

LEGISLATIVE BILL 858

Approved by the Governor February 8, 1994

Introduced by Executive Board: Hall, 7, Chairperson

AN ACT relating to education; to amend sections 79-101.02, 79-328, 79-437.03, 79-451, 79-4.105.01, 79-4.158.01, 79-4.224, and 79-1302, Revised Statutes Supplement, 1992, and sections 79-101.01, 79-445, 79-1303, and 79-3333, Revised Statutes Supplement, 1993; to delete references to nonresident high school tuition and the county nonresident high school tuition fund; to delete references to repealed sections; to harmonize provisions; and to repeal the original sections, and also sections 79-4.100 and 79-2316, Reissue Revised Statutes of Nebraska, 1943, and sections 79-438.08, 79-494, and 79-3336, Revised Statutes Supplement, 1992.

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

Section 1. That section 79-101.01, Revised Statutes Supplement, 1993, be amended to read as follows:

79-101.01. (1) For purposes of statutes governing schools:

(a) Affiliated school system shall mean the high school district and the Class I districts or portions of Class I districts affiliated with such high school district;

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

(c) Class VI school system shall mean a Class VI school district and each Class I school district or portion thereof which is part of the Class VI district.

(2) Beginning January 1, 1992, any school district boundaries changed by the means provided by Nebraska law, including the methods provided by sections 79-102.01, 79-102.02, 79-402, 79-402.03 to 79-402.10, 79-402.17, 79-402.19, 79-402.20, 79-403 to 79-403.03, 79-406, 79-407, 79-408, 79-408.01 to 79-408.03, 79-409, 79-420, 79-421, 79-426.01 to 79-426.19, 79-426.23 to 79-426.26, 79-426.28, 79-480 to 79-482, 79-486, 79-512, 79-533, 79-603, 79-701, 79-1107, and 79-1108 but excluding the method provided by sections 79-801 to 79-810.01, shall be made only upon an order issued by the county superintendent. If the boundaries so changed are in more than one county, such order shall be issued jointly by the county superintendents of all counties involved. The order shall be certified to the county clerk of each county in which boundaries are changed and shall also be certified to the State Department of Education. Such order shall be issued no later than June 1 and shall have an effective date no later than August 1 of the same year. For purposes of the school district boundary map provided by the county superintendent pursuant to section 23-3306, determining school district counts pursuant to section 79-458, calculating nonresident high school tuition pursuant to section 79-4.102, and calculating state aid allocations pursuant to the Tax Equity and Educational Opportunities Support Act, any change in school district boundaries with an effective date between June 1 and August 1 of any year shall be considered effective June 1 of such year.

(3) Unless otherwise provided by state law or by the terms of an affiliation or reorganization plan or petition which is consistent with state law, all assets, including budget authority as provided in sections 79-3814 to 79-3821, and liabilities, except bonded obligations, of school districts merged, dissolved, or annexed shall be transferred to the receiving district or districts on the basis of the proportionate share of assessed valuation received at the time of reorganization. When a Class II, III, IV, or V school district becomes a Class I school district:

(a) Which becomes part of a Class VI district which offers instruction in grades seven through twelve, 44.8276 percent of the Class II, III, IV, or V district's assets and liabilities shall be transferred to the new Class I district and the remainder shall be transferred to the Class VI district or districts of which the Class I district becomes a part on the basis of the proportionate share of assessed valuation each high school district received at the time of such change in class of district;

(b) Which is affiliated or becomes part of a Class VI district which offers instruction in grades nine through twelve, 61.3793 percent of the Class

II, III, IV, or V school district's assets and liabilities shall be transferred to the new Class I district and the remainder shall be transferred to the Class VI district or districts of which the Class I district becomes a part and to the high school district or districts with which the Class I district is affiliated on the basis of the proportionate share of assessed valuation each high school district received at the time of such change in class of district; or

(c) Which is not affiliated and is not part of any Class VI district, the new Class I district shall retain 61.3793 percent of the Class II, III, IV, or V school district's budget authority as provided in sections 79-3814 to 79-3821.

