

## LEGISLATIVE BILL 128

Approved by the Governor February 15, 1979

Introduced by Education Committee, Koch, 12, Chmn.; George, 16; Vickers, 38; Kahle, 37; Kremer, 34; Lamb, 43; Landis, 46

AN ACT to amend section 79-445, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide for the payment of tuition by the state for certain nonresident pupils as prescribed; 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, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-445. The school board or board of education may also 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 resided at the time he became a ward, or 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 shall be paid by the state to the receiving school district or approved institution under 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; provided, the public school district in which the parent or guardian of any nonresident pupil maintains his legal residence, shall not be liable for the payment of tuition fees, and the children of school age or 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 said school district whenever the parent or guardian of such nonresident pupil, having entered the public service of the State of Nebraska, shall have removed from the school district in which he 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 said parent or guardian shall have removed his legal residence. The burden of proof as to legal residence shall rest with the person claiming legal residence in any district.

Sec. 2. That original section 79-445, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.