

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1057**

Introduced by Brewer, 43.

Read first time January 18, 2022

Committee: Education

- 1 A BILL FOR AN ACT relating to schools; to amend section 79-499, Revised
- 2 Statutes Cumulative Supplement, 2020; to change provisions relating
- 3 to Class III school district membership and under what conditions
- 4 such school may continue to operate; and to repeal the original
- 5 section.
- 6 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 ~~high~~ schools, including the sharing of curriculum and  
8 certificated and noncertificated staff, to the State Committee for the  
9 Reorganization of School Districts. The cooperative program plan shall be  
10 submitted by the school district by September 1 of the year following  
11 such fall school district membership or average daily membership report.  
12 A cooperative program plan shall not be required if there is no ~~high~~  
13 school within fifteen miles from such district on a reasonably improved  
14 highway. The state committee shall review the plan and provide advice and  
15 communication to such school district and other ~~high~~ schools.

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

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

31 (3) Any Class III school district which has a fall school district

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

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

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

29 (ii) At a districtwide election held the second Tuesday of November  
30 by whatever means the county conducts balloting, in the second  
31 consecutive school year that the fall school district membership for

1 grades kindergarten ~~nine~~ through twelve is fewer than forty-five ~~twenty-~~  
2 ~~five~~ students, a majority of voters approve a ballot issue to continue to  
3 operate the ~~high~~ school for the immediately following school year. If  
4 such ballot issue succeeds in the initial election, the school board  
5 shall annually determine if a vote of the school board ~~such a~~  
6 ~~districtwide election~~ is necessary for each subsequent year that the  
7 school district is subject to this subsection, except that such school  
8 board shall conduct a public hearing ~~hold such districtwide election~~ if  
9 four years have passed following the effective date of this act ~~since the~~  
10 ~~last election pursuant to this section~~ and the school district has  
11 remained subject to this subsection. After receiving testimony from  
12 patrons at the public hearing the school board shall vote whether to  
13 continue to operate the school.

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

1           (c) This subsection shall not apply to any school district if the  
2 fall school district membership or an average daily membership falls to  
3 fewer than thirty-five ~~fifteen~~ students in grades kindergarten ~~nine~~  
4 through twelve for two consecutive years.

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

11           Sec. 2. Original section 79-499, Revised Statutes Cumulative  
12 Supplement, 2020, is repealed.