

LEGISLATIVE BILL 259

Approved by the Governor April 4, 1990

Introduced by Withem, 14

AN ACT relating to schools; to amend sections 79-402, 79-402.03, 79-402.04, 79-402.11, 79-426.01, 79-426.02, 79-426.17, and 79-490, Reissue Revised Statutes of Nebraska, 1943, sections 79-426.08 and 79-4,158.01, Revised Statutes Supplement, 1988, sections 79-4,105.01 and 79-4,140.16, Revised Statutes Supplement, 1989, and Laws 1988, LB 940, section 18; to state intent; to define and redefine terms; to provide authority for, a method for, and a procedure for Class I districts to affiliate with other districts; to provide powers and duties; to provide for bonded indebtedness and authorize issuance of bonds as prescribed; to provide for a levy and the computation thereof; to provide for eligibility for state aid for certain students in an affiliated school system; to change provisions for transportation of certain students; to provide for a hearing; to provide penalties; to change provisions relating to advisory committee members; to change a provision relating to accreditation; to provide for revival or repeal of certain sections as prescribed; to extend an operative date; to harmonize provisions; and to repeal the original sections.

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

Section 1. (1) By July 1, 1992, all real property and all elementary and high school students shall be in school systems which offer education in grades kindergarten through twelve. For purposes of meeting such requirement, a Class I district which is part of a Class VI district and Class I districts affiliated with one or more Class II, III, IV, V, or VI districts shall be considered as including all real property and all elementary and high school students within a school district which offers education in grades kindergarten through twelve.

(2) Effective July 1, 1994, with the full implementation of sections 23 and 24 of this act, the

Legislature will have attained its school reorganization goals for Class I districts as described in section 79-426.27.

Sec. 2. For purposes of the statutes governing schools:

(1) Affiliated school system shall mean all the high school districts and all Class I districts which have become affiliated; and

(2) Affiliation or affiliation of school districts shall mean an ongoing association of a Class I district not a part of a Class VI district with one or more existing Class II, III, IV, V, or VI districts for the purpose of (a) providing a high school program serving the Class I district students and (b) maintaining tax support to finance such program. The services provided may include student transportation.

Sec. 3. For purposes of sections 1 to 4, 8 to 10, 16 to 21, 23 to 28, and 32 of this act and sections 79-402.11, 79-426.17, and 79-490:

(1) Elementary school facility shall mean the educational facility used to provide services for students in grades kindergarten through eight in an affiliated school system;

(2) High school district shall mean the Class II, III, IV, V, or VI district providing the high school program for an affiliated Class I district;

(3) High school facility shall mean the educational facility used to provide services for students in grades nine through twelve in an affiliated school system;

(4) High school program shall mean the educational services provided in an affiliated school system for grades nine through twelve; and

(5) High school students shall mean students enrolled in a high school program.

Sec. 4. Any Class I district or portion thereof which is not part of a Class VI district on the effective date of this act may, prior to February 1, 1992, file a petition for affiliation pursuant to section 79-402, 79-402.03, or 79-402.04 or a plan for affiliation pursuant to section 79-426.08 with the county superintendent to become affiliated with one or more Class II, III, IV, V, or VI districts or to affiliate in part with a Class II, III, IV, V, or VI district and in part become part of a Class VI district. If a Class I district in part becomes part of a Class VI district which offers educational services in grades seven through twelve, the portion of the Class I district becoming part of such Class VI district shall

pay the Class VI district the grades nine through twelve portion of the Class VI tax levy, prorated on the basis of the rates specified for grades seven and eight and grades nine through twelve in section 79-1334. The Class I district shall pay for the grades seven and eight education of its students if not provided by such Class I district through the contracting provisions of section 79-486. Affiliation shall be accomplished pursuant to any of the procedures provided in sections 79-402 to 79-402.08 and the Reorganization of School Districts Act.

Sec. 5. That section 79-402, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-402. (1) The county superintendent shall create a new school district from other districts, ~~or~~ change the boundaries of any district, or affiliate a Class I district or portion thereof with one or more existing Class II, III, IV, V, or VI districts upon petitions signed by sixty percent of the legal voters of each district affected, except that petitions ~~must~~ shall contain signatures of at least sixty-five percent of the legal voters of each district affected if the proposed change has been disapproved by both the state and county committees for school district reorganization or, in the case of affiliation, if the petition has been disapproved by the county committee. When area is added to a Class VI school district or when a Class I school district, which is entirely within a Class VI school district, is taken from a Class VI school district, the Class VI district ~~will~~ shall be deemed to be an affected district.

