

## LEGISLATIVE BILL 757

Approved by the Governor April 18, 1986

Introduced by Goll, 16

AN ACT relating to schools; to amend sections 79-1331 and 79-1333.02, Reissue Revised Statutes of Nebraska, 1943, section 79-1333, Revised Statutes Supplement, 1984, section 79-4,119, Revised Statutes Supplement, 1972, as amended by Laws 1973, LB 358, section 4, and section 79-4,118, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1973, LB 358, section 3, and Laws 1983, LB 203, section 1; to change provisions relating to textbooks as prescribed; to define a term; to change provisions relating to school district membership reports as prescribed; to change provisions relating to the determination of aid as prescribed; to provide severability; and to repeal the original sections.

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

Section 1. That section 79-4,118, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1973, LB 358, section 3, and Laws 1983, LB 203, section 1, be amended to read as follows:

79-4,118. (1) School boards and boards of education of all classes shall purchase all textbooks, equipment, and supplies necessary for the schools of such district. The duty to make such purchases may be delegated to employees of the school district.

(2) Boards of education shall have the power and duty to purchase and to loan textbooks to all children who are enrolled in kindergarten to grade twelve of a public school and, upon individual request, to children who are enrolled in kindergarten to grade twelve of a private school which is approved for continued legal operation under rules and regulations established by the State Board of Education pursuant to subdivision (5)(c) of section 79-328. The Legislature may appropriate funds to carry out the provisions of this subsection. A school district shall not be obligated to spend any money for the purchase and loan of textbooks to children enrolled in private schools other than funds specifically appropriated by the Legislature to be distributed by the State Department of

Education for the purpose of purchasing and loaning textbooks as provided in this subsection. Textbooks loaned to children enrolled in kindergarten to grade twelve of such private schools shall be textbooks which are designated for use in the public schools of the school district. Such textbooks are to be loaned free to such children subject to such rules and regulations as are or may be prescribed by such boards of education. The State Department of Education shall adopt and promulgate rules and regulations to carry out the provisions of this section. The rules and regulations shall include provisions for the distribution of funds appropriated for textbooks. The rules and regulations shall include a deadline for applications from school districts for distribution of funds. If funds are not appropriated to cover the entire cost of applications, a pro rata reduction shall be made.

Sec. 2. That section 79-4,119, Revised Statutes Supplement, 1972, as amended by Laws 1973, LB 358, section 4, be amended to read as follows:

79-4,119. For the purpose of paying for school books, equipment, and supplies, the school district officers may draw an order on the district treasurer for the amount of school books, equipment, and supplies ordered.

Each school district, in addition to the financial support received under the provisions of section 79-1334, shall receive from the School Foundation and Equalization Fund an amount equal to the cost of textbooks purchased and loaned by the district, but in no case shall the district receive for this purpose in excess of an average of fifteen dollars per pupil enrolled in kindergarten to grade twelve in the public and private schools located in such district for each of the school years 1972-1973, 1973-1974 and 1974-1975, and in excess of an average of ten dollars per pupil enrolled in kindergarten to grade twelve for each subsequent school year.

Sec. 3. That section 79-1331, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1331. As used in sections 79-1330 to 79-1344 the School Foundation and Equalization Act, unless the context otherwise requires:

(1) Classroom teacher shall mean a certificated teacher who has major responsibility for the instruction of one or more classes of pupils;

(2) District shall mean a school district approved for continued legal operation under rules and

regulations established by the State Board of Education pursuant to subdivision (5)(c); ~~subsection (5)~~ of section 79-328;

(3) Per pupil cost shall mean a district's current operating expense as shown in the district's annual financial report to the State Department of Education, divided by the average daily membership of resident and nonresident pupils for the preceding school year;

(4) Operating funds shall mean a district's current operating revenue for a fiscal year as shown in the district's annual financial report to the State Department of Education;

(5) Summer school program shall mean a program consisting of thirty days of school at three hours per day, or the equivalent, conducted by a district to meet the academic needs of its pupils during a period other than the regular school year; ~~and~~

(6) Fall school district membership report shall mean a report setting forth the number of children between the ages of five and twenty-one enrolled in the district on the last Friday in September of a given school year. The report shall enumerate (a) resident students by grade level and nonresident students by grade level and classification including, but not limited to, nonresident high school, wards of the court, or contract, (b) eligible children in gifted and deprived programs as approved and verified by the state, (c) children eligible to be transported by bus according to the provisions of section 79-490, and (d) total assessed valuation for the current fiscal year; ~~and~~

(7) January school district membership report shall mean a report setting forth the number of children between the ages of five and twenty-one enrolled in the district on the first Friday in January of a given school year. Such report shall contain the information prescribed in subdivisions (6)(a) through (6)(d) of this section.

