

SCHOOL CHOICE MATTERS

Nebraska Policy Report

Introduction

PURPOSE

A combination of well-designed policies give all students access to the broadest range of educational opportunities, including key core policies and helpful policy enhancers. The purpose of this document is to provide insight to how well your state is doing at implementing the Ecosystem of School Choice Policies. This state report summarizes evidence across the seven policy buckets, with each policy component detailed in individual cells.

CORE POLICIES

Key policies expand student opportunities.



[Open Enrollment](#)



[Charter Schools](#)



[Private School Choice](#)



[Homeschooling](#)

POLICY ENHANCERS

Supporting policies enhance those opportunities.



[Part-time Enrollment/Course Access](#)



[Learn Everywhere](#)



[Transportation](#)

CORE POLICIES



Open Enrollment in Nebraska

| POLICY | RATING | POLICY OVERVIEW |
|------------------------------------|--|--|
| <p>Transfers Between Districts</p> | <p>LIMITED</p> <p>Sending and/or receiving districts have discretion over transfers</p> | <p>Nebraska created the enrollment option program to enable any K-12 student to attend a school in a Nebraska public school district in which the student does not reside, subject to some limitations. This option is limited as it is only available once to each student prior to graduation.</p> <p>The enrollment option program must be implemented by all public school districts.</p> <p>(Neb. Rev. Statute 79-234 Enrollment option program; established; limitations)</p> <p>Nebraska Statute specifies that an option student may request a particular school building, but the building assignment of the option student will be determined by the option school district.</p> <p>(Neb. Rev. Statute 79-235 Option students; treatment; building assignment)</p> <p>Options students must attend the option school district until graduation unless:</p> <ul style="list-style-type: none"> • the student relocates in a different resident school district; • transfers to a private or parochial school; or • chooses to return to the resident school district. <p>(Neb. Rev. Statute 79-237 Attendance; application; cancellation; forms)</p> <p>Nebraska Statute also addresses open enrollment by contract between districts. The law relating to the admission of students notes that school boards may admit nonresident students to school districts pursuant to</p> |

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| | | <p>contracts with another district where the student is a resident – in these types of transfers, the school board may collect tuition pursuant to a contract.</p> <p>(Neb. Rev. Statute 79-215 Students; admission; tuition; persons exempt; department; duties)</p> |
| <p>Transfers Within Districts</p> | <p>NO</p> <p>No policy</p> | <p>Nebraska policy does not address intradistrict open enrollment.</p> <p>Nebraska Statute provides that students are residents of the school district in which they reside and must be admitted to any such school district upon request without charge.</p> <p>(Neb. Rev. Statute 79-215 Students; admission; tuition; persons exempt; department; duties)</p> |
| <p>Year-round Transfer Window</p> | <p>LIMITED</p> <p>Restricted transfer window</p> | <p>To begin attendance as an option student, the student’s parent or legal guardian must submit an application to the school board of the option school district between September 1 and March 15 to attend the following school year.</p> <p>Districts have the choice to accept or reject applications submitted after March 15.</p> <p>(Neb. Rev. Statute 79-237 Attendance; application; cancellation; forms)</p> |
| <p>Tuition-Free Public Schools</p> | <p>YES</p> <p>Prohibition on parent tuition</p> | <p>Nebraska policies relating to the option enrollment program do not address tuition charges.</p> <p>Nebraska Statute relating to the admission of students notes that school boards may admit nonresident students to school districts pursuant to contracts with another district where the student is a resident – in these types of transfers, the school board may collect tuition pursuant to a contract.</p> <p>(Neb. Rev. Statute 79-215 Students; admission; tuition; persons exempt; department; duties)</p> <p>79-2110.01.</p> <p>The resident school district of an open enrollment student shall be exempted from the payment responsibility set forth in section 79-1140. For purposes of the calculation to determine reimbursement pursuant to section 79-1142, the open enrollment school district shall include the adjusted average per pupil cost as defined in section 79-1114 of the open enrollment school district.</p> |