(2) Petitions proposing to change the boundaries of existing school districts through the transfer of a parcel of land, not to exceed six hundred forty acres, may be acted upon and so transferred by order of the county superintendent ~~of schools~~ when the petitions involve the transfer of land between Class III, IV, or V school districts or when there would be an exchange of parcels of land between Class III, IV, or V school districts if the petitions have the approval of at least sixty-five percent of each board of education. Petitions proposing to change the boundaries of existing school districts through the transfer of a parcel of land, not to exceed six hundred forty acres, may be acted upon and so transferred by order of the county superintendent ~~of schools~~ when the petitions involve the transfer of a parcel of land from a Class I or a Class II school district to a school district of a higher

classification if the petition has the approval of sixty-five percent of the legal voters or the board of education of each affected school district; as set forth in this section or section 79-402.03.

(3)(a) Petitions proposing to create a new school district or to change the boundary lines of existing school districts involving the transfer of more than six hundred forty acres shall, when signed by at least sixty percent of the legal voters in each district affected, be submitted to the county committee for school district reorganization. The county committee shall, within forty days, review and approve or disapprove such proposal and submit it to the state committee for school district reorganization, except that an affiliation petition shall not be submitted to the state committee and the county committee's approval or disapproval shall be final.

(b) The state committee shall, within forty days, review and approve or disapprove the proposal and return it with any recommendations deemed advisable to the county committee. The county committee shall, within fifteen days of receipt of the returned proposal, consider the action of the state committee and determine whether to give final approval or disapproval to the proposal.

(c) The county committee shall, ~~also~~, within fifteen days of receipt of the returned proposal or of the committee's final approval or disapproval of an affiliation petition, advertise and hold a public hearing at which the recommendations and action of the state and county committees shall be presented to the legal voters in attendance. The county committee shall hold the petitions for ten days following the hearing at the end of which time the committee shall file the petitions with the county superintendent.

(d) The county superintendent shall, within fifteen days, advertise and hold a hearing to determine the validity and sufficiency of the petitions. Upon determination, as a result of the hearing, that sufficient valid signatures are contained in the respective petitions, the county superintendent shall proceed to effect the changes in district boundary lines as set forth in the petitions.

(4) Any person adversely affected by the changes made by the county superintendent may appeal to the district court of any county in which the real estate or any part thereof involved in the dispute is located. If the real estate is located in more than one county, the court in which an appeal is first perfected

shall obtain jurisdiction to the exclusion of any subsequent appeal.

(5) A signing petitioner shall be permitted to withdraw his or her name therefrom and a legal voter shall be permitted to add his or her name thereto at any time prior to the end of the ten-day period when the county committee files such petitions with the county superintendent. Additions and withdrawals of signatures shall be by notarized affidavit filed with the county superintendent.

Sec. 6. That section 79-402.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-402.03. In addition to the petitions of legal voters pursuant to section 79-402, changes in boundaries, ~~or~~ the creation of a new district from other districts, or the affiliation of a Class I district or portion thereof with one or more Class II, III, IV, V, or VI districts may be initiated and accepted by:

(1) The board of education of any Class III, IV, V, or VI district; and

(2) The board of education of any Class I or II district in which is located a city or incorporated village.

Sec. 7. That section 79-402.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-402.04. When the legal voters of a Class I or II school district in which no city or village is located petition to merge in whole or in part with a Class I or Class II district, such merger may be accepted by petition of the board of education of the accepting district. When the legal voters of a Class I district petition to affiliate in whole or in part with one or more Class II, III, IV, V, or VI districts, such affiliation may be accepted or rejected by petition of the board of education of any such district, but in either case such petition to affiliate shall be accepted or rejected within sixty days of the date of receipt of the petition by the board of education of such district.

Sec. 8. If a petition for affiliation pursuant to section 79-402, 79-402.03, or 79-402.04 or plan for affiliation proposed under section 79-426.08 is rejected by the board of education or legal voters of a Class II, III, IV, V, or VI district, such petition or plan may be resubmitted after sixty days from the date of such rejection, and the board of education or legal voters receiving such petition or plan for affiliation shall either accept or reject such petition or plan

within sixty days of the date of receipt of such petition or plan. If the petition or plan for affiliation is again rejected by the board or legal voters of such district, the county committee for school district reorganization shall hold a hearing pursuant to the procedures provided in section 79-402 and, within ten days of such hearing, make a determination whether to approve or reject the affiliation.