Sec. 2. That section 79-101.02, Revised Statutes Supplement, 1992, be amended to read as follows:

79-101.02. For purposes of sections 10-716.01, 79-101.01, 79-101.02, 79-402.11, 79-402.13 to 79-402.20, 79-426.17, 79-426.28, 79-437.03, ~~79-438.08~~, 79-438.12, 79-490, and 79-4,222:

(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, or V district which provides 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. 3. That section 79-328, Revised Statutes Supplement, 1992, be amended to read as follows:

79-328. The State Board of Education shall have the power and it shall be its duty:

(1) To appoint and fix the compensation of the Commissioner of Education;

(2) To remove the commissioner from office at any time for conviction of any crime involving moral turpitude or felonious act, for inefficiency, or for willful and continuous disregard of his or her duties as commissioner or of the directives of the board;

(3) Upon recommendation of the commissioner, to appoint and fix the compensation of a deputy commissioner and all professional employees of the board;

(4) To organize the State Department of Education into such divisions, branches, or sections as may be necessary or desirable to perform all its proper functions and to render maximum service to the board and to the state school system;

(5) To provide, through the commissioner and his or her professional staff, enlightened professional leadership, guidance, and supervision of the state school system, including educational service units. In order that the commissioner and his or her staff may carry out their duties, the board shall, through the commissioner: (a) Provide supervisory and consultative services to the schools of the state; (b) issue materials helpful in the development, maintenance, and improvement of educational facilities and programs; (c) establish rules and regulations which govern standards and procedures for the approval and legal operation of all schools in the state and for the accreditation of all schools requesting state accreditation. All public, private, denominational, or parochial schools shall either comply with the accreditation or approval requirements prescribed in this section and section 79-4,140.16 or, for those schools which elect not to meet accreditation or approval requirements, the requirements prescribed in this section and subsections (2) through (4) of section 79-1701. Such standards and procedures shall be based upon the program of studies, guidance services, the number and preparation of teachers in relation to the curriculum and enrollment, instructional materials and equipment, science facilities and equipment, library facilities and materials, and health and safety factors in buildings and grounds. Rules and regulations which govern procedures and standards for private, denominational, and parochial schools which elect, pursuant to the procedures prescribed in subsections (2) through (4) of section 79-1701, not to meet state accreditation or approval requirements shall be based upon evidence that such schools offer a program of instruction leading to the acquisition of basic skills in the language arts, mathematics, science, social studies, and health. Such rules and regulations may include a provision for

the visitation of such schools and regular achievement testing of students attending such schools in order to insure that such schools are offering instruction in the basic skills listed in this subdivision. Any arrangements for visitation or testing shall be made through a parent representative of each such school. The results of such testing may be used as evidence that such schools are offering instruction in such basic skills but shall not be used to measure, compare, or evaluate the competency of students at such schools; (d) adopt and promulgate rules and regulations for the approval of high schools for the collection of nonresident high school tuition money in accordance with the rules and regulations provided for in this subdivision; except that the State Board of Education shall approve a school for the collection of nonresident high school tuition money when a hardship would result to the students and a substantial effort is being made to comply with such rules and regulations; (e) institute a statewide system of testing to determine the degree of achievement and accomplishment of all the students within the state's school systems if it determines such testing would be advisable; (ff) (e) prescribe a uniform system of records and accounting for keeping adequate educational and financial records, for gathering and reporting necessary educational data, and for evaluating educational progress; (g) (f) cause to be published laws, rules, and regulations governing the schools and the school lands and funds with explanatory notes for the guidance of those charged with the administration of the schools of the state; (h) (g) approve teacher education programs conducted in Nebraska institutions of higher education designed for the purpose of certifying teachers and administrators; (i) (h) approve teacher evaluation policies and procedures developed by school districts and educational service units; and (j) (i) approve general plans and adopt educational policies, standards, rules, and regulations for carrying out the board's responsibilities and those assigned to the State Department of Education by the Legislature;

