid two hundred eighty-five per cent of the mileage rate provided in section 84-306.03 for each mile actually and necessarily traveled by which the distance traveled one way from the residence of such family to the temporary residence exceeds three miles.

(2) When a student or students, whose family would otherwise be eligible for the transportation allowance provided in section 79-490, attend school in an adjacent school district due to convenience of the family, and the school district of residence pays tuition on behalf of such student or students pursuant to section 79-446, there shall also be paid by such school district of residence a transportation allowance equal to two hundred eighty-five per cent of the mileage rate provided in section 84-306.03 for each mile actually and necessarily traveled on each day of attendance by which the distance traveled one way from the residence of such student or students to the schoolhouse in the adjacent school district exceeds three miles.

Sec. 3. That section 79-1333.01, Revised Statutes Supplement, 1984, be amended to read as follows:

79-1333.01. When the membership of a district as reported in the preceding school year's fall school district membership report increases one half of one per cent or more above the membership of the year prior to the preceding year on the corresponding date, as reported on the fall school district membership report for the year prior to the preceding year, the total

financial support pursuant to section 79-1336 shall be increased by the percentage of increase up to a maximum of ~~one hundred~~ ten per cent of the student membership over the previous year. When the membership of a district as reported in the preceding school year's fall school district membership report is less than the fall school district membership report of the year prior to the preceding school year by more than two per cent, the total financial support pursuant to section 79-1336 shall be increased by the difference between two per cent and the per cent of decrease up to a maximum of ~~one hundred~~ ten per cent of the student membership of the preceding year over the year prior to the preceding year.

Sec. 4. That original sections 79-490 and 79-492, Reissue Revised Statutes of Nebraska, 1943, and section 79-1333.01, Revised Statutes Supplement, 1984, are repealed.