

## LEGISLATIVE BILL 874

Approved by the Governor April 24, 1978

Introduced by Education Committee, George, 16, V Chmn.;  
Koch, 12; Fitzgerald, 14; Maxey, 46; Kahle, 37

AN ACT to amend sections 79-458, 79-501, and 79-1333, Reissue Revised Statutes of Nebraska, 1943, and section 79-451, Revised Statutes Supplement, 1977, as amended by section 232, Legislative Bill 42, Eighty-fifth Legislature, First Session, 1977, relating to education; to change the time and contents of certain reports; to change the time for annual school meetings; and to repeal the original sections.

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

Section 1. That section 79-451, Revised Statutes Supplement, 1977, as amended by section 232, Legislative Bill 42, Eighty-fifth Legislature, First Session, 1977, be amended to read as follows:

79-451. The secretary shall, ~~within--ten--days after the annual district meeting in Class I, II, and VI districts~~ and on or before July 20 in ~~Class III, IV and V~~ all classes of school districts, deliver to the county superintendent, to be filed in his office, a report under oath showing the whole number of children belonging to the district between the ages of five and twenty-one years according to the census taken aforesaid. Such report shall identify the number of boys and the number of girls in each of the respective age categories. Each Class I district which is part of a Class VI district offering instruction (a) in grades kindergarten through six shall report those children who are five through eleven years old, and (b) in grades kindergarten through eight shall report those children who are five through thirteen years old. Each Class VI district offering instruction (c) in grades seven through twelve shall report those children who are twelve through eighteen years old, and (d) in grades nine through twelve those children who are fourteen through eighteen years old. Each Class I district which is not a part of a Class VI district shall report those children who are five through twenty-one years old. Any district board or board of education of any such district neglecting to take the enumeration and make return of the same shall be liable to the district for all school money which such district may lose by such neglect. The secretary shall also on or before July 15 in ~~Class--I,--II,--and--VI~~ all districts

deliver to the county superintendent, to be filed in his office, a report under oath described as an end-of-the-school-year annual statistical summary and on or before October 1 in Class I and II districts, and on or before November 1, in Class III, IV, and V, and VI districts, deliver to the county superintendent, to be filed in his office, two--reports a report under oath described as the an--end-of-the-school-year--annual statistical--summary,--and--an annual financial report showing (1) the number attending school during the year under five and also the number over twenty-one years of age; (2) the whole number that have attended school during the year; (3) the whole number in the district between the ages of seven and sixteen years, inclusive; (4) the length of time the school has been taught during the year by a qualified teacher, the length of time taught by each teacher, and the wages paid to each; (5) the total number of days all pupils between the ages of five and twenty-one years have attended school during the year; (6) the amount of money received from the county treasurer during the year and the amount of money expended by the district during the year; (7) the rate of tax levied for all school purposes; (8) the amount of bonded indebtedness; and (9) such other facts and statistics as the Commissioner of Education shall direct.

Sec. 2. That section 79-458, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-458. Within ten-days-previous-to--the--annual district-meeting-or-school-election the month of June, the secretary shall take, or cause to be taken by some person appointed for the purpose by the school board, by a majority vote thereof, the census of his district and then make, or cause to be made, a list in writing of the names of all the children belonging thereto, from birth to twenty-one years, together with the names of all the taxpayers in the district; Provided, that such enumeration of children shall not affect the manner of distribution or apportionment of school funds. Such enumeration-of-children--shall--separately--identify--the mentally--handicapped--and--the--physically---handicapped children-of-the--district;---The--classification--of--the mentally-handicapped-children--shall--be--made--by--a--duly licensed-psychologist-or-by-a-duly-licensed--practitioner of-medicine-and-surgery. A copy of the list, verified by the oath of the person taking such census, by an affidavit appended to or endorsed thereon, setting forth that it is a correct list of the names of all children belonging in the district, from birth to twenty-one years, and that it was taken within ten--days--preceding the-annual-meeting-or-school-election the month of June,

shall be returned ~~with-the-annual-report-of-the-secretary~~ to the county superintendent; Provided, in cities of the primary, first, and second classes, thirty days shall be allowed for taking the census, but such census shall be completed on or before the last day of June; and provided further, that the board of education of any Class I, Class II, Class III, or Class IV school district may, at its option, establish a permanent and continuing census or enumeration of school children. In such school district the list in writing of the names of the children and taxpayers shall not be required to be reported to the county superintendent but the names of all of the children belonging to such school district, from birth to twenty-one years, shall instead be kept in a depository maintained by such school district and subject to inspection at all times. Such record shall not or need not include the names of all the taxpayers in the district.

Sec. 3. That section 79-501, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-501. The annual school meeting of each school district of the first class shall be held at the schoolhouse, if there is one, or at some other suitable place within the district on or before the second Monday of ~~July~~ August of each year. The annual school meeting of each school district of the second class shall be held at the schoolhouse on or before the second Monday of ~~July~~ August of each year. The officers elected as provided in sections 79-601 and 79-701 shall take possession of the office to which they have been elected at the first meeting of the board following its election, and the school year shall commence with that day. The fiscal year of each such school district shall commence on September 1 of each year and end on August 31 of each year.

Sec. 4. That section 79-1333, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1333. All state financial assistance to districts pursuant to sections 79-1330 to 79-1344 shall be based upon the annual financial reports of such districts as required by section 79-451. 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 in nine as nearly as possible equal monthly payments, beginning in October, 1976, and each October thereafter. 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, upon receipt of such notification, draw warrants against funds appropriated. Such reports shall be submitted to the State Board of Education by Class I and II school districts on or before the first day of ~~September~~ 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 ~~September~~ October, any state assistance granted pursuant to sections 79-1330 to 79-1344 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 ~~October~~ November, it shall forfeit all assistance pursuant to sections 79-1330 to 79-1344 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 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 for that year.

Sec. 5. That original sections 79-458, 79-501, and 79-1333, Reissue Revised Statutes of Nebraska, 1943, and section 79-451, Revised Statutes Supplement, 1977, as amended by section 232, Legislative Bill 42, Eighty-fifth Legislature, First Session, 1977, are repealed.