

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1095

Introduced by Lathrop, 12.

Read first time January 21, 2010

Committee: Education

A BILL

1 FOR AN ACT relating to educational service units; to amend
2 section 79-1241.03, Revised Statutes Supplement, 2009;
3 to change provisions relating to distribution of funds;
4 to harmonize provisions; and to repeal the original
5 section.

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

1 Section 1. Section 79-1241.03, Revised Statutes
2 Supplement, 2009, is amended to read:

3 79-1241.03 For school fiscal year 2008-09 and each school
4 fiscal year thereafter:

5 (1) One percent of the funds appropriated for core
6 services and technology infrastructure shall be transferred to
7 the Educational Service Unit Coordinating Council. The remainder
8 of such funds shall be distributed pursuant to subdivisions (2)
9 through (6) of this section;

10 (2)(a) The distance education and telecommunications
11 allowance for each educational service unit shall equal eighty-five
12 percent of the difference of the costs for telecommunications
13 services, for access to data transmission networks that transmit
14 data to and from the educational service unit, and for the
15 transmission of data on such networks paid by the educational
16 service unit as reported on the annual financial report for the
17 most recently available complete data year minus the receipts from
18 the federal Universal Service Fund pursuant to 47 U.S.C. 254,
19 as such section existed on January 1, 2007, for the educational
20 service unit as reported on the annual financial report for the
21 most recently available complete data year and minus any receipts
22 from school districts or other educational entities for payment
23 of such costs as reported on the annual financial report of the
24 educational service unit;

25 (b) The base allocation of each educational service unit

1 shall equal two and one-half percent of the funds appropriated for
2 distribution pursuant to this section;

3 (c) The satellite office allocation for each educational
4 service unit shall equal one percent of the funds appropriated
5 for distribution pursuant to this section for each office of
6 the educational service unit, except the educational service unit
7 headquarters, up to the maximum number of satellite offices. The
8 maximum number of satellite offices used for the calculation of
9 the satellite office allocation for any educational service unit
10 shall equal the difference of the ratio of the number of square
11 miles within the boundaries of the educational service unit divided
12 by four thousand minus one with the result rounded to the closest
13 whole number;

14 (d) The statewide adjusted valuation shall equal the
15 total adjusted valuation for all member districts of educational
16 service units pursuant to section 79-1016 used for the calculation
17 of state aid for school districts pursuant to the Tax Equity and
18 Educational Opportunities Support Act for the school fiscal year
19 for which the distribution is being calculated pursuant to this
20 section;

21 (e) The adjusted valuation for each educational service
22 unit shall equal the total adjusted valuation of the member school
23 districts pursuant to section 79-1016 used for the calculation of
24 state aid for school districts pursuant to the act for the school
25 fiscal year for which the distribution is being calculated pursuant

1 to this section; ~~7~~ except that such adjusted valuation for member
2 school districts that are also member districts of a learning
3 community shall be reduced by fifty percent. The adjusted valuation
4 for each learning community shall equal fifty percent of the total
5 adjusted valuation of the member school districts pursuant to
6 section 79-1016 used for the calculation of state aid for school
7 districts pursuant to the act for the school fiscal year for which
8 the distribution is being calculated pursuant to this section;

9 (f) The local effort rate shall equal \$0.0135 per one
10 hundred dollars of adjusted valuation;

11 (g) Except as provided in subdivision (5) of this
12 section, the statewide student allocation shall equal the
13 difference of the sum of the amount appropriated for distribution
14 pursuant to this section plus the product of the statewide adjusted
15 valuation multiplied by the local effort rate minus the distance
16 education and telecommunications allowance, base allocation, and
17 satellite office allocation for all educational service units;

18 (h) The sparsity adjustment for each educational service
19 unit and learning community shall equal the sum of one plus
20 one-tenth of the ratio of the square miles within the boundaries
21 of the educational service unit divided by the fall membership of
22 the member school districts for the school fiscal year immediately
23 preceding the school fiscal year for which the distribution is
24 being calculated pursuant to this section;

25 (i) The adjusted students for each educational service

1 unit shall equal the fall membership for the school fiscal year
2 immediately preceding the school fiscal year for which aid is being
3 calculated of the member school districts; ~~that will not be members~~
4 ~~of a learning community and fifty percent of the fall membership~~
5 ~~for such school fiscal year of the member school districts that~~
6 ~~will be members of a learning community pursuant to this section~~
7 ~~multiplied by the sparsity adjustment for the educational service~~
8 ~~unit, and the adjusted students for each learning community shall~~
9 ~~equal fifty percent of the fall membership for such school fiscal~~
10 ~~year of the member school districts multiplied by the sparsity~~
11 ~~adjustment for the learning community;~~

12 (j) The per student allocation shall equal the statewide
13 student allocation divided by the total adjusted students for all
14 educational service units; ~~and learning communities;~~

15 (k) The student allocation for each educational service
16 unit ~~and learning community~~ shall equal the per student allocation
17 multiplied by the adjusted students for the educational service
18 unit; ~~or learning community;~~

19 (l) The needs for each educational service unit shall
20 equal the sum of the distance education and telecommunications
21 allowance, base allocation, satellite office allocation, and
22 student allocation for the educational service unit; ~~and~~
23 ~~the needs for each learning community shall equal the student~~
24 ~~allocation for the learning community; and~~

