

LEGISLATIVE BILL 65

Approved by the Governor March 13, 1973

Introduced by Barnett, 26

AN ACT to amend sections 79-4,103 and 79-4,104, Reissue Revised Statutes of Nebraska, 1943, relating to public schools; to provide for year-round operation of public schools; and to repeal the original sections.

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

Section 1. The purpose of sections 1 to 9 of this act is to promote increased efficiency in the utilization of public schoolhouses and other school facilities by providing for a program of year-round operation of the public schools of this state. The Legislature finds that the cost of education is substantially increased when schoolhouses sit idle for three months of the year and that the rural and pioneer conditions which dictated summer closing of public schools no longer prevail in many of the school districts of the state.

Sec. 2. Commencing July 1, 1974, any public school district in this state may convert to year-round operation under the provisions of sections 1 to 9 of this act.

Sec. 3. No public school district shall convert to a year-round operation without obtaining approval therefor by the State Board of Education based upon a determination that the plans therefor comply with the provisions of sections 1 to 9 of this act and the rules and regulations adopted by the State Board of Education pursuant thereto.

Sec. 4. The board of education of any school district proposing to convert to a year-round operation shall study the feasibility thereof and prepare a plan of operation and submit the results of such study and plan to the State Board of Education.

Sec. 5. Such feasibility study shall be conducted pursuant to rules and regulations of the State Board of Education. Such study shall take into account (1) the present and projected enrollment of the district as a whole and for each grade actually taught, (2) the extent of utilization of existing schoolhouses and other school facilities, (3) the savings of future construction

costs that would result from year-round operation, (4) the problems of school staffing that might result, (5) the probability of public acceptance, and (6) such other matters as the State Board of Education may require.

Sec. 6. Such proposed plan shall show all aspects of the proposed operation and provide for:

(1) A minimum of one hundred seventy-five days of required school attendance for each pupil in each school year;

(2) Any attendance center at which year-round operations shall be conducted, including the change of such center as the changing characteristics of the district may require;

(3) The basis of pupil assignments to the particular year for instruction and to attendance centers, including provisions for student transfers;

(4) Curriculum development and organization;

(5) Staffing, with adequate provisions for vacations and opportunities for professional growth of certified staff and faculty members;

(6) Student vacation time;

(7) Transportation and maintenance provisions;

and

(8) Such other matters as the State Board of Education may require.

Sec. 7. The State Board of Education may (1) approve the feasibility study and the proposed plan of operation, in which case it shall so notify the board of education and authorize it to proceed under section 8 of this act, (2) approve the study but disapprove the proposed plan in whole or in part, in which case it shall return the proposed plan with a statement of its objections thereto and advise the board of education that an amended plan may be submitted, or (3) disapprove both the study and the proposed plan, in which case it shall return them with its objections thereto and advise the board of education that a new or extended study may be conducted and submitted and that an amended plan may be submitted. No action shall be taken under section 8 of this act until both the study and the proposed plan have been approved by the State Board of Education.

Sec. 8. When both such study and such proposed plan have been approved by the State Board of Education, the board of education shall submit the question of converting to year-round operation to the voters of the district at a general school election or at a special election called for that purpose. If a majority of the voters voting on the proposal are in favor thereof, the school district shall convert to year-round operation commencing the first July 1 following the election. If the issue is defeated, it shall not again be submitted to the voters until a new study and plan have been submitted to and approved by the State Board of Education.

Sec. 9. The State Board of Education shall adopt rules and regulations necessary for the implementation of sections 1 to 9 of this act. Such rules and regulations shall provide for the computation and distribution of funds under Chapter 79, article 13, so that a school district which has converted to year-round operation will receive the same amount from each of the various funds as it would have received if it had not so converted.

Sec. 10. That section 79-4,103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-4,103. The secretary of any board of education of any school district located in any county to which sections 79-494 to 79-4,106 apply, or a district in another state which has reciprocal nonresident high school tuition relations with Nebraska, shall, on or before the second Monday in February and June of each year, certify to the county superintendent the names and number of nonresident pupils enrolled in the high school of said district during the semester ending on or about the second Monday of February and June, or during each half of the school year for those districts which have year-round operation, and the number of days those pupils were enrolled in the high school. The county superintendent thereupon shall certify the same to the county treasurer, who shall upon the order of the county superintendent, on or before March 1 and July 1 following, pay to the school district treasurers and to the treasurers of boards of education an amount sufficient to pay the high school tuition of said pupils at a rate fixed by law. If the nonresident high school tuition fund therein provided for shall not be sufficient to pay the full amount of such tuition, then the fund shall be distributed pro rata among the districts entitled to such funds.

Sec. 11. That section 79-4,104, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-4,104. If any secretary of the school board or board of education of any school district shall fail or neglect to make report of the first semester or first half year attendance separately, he may include the same with the attendance report of the second semester or second half year, and the county treasurer shall pay for the whole attendance. In all cases where there is not sufficient money to pay the whole amount due any district or districts for the first semester or first half year, the balance due shall be included with the payment for the second semester or second half year. If there shall be any such deficiency, it shall be provided for in making the levy for the succeeding year. If a balance remains in the fund after all claims have been paid, it shall not revert to the county general fund but shall remain in the nonresident high school fund and be deducted from the amount levied for the succeeding year. When any territory not included in a school district offering secondary education becomes a part of such a district, the territory's proportionate share of any balance remaining in the nonresident tuition fund as of September 15 shall be credited to the district of which the territory has become a part.

Sec. 12. That original sections 79-4,103 and 79-4,104, Reissue Revised Statutes of Nebraska, 1943, are repealed.