

LEGISLATIVE BILL 1166

Approved by the Governor August 07, 2020

Introduced by Brewer, 43.

A BILL FOR AN ACT relating to school districts; to amend section 79-499, Revised Statutes Cumulative Supplement, 2018; to change school district membership requirement provisions as prescribed; to repeal the original section; and to declare an emergency.

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

Section 1. Section 79-499, Revised Statutes Cumulative Supplement, 2018, is amended to read:

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

(2) If for two consecutive years the fall school district membership, or for two consecutive years the average daily membership, of an existing Class III school district is fewer than twenty-five pupils in grades nine through twelve as determined by the Commissioner of Education or if for one year an existing Class III school district contracts with a neighboring school district or districts to provide educational services for all of its pupils in grades nine through twelve, such school district shall, except as provided in subsection (3) or (4) of this section, be dissolved pursuant to the procedures described in subdivision (4)(b) of this section through the order of the state committee if the high school is within fifteen miles on a reasonably improved highway of another high school.

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

(3) Any Class III school district which has a fall school district membership or an average daily membership of fewer than twenty-five students in grades nine through twelve may contract with another school district to provide educational services for its pupils in grades nine through twelve. Such contract may continue for a period not to exceed one year. At the end of such one-year period, the school district may resume educational services for grades nine through twelve if the average daily membership in grades nine through twelve for such school district has reached at least fifty students. If the school district has not achieved such fall school district membership or average daily membership, it shall be dissolved pursuant to the procedures described in subdivision (4)(b) of this section by order of the state committee entered after thirty days' notice to the district but without a hearing, notwithstanding the distance on a reasonably improved highway to the nearest school district conducting a high school.

(4)(a) Any Class III school district maintaining the only public high school in the county with a fall school district membership or an average daily membership of fewer than twenty-five students in grades nine through twelve shall be subject to this subsection until such school district reaches a fall school district membership or an average daily membership in grades nine through twelve of at least thirty-five students or, for two consecutive years, fewer than fifteen students in grades nine through twelve or such school district dissolves. Such school district may continue to operate the high school if:

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

(ii) At a districtwide election held the second Tuesday of November by whatever means the county conducts balloting, in the second consecutive school year that the fall school district membership for grades nine through twelve is fewer than twenty-five students, a majority of voters approve a ballot issue to continue to operate the high school for the immediately following school year. If such ballot issue succeeds in the initial election, the school board shall annually determine if such a districtwide election is necessary for each subsequent year that the school district is subject to this subsection, except that such school board shall hold such districtwide election if four years have passed since the last election pursuant to this section and the school district has remained subject to this subsection.

(b) If such ballot issue as provided in subdivision (4)(a)(ii) of this section fails, or if a school district falls within the provisions of subsection (2) or (3) of this section, the state committee shall dissolve the school district and attach the territory to other school districts based on the

preferences of each landowner if such preference is provided in the time and manner required by the state committee and would transfer such parcels to a school district with a boundary contiguous to the school district being dissolved. Landowners submitting such preferences shall sign a statement that the district of preference is the district which children who might reside on the property, at the time of the dissolution or in the future, would be expected to attend. For property for which a preference is not provided in the time and manner required by the state committee, the state committee shall transfer such property to one or more of the school districts with boundaries contiguous to the district being dissolved in a manner that will best serve children who might reside on such property, at the time of the dissolution or in the future, and that will, to the extent possible, create compact and contiguous districts.

(c) This subsection shall not apply to any school district if the fall school district membership or an average daily membership falls to fewer than fifteen students in grades nine through twelve for two consecutive years.

(5) For purposes of this section, when calculating fall school district membership or average daily membership, a resident school district as defined in section 79-233 shall not count students attending an option district as defined in such section and a Class III school district shall not count foreign exchange students and nonresident students who are wards of the court or state.

Sec. 2. Original section 79-499, Revised Statutes Cumulative Supplement, 2018, is repealed.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.