(6) To adopt and promulgate rules and regulations for the guidance, supervision, accreditation, and coordination of educational service units. Such rules and regulations for accreditation shall include, but not be limited to, (a) a requirement that programs and services offered the school district by each educational service unit shall be evaluated on a regular basis, but not less than every seven years, to assure that educational service units remain responsive to school district needs and (b) guidelines for the use and management of funds, generated from the property tax levy and other sources of revenue as may be available to the educational service units, to assure that public funds are used to accomplish the purposes and goals assigned to the educational service units by section 79-2201.02. The State Board of Education shall establish procedures to encourage the coordination of activities among educational service units and to encourage effective and efficient educational service delivery on a statewide basis;

(7) To submit a biennial report to the Governor and the Clerk of the Legislature covering the actions of the board, the operations of the State Department of Education, and the progress and needs of the schools and to recommend such legislation as may be necessary to satisfy these needs;

(8) To cause to be prepared and distributed reports designed to acquaint school district officers, teachers, and patrons of the schools with the conditions and needs of the schools;

(9) To provide for consultation with professional educators and lay leaders for the purpose of securing advice deemed necessary in the formulation of policies and in the effectual discharge of its duties;

(10) To cause such studies, investigations, and reports to be made and such information assembled as are necessary for the formulation of policies, for making plans, for evaluating the state school program, and for making essential and adequate reports;

(11) To submit to the Governor and the Legislature a budget necessary to finance the state school program under its jurisdiction, including the internal operation and maintenance of the State Department of Education;

(12) To interpret its own policies, standards, rules, and regulations and, upon reasonable request, hear complaints and disputes arising therefrom;

(13) With the advice of the Department of Motor Vehicles, to adopt and promulgate rules and regulations containing reasonable standards, not inconsistent with existing statutes, governing: (a) The general design, equipment, color, operation, and maintenance of any vehicle with a manufacturer's rated seating capacity of eleven or more passengers used for the transportation of school children; and (b) the equipment, operation, and maintenance of any vehicle with a capacity of ten or less passengers used for the transportation of school children, when such vehicles are either owned or

operated, or owned and operated, by any school district or privately owned or operated under contract with any school district in this state. Similar rules and regulations shall be adopted and promulgated for operators of such vehicles as to physical and mental qualities, driving skills and practices, and knowledge of traffic laws, rules, and regulations which relate to school bus transportation. Such traffic rules and regulations shall by reference be made a part of any such contract with a school district. Any officer or employee of any school district who violates any of the traffic rules or regulations or fails to include obligations to comply with the traffic rules and regulations in any contract executed by him or her on behalf of a school district shall be guilty of a Class V misdemeanor and shall, upon conviction thereof, be subject to removal from office or employment. Any person operating a school bus under contract with a school district who fails to comply with any of such traffic rules and regulations shall be guilty of breach of contract, and such contract shall be canceled after notice and hearing by the responsible officers of such school district;

(14) To accept, on behalf of the Nebraska School for the Deaf, or the Visually Handicapped, on behalf of the Nebraska School for the Deaf, or on behalf of any school for children with mental retardation which is exclusively owned by the State of Nebraska and under the control and supervision of the State Department of Education, devises of real property or donations or bequests of other property, or both, if in its judgment any such devise, donation, or bequest is for the best interest of any such school or the students attending thereat, or both, and may cause any such real estate to be irrigated or otherwise improved when in its judgment it would be advisable to do so; and

(15) Upon acceptance of any devise, donation, or bequest as provided in this section, to administer and carry out such devise or bequest in accordance with the terms and conditions thereof. If not prohibited by the terms and conditions of any such devise, donation, or bequest, it may sell, convey, exchange, or lease property so devised, donated, or bequeathed upon such terms and conditions as it deems best and deposit all money derived from any such sale or lease in the State Department of Education Trust Fund.

Each member of the Legislature shall receive a copy of the report required by subdivision (7) of this section by making a request for it to the commissioner.

