

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1057

FINAL READING

Introduced by Brewer, 43.

Read first time January 18, 2022

Committee: Education

- 1 A BILL FOR AN ACT relating to schools; to amend section 79-848, Reissue
- 2 Revised Statutes of Nebraska, and section 79-499, Revised Statutes
- 3 Cumulative Supplement, 2020; to change provisions relating to Class
- 4 III school district membership and under what conditions such school
- 5 may continue to operate; to harmonize provisions; and to repeal the
- 6 original sections.
- 7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-499, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 79-499 (1) If the fall school district membership or the average
4 daily membership of an existing Class III school district shows fewer
5 than forty-five ~~thirty-five~~ students in grades kindergarten ~~nine~~ through
6 twelve, the district shall submit a plan for developing cooperative
7 programs with other school districts ~~high schools~~, including the sharing
8 of curriculum and certificated and noncertificated staff, to the State
9 Committee for the Reorganization of School Districts. The cooperative
10 program plan shall be submitted by the school district by September 1 of
11 the year following such fall school district membership or average daily
12 membership report. A cooperative program plan shall not be required if
13 there is no ~~high~~ school within fifteen miles from such district on a
14 reasonably improved highway. The state committee shall review the plan
15 and provide advice and communication to such school district and other
16 school districts ~~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 III school district is fewer than forty-five students
20 ~~twenty-five pupils~~ in grades kindergarten ~~nine~~ through twelve as
21 determined by the Commissioner of Education ~~or if for one year an~~
22 ~~existing Class III school district contracts with a neighboring school~~
23 ~~district or districts to provide educational services for all of its~~
24 ~~pupils in grades nine through twelve~~, such school district shall, except
25 as provided in subsection (3) ~~or (4)~~ of this section, be dissolved
26 pursuant to the procedures described in subdivision (3)(b) ~~(4)(b)~~ of this
27 section through the order of the state committee if the ~~high~~ school
28 district is within fifteen miles on a reasonably improved highway of
29 another ~~high~~ school.

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

1 government.

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

17 ~~(3)(a) (4)(a) Any Class III school district which is maintaining the~~
18 ~~only public high school district in the county and which has with a fall~~
19 ~~school district membership or an average daily membership of fewer than~~
20 ~~forty-five ~~twenty-five~~ students in grades kindergarten ~~nine~~ through~~
21 ~~twelve shall be subject to this subsection until such school district~~
22 ~~reaches a fall school district membership or an average daily membership~~
23 ~~in grades kindergarten ~~nine~~ through twelve of at least forty-five ~~thirty-~~~~
24 ~~five students or, for two consecutive years, fewer than fifteen students~~
25 ~~or such school district dissolves. Such school district may continue to~~
26 ~~operate the high school if:~~

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

30 (ii) At a districtwide election held the second Tuesday of November
31 by whatever means the county conducts balloting, in the second

1 consecutive school year that the fall school district membership for
2 grades kindergarten ~~nine~~ through twelve is fewer than forty-five ~~twenty-~~
3 ~~five~~ students, a majority of voters approve a ballot issue to continue to
4 operate the ~~high~~ school district for the immediately following four
5 school years year. If such ballot issue succeeds and ~~in the initial~~
6 ~~election, the school board shall annually determine if such a~~
7 ~~districtwide election is necessary for each subsequent year that the~~
8 school district remains is subject to this subsection, ~~except that such~~
9 school board or board of education shall conduct a public hearing and,
10 after receiving testimony at the public hearing, vote whether to continue
11 to operate the school district every four years thereafter. If such
12 ballot issue or such vote of the school board or board of education
13 fails, the school district shall be dissolved pursuant to the procedures
14 described in subdivision (3)(b) of this section ~~hold such districtwide~~
15 ~~election if four years have passed since the last election pursuant to~~
16 ~~this section and the school district has remained subject to this~~
17 ~~subsection.~~

18 (b) ~~The~~ If such ballot issue as provided in subdivision (4)(a)(ii)
19 ~~of this section fails, or if a school district falls within the~~
20 ~~provisions of subsection (2) or (3) of this section, the state committee~~
21 shall dissolve the school district and attach the territory to other
22 school districts based on the preferences of each landowner if such
23 preference is provided in the time and manner required by the state
24 committee and would transfer such parcels to a school district with a
25 boundary contiguous to the school district being dissolved. Landowners
26 submitting such preferences shall sign a statement that the district of
27 preference is the district which children who might reside on the
28 property, at the time of the dissolution or in the future, would be
29 expected to attend. For property for which a preference is not provided
30 in the time and manner required by the state committee, the state
31 committee shall transfer such property to one or more of the school

1 districts with boundaries contiguous to the district being dissolved in a
2 manner that will best serve children who might reside on such property,
3 at the time of the dissolution or in the future, and that will, to the
4 extent possible, create compact and contiguous districts.

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

9 (4) ~~(5)~~ For purposes of this section, when calculating fall school
10 district membership or average daily membership, a resident school
11 district as defined in section 79-233 shall not count students attending
12 an option district as defined in such section and a Class III school
13 district shall not count foreign exchange students and nonresident
14 students who are wards of the court or state.

15 Sec. 2. Section 79-848, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 79-848 Any employee whose contract is terminated because of
18 reduction in force shall be considered dismissed with honor and shall
19 upon request be provided a letter to that effect. Such employee shall
20 have preferred rights to reemployment for a period of twenty-four months
21 commencing at the end of the contract year of such employee, and the
22 employee shall be recalled on the basis of length of service to the
23 school to any position for which he or she is qualified by endorsement or
24 college preparation to teach. Whenever a school district has, pursuant to
25 section 79-598, contracted for the instruction of all of the students
26 residing in such district ~~or has, pursuant to section 79-499, contracted~~
27 ~~for the instruction of its students in grades nine through twelve,~~ the
28 preferred rights to reemployment shall commence at the end of the student
29 contract period as agreed to by the contracting school district. The
30 employee shall, upon reappointment, retain any benefits which had accrued
31 to such employee prior to termination, but such leave of absence shall

1 not be considered as a year of employment by the district. An employee
2 under contract to another educational institution may waive recall, but
3 such waiver shall not deprive the employee of his or her right to
4 subsequent recall.

5 Sec. 3. Original section 79-848, Reissue Revised Statutes of
6 Nebraska, and section 79-499, Revised Statutes Cumulative Supplement,
7 2020, are repealed.