

LEGISLATIVE BILL 211

Approved by the Governor March 4, 1971

Introduced by Wayne W. Ziebarth, 37th District; Ramey C. Whitney, 44th District; Thomas C. Kennedy, 21st District; Harold D. Simpson, 46th District

AN ACT to amend sections 79-201 and 79-420, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to require that school terms be not less than one hundred seventy-five days; and to repeal the original sections, and also section 79-431, Revised Statutes Supplement, 1969.

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

Section 1. That section 79-201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-201. Every person residing in a school district within the State of Nebraska who has legal or actual charge or control of any child, not less than seven nor more than sixteen years of age, shall cause such child to attend regularly the public, private, denominational, or parochial day schools each day that such schools are open and in session except when excused by school authorities, unless such child has been graduated from high school. The term shall not be less than nine-months one hundred seventy-five days in any district. ~~;-Provided;-that-districts-unable-to-maintain a-nine-months-school--with--a--twelve--mill--levy;-when supplemented-by-the-state-apportionment--may;-with--the approval-of-the-electors-of-that-district;-maintain--an eight-months-school;-Under-no-circumstances--shall--the school-term-be-less-than-eight-months-~~

Sec. 2. That section 79-420, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-420. When, for a period of one school term, a district (1) shall have less than three legal voters residing therein, or (2) shall either fail to maintain a public elementary school within the district, in which are enrolled and in regular attendance for at least one hundred-fifty-five-days one hundred seventy-five days one or more pupils of school age residing in the district or does not contract for the tuition and

transportation of pupils of such district with another district or districts and have pupils attending school regularly for at least ~~one-hundred-fifty-five--days~~ one hundred seventy-five days under such contract or contracts, it shall be the duty of the county superintendent of the county in which such district lies to dissolve such district and attach the territory of such district to one or more neighboring school districts; Provided, that before dissolving a district under the provisions of this section, the county superintendent shall fix a time for a hearing and shall notify each legal resident of the district at least fifteen days before such hearing; and provided further, that in such instances where such dissolution shall create extreme hardships on the pupils of the district affected, the State Board of Education may, on application by the school board of the district and the recommendation of the county superintendent of the county in which the district is located, annually waive the requirements of this section. Notification shall be by mail or by publication in a newspaper of general circulation in the area. If the county superintendent shall find that the district is required by this section to be dissolved, he shall enter an order dissolving the district and attach the territory of such district to one or more neighboring school districts; Provided, dissolutions involving the transfer of territory across county lines shall be acted upon jointly by the county superintendents of the counties concerned. Appeals from the action of the county superintendent may be made to the district court of the county of the official concerned. The county superintendent shall distribute the assets of the closed district among the other district or districts to which the property has been attached in proportion to the assessed valuation of the property attached to such district or districts.

Sec. 3. That original sections 79-201 and 79-420, Reissue Revised Statutes of Nebraska, 1943, and also section 79-431, Revised Statutes Supplement, 1969, are repealed.