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| | | (3) For purposes of the Tax Equity and Educational Opportunities Support Act, open enrollment students shall not be counted as formula students by the resident school district and shall be counted by the open enrollment school district. |
| School Capacity Transparency | LIMITED Only some information reported | Nebraska Statute requires school districts to annually establish, publish, and report the capacity for each school building under the district’s control. School boards may then declare a program, class, or school unavailable to option students for the next school year due to lack of capacity – this may be done by resolution, prior to October 15 of each school year. (Neb. Rev. Statute 79-238 Application acceptance and rejection; specific capacity standards; request for release; standards and conditions) |
| Transfer Data Transparency | YES | On or before July 1 of each year (starting in 2024), each school district is required to report to the State Department of Education information relating to all applications rejected by the option school district. This report must include the number of applications rejected, an explanation why each application was rejected, whether the applications indicated the student had an individualized education program under the federal IDEA or has been diagnosed with a disability, and whether certain information was provided to the applicant. The Department of Education must then compile the information and provide a report on the information to the Legislature beginning on September 1, 2024, and on or before September 1 of each year after that. (Neb. Rev. Statute 79-239 Application; request for release; rejection; notice; appeal; school district; State Department of Education; duties) |
| Transparent Appeal Process | YES | If an option school district rejects an application by an option student, the district must provide written notification to the parent or guardian. A parent or guardian may appeal a rejection to the State Board of Education. The appeal must be filed within 30 days after the date of the notification of the rejection is received. (Neb. Rev. Statute 79-239 Application; request for release; rejection; notice; appeal; school district; State Department of Education; duties) |

SOURCE CITATIONS

Statutes

[Neb. Rev. Statute 79-215 Students; admission; tuition; persons exempt; department; duties](#)

[Neb. Rev. Statute 79-234 Enrollment option program; established; limitations](#)

[Neb. Rev. Statute 79-235 Option students; treatment; building assignment](#)

[Neb. Rev. Statute 79-237 Attendance; application; cancellation; forms](#)

[Neb. Rev. Statute 79-238 Application acceptance and rejection; specific capacity standards; request for release; standards and conditions](#)

[Neb. Rev. Statute 79-239 Application; request for release; rejection; notice; appeal; school district; State Department of Education; duties](#)

Administrative Code

[Rule 19, Regulations Regarding School Enrollment](#)

State Department of Education

[Nebraska Dept of Education, Enrollment Option Program](#)

[Nebraska Dept of Education, Enrollment Option Program – Frequently Asked Questions \(FAQs\) \(2023\)](#)



Charter Schools in Nebraska

| POLICY | RATING | POLICY OVERVIEW |
|--------------------------------------|------------------------------------|--|
| Multiple Charter Authorizers | NO No charter school law | Nebraska has not adopted a charter school law. |
| Charter Appeal Process | NO No appeals process | |
| Charter Regulatory Flexibility | NO No charter school law | |
| Equitable Charter Funding | NO No charter school law | |
| Charter Facilities Funding | NO No charter school law | |
| Options for High-Performing Charters | NO No charter school law | |