Sec. 9. A county committee for school district reorganization, when considering pursuant to section 8 of this act a petition or plan to affiliate a Class I district or portion thereof with one or more Class II, III, IV, V, or VI districts which has been rejected twice, shall consider the traditional high school attendance patterns of resident students of such Class I district. The county committee shall reject a petition or plan to affiliate only when (1) no Class I district resident student has attended the high school program of the Class II, III, IV, V, or VI district with which an affiliation is proposed during the immediately preceding ten-year period, (2) the affiliation would require the construction of new high school facilities, or (3) the affiliation would result in assignment of less than forty percent of the valuation of the Class I district to a high school district which over the immediately preceding five-year period has educated eighty percent or more of the students from such Class I district. The petition shall stand rejected notwithstanding that it has been signed by over sixty-five percent of the legal voters of the petitioning Class I district. The county committee may approve any affiliation plan or petition with conditions upon a good cause showing that a financial hardship which would occur to any impacted Class II, III, IV, V, or VI district which could be alleviated by a temporary reassignment of valuation to any such impacted district. The county committee, upon the approval of a plan or petition with conditions, may order that up to forty percent of the valuation of a Class I district shall be reassigned to a financially impacted district for purposes of determining an affiliation levy pursuant to sections 16 and 17 of this act for a period of up to five years.

Sec. 10. A petition for affiliation pursuant to sections 79-402, 79-402.03, and 79-402.04 and a plan for affiliation pursuant to section 79-426.08 shall contain (1) a description and map of the proposed boundaries of the affiliated school system and (2) terms of the affiliation, including (a) coordination of

elementary curriculum subject to section 79-4.158.01 and (b) provision for the establishment and maintenance of an advisory committee as prescribed by section 79-4.105.01. An affiliation plan or petition may include provisions allowing parents to continue educating their children in the district in which they currently have children enrolled with reimbursement to be paid to the receiving district from the affiliated school system based on the per pupil cost for high school students of such districts as reported on the preceding year's annual financial report.

Sec. 11. That section 79-402.11, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-402.11. (1) Bonded indebtedness incurred prior to any change in school district boundary lines under the provisions of pursuant to sections 79-402 and 79-402.03 to 79-402.10 shall remain the obligation of the school district voting such bonds unless otherwise specified in the petitions. When a district is dissolved by petitions, and the area is attached to two or more districts, the petitions shall specify the disposition of assets and unbonded obligations of the original district.

(2) Bonded indebtedness incurred for high school facilities prior to the establishment of an affiliation shall remain the obligation of the high school district unless otherwise specified in the petitions.

Sec. 12. That section 79-426.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-426.01. As used in sections 79-426-01 to 79-426-19 and 79-426-22 For purposes of the Reorganization of School Districts Act, unless the context otherwise requires:

(1) The term reorganization Reorganization of school districts shall mean the formation of new school districts, the alteration of boundaries of established school districts, the affiliation of school districts, and the dissolution or disorganization of established school districts through or by means of any one or combination of the methods set out in section 79-426.02;

(2) the term state State committee shall mean the State Committee for the Reorganization of School Districts created by section 79-426.03;

(3) the term county County committee shall mean the county committee for the reorganization of school districts created by section 79-426.05; and

(4) the term plan Plan of reorganization shall mean a concrete proposal for readjustment and realignment of the boundaries of any or all school districts within a county.

Sec. 13. That section 79-426.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-426.02. Reorganization of school districts may be had and accomplished through or by means of any one or more of the following methods: (1) The creation of new districts; (2) the uniting of one or more established districts; (3) the subdivision of one or more established districts; (4) the transfer and attachment to any established district of a part of the territory of one or more districts; and (5) the affiliation of a Class I district or portion thereof with one or more Class II, III, IV, V, or VI districts; and (6) the dissolution or disorganization of any established district for any of the reasons specified by law.

Sec. 14. That section 79-426.08, Revised Statutes Supplement, 1988, be amended to read as follows:

79-426.08. (1) Each county committee shall receive and consider all plans and procedures submitted to it by the state committee. The plans may include plans for the affiliation of school districts. The county committee shall prepare and submit to the state committee, for its approval or disapproval, a plan of reorganization of school districts for the county. Such plan of reorganization shall be submitted to the state committee prior to January 1, 1990.

