

## LEGISLATIVE BILL 725

Approved by the Governor June 7, 1985

Introduced by Appropriations Committee, Warner, 25,  
Chairperson; Hannibal, 4; Goll, 16;  
Carsten, 2; Marsh, 29; Lundy, 36;  
L. Johnson, 15; Goodrich, 20

AN ACT relating to schools; to amend section 79-445, Revised Statutes Supplement, 1984; to change provisions relating to nonresident tuition; to provide an operative date; to repeal the original section; and to declare an emergency.

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

Section 1. That section 79-445, Revised Statutes Supplement, 1984, be amended to read as follows:

79-445. The school board or board of education may admit nonresident pupils to the district school, may determine the rate of tuition of the pupils, and shall collect such tuition in advance. When the pupil has, as a ward of the state or as a ward of any court, been placed in a public school district other than the district in which he or she resided at the time he or she became a ward or been placed in an institution which maintains a special education program which has been approved by the State Department of Education and such institution is outside of the pupil's resident school district, the cost of his or her education and the required transportation costs associated with the child's education shall be paid by the state to the receiving school district or approved institution or paid to the county nonresident tuition fund under rules and regulations prescribed by the ~~State Board of Education~~ Department of Social Services. In the case of any individual eighteen years of age or younger who is a ward of the state or any court and who is placed in a county detention home as established under section ~~43-220~~ 43-2,110, the cost of his or her education shall be paid by the state, regardless of such individual's district of residency, to the agency or institution which: (1) Is selected by the county board with jurisdiction over such detention home; (2) has agreed or contracted with such county board to provide educational services; and (3) has been approved by the State Department of Education pursuant to rules and regulations prescribed by the State Board of Education. No tuition shall be charged for children who may be by law allowed to attend the school without charge. The public school district in which the parent or guardian of any nonresident pupil maintains his or her legal residence shall not be liable for the payment

of tuition fees and the children of school age of such parent or guardian shall be entitled to free common school privileges the same as any child who is a bona fide resident of such school district whenever the parent or guardian of such nonresident pupil, having entered the public service of the State of Nebraska, has removed from the school district in which he or she maintains legal residence into another school district for temporary purposes incidental to serving the state, without the intention of making the school district to which the parent or guardian has removed his or her legal residence. No tuition shall be charged for a child whose parents are divorced if such child attends school in a district in which either parent resides. The burden of proof as to legal residence shall rest with the person claiming legal residence in any district. The school district may allow a pupil whose residency in the district ceases during a school year to continue attending school for the remainder of that school year without payment of tuition.

Sec. 2. This act shall become operative on July 1, 1985.

Sec. 3. That original section 79-445, Revised Statutes Supplement, 1984, is repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.