Charter Zoning Exemptions

NO

No charter school law



Private School Choice in Nebraska

| POLICY | OVERALL RATING | PROGRAM OVERVIEW |
|------------------------------|---|--|
| <p>Universal Eligibility</p> | <p>NO</p> <p>No choice program</p> | <p>Referendum 435, approved by voters in November 2024, repealed LB1402, which created an opportunity scholarship program that was passed in April 2024. Scholarships were awarded for the 2024-2025 school year in accordance with the bill, but the program has now been repealed.</p> <p>LB 1402 appropriated \$10 million for eligible students to use scholarships at qualified schools. Eligible students were students in the state who is receiving an education scholarship for the first time and is (1) entering kindergarten or ninth grade in a qualified school or the first grade level offered by the qualified school; (2) transferring from a public school at which the student was enrolled for at least one semester immediately preceding the first semester for which the student receives an education scholarship to a qualified school and is entering any of grades kindergarten through twelve; or (3) a member of an active duty or reserve military family transferring into Nebraska from another state or another country and is entering any of grades kindergarten through twelve in a qualified school;</p> <ul style="list-style-type: none"> • Has previously received an education scholarship under this law and is continuing education at a qualified school until the student graduates from high school or reaches twenty-one years of age, whichever comes first; • Has previously received an education scholarship under the Opportunity Scholarships Act and is continuing education at a qualified school until the student graduates from high school or reaches twenty-one years of age, whichever comes first; • Is the sibling of a student who is receiving an education scholarship and resides in the same household as such student; or • Is currently enrolled in a qualified school and is a member of a family whose household income is no more than 213% of the federal poverty level. <p>These scholarships are limited to students attending “qualified schools” which means “any nongovernmental, privately operated elementary or secondary school” located in Nebraska that is not-for-profit, complies with federal antidiscrimination provision, complies with all health and life safety laws or codes that apply to private operated schools, and fulfills accreditation or approval requirements.</p> |

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| | | 2024 Ballot Measures Pamphlet.pdf (nebraska.gov) (Legislative Bill 1402, Nebraska Legislature (2024)) |
| Comparable Student Funding | NO No choice program | |
| Uncapped Student Access | NO No choice program | |
| Extended Application Window | NO No choice program | |
| Student Testing Options | NO No choice program | |
| School Autonomy | NO No choice program | |

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| <p>Accessible School Participation</p> | <p>NO No choice program</p> | |
| <p>ESAs and Parent-Directed Spending</p> | | |
| <p>Freedom to Customize</p> | <p>NO No ESA or microgrant program</p> | <p>Nebraska does not have an education scholarship account or microgrant program.</p> |
| <p>Freedom to Access</p> | <p>NO No ESA or microgrant program</p> | |
| <p>Carry-Over Funding</p> | <p>NO No ESA or microgrant program</p> | |
| <p>Tax Credits</p> | | |
| <p>Full Tax Credit</p> | <p>NO No ESA or microgrant program</p> | <p>Nebraska does not have an education tax credit program.</p> <p>The state enacted the Opportunity Scholarship Act in 2023 to provide scholarships to eligible students to attend qualified privately operated elementary and secondary schools in the state. These scholarships were funded by cash contributions made to scholarship-granting organizations, qualifying the donor for nonrefundable tax credits.</p> <p>(Neb. Rev. Statute 77-7101, et al. Opportunity Scholarships Act; Nebraska Department of Revenue, Opportunity Scholarship Act)</p> |

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| | | <p>But Legislative Bill 1402, signed by the Governor in April 2024, repealed the Opportunity Scholarships Act, which was a tax-credit scholarship.</p> <p>(Legislative Bill 1402, Nebraska Legislature (2024))</p> |
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SOURCE CITATIONS

| Statutes | Administrative Code | Other Resources |
|---|--|--|
| <p>Legislative Bill 1402, Nebraska Legislature (2024)</p> | <p>Rule 14: Regulations and Procedures for the Legal Operation of Approved Nonpublic Schools</p> | <p>Nebraska Department of Revenue, Opportunity Scholarship Act</p> |