(2) When a proposed plan of reorganization of school districts for the county or part thereof has been tentatively agreed upon by a county committee, a map of the proposed district or districts shall be prepared showing the boundaries thereof and a statement of the description of the boundaries of such proposed district or districts and details of the plan. Such map and statement shall be placed on file with the county superintendent together with a statement prepared by the committee setting forth the provisions of section 79-426.11 and other facts considered pertinent by such committee for the information of the public as to the reasons for and benefits to be had from such proposal.

(3) The county superintendent shall give notice of the filing of such map and statement by publication of such fact in a newspaper of general circulation in the area.

Sec. 15. That section 79-426.17, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-426.17. Whenever two or more school districts are involved in a reorganization plan, the old districts shall continue to be responsible for any indebtedness incurred before the reorganization takes place, unless a different arrangement is included in the plan voted upon by the people. Bonded indebtedness incurred for high school facilities prior to the adoption of any affiliation plan shall remain the obligation of the high school district unless otherwise specified in the petitions.

Sec. 16. Whenever the affiliation of a Class I district or portion thereof becomes final, the provisions of sections 79-494 to 79-4,105 for nonresident high school education shall not apply to such district for the ensuing school year. The levy described in section 18 of this act shall become effective for the next ensuing calendar year following such affiliation, and the levy required pursuant to sections 79-436 and 79-4,102 to 79-4,104 shall not be applied to property included in such district.

Sec. 17. (1) Each high school district which affiliates with one or more Class I districts or portions thereof shall divide its budgeted current operational expense into an elementary portion for grades kindergarten through eight and a high school portion for grades nine through twelve. The division of such budgeted current operational expense shall be based on application of a percentage factor for grades nine through twelve to be computed by the finance division of the State Department of Education for each high school district which has become affiliated with one or more Class I districts.

(2) The finance division shall compute the grades nine through twelve factor by dividing the weighted value of grades nine through twelve average daily membership for the immediately preceding year by the weighted value of total grades kindergarten through twelve average daily membership for the immediately preceding year. Weighted value of average daily membership shall be determined by application of the rate described in section 79-1334. The finance division shall report the grades nine through twelve factor to each high school district on or before August 15 of each year.

(3) A percentage factor derived by dividing the taxable valuation of Class I property affiliated

with each high school district by the sum of such Class I valuation and the taxable valuation of property of each such high school district shall be calculated. Such factor shall be multiplied times the high school portion of budgeted current operational expense as computed in subsections (1) and (2) of this section to arrive at an affiliated Class I share of the high school portion of budgeted current operational expense.

(4) The tax request amounts shall be certified to the county assessor and county superintendent by the date final budget statements are due as prescribed in the Nebraska Budget Act.

Sec. 18. The county superintendent and county assessor of each county where the administrative center of a high school district is located shall compute the high school levy for each affiliated Class I district which has its elementary school facility in the county as follows:

(1) For each such high school district, a preliminary high school levy for all Class I property which is affiliated with the high school district shall be computed by dividing the sum of the taxable assessed valuation of the property in each Class I district or portion of a Class I district affiliated with the high school district into the affiliated Class I share of the high school portion of budgeted current operational expense for the high school district as determined pursuant to subsection (3) of section 17 of this act;

(2) If the entire Class I district is affiliated with one high school district, the high school levy of such Class I district shall be the preliminary high school levy computed pursuant to subdivision (1) of this section; and

(3) If the Class I district affiliates with more than one high school district, an average districtwide high school levy shall be determined as follows: (a) The preliminary high school levy of each affiliated portion of Class I district property, as determined in subdivision (1) of this section, shall be applied to the taxable assessed valuation of each corresponding portion of Class I district property which has affiliated with each such high school district; and (b) the tax dollar yield for all such portions of Class I district property shall be totaled and divided by the total taxable assessed valuation of the entire Class I district to arrive at the average districtwide high school levy. Notwithstanding the computation of such districtwide high school levy, each high school district shall actually receive from the county treasurer the tax

dollars that would be raised by the application of the high school tax levy to the portion of all Class I district property which is affiliated with such high school district.

Sec. 19. If the affiliated school system has territory in more than one county, the county superintendent and county assessor of the levying county shall certify on or before September 1 of each year the preliminary high school levy calculated pursuant to subdivision (1) of section 18 of this act for the Class I district property to the county superintendent and county assessor of each county in which a portion of the affiliated school system is located. Such levy shall be collected in the same manner as other property taxes and shall be remitted by the collecting county to the county in which the administrative center of the high school district is located.

