

**ONE HUNDREDTH LEGISLATURE - SECOND SESSION -  
2008**

**COMMITTEE STATEMENT**

**LB903**

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**Hearing Date:** February 04, 2008

**Committee On:** Education

**Introducer(s):** (Lathrop)

**Title:** Adopt the Nebraska Elementary Attendance Region Act

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**Roll Call Vote - Final Committee Action:**

Indefinitely Postponed

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**Vote Results:**

5 Yes	Senators Ashford, Avery, Howard, Kopplin, Raikes
2 No	Senators Adams, Burling
1 Absent	Senator Johnson
0 Present, not voting	

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**Proponents:**

Senator Steve Lathrop  
Duane Gangwish  
John K. Hansen

**Representing:**

Introducer  
Nebraska Cattlemen  
Nebraska Farmers Union

**Opponents:**

Alan Katzberg  
  
John F. Recknor

**Representing:**

Nebraska Rural Community Schools  
Association  
Class Is United Self

**Neutral:**  
Brian Hale

**Representing:**  
Nebraska Association of School Boards

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## **Summary of purpose and/or change:**

### Overview

Legislative Bill 903 would allow for the creation of Nebraska Elementary Attendance Regions (NEARs) that would also be a limited form of political subdivision for the purposes of taxation and facility improvement. The NEARs would otherwise be part of a K-12 district with some limited local governance and authority. NEARs would be created by a subset of residents of a district if certain procedures and requirements are met. School districts and school district boards would retain certain district powers and authority over the facility except as the legislative bill defines.

### Section by Section Summary

**Section 1** would name the act the Nebraska Elementary Attendance Region Act.

**Section 2** would define a Nebraska elementary attendance region as an area served by a site and an attendance facility established by residents of a Class II, III, or IV school district with the primary purpose of assuring community educational governance of elementary grades in sparsely populated areas of the state.

**Section 3** would describe the plan and process to create an elementary attendance region.

Sub-section (1) Would allow a resident or group of residents of a Class II, III, or IV school district to develop a plan. The plan would be required to include a map of the proposed region, a proposed facility, the initial facility cost and estimated property tax levy, and a list of resident students whose parents or legal guardians would attest in writing to their future attendance.

Sub-section (2) Would require the proposed region to consist of compact and contiguous territory of at least 36 square miles if the attendance center is located in a city, village, or unincorporated village OR at least one hundred square miles if the facility is located outside of the limits of such a place. The region would be required to be in a single Class II, III, or IV school district.

Sub-section (3) The proposed site and attendance facility may be an existing facility owned by the district or may be a proposed site which may be donated or purchased by the district or proposed region. Initial site costs, up to fifty-thousand dollars would be funded from property taxes. The boundary of a proposed region would not be permitted to be closer than seven miles to an existing elementary attendance center in the same school district.

Sub-section (4) The NEAR would be required to meet a minimum number of resident students who would attend the proposed facility. This minimum would be 25 for a site located in a city, village, or unincorporated place and would be a minimum of 5 for other sites.

Sub-section (5) The resident or group proposing a plan would submit the plan to the school board and the board would have up to forty-five days to consider the plan. The board may:

- a. Authorize the creation and appoint the initial council
- b. Require a petition of the proposed region's residents where fifty-five percent of the registered voters in the region could require the creation of the region, or where fifty percent would require a special meeting and vote of the residents of the proposed region to create the NEAR. The board would authorize the creation and appoint the initial council after a successful petition or successful vote at a special meeting.

Sub-section (6) The creation of a NEAR would be effective for the first school year after the July 1 following authorization.

**Section 4** would establish and outline the governance structure for a NEAR.

Sub-section (1) The subsection describes the elementary attendance region council. The council would consist of three to five members who are registered voters in the region. The initial council would be appointed by the K-12 board. The initial council members would organize a meeting of the region on or before the second Monday of August following the creation of the region. The agenda for the meeting would include the election of council members for three-year terms. Voting would be limited to persons who sign an oath that they are registered voters residing in the region. There would be annual meetings of the region held on or before the second Monday of August.

Sub-section (2) The council would be required to elect a president and secretary and the council would be required to meet at least six times a year. The meetings would be subject the Open Meetings Act.

Sub-section (3) The council president would be required to designate a council member to serve as a nonvoting member of the school district board. The president of the school district board would be required to designate a school board member to serve as a nonvoting member of the council.

Sub-section (4) The council would make recommendations to the school board regarding facility maintenance, teacher and staffing needs, budget, and other matters as requested. The council would be allowed to apply for and receive grants and donations on behalf of the NEAR. All such funds received would be remitted to the treasurer of district board to be credited to an activities account. The activities account would be administered by the council.

Sub-section (5) All teachers and staff would be employees of the district and supervised by administrators of the district

Sub-section (6) A NEAR facility that fails to maintain at least half of the minimum initial enrollments for three or more consecutive years would be subject to closure at the discretion of the school board if no student would have to travel more than twenty miles upon the closure of the facility.

**Section 5** would require that all assets and liabilities of the region would belong to the district. The facility would be required to be maintained at a comparable level as other school district attendance centers. The council would be allowed to submit an annual budget recommendation to the board. The board would be required to take into consideration the number of students, fixed and variable costs attributable to the NEAR facility, transportation, special education, and

other appropriate or required services. The board would be required to provide total resources for the attendance facility that would equal the number of adjusted formula students expected to attend the facility times the cost grouping cost established in the Tax Equity and Educational Opportunities Support Act.

**Section 6** would allow a NEAR council to be a political subdivision. A council may levy a tax for construction, purchase, renovation, or lease of a facility if the school district does not provide the facility. The council would be required to have a hearing and give notice to state the purpose for the tax levy, the period of years not to exceed five years for which the tax will be levied. The levy would not exceed 5.2 cents per one-hundred dollars and would only apply to the NEAR. Taxes collected would be submitted to the school district board and accredited to the appropriate account.

**Section 77-3442** would be amended to allow the school district or unified system to exceed the maximum levy up to one-cent not to exceed a total of \$50,000 for the construction, purchase, renovation, or lease of an attendance facility for a NEAR. Section 77-3442 would also be amended to limit the levy of a NEAR to 5.2 cents not to exceed \$50,000 in total for the construction, purchase, renovation, or lease of an attendance facility for a NEAR.

**Section 77-3443** would be amended to include a reference to Nebraska elementary attendance regions among political subdivisions that are not part of the combined county levy limitation.

**Section 77-3444** would be amended to include a reference to Nebraska elementary attendance regions and to prohibit NEARs from voting to exceed levy limitations.

**Section 79-1028** would be amended to include expenditures related to the creation of a NEAR as a budget limit exception.

**Section 79-1073, Section 79-10,120, Section 79-2111** would be amended to adjust references to renumbered sections.

**Explanation of amendments, if any:**

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Senator Ron Raikes, Chairperson