Homeschooling in Nebraska

| POLICY | RATING | POLICY OVERVIEW |
|--|---|--|
| <p>Homeschool without Prior Approval</p> | <p>YES</p> <p>No permission required</p> | <p>Parents may choose to educate their child at home – homeschools are referred to as “exempt” schools and parents must elect to not meet State approval or accreditation requirements, pursuant to Nebraska Statute.</p> <p>(Neb. Rev. Statute 79-1601 Private, denominational, or parochial schools, teachers, and other individuals; laws applicable; election not to meet accreditation or approval requirements, as amended by Legislative Bill 1027, Nebraska Legislature (2024))</p> <p>Nebraska policy does not require parents to receive permission to homeschool their children from a local school board or other administrative body.</p> <ul style="list-style-type: none"> • Nebraska has promulgated Rules to implement laws relating to private, denominational, and parochial schools which elect not to meet all state accreditation or approval requirements. <p>Nebraska Rules do not address parents receiving permission in order to homeschool.</p> |
| <p>No Extra Homeschool Notifications</p> | <p>NO</p> <p>Annual notification</p> | <p>Parents choosing to home school their children must elect to not meet state accreditation or approval requirements by sending the Commissioner of Education a statement indicating that either: (1) the requirements for approval and accreditation required by law and the rules and regulations adopted and promulgated by the State Board of Education violate sincerely held religious beliefs of the parents, legal guardian, or educational decisionmaker; or (2) the requirements for approval and accreditation required by law and the rules and regulations adopted and promulgated by the State Board interfere with the decisions of the parent, legal guardian, or educational decisionmaker in directing the student’s education. This statement does not need to be submitted annually.</p> <p>The notice to the Commissioner, however, must also indicate an authorized representative of the parent, legal guardian, or educational decisionmaker will annually submit to the Commissioner certain information required in statute, the school will offer specific courses of instruction identified in the law, and the parents have satisfied that individuals monitoring instruction are qualified to monitor instruction in the basic skills required in the law.</p> <p>Nebraska statute requires private, denominational, or parochial schools to meet minimum requirements relating to health, fire, and safety standards; report attendance; maintain a sequential program of instruction designed</p> |

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| | | <p>to lead to basic skills in language arts, mathematics, science, social studies, and health; comply with immunization requirements, in certain circumstances.</p> <p>(Neb. Rev. Statute 79-1601 Private, denominational, or parochial schools, teachers, and other individuals; laws applicable; election not to meet accreditation or approval requirements, as amended by Legislative Bill 1027, Nebraska Legislature (2024))</p> <ul style="list-style-type: none"> • Nebraska has promulgated Rules to implement laws relating to private, denominational, and parochial schools which elect not to meet all state accreditation or approval requirements. <p>Nebraska Rule 13 provides further details on what must be included in the parent notice to the Commissioner of the intent to operate an exempt school (home school).</p> <p>The Rules make clear that parents, or the parents' representative, must submit Form A (the Form is included in Rule 13) by July 15 of each year the school will be in operation. In addition to Form A, the parent representative must submit information relating to the exempt school period, the names of all instructional monitors, and a summary of the sequential program of instruction designed to lead to basic skills in language arts, mathematics, science, social studies, and health.</p> <p>(Rule 13: Regulations and Procedures for Exempting Schools for Which Parents Elect Not to Meet Legal Requirements for School Approval and Accreditation)</p> |
| <p>No Certification to Homeschool</p> | <p>YES</p> <p>No certification requirement</p> | <p>Nebraska Statute provides that teachers used by those schools that have chosen not to meet state accreditation or approval requirements are not required to meet certification requirements in law.</p> <p>(Neb. Rev. Statute 79-1601 Private, denominational, or parochial schools, teachers, and other individuals; laws applicable; election not to meet accreditation or approval requirements, as amended by Legislative Bill 1027, Nebraska Legislature (2024))</p> |
| <p>Flexible Assessment Options</p> | <p>YES</p> <p>Flexible academic accountability</p> | <p>Nebraska Rules for Exempt Schools provide that testing may be required by the Department “in order to verify information submitted pursuant to...[the Rules]... deems it necessary to have conducted regular achievement testing of students attending the school.”</p> <p>Other testing requirements are not specified in policy.</p> <p>(Rule 13: Regulations and Procedures for Exempting Schools for Which Parents Elect Not to Meet Legal Requirements for School Approval and Accreditation)</p> |

