

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 528**

Introduced by Hansen, B., 16.

Read first time January 17, 2023

Committee:

- 1 A BILL FOR AN ACT relating to education; to amend section 79-239, Reissue
- 2 Revised Statutes of Nebraska; to define terms; to create the
- 3 Nebraska Option Enrollment Tuition Account Program; to harmonize
- 4 provisions; to repeal the original section; and to declare an
- 5 emergency.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-239, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 79-239 If an application is rejected by the option school district  
4 or if the resident school district rejects a request for release under  
5 subsection (1) of section 79-237, the rejecting school district shall  
6 provide written notification to the parent or guardian stating the  
7 reasons for the rejection, ~~and the process for appealing such rejection~~  
8 ~~to the State Board of Education, and the process for declining to appeal~~  
9 ~~and instead requesting an option enrollment tuition account.~~ Such  
10 notification shall be sent by certified mail. The parent or legal  
11 guardian may:

12 (1) Appeal ~~appeal~~ a rejection to the State Board of Education by  
13 filing a written request, together with a copy of the rejection notice,  
14 with the State Board of Education. Such request and copy of the notice  
15 must be received by the board within thirty days after the date the  
16 notification of the rejection was received by the parent or legal  
17 guardian. Such hearing shall be held in accordance with the  
18 Administrative Procedure Act and shall determine whether the procedures  
19 of sections 79-234 to 79-241 have been followed; ~~or -~~

20 (2) Decline to appeal and request an option enrollment tuition  
21 account as described in sections 2 and 3 of this act. Such request and  
22 copy of the rejection notice must be received by the State Board of  
23 Education within thirty days after the date when notification of the  
24 rejection was received by the parent or legal guardian. Upon receipt of  
25 such request and copy of the rejection notice, the board shall issue an  
26 option enrollment tuition account upon determination of eligibility.

27 Sec. 2. For purposes of sections 2 and 3 of this act:

28 (1) Board means the State Board of Education;

29 (2) Eligible student means a student who meets the definition of  
30 option student or open enrollment option student as defined in section  
31 79-233;

1       (3) Parent means a resident of the state who is a parent, legal  
2 guardian, or any other legal custodian of a child;

3       (4) Participant means a student participating in the program;

4       (5) Program means the Nebraska Option Enrollment Tuition Account  
5 Program;

6       (6) Qualified education expense means tuition and fees at a private,  
7 denominational, or parochial school; and

8       (7) Scholarship account means an option enrollment tuition account  
9 established through the Nebraska Option Education Savings Account  
10 Program.

11       Sec. 3. (1) The Nebraska Option Enrollment Tuition Account Program  
12 is created. The program shall be administered by the board. The board:

13       (a) Shall administer or contract with a third party to administer  
14 scholarship accounts;

15       (b) Shall establish and deposit funds into a scholarship account  
16 within fifteen calendar days upon receiving notice of a decline to appeal  
17 and request for a scholarship account under section 79-239; and

18       (c) May use up to five percent of scholarship account funds for  
19 purposes of administering the program. Such use shall be consistent  
20 across scholarship accounts;

21       (2)(a) An eligible student shall have deposited into their  
22 scholarship account an amount of funds equal to the adjusted average per  
23 pupil cost of the preceding year as defined in section 79-1114.

24       (b) An eligible student who has a disability as defined in section  
25 79-1118.01 shall have deposited into their scholarship account an  
26 additional amount of funds equal to the reimbursement rate as defined in  
27 section 79-1142 of the eligible student's resident school district.

28       (3) Prior to accessing funds deposited into a scholarship account, a  
29 parent must sign an agreement to:

30       (a) Not enroll the participant as a full-time student in a public  
31 school district;

1        (b) Use the funds in a scholarship account only for eligible  
2 education expenses, providing verification where applicable; and

3        (c) Comply with all other rules and requirements of the program.

4        (4) A student shall be deemed to be ineligible if:

5        (a) The student reenrolls in a public school district;

6        (b) The student moves out of this state;

7        (c) The student graduates high school; or

8        (d) The parent fails to comply with subsection (3) of this section.

9        (5) A participant shall be considered to satisfy the compulsory  
10 school attendance requirements provided in section 79-201 so long as the  
11 participant and the participant's parent comply with the provisions of  
12 subsection (3) of this section.

13        (6) Nothing in this section shall be construed to give the state  
14 authority to regulate the education of nonpublic school students.

15        Sec. 4.    Original section 79-239, Reissue Revised Statutes of  
16 Nebraska, is repealed.

17        Sec. 5.    Since an emergency exists, this act takes effect when  
18 passed and approved according to law.