None of the duties prescribed in this section shall prevent the board from exercising such other duties as in its judgment may be necessary for the proper and legal exercise of its obligations.

Sec. 4. That section 79-437.03, Revised Statutes Supplement, 1992, be amended to read as follows:

79-437.03. The county superintendent and the county treasurer in each county maintaining a nonresident high school tuition fund created pursuant to section 79-437, which ~~is repeated effective~~ was repealed as of July 1, 1993, shall maintain an account to receive delinquent tax collections for the nonresident high school tuition levy, proceeds from the Tax Equity and Educational Opportunities Support Act and the Special Education Act, and any other funds legally due the nonresident high school tuition fund. ~~The~~ and to distribute the balance in such account shall periodically be distributed to school districts in the following order of priority:

(1) Class II, III, IV, V, and VI districts which have not received full payment of nonresident high school tuition charges certified pursuant to sections 79-4,102 to 79-4,104, as such sections existed immediately prior to July 1, 1993, until each district has received full payment; and

(2) Class I districts which affiliate pursuant to section 79-402.13 or become part of a Class VI district and any Class II, III, IV, or V district with which a Class I district 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 the proportion that the taxable valuation of taxable property of each such Class I district bears to the total taxable valuation of all Class I districts comprising the nonresident high school tuition fund.

Sec. 5. That section 79-445, Revised Statutes Supplement, 1993, be amended to read as follows:

79-445. (1) A school board or board of education may admit nonresident pupils to the school district, may determine the rate of tuition of the pupils, and shall collect such tuition in advance except as otherwise provided in this section.

(2) When the pupil as a ward of the state or as a ward of any court (a) has been placed in a school district other than the district in which he or she resided at the time he or she became a ward and such ward does not reside in a foster family home licensed or approved by the Department of Social Services or a foster home maintained or used by the Department of

Correctional Services pursuant to section 83-108.04 or (b) has been placed in any institution which maintains a special education program which has been approved by the State Department of Education and such institution is not owned or operated by the pupil's resident school district, the cost of his or her education and the required transportation costs associated with the child's education shall be paid by the state, but not in advance, to the receiving school district or approved institution or paid to the county nonresident high school tuition fund under rules and regulations prescribed by the Department of Social Services. Any pupil who is a ward of the state or a ward of any court who resides in a foster family home licensed or approved by the Department of Social Services or a foster home maintained or used by the Department of Correctional Services pursuant to section 83-108.04 shall be deemed a resident of the district in which the foster family home or foster home is located.

(3) In the case of any individual eighteen years of age or younger who is a ward of the state or any court and who is placed in a county detention home established under section 43-2,110, the cost of his or her education shall be paid by the state, regardless of such individual's district of residency, to the agency or institution which: (a) Is selected by the county board with jurisdiction over such detention home; (b) has agreed or contracted with such county board to provide educational services; and (c) has been approved by the State Department of Education pursuant to rules and regulations prescribed by the State Board of Education.

(4) No tuition shall be charged for children who may be by law allowed to attend the school without charge. The school district in which the parent or guardian of any nonresident pupil maintains his or her legal residence shall not be liable for the payment of tuition and the children of school age of such parent or guardian shall be entitled to free common school privileges the same as any child who is a bona fide resident of such school district whenever the parent or guardian of such nonresident pupil, having entered the public service of the State of Nebraska, has moved from the school district in which he or she maintains legal residence into another school district for temporary purposes incidental to serving the state, without the intention of making the school district to which the parent or guardian has moved his or her legal residence. No tuition shall be charged for a child whose parents are divorced if such child attends school in a district in which either parent resides. The burden of proof as to legal residence shall rest with the person claiming legal residence in any district. The school district may allow a pupil whose residency in the district ceases during a school year to continue attending school for the remainder of that school year without payment of tuition.

(5) The school board or board of education may admit nonresident pupils to the school district without requiring the payment of tuition if such pupils are in the actual physical custody of a resident of the school district and are not residents of an adjoining school district and the school board or board of education determines that the pupils would otherwise be denied guaranteed free common school privileges.