SOURCE CITATIONS

Statutes

[Neb. Rev. Statute 79-1601 Private, denominational, or parochial schools, teachers, and other individuals; laws applicable; election not to meet accreditation or approval requirements, as amended by Legislative Bill 1027, Nebraska Legislature \(2024\)](#)

Administrative Code

[Rule 13: Regulations and Procedures for Exempting Schools for Which Parents Elect Not to Meet Legal Requirements for School Approval and Accreditation](#)

State Department of Education

[Nebraska Dept of Education, Exempt School \[Home School\] Program](#)

[Nebraska Dept of Education, Exempt \(Home\) School – Frequently Asked Questions \(FAQs\) \(2023-24 School Year\)](#)

POLICY ENHANCERS



Part-time Enrollment in Nebraska

| POLICY | RATING | POLICY OVERVIEW |
|---------------------------|--|--|
| Resident Course Access | <p>YES</p> | <p>Nebraska Statute provides that school boards are required to allow for the part-time enrollment of students, for all courses selected by the students, who are residents of the school district. This includes students enrolled in private, denominational, or parochial school or in a school that elects to not meet accreditation or approval requirements (including exempt schools, such as a homeschool).</p> <p>(Neb. Rev. Stat. 79-2,136 Part-time enrollment; extracurricular activities; school board; duties; section, how construed)</p> |
| Nonresident Course Access | <p>LIMITED</p> <p>Districts only serve resident students or can impose other restrictions</p> | <p>Nebraska Statute provides that policies and procedures relating to part-time enrollment may include provisions permitting the part-time enrollment of students who are not residents of the district. Enrollment is not required, however, for students who are not district residents.</p> <p>(Neb. Rev. Stat. 79-2,136 Part-time enrollment; extracurricular activities; school board; duties; section, how construed)</p> |

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| <p>Virtual Course Access</p> | <p>YES</p> <p>The state has one or more fully accessible virtual providers</p> | <p>Nebraska Statute provides for distance education incentives for school districts and educational service units for qualified distance education courses.</p> <p>(Neb. Rev. Stat. 79-1337 Distance education incentives; application; contents; calculation of incentives; denial of incentives; appeal)</p> <p>The qualified distance education courses are available through NVIS – the Nebraska Virtual Instruction Source.</p> <p>The state also offers online schools – for example, the University of Nebraska High School is an online high school, from which students can supplement their local curriculum with one or more online courses. Public and private school students and homeschool students have access to these courses.</p> <p>(University of Nebraska High School)</p> |
| <p>Extracurricular Access</p> | <p>LIMITED</p> <p>Access denied to some resident students, or students must take at least one class in a public school</p> | <p>Nebraska Statutes require school boards to establish policies and procedures to allow any student who is a resident of the school district and who is enrolled in a school that elects not to meet accreditation or approval requirements to participate in any extracurricular activities offered, which includes interscholastic competitions, to the same extent and subject to the same requirements, conditions, and procedures as a student enrolled in a public school governed by the board.</p> <p>These policies for part-time enrollment participation in extracurricular activities must require any student involved in extracurricular activities to be enrolled in no more and no less than five credit hours offered by the school district in any semester.</p> <p>(Neb. Rev. Stat. 79-2,136 Part-time enrollment; extracurricular activities; school board; duties; section, how construed)</p> |

SOURCE CITATIONS

Statutes

[Neb. Rev. Stat. 79-1337 Distance education incentives; application; contents; calculation of incentives; denial of incentives; appeal](#)

[Neb. Rev. Stat. 79-2,136 Part-time enrollment; extracurricular activities; school board; duties; section, how construed](#)

State Department of Education

[Nebraska Dept of Education, Distance Education](#)

Other Resources

[Nebraska Virtual Instruction Source](#)

[University of Nebraska High School](#)



Learn Everywhere in Nebraska

| POLICY | RATING | POLICY OVERVIEW |
|---------------------------------|------------------------------------|---|
| Provider Qualification Standard | <p>NO</p> <p>No program</p> | <p>Nebraska has not established a Learn Everywhere program.</p> |
| Course Credit Standard | <p>NO</p> <p>No program</p> | |
| Core Course Opportunities | <p>NO</p> <p>No program</p> | |
| Central State List | <p>NO</p> <p>No program</p> | |