Sec. 20. Following the affiliation of two or more school districts, bonds may be issued pursuant to sections 10-701 to 10-716 for purposes of capital additions to or improvements or replacement of high school facilities upon the approval of a majority of all the legal voters of the high school district and affiliated Class I district or districts or portions thereof voting on the issue as a combined voting unit. The bond levy necessary to redeem the bonds issued pursuant to this section shall be prorated to reflect projected student utilization of planned facilities based on criteria established by the State Department of Education if the facility will be used by elementary as well as high school students. The pro rata share of the costs of the facility to be assigned to the high school program shall be included in the statement required to be filed pursuant to section 10-707.

Sec. 21. (1) For the purpose of eligibility for any form of state aid, including foundation, incentive, and equalization aid, grants, or other assistance and for purposes of entitlement to any educational service or program, any Class I student who is enrolled in the high school program of an affiliated school system shall be considered to be a resident of the Class II, III, IV, V, or VI district which is part of such affiliated school system. Such student shall be treated for purposes of any educational service, including special education services, extracurricular programs, and other school-sponsored activities, as if he or she were a resident student of the high school district.

(2) All students residing in an affiliated

Class I district who are enrolled in the high school program of an affiliated high school district shall be counted on the school census of the high school district.

(3) All state aid which would otherwise be payable to the county nonresident high school tuition fund shall be paid to the high school district in an affiliated school system for the first school year immediately following the final adoption of any affiliation petition or plan. The State Department of Education shall establish special provisions to assure that aid is payable in the first year following such affiliation.

(4) Nonresident high school tuition receipts for any prior school year shall not be deducted as an accountable receipt pursuant to subdivision (3) of section 79-1338 for any high school district which is part of an affiliated school system.

(5) For purposes of equalization aid as prescribed in sections 79-1335 to 79-1339, the taxable assessed valuation of all affiliated Class I district property shall be assessed the same qualifying levy as if it were part of a Class VI district offering education in grades nine through twelve.

Sec. 22. That section 79-490, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-490. When no other means of free transportation is provided to a student attending a public school, an allowance for transportation shall be made to the family of such student by the district in which such family resides as follows:

(1) When a student attends an elementary school in his or her own district and lives more than four miles from the public schoolhouse ~~therein in such district~~, there shall be paid two hundred eighty-five percent of the mileage rate provided in section 81-1176 for each mile actually and necessarily traveled on each day of attendance by which the distance traveled one way from the residence of such student to the schoolhouse exceeds three miles;

(2) ~~when~~ When a student is required to attend an elementary school outside of his or her own district and lives more than four miles from such elementary school, there shall be paid two hundred eighty-five percent of the mileage rate provided in section 81-1176 for each mile actually and necessarily traveled on each day of attendance by which the distance traveled one way from the residence of such student to the schoolhouse

exceeds three miles;

(3) ~~when~~ When a student attends a secondary school in his or her own Class II or III school district and lives more than four miles from the public schoolhouse, there shall be paid two hundred eighty-five percent of the mileage rate provided in section 81-1176 for each mile actually and necessarily traveled on each day of attendance by which the distance traveled one way from the residence of such student to the schoolhouse exceeds three miles; and

(4) ~~when~~ When a student, other than a student in grades ten through twelve in a Class V district, attends an elementary or junior high school in his or her own Class V district and lives more than four miles from the public schoolhouse ~~therein~~ therein in such district, there shall be paid for each day of attendance two hundred eighty-five percent of the mileage rate provided in section 81-1176 for each mile actually and necessarily traveled by which the distance of the residence of such student from the schoolhouse exceeds three miles.

The local school board may authorize school-provided transportation to any student who does not qualify under the mileage requirements of subdivisions (1) ~~to~~ through (4) of this section, but a fee may be charged to the parent or guardian of the student for such service. Where An affiliated school system may provide free transportation or pay the allowance described in this section for high school students residing in an affiliated Class I district. When the patrons of a Class VI school district have voted to operate and provide free bus transportation for the ~~pupils~~ students of the district, such district shall be eligible for payment for transportation as provided for in the School Foundation and Equalization Act. No transportation payments shall be made to a family for mileage not actually traveled by such family. The number of days the student has attended school shall be reported monthly by the teacher to the school board of such public school district.