25 (m) The distribution of core services and technology

1 infrastructure funds for each educational service unit ~~and learning~~
2 ~~community~~ shall equal the needs for each educational service unit
3 ~~or learning community~~ minus the product of the adjusted valuation
4 for the educational service unit ~~or learning community~~ multiplied
5 by the local effort rate;

6 (3) If an educational service unit is the result of
7 a merger or received new member school districts from another
8 educational service unit, such educational service unit shall,
9 for each of the three fiscal years following the fiscal year in
10 which the merger takes place or the new member school districts
11 are received, receive core services and technology infrastructure
12 funds pursuant to subdivisions (2) through (6) of this section
13 in an amount not less than the core services and technology
14 infrastructure funds received in the fiscal year immediately
15 preceding the merger or receipt of new member school districts,
16 except that if the total amount available to be distributed
17 pursuant to subdivisions (2) through (6) of this section for
18 such year is less than the total amount distributed pursuant
19 to such subdivisions or section 79-1243 for the immediately
20 preceding fiscal year, the minimum core services and technology
21 infrastructure funds for each educational service unit pursuant to
22 this subdivision shall be reduced by a percentage equal to the
23 ratio of the difference of the total amount distributed pursuant
24 to subdivisions (2) through (6) of this section or section 79-1243
25 for the immediately preceding fiscal year minus the total amount

1 available to be distributed pursuant to subdivisions (2) through
2 (6) of this section for the fiscal year in question divided by the
3 total amount distributed pursuant to subdivisions (2) through (6)
4 of this section or section 79-1243 for the immediately preceding
5 fiscal year. The core services and technology infrastructure funds
6 received in the fiscal year immediately preceding a merger or
7 receipt of new member school districts for an educational service
8 unit shall equal the amount received in such fiscal year pursuant
9 to subdivisions (2) through (6) of this section or section 79-1243
10 by any educational service unit affected by the merger or the
11 transfer of school districts multiplied by a ratio equal to the
12 valuation that was transferred to or retained by the educational
13 service unit for which the minimum is being calculated divided by
14 the total valuation of the educational service unit transferring or
15 retaining the territory;

16 (4) For fiscal years 2008-09 through 2013-14, each
17 educational service unit ~~which will not have any member school~~
18 ~~districts that are members of a learning community~~ shall receive
19 core services and technology infrastructure funds under this
20 section in an amount not less than ninety-five percent of the
21 total of the core services and technology infrastructure funds that
22 the educational service unit received in the immediately preceding
23 fiscal year either pursuant to subdivisions (2) through (6) of
24 this section or pursuant to section 79-1243, except that if the
25 total amount available to be distributed pursuant to subdivisions

1 (2) through (6) of this section for such year is less than the
2 total amount distributed pursuant to such subdivisions or section
3 79-1243 for the immediately preceding fiscal year, the minimum core
4 services and technology infrastructure funds for each educational
5 service unit pursuant to this subdivision shall be reduced by
6 a percentage equal to the ratio of the difference of the total
7 amount distributed pursuant to subdivisions (2) through (6) of this
8 section or section 79-1243 for the immediately preceding fiscal
9 year minus the total amount available to be distributed pursuant to
10 subdivisions (2) through (6) of this section for the fiscal year
11 in question divided by the total amount distributed pursuant to
12 subdivisions (2) through (6) of this section or section 79-1243 for
13 the immediately preceding fiscal year;

14 (5) If the minimum core services and technology
15 infrastructure funds pursuant to subdivision (3) or (4) of this
16 section for any educational service unit exceed the amount that
17 would otherwise be distributed to such educational service unit
18 pursuant to subdivision (2) of this section, the statewide student
19 allocation shall be reduced such that the total amount to be
20 distributed pursuant to this section equals the appropriation
21 for core services and technology infrastructure funds and no
22 educational service unit receives less than the greater of any
23 minimum amounts calculated for such educational service unit
24 pursuant to subdivisions (3) and (4) of this section; and

25 (6) The State Department of Education shall certify the

1 distribution of core services and technology infrastructure funds
2 pursuant to subdivisions (2) through (6) of this section to each
3 educational service unit and learning community on or before July
4 1, 2008, for school fiscal year 2008-09 and on or before July
5 1 of each year thereafter for the following school fiscal year.
6 Any funds appropriated for distribution pursuant to this section
7 shall be distributed in ten as nearly as possible equal payments
8 on the first business day of each month beginning in September
9 of each school fiscal year and ending in June. Funds distributed
10 to educational service units pursuant to this section shall be
11 used for core services and technology infrastructure with the
12 approval of representatives of two-thirds of the member school
13 districts of the educational service unit, representing a majority
14 of the adjusted students in the member school districts used
15 in calculations pursuant to this section for such funds. Funds
16 distributed to learning communities shall be used for learning
17 community purposes pursuant to sections 79-2104 and 79-2115, with
18 the approval of the learning community coordinating council.

19 For purposes of this section, the determination of
20 whether or not a school district will be a member of an educational
21 service unit or a learning community shall be based on the
22 information available May 1 for the following school fiscal year.

23 Sec. 2. Original section 79-1241.03, Revised Statutes
24 Supplement, 2009, is repealed.