

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1070

FINAL READING

Introduced by Brewer, 43; Wayne, 13; Pansing Brooks, 28.

Read first time January 17, 2018

Committee: Education

- 1 A BILL FOR AN ACT relating to school districts; to amend section 79-499,
- 2 Revised Statutes Cumulative Supplement, 2016; to change provisions
- 3 relating to elections to continue the operation of certain high
- 4 schools; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-499, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 79-499 (1) Commencing with the 1992-93 school year, if the fall
4 school district membership or the average daily membership of an existing
5 Class II or III school district shows fewer ~~less~~ than thirty-five
6 students in grades nine through twelve, the district shall submit a plan
7 for developing cooperative programs with other high schools, including
8 the sharing of curriculum and certificated and noncertificated staff, to
9 the State Committee for the Reorganization of School Districts. The
10 cooperative program plan shall be submitted by the school district by
11 September 1 of the year following such fall school district membership or
12 average daily membership report. A cooperative program plan shall not be
13 required if there is no high school within fifteen miles from such
14 district on a reasonably improved highway. The state committee shall
15 review the plan and provide advice and communication to such school
16 district and other high schools.

17 (2) If for two consecutive years the fall school district
18 membership, or for two consecutive years the average daily membership, of
19 an existing Class II or III school district is fewer ~~less~~ than twenty-
20 five pupils in grades nine through twelve or if for one year an existing
21 Class II or III school district contracts with a neighboring school
22 district or districts to provide educational services for all of its
23 pupils in grades nine through twelve, such school district shall, except
24 as provided in subsection (3) or (4) of this section, become a Class I
25 school district through the order of the state committee if the high
26 school is within fifteen miles on a reasonably improved highway of
27 another high school.

28 This subsection does not apply to any school district located on an
29 Indian reservation and substantially or totally financed by the federal
30 government.

31 (3) Any Class II or III school district maintaining a four-year high

1 school which has a fall school district membership or an average daily
2 membership of fewer ~~less~~ than twenty-five students in grades nine through
3 twelve may contract with another school district to provide educational
4 services for its pupils in grades nine through twelve. Such contract may
5 continue for a period not to exceed one year. At the end of such one-year
6 period, the school district may resume educational services for grades
7 nine through twelve if the average daily membership in grades nine
8 through twelve for such school district has reached at least fifty
9 students. If the school district has not achieved such fall school
10 district membership or average daily membership, it shall become a Class
11 I school district by order of the state committee entered after thirty
12 days' notice to the district but without a hearing, notwithstanding the
13 distance on a reasonably improved highway to the nearest school district
14 conducting a high school.

15 (4)(a) Any Class II or III school district maintaining the only
16 public high school in the county ~~may continue to operate the high school~~
17 with a fall school district membership or an average daily membership of
18 fewer ~~less~~ than twenty-five students in grades nine through twelve shall
19 be subject to this subsection until such school district reaches a fall
20 school district membership or average daily membership of at least
21 thirty-five students or fewer than fifteen students in grades nine
22 through twelve or dissolves. Such school district may continue to operate
23 the high school if:

24 (i) The plan submitted pursuant to subsection (1) of this section
25 provides a broad-based curriculum as determined by the state committee;
26 and

27 (ii) At a districtwide election held the second Tuesday of November
28 by whatever means the county conducts balloting, in the second
29 consecutive school year that the fall school district membership for
30 grades nine through twelve is fewer ~~less~~ than twenty-five students ~~and~~
31 ~~for each succeeding school year unless such membership is at least~~

1 ~~thirty-five students for such school year~~, a majority of voters approve a
2 ballot issue to continue to operate the high school for the immediately
3 following school year. If such ballot issue succeeds in the initial
4 election, the school board shall annually determine if such a
5 districtwide election is necessary for each subsequent year that the
6 school district is subject to this subsection, except that such school
7 board shall hold such districtwide election if four years have passed
8 since the last election pursuant to this section and the school district
9 has remained subject to this subsection.

10 (b) If such ballot issue fails, the state committee shall dissolve
11 the school district and attach the territory to other school districts
12 based on the preferences of each landowner if such preference is provided
13 in the time and manner required by the state committee and would transfer
14 such parcels to a school district with a boundary contiguous to the
15 school district being dissolved. Landowners submitting such preferences
16 shall sign a statement that the district of preference is the district
17 which children who might reside on the property, at the time of the
18 dissolution or in the future, would be expected to attend. For property
19 for which a preference is not provided in the time and manner required by
20 the state committee, the state committee shall transfer such property to
21 one or more of the school districts with boundaries contiguous to the
22 district being dissolved in a manner that will best serve children who
23 might reside on such property, at the time of the dissolution or in the
24 future, and that will, to the extent possible, create compact and
25 contiguous districts.

26 (c) This subsection shall not apply to any school district if the
27 fall school district membership or an average daily membership falls to
28 fewer less than fifteen students in grades nine through twelve.

29 (5) For purposes of this section, when calculating fall school
30 district membership or average daily membership, a resident school
31 district as defined in section 79-233 shall not count students attending

1 an option district as defined in such section and a Class II or III
2 school district shall not count foreign exchange students and nonresident
3 students who are wards of the court or state.

4 Sec. 2. Original section 79-499, Revised Statutes Cumulative
5 Supplement, 2016, is repealed.