(6) The changes made to this section by Laws 1992, LB 3, Ninety-second Legislature, Third Special Session, shall apply to all reimbursements under this section for school year 1992-93 and all school years thereafter.

Sec. 6. That section 79-451, Revised Statutes Supplement, 1992, be amended to read as follows:

79-451. The secretary shall:

(1) On or before July 20 in all classes of school districts, deliver to the county superintendent, to be filed in his or her office, a report under oath showing the number of children from birth through twenty years of age belonging to the school district according to the census taken as provided in section 79-458. The report shall identify the number of boys and the number of girls in each of the respective age categories. Each Class I school district which is part of a Class VI school district offering instruction (a) in grades kindergarten through six shall report children from birth through eleven years of age and (b) in grades kindergarten through eight shall report children from birth through thirteen years of age. Each Class VI school district offering instruction (i) in grades seven through twelve shall report children who are twelve through twenty years of age and (ii) in grades nine through twelve children who are fourteen through twenty years of age. Each Class I district which has affiliated in whole or in part shall report children from birth through thirteen years of age. Each Class I district which is not in whole or in part a part of a Class VI district and which has not affiliated in whole or in part shall report children from birth through twenty years of age. Each Class II, III, IV, or V district shall report

children who are fourteen through twenty years of age residing in Class I districts or portions thereof which have affiliated with such district. The school board of any district neglecting to take and make return of the enumeration shall be liable to the school district for all school money which such district may lose by such neglect;

(2) On or before July 15 in all school districts, deliver to the county superintendent, to be filed in his or her office, a report under oath described as an end-of-the-school-year annual statistical summary showing (a) the number of children attending school during the year under five years of age and also the number twenty-one years of age and older, (b) the length of time the school has been taught during the year by a qualified teacher, (c) the length of time taught by each substitute teacher and the wages paid to each, and (d) such other information as the Commissioner of Education directs;

(3) On or before October 15 in Class I school districts, submit to the county superintendent, to be filed in his or her office, and on or before November 1 in Class II, III, IV, V, and VI school districts, submit to the county superintendent and to the Commissioner of Education, to be filed in their offices, a report under oath described as the annual financial report showing (a) the amount of money received from all sources during the year and the amount of money expended by the school district during the year, (b) the rate of tax levied for all school purposes, (c) the amount of bonded indebtedness, (d) such other information as shall be necessary to fulfill the requirements of sections 79-4-102, 79-3304, and 79-3803 to 79-3821, and (e) such other information as the Commissioner of Education directs; and

(4) On or before October 15 of each year, deliver to the county superintendent and to the State Department of Education the fall school district membership report, which report shall include the number of children from birth through twenty years of age enrolled in the district on the last Friday in September of a given school year. The report shall enumerate (a) resident students by grade level and nonresident students by grade level and classification, including, but not limited to, nonresident high school tuition students, option students, wards of the court, or contract students, (b) school district levies for the current fiscal year, and (c) total assessed valuation for the current fiscal year. When any school district fails to submit its fall school district membership report by November 1, the commissioner shall, after notice to the district and an opportunity to be heard, direct that any state aid granted pursuant to the Tax Equity and Educational Opportunities Support Act be withheld until such time as the report is received by the department. In addition, the commissioner shall notify the county superintendent to direct the county treasurer to withhold all school money belonging to the school district until such time as the commissioner notifies the county superintendent of receipt of such report. The county treasurer shall withhold such money.

Sec. 7. That section 79-4,105.01, Revised Statutes Supplement, 1992, be amended to read as follows:

79-4,105.01. ~~There~~ An advisory committee shall be created for each affiliated high school district. ~~The 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 advisory committee shall be composed of three school board members selected by all the school board members of the Class I school districts with which such Class II, III, IV, or V district is affiliated, or which send nonresident high school students to such Class II, III, IV, V, or VI district.~~ The county superintendent shall 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 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. 8. That section 79-4,158.01, Revised Statutes Supplement, 1992, be amended to read as follows:

79-4,158.01. Every affiliated high school district, ~~every school district which accepts nonresident high school students pursuant to sections 79-494 to 79-4,105, and every 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 high school program of instruction of such affiliated high school districts, ~~accepting school districts, 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 high school program in the case of school districts accepting nonresident high school students pursuant to sections 79-494 to 79-495 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 for curriculum coordination pursuant to this section shall be funded through the budget of the high school district. Any additional services required by any affiliated Class I district shall be funded through such Class I district's budget which may include contractual or purchased services.