No more than one allowance shall be made to a family irrespective of the number of students in a family being transported to school. If a family resides in a Class I district which is part of a Class VI district and has students enrolled in any grade of grades kindergarten through six in the Class I district and in any grade of grades seven and eight in the Class VI district, such family shall receive not more than one allowance for the distance actually traveled when both

districts are on the same direct travel route with one district being located a greater distance from the residence than the other. In such cases, the travel allowance shall be prorated among the school districts involved.

Unless the parties involved can mutually agree, the county superintendent of the district in which the school attended is located shall determine the pro rata share to be paid by each district. In the event the schools attended are in different counties, the respective county superintendents shall determine the proper pro rata amount each district shall pay.

No ~~public~~ public student shall be exempt from school attendance on account of distance from the public schoolhouse.

Sec. 23. (1) Except as provided in subsection (2) of this section, on and after July 1, 1994, the budget of operational expenses of each high school district and Class I district in an affiliated school system shall be certified to the county superintendent and county assessor for computation of an affiliated school system tax levy. The proceeds of such levy, upon collection by the county, shall be distributed to the districts in the affiliated school system in amounts which are in proportion to the amounts of the budget of operational expenses certified by such districts to the county superintendent and county assessor. Such levy shall be computed as follows:

(a) If a Class I district affiliates with only one high school district, the sum of the property tax requirements necessary to fund the budget of operational expenses of each district or portion thereof shall be divided by the sum of the assessed valuation of each such district or portion thereof, except that only that portion of the budget of operational expenses of each district or portion thereof which does not exceed the prior year's budget of operational expenses multiplied by a factor equal to one hundred one percent of the average countywide growth in the budget of operational expenses shall be included in such computation. The remainder of such budget of operational expenses shall be assessed to the property of such district or portion thereof which exceeds such average countywide growth level; or

(b) If a Class I district affiliates with more than one high school district, such Class I district's budget of operational expenses shall be apportioned to respective portions of such Class I district for purposes of this computation based on each portion's

assessed taxable valuation in relation to the total assessed valuation of the entire Class I district. If a Class I district affiliates with more than one high school district, an average districtwide affiliated school system tax levy shall be computed as follows:

(i) The affiliated school system tax levy applicable to each portion of Class I district property shall be multiplied by the taxable assessed valuation of such corresponding portion of Class I district property; and

(ii) The tax dollar yield from all such portions of Class I district property shall be totaled and divided by the taxable assessed valuation of the entire Class I district to arrive at the average districtwide affiliated school system levy.

(2) The affiliated school system tax levy established pursuant to subsection (1) of this section shall not apply to a Class VI district or a Class I district or portion thereof which is affiliated with a Class VI district. A Class I district affiliating in whole or in part with a Class VI district shall pay a high school levy as provided in section 18 of this act.

Sec. 24. On and after July 1, 1994, the facilities, programs, and services of a district in an affiliated school system shall be open to all students residing in every district or portion thereof which is part of such affiliated school system, except that this section shall not apply to the facilities, programs, and services of Class I districts or portions thereof which are affiliated with or a part of a Class VI district. The school board of any affiliated Class I district may request that the school board of a high school district within the same affiliated school system provide, at the Class I facility, elementary educational services or programs which are offered by the high school district but not available at the Class I facility. The school board shall make every reasonable effort to comply with such request. Any additional funds expended by the high school district to provide educational services or programs requested by the Class I district shall be included in the budget of operational expenses for purposes of the computation provided in subdivision (1)(a) of section 23 of this act and shall be supported by the affiliated school system tax levy described in section 23 of this act. Any parent or legal guardian of a student opting to enroll such student in a facility in another district within an affiliated school system other than the district in which such parent or legal guardian resides shall, by January 1 of each year to be

effective for the succeeding school year, file a notice of intent to so enroll such student. The date for filing the notice may, by mutual agreement of the boards of education of the districts involved, be extended to any date agreed upon by such boards.

Sec. 25. (1) If any Class I district which is not part of a Class VI district and which does not have territory in more than one county has not merged, affiliated, or approved a plan for merging with a Class II, III, IV, V, or VI district or approved a plan to become part of an existing or new Class VI district prior to February 1, 1992, the county committee for the reorganization of school districts shall plan to (a) dissolve and attach such district to an existing Class II, III, IV, or V district or (b) make such district part of an existing Class VI district on or before July 1, 1992.