Transportation in Nebraska

| POLICY | RATING | POLICY OVERVIEW |
|----------------------------|---|---|
| Open Enrollment Transit | <div style="background-color: red; width: 10px; height: 100%;"></div> <p>NO</p> | <p>Nebraska Statute for the option enrollment program provides that parents or guardians of the option student are responsible for required transportation. A school district has discretion, upon mutual agreement with the parent or legal guardian of an option student, to provide transportation to the option student on the same basis as provided for resident students. If the district does provide transportation, the district may charge the parents of each option student transported a fee sufficient to cover the additional costs.</p> <p>(Neb. Rev. Statute 79-241, Transportation; fee authorized; reimbursement; when; free transportation; when)</p> <p>Note that Nebraska Statute relating to part-time enrollment provides that part-time enrollment students are not entitled to transportation or transportation reimbursements.</p> <p>(Neb. Rev. Stat. 79-2,136 Part-time enrollment; extracurricular activities; school board; duties; section, how construed)</p> |
| Fair Transportation Access | <div style="background-color: green; width: 10px; height: 100%;"></div> <p>YES</p> | <p>Nebraska does not have charter school students.</p> <p>Nebraska Statute provides that school boards of any public school district providing transportation facilities for students attending public schools must also provide transportation without cost for children who attended nonprofit private schools which are approved for continued legal operation. This shall be provided for nonprofit private school children only at times when transportation is being provided for public school children.</p> <p>(Neb. Rev. Stat. 79-601 Pupils; public or private schools; transportation; buses; conditions; purchase; use; State Department of Education; duties)</p> <p>Nebraska policies do not provide transportation for other private school students in the state.</p> |

Vehicle Flexibility

NO

Strict vehicle requirements

Nebraska Statute provides that the School Board of Board of Education, after consultation with a member of the Nebraska State Patrol, must determine the number of passengers that may be safely transported in each bus.

[\(Neb. Rev. Stat. 79-609 Pupils; transportation; buses; capacity; instruction in safe riding practice; emergency evacuation drills; occupant protection system; operator wear\)](#)

Nebraska Rule 91 defines “school bus” to mean a motor vehicle with motive power, designed or modified by the manufacturer, distributor or dealer for carrying eleven (11) or more passengers, excluding the driver...which at any time is used to carry school children and school personnel exclusively that is sponsored and approved by the local school governing board.”

[\(Rule 92 Regulations Governing the Minimum Equipment Standards and Safety Inspection Criteria for Pupil Transportation\)](#)

Guidance from the Nebraska Department of Education notes that the use of 12- and 15-passenger rated vans for student transportation is illegal, prohibited by federal law.

[\(Nebraska Dept of Education, 12 & 15 Passenger Rated Vans Information\)](#)

SOURCE CITATIONS

Citation Group Heading

[Neb. Rev. Statute 79-241, Transportation; fee authorized; reimbursement; when; free transportation; when](#)

[Neb. Rev. Stat. 79-601 Pupils; public or private schools; transportation; buses; conditions; purchase; use; State Department of Education; duties](#)

[Neb. Rev. Stat. 79-609 Pupils; transportation; buses; capacity; instruction in safe riding practice; emergency evacuation drills; occupant protection system; operator wear](#)

[Neb. Rev. Stat. 79-2,136 Part-time enrollment; extracurricular activities; school board; duties; section, how construed](#)

Citation Group Heading

[Rule 92 Regulations Governing the Minimum Equipment Standards and Safety Inspection Criteria for Pupil Transportation](#)

Citation Group Heading

[Nebraska Dept of Education, Pupil Transportation](#)

[Nebraska Dept of Education, 12 & 15 Passenger Rated Vans Information](#)