Sec. 9. That section 79-4,224, Revised Statutes Supplement, 1992, be amended to read as follows:

79-4,224. (1) If the provisions of sections 10-716.01, 79-101.01, 79-101.02, 79-402.13 to 79-402.20, 79-426.28, 79-437.03, 79-438.08, 79-438.12, and 79-4,222, as amended by Laws 1991, LB 511, and Laws 1992, LB 245, sections 79-402.11, 79-426.01, 79-426.08, 79-426.17, 79-490, and 79-4,140.16, as amended by Laws 1990, LB 259, and sections 79-402, 79-402.03, 79-402.04, 79-426.02, 79-4,105.01, and 79-4,158.01, as amended by Laws 1990, LB 259, Laws 1991, LB 511, and Laws 1992, LB 245, are found to be unconstitutional pursuant to the final determination of the Nebraska Supreme Court on or after July 1, 1993, 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 existed on July 10, 1990.

(2) If the provisions of sections 10-716.01, 79-101.01, 79-101.02, 79-402.13 to 79-402.20, 79-426.28, 79-437.03, 79-438.08, 79-438.12, and 79-4,222, as amended by Laws 1991, LB 511, and Laws 1992, LB 245, sections 79-402.11, 79-426.01, 79-426.08, 79-426.17, 79-490, and 79-4,140.16, as amended by Laws 1990, LB 259, and sections 79-402, 79-402.03, 79-402.04, 79-426.02, 79-4,105.01, and 79-4,158.01, as amended by Laws 1990, LB 259, Laws 1991, LB 511, and Laws 1992, LB 245, are found to be unconstitutional pursuant to the final determination of the Nebraska Supreme Court before July 1, 1993, then Laws 1988, LB 940, section 19, is repealed.

Sec. 10. That section 79-1302, Revised Statutes Supplement, 1992, be amended to read as follows:

79-1302. (1) The State Treasurer shall each year on or before the third Monday in January make a complete exhibit of all money belonging to the school fund of the state as returned to him or her from the several counties together with the amount derived from other sources and deliver such exhibit duly certified to the Commissioner of Education. Within twenty days thereafter, the Commissioner of Education shall make the apportionment of the funds to each school district and county nonresident high school tuition fund as follows: From the whole amount there shall be paid to those districts in which there are school or saline lands and to the nonresident high school tuition fund of the county an amount in lieu of tax money that would be raised if such lands were taxable, to be fixed in the manner prescribed in section 79-1303; and the remainder shall be apportioned to the districts according to the pro rata enumeration of children who are five through eighteen years of age in each district last returned from the county superintendent.

(2) The Commissioner of Education shall certify the amount of the apportionment of the State School Fund school fund of the state as provided in subsection (1) of this section to the superintendent of the proper county and to the Director of Administrative Services. The Director of Administrative Services shall draw a warrant on the State Treasurer in favor of the various districts for the respective amounts so certified by the Commissioner of Education.