(2) If any Class I district which is not part of a Class VI district and which has territory in more than one county has not (a) merged, affiliated, or approved a plan for merging with a Class II, III, IV, V, or VI district or (b) become part of an existing or new Class VI district prior to February 1, 1992, a joint committee, as provided in section 79-426.09, shall plan to (i) dissolve and attach such district to an existing Class II, III, IV, or V district or (ii) make such district part of an existing Class VI district on or before July 1, 1992.

Sec. 26. Prior to March 1, 1992, the county committee for the reorganization of school districts or joint reorganization committee shall set a date for a hearing to determine to which district or districts the territory of the Class I district specified in section 25 of this act shall be attached or added and shall give fifteen days' notice by certified or registered mail of the time and place of hearing to the board of education of each district having grades kindergarten through twelve which may be affected by such attachment or addition. Public notice of the hearing shall also be given within fifteen days prior to the hearing date by publication once each week for two consecutive weeks in a newspaper of general circulation in the county or counties involved. Following such hearing, the county or joint reorganization committee shall notify the county superintendent to which district or districts such territory will be attached or added and the county superintendent shall attach or add such territory on or before July 1, 1992.

Sec. 27. If, by May 1, 1992, the county

committee for the reorganization of school districts or joint reorganization committee has failed to plan to dissolve and attach all Class I districts specified in section 25 of this act to an existing district or gives notice that it will not be able to meet the requirements prescribed by law to implement section 1 of this act, each member of the committee shall be penalized by a fine equal to the total amount reimbursed as expenses to such member for serving on the committee during the previous twelve-month period, and the matter shall be referred to the State Committee for the Reorganization of School Districts which shall attach or add the territory to an existing district on or before September 1, 1992.

Sec. 28. Any affiliated Class I district which becomes subject to dissolution pursuant to section 79-420 or 79-603 and any Class II district which becomes subject to the dissolution provisions of section 79-701 may merge with an existing affiliated Class I district. Any such Class I district which merges with another affiliating district pursuant to this section shall continue its affiliation with the high school district with which it was affiliated prior to its becoming subject to section 79-420 or 79-603. If such Class I district chooses not to merge with any affiliated district, the county superintendent shall dissolve and attach the property of such Class I district to the district or districts with which such Class I district was affiliated prior to becoming subject to section 79-420 or 79-603.

Sec. 29. That section 79-4,105.01, Revised Statutes Supplement, 1989, be amended to read as follows:

79-4,105.01. There shall be created for each affiliated high school district and each district which accepts at least ten nonresident high school students pursuant to sections 79-494 to 79-4,105 an advisory committee which shall be composed of three school board members selected annually by all the school board members of the Class I school districts with which send such Class II, III, IV, V, or VI district is affiliated or which send nonresident high school students to such Class II, III, IV, V, or VI district. The county superintendent shall annually call a meeting of all the school board members of such Class I school districts, not a part of a Class VI school district, for the purpose of establishing such advisory committees. Representatives shall serve three-year terms, except that of the members initially selected or selected at

the end of terms being served on August 25, 1989, one shall serve a one-year term and one shall serve a two-year term.

The advisory committee shall provide advice and communication to the school board of such affiliated high school district or accepting districts regarding the secondary high school program, facilities, and budget and the needs and concerns of students, parents, and taxpayers in the Class I school district or districts. Each advisory committee shall meet at least biannually with the school board of the accepting school district and participate in good faith in those coordination requirements specified in section 79-4,158.01.

Sec. 30. That section 79-4,140.16, Revised Statutes Supplement, 1989, be amended to read as follows:

79-4,140.16. (1) To ensure both equality of opportunity and quality of programs offered, after July 1, 1989, all public schools in the state shall be required to meet quality and performance-based approval or accreditation standards as prescribed by the State Board of Education. The board State Board of Education shall establish a core curriculum standard, which shall include vocational education courses, for all public schools in the state. Accreditation and approval standards shall be designed to assure effective schooling and quality of instructional programs regardless of school size, wealth, or geographic location. The board State Board of Education shall recognize and encourage the maximum use of cooperative programs and may provide for approval or accreditation of programs on a cooperative basis, including the sharing of administrative and instructional staff, between school districts for the purpose of meeting the approval and accreditation requirements established pursuant to this section and section 79-328.

(2) The Commissioner of Education shall appoint an accreditation committee which shall be representative of the educational institutions and agencies of the state and shall include as a member the director of admissions of the University of Nebraska.

