

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1070

Introduced by Brewer, 43; Wayne, 13.

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 an election
- 3 requirement; and to repeal the original section.
- 4 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 less than thirty-five students in
6 grades nine through twelve, the district shall submit a plan for
7 developing cooperative programs with other high schools, including the
8 sharing of curriculum and certificated and noncertificated staff, to the
9 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 less than twenty-five
20 pupils in grades nine through twelve or if for one year an existing Class
21 II or III school district contracts with a neighboring school district or
22 districts to provide educational services for all of its pupils in grades
23 nine through twelve, such school district shall, except as provided in
24 subsection (3) or (4) of this section, become a Class I school district
25 through the order of the state committee if the high school is within
26 fifteen miles on a reasonably improved highway of another high school.

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

30 (3) Any Class II or III school district maintaining a four-year high
31 school which has a fall school district membership or an average daily

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

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

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

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

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

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

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

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

1 school district shall not count foreign exchange students and nonresident
2 students who are wards of the court or state.

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