Sec. 11. That section 79-1303, Revised Statutes Supplement, 1993, be amended to read as follows:

79-1303. (1) In making the apportionment under section 79-1302, the Commissioner of Education shall distribute from the school fund for school purposes, to any and all school districts and to the nonresident high school tuition fund of counties in which there are situated school lands which have not been sold and transferred by deed or saline lands owned by the state, an amount in lieu of tax money that would be raised if such lands were taxable, to be ascertained in accordance with subsection (2) of this section, except that:

(a) For Class I districts or portions thereof which are affiliated

and in which there are situated school or saline lands, 38.6207 percent of the in lieu of land tax money calculated pursuant to subsection (2) of this section, based on the affiliated school system tax levy computed pursuant to section 79-438.12, shall be distributed to the affiliated high school district and the remainder shall be distributed to the Class I district;

(b) For Class I districts or portions thereof which are part of a Class VI district which offers instruction in grades nine through twelve and in which there are situated school or saline lands, 38.6207 percent of the in lieu of land tax money calculated pursuant to subsection (2) of this section, based on the Class VI school system levy computed pursuant to section 79-438.13, shall be distributed to the Class VI district and the remainder shall be distributed to the Class I district; and

(c) For Class I districts or portions thereof which are part of a Class VI district which offers instruction in grades seven through twelve and in which there are situated school or saline lands, 55.1724 percent of the in lieu of land tax money calculated pursuant to subsection (2) of this section, based on the Class VI school system levy computed pursuant to section 79-438.13, shall be distributed to the Class VI district and the remainder shall be distributed to the Class I district.

(2) The county superintendents shall certify to the Commissioner of Education the tax levy for school purposes of each school district and the nonresident high school tuition levy of the county in which the school land or saline land is located and the last appraised value of such school land, which value shall be the same percentage of the appraised value as the percentage of the assessed value is of market value in section 77-1360.01 for the purpose of applying the applicable tax levy for each district and for the nonresident high school tuition fund in determining the distribution to the districts and to the nonresident high school tuition fund of the counties of such amounts. The board of any school district in which there is located any leased or undeeded school land or saline land subject to this section may appeal to the Board of Educational Lands and Funds for a reappraisal of such school land if such school board deems the land not appraised in proportion to the value of adjoining land of the same or similar value. The Board of Educational Lands and Funds shall proceed to investigate the facts involved in such appeal and, if the contention of the school board is correct, make the proper reappraisal. The value calculation in this subsection shall be used by the Commissioner of Education for making distributions in the 1992-93 school year and every year thereafter.

Sec. 12. That section 79-3333, Revised Statutes Supplement, 1993, be amended to read as follows:

79-3333. Sufficient funds shall be appropriated by the Legislature to carry out sections 79-3331 to 79-3333, and 79-3335, and 79-3336. Such funds shall be channeled through the office of the State Department of Education. The department shall be authorized to expend such funds upon proper vouchers approved by the department and warrants issued by the Director of Administrative Services for financial reimbursement to local school districts, educational service units, special education cooperatives created by school districts, agencies, and parents or guardians, including (1) reimbursement for ninety percent of the amount expended pursuant to section 79-3322 for actual transportation expenses per year for handicapped children and children with mental retardation, (2) reimbursement for instructional aids and consultative, supervisory, research, and testing services to local school districts, and (3) reimbursement for salaries, wages, maintenance, supplies, travel, and other expenses essential to carrying out the provisions for special education. Minor building modifications shall not be eligible for state reimbursement as an allowable expense beginning with the reimbursement provided in fiscal year 1993-94 except for those projects or portions thereof completed prior to August 31, 1992, and paid for by the school district on or before December 31, 1992. Documentation of projects or portions thereof completed during the 1991-92 school year shall be provided to the State Department of Education. Applications for state reimbursement for actual transportation expenses shall be submitted to the department annually on a date and on forms prescribed by the department. Amendments to applications for actual transportation expenses shall be submitted on dates prescribed by the department during the school year in which the original application was made.

Sec. 13. That original sections 79-101.02, 79-328, 79-437.03, 79-451, 79-4,105.01, 79-4,158.01, 79-4,224, and 79-1302, Revised Statutes Supplement, 1992, and sections 79-101.01, 79-445, 79-1303, and 79-3333, Revised Statutes Supplement, 1993, and also sections 79-4,100 and 79-2316, Reissue Revised Statutes of Nebraska, 1943, and sections 79-438.08, 79-494, and 79-3336, Revised Statutes Supplement, 1992, are repealed.