(3) The accreditation committee shall be responsible for: (a) Recommending appropriate standards and policies with respect to the accreditation and classification of schools; and (b) making recommendations annually to the commissioner relative to the accreditation and classification of individual schools. No school shall be considered for

accreditation status which has not first fulfilled all requirements for an approved school.

(4) ~~It is the goal of the Legislature that by~~ By school year 1993-94 all public schools in the state ~~should shall~~ be accredited.

(5) It is the intent of the Legislature that all public school students shall have access to all educational services required of accredited schools. Such services may be provided through cooperative programs or alternative methods of delivery.

(6) The ~~State Board of Education board~~ shall by July 1, 1989, review the accreditation standards for public schools.

(7) The ~~State Board of Education board~~ shall on or before January 1, 1990, adopt and promulgate needed revisions in accreditation rules and regulations and report to the Legislature on the standards reviewed pursuant to subsection (6) of this section.

Sec. 31. That section 79-4,158.01, Revised Statutes Supplement, 1988, be amended to read as follows:

79-4,158.01. Each affiliated high school district, each school district which accepts nonresident high school students pursuant to sections 79-494 to 79-4,105, and each Class VI school district shall undertake efforts to provide for coordination of the curriculum between the elementary school program of instruction of participating Class I school districts and the secondary high school program of instruction of such affiliated high school district, accepting school district, or Class VI school district. Notwithstanding reasonable and good faith efforts to provide for coordination of curriculum, each school board of a Class I school district shall retain the final authority to determine matters of curriculum. Any additional costs incurred in providing the coordinated services required by this section shall be included as a cost of the secondary high school program in the case of school districts accepting nonresident high school students pursuant to sections 79-494 to 79-4,105 and a cost of the Class VI school district in the case of a Class VI school district. In the case of an affiliated school system, any additional costs incurred shall be funded through contractual arrangements between the school districts in the affiliated school system.

Sec. 32. The county superintendent and county treasurer in each county maintaining a county nonresident high school tuition fund created pursuant to section 79-437, which is repealed effective July 1,

1992, shall maintain an account to receive delinquent tax collections for the county nonresident tuition levy and to distribute the balance in such account periodically to Class I districts subject to section 1 of this act which affiliate pursuant to section 4 of this act or become part of a Class VI district and to any Class II, III, IV, or V district with which a Class I district subject to section 1 of this act merges or forms a new Class II, III, IV, or V district. The distribution shall be made to such districts in payments as nearly as practicable in proportion to the actual valuation of taxable property of Class I districts subject to section 1 of this act which become affiliated, part of a Class VI district, or merged to such districts. This section shall be terminated and repealed effective July 1, 1995.

Sec. 33. (1) If the provisions of sections 1 to 4, 8 to 10, 16 to 21, 23 to 28, and 32 of this act and sections 79-402, 79-402.03, 79-402.04, 79-402.11, 79-426.01, 79-426.02, 79-426.08, 79-426.17, 79-490, 79-4.105.01, 79-4.140.16, and 79-4.158.01 as amended by this legislative bill are found to be unconstitutional pursuant to the final determination of the Nebraska Supreme Court on or after July 1, 1992, the provisions of sections 79-436, 79-437, 79-495 to 79-499, and 79-4.101 to 79-4.105 shall be revived as such sections exist on the effective date of this act.

(2) If the provisions of sections 1 to 4, 8 to 10, 16 to 21, 23 to 28, and 32 of this act and sections 79-402, 79-402.03, 79-402.04, 79-402.11, 79-426.01, 79-426.02, 79-426.08, 79-426.17, 79-490, 79-4.105.01, 79-4.140.16, and 79-4.158.01 as amended by this legislative bill are found to be unconstitutional pursuant to the final determination of the Nebraska Supreme Court before July 1, 1992, then Laws 1988, LB 940, section 19, is repealed.

Sec. 34. That Laws 1988, LB 940, section 18, be amended to read as follows:

Sec. 18. Section 19 of this act shall become operative on July 1, 1991 1992. The other sections of this act shall become operative on their effective date.

Sec. 35. That original sections 79-402, 79-402.03, 79-402.04, 79-402.11, 79-426.01, 79-426.02, 79-426.17, and 79-490, Reissue Revised Statutes of Nebraska, 1943, sections 79-426.08 and 79-4.158.01, Revised Statutes Supplement, 1988, sections 79-4.105.01 and 79-4.140.16, Revised Statutes Supplement, 1989, and Laws 1988, LB 940, section 18, are repealed.