Sec. 4. That section 79-1333, Revised Statutes Supplement, 1984, be amended to read as follows:

79-1333. (1) ~~Commencing with school year 1980-81 all state financial assistance to districts pursuant to sections 79-1330 to 79-1344 shall be based upon the annual financial reports for the 1978-79 school year of such districts as required by section 79-451 and the fall school district membership report for the 1979-80 school year required by section 79-1333-02-~~ Financial assistance for the 1981-82 school year and

each school year thereafter shall be based upon the second preceding school year's annual financial report and the preceding school year's (a) fall school district membership report or (b) January school district membership report, if such school district chooses to submit such January school district membership report. The State Department of Education shall determine the amount to be distributed to the various school districts and certify such amounts to the Director of Administrative Services. Each amount shall be distributed (a) for fiscal year 1982-83 in nine as nearly as possible equal monthly payments, beginning in October 1982, for the continuation of the ninety-five million dollars appropriated for state aid; (b) for fiscal year 1982-83 in seven as nearly as possible equal monthly payments beginning in December 1982, for any additional amounts appropriated by Legislative Bill 816A, Eighty-seventh Legislature, Second Session, 1982; and (c) for fiscal year 1983-84 and each fiscal year thereafter in nine as nearly as possible equal monthly payments on the last business day of each month, beginning in October 1983, and each October thereafter, except that a school district may apply for early payment as provided in subsection (2) of this section. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, on the last business day of each month, draw warrants against funds appropriated. The annual financial reports shall be submitted to the State Board of Education by Class I and II school districts on or before the first day of October of each year, and by Class III, IV, V, and VI school districts on or before the first day of November of each year. When any Class I or II school district fails to submit its report by the first day of October, any state assistance granted pursuant to sections 79-1330 to 79-1344 the School Foundation and Equalization Act shall be based on the amount granted for the previous fiscal year, and shall be reduced by ten per cent of that amount, and when any such district fails to submit its report by the first day of November, it shall forfeit all assistance pursuant to sections 79-1330 to 79-1344 such act for that year. When any Class III, IV, V, or VI school district fails to submit its report by the first day of November, any state assistance granted pursuant to sections 79-1330 to 79-1344 such act shall be based on the amount granted

for the previous fiscal year, and shall be reduced by ten per cent of that amount, and when any such district fails to submit its report by the fifteenth day of November, it shall forfeit all assistance pursuant to ~~sections 79-1330 to 79-1344~~ such act for that year.

(2) A school district which receives federal funds in excess of twenty-five per cent of its current operations budget may apply for early payment of state financial assistance paid pursuant to ~~sections 79-1330 to 79-1344~~ the School Foundation and Equalization Act when such federal funds are not received in a timely manner. Such application may be made at any time by a school district suffering such financial hardship and may be for any amount up to fifty per cent of the remaining amount to which the district is entitled during the current fiscal year. The State Board of Education may grant the entire amount applied for or any portion of such amount if, after a hearing, the board finds that a financial hardship exists in the district. The board shall notify the Director of Administrative Services of the amount of funds to be paid in lump sum and the new reduced amount of the monthly payments. The Director of Administrative Services shall, within five days after such notification, draw a warrant for the lump-sum amount from appropriated funds and forward such warrant to the district. As used in this subsection, financial hardship shall mean a situation in which income to a district is exceeded by liabilities to such a degree that if early payment is not received it will be necessary for the district to discontinue vital services or functions.

Sec. 5. That section 79-1333.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1333.02. (1) Annually on or before October 5, each school district shall deliver to the county superintendent the fall school district membership report, as defined in subdivision (6) of section 79-1331. Each county superintendent shall annually, not later than October 15, file a copy of such report with the State Department of Education. When any school district fails to submit its fall school district membership report by November 1, any state assistance granted pursuant to ~~sections 79-1330 to 79-1344~~ the School Foundation and Equalization Act shall be based on the amount granted for the previous fiscal year and shall be reduced by ten per cent of that amount, and when such district fails to submit its fall school district membership report by November 15, it shall

forfeit all assistance pursuant to sections 79-1330 to 79-1344 such act for that year.

(2) A school district may also submit to the county superintendent, not later than January 15 of each year, a January school district membership report. Such report may be used to aid in determining the amount of financial assistance such school district receives pursuant to section 79-1333.

Sec. 6. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 7. That original sections 79-1331 and 79-1333.02, Reissue Revised Statutes of Nebraska, 1943, section 79-1333, Revised Statutes Supplement, 1984, section 79-4,119, Revised Statutes Supplement, 1972, as amended by Laws 1973, LB 358, section 4, and section 79-4,118, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1973, LB 358, section 3, and Laws 1983, LB 203, section 1, are repealed.