

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1328

Introduced by Murman, 38.

Read first time January 17, 2024

Committee: Education

1 A BILL FOR AN ACT relating to schools; to amend sections 32-543, 32-811,
2 79-474, 79-475, 79-520, 79-534, 79-549, 79-555, 79-589, 79-590,
3 79-5,105, 79-5,106, and 79-1093, Reissue Revised Statutes of
4 Nebraska, and sections 32-405, 32-618, 79-102, 79-104, 79-407,
5 79-413, 79-451, 79-458, 79-470, 79-473, 79-499, 79-4,108, 79-4,129,
6 79-501, 79-524, 79-525, 79-526, 79-547, 79-550, 79-554, 79-559,
7 79-564, 79-569, 79-570, 79-572, 79-576, 79-577, 79-578, 79-579,
8 79-580, 79-581, 79-586, 79-587, 79-588, 79-594, 79-5,104, 79-611,
9 79-1045, 79-1084, 79-10,114, 79-10,117, and 79-10,118, Revised
10 Statutes Cumulative Supplement, 2022; to change provisions relating
11 to classification of school districts; to harmonize provisions; and
12 to repeal the original sections.
13 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-405, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 32-405 Any special election under the Election Act shall be held on
4 the first Tuesday following the second Monday of the selected month
5 unless otherwise specifically provided. No special election shall be held
6 under the Election Act in April, May, June, October, November, or
7 December of an even-numbered year unless it is held in conjunction with
8 the statewide primary or general election. No special election shall be
9 held under the Election Act in September of an even-numbered year except
10 for a special election by a political subdivision pursuant to section
11 13-519 or 77-3444 to approve a property tax levy or exceed a property tax
12 levy limitation. A special election for a Class I, II, III, IV, or V
13 school district which is located in whole or in part in a county in which
14 a city of the primary or metropolitan class is located may be held in
15 conjunction with the primary or general election for a city of the
16 primary or metropolitan class which is governed by a home rule charter.

17 Sec. 2. Section 32-543, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 32-543 (1) If a caucus is held for nominations under section 79-549
20 for a Class I, II, or III school district, the board of education shall
21 consist of six members to be elected by the registered voters of the
22 school district at the statewide primary election. Two members shall be
23 elected at each election for a term of six years. The members shall meet
24 the qualifications found in section 79-543.

25 (2) Except as provided in subsection (1) of this section, members of
26 the board of education of a Class I, II, or III school district shall be
27 nominated at the statewide primary election and elected at the statewide
28 general election. The board of education of a Class I, II, or III school
29 district shall have no fewer than five members and no more than nine
30 members as provided in section 79-549 or 79-550, and the members shall be
31 nominated and elected at large or by district or ward as provided in

1 section 32-554 or nominated by district or ward and elected at large as
2 provided in section 79-550. The number of members to be nominated at the
3 statewide primary election and elected at the statewide general election
4 and the terms for which they will be nominated and elected shall be
5 determined by the election commissioner or county clerk with the aid of
6 the elected secretary of the board of education of the district. The
7 terms of office of members of such board shall expire on the first
8 Thursday after the first Tuesday in January. Terms shall be staggered so
9 that approximately one-half of the members are elected to the board at
10 each general election for terms of four years. When it becomes necessary
11 to establish the staggering of terms by electing members for terms of
12 different duration at the same election, candidates receiving the
13 greatest number of votes shall be elected for the longest terms. The
14 members shall meet the qualifications found in section 79-543.

15 Sec. 3. Section 32-618, Revised Statutes Cumulative Supplement,
16 2022, is amended to read:

17 32-618 (1) The number of signatures of registered voters needed to
18 place the name of a candidate upon the nonpartisan ballot for the general
19 election shall be as follows:

20 (a) For each nonpartisan office other than members of the Board of
21 Regents of the University of Nebraska and board members of a Class I, II,
22 or III school district, at least ten percent of the total number of
23 registered voters voting for Governor or President of the United States
24 at the immediately preceding general election in the district or
25 political subdivision in which the officer is to be elected, not to
26 exceed two thousand;

27 (b) For members of the Board of Regents of the University of
28 Nebraska, at least ten percent of the total number of registered voters
29 voting for Governor or President of the United States at the immediately
30 preceding general election in the regent district in which the officer is
31 to be elected, not to exceed one thousand; and

1 (c) For board members of a Class I, II, or III school district, at
2 least twenty percent of the total number of votes cast for the board
3 member receiving the highest number of votes at the immediately preceding
4 general election in the school district.

5 (2) The number of signatures of registered voters needed to place
6 the name of a candidate for an office upon the partisan ballot for the
7 general election shall be as follows:

8 (a) For each partisan office to be filled by the registered voters
9 of the entire state, at least four thousand, and at least seven hundred
10 fifty signatures shall be obtained in each congressional district in the
11 state;

12 (b) For each partisan office to be filled by the registered voters
13 of a county, at least twenty percent of the total number of registered
14 voters voting for Governor or President of the United States at the
15 immediately preceding general election within the county, not to exceed
16 two thousand, except that the number of signatures shall not be required
17 to exceed twenty-five percent of the total number of registered voters
18 voting for the office at the immediately preceding general election; and

19 (c) For each partisan office to be filled by the registered voters
20 of a political subdivision other than a county, at least twenty percent
21 of the total number of registered voters voting for Governor or President
22 of the United States at the immediately preceding general election within
23 the political subdivision, not to exceed two thousand.

24 Sec. 4. Section 32-811, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 32-811 (1)(a) If the names of candidates properly filed for
27 nomination at the primary election for directors of natural resources
28 districts, directors of public power districts, members of airport
29 authority boards elected pursuant to sections 32-547 to 32-549, members
30 of the boards of governors of community college areas, members of the
31 boards of Class I, Class II, Class III, or Class V school districts which

1 nominate candidates at a primary election, and officers of cities of the
2 first or second class and cities having a city manager plan of government
3 do not exceed two candidates for each position to be filled, any such
4 candidates shall be declared nominated and their names shall not appear
5 on any primary election ballots.

6 (b) If the number of candidates properly filed for the nomination of
7 a political party at the primary election for any county officer elected
8 pursuant to sections 32-517 to 32-529 does not exceed the number of
9 candidates to be nominated by that party for that office, any such
10 properly filed candidates shall be declared nominated and their names
11 shall not appear on any primary election ballots.

12 (c) The official abstract of votes kept by the county or state shall
13 show the names of such candidates with the statement Nominated Without
14 Opposition. The election commissioner or county clerk shall place the
15 names of such automatically nominated candidates on the general election
16 ballot as provided in section 32-814 or 32-815.

17 (2) Candidates shall not appear on the ballot in the primary
18 election for the offices listed in subsection (2) of section 32-606.

19 (3) If the number of candidates for delegates to a county or
20 national political party convention are the same in number or less than
21 the number of candidates to be elected, the names shall not appear on the
22 primary election ballot and those so filed shall receive a certificate of
23 election.

24 Sec. 5. Section 79-102, Revised Statutes Cumulative Supplement,
25 2022, is amended to read:

26 79-102 School districts in this state are classified as follows:

27 (1) Class I includes any school district embracing territory having
28 a population of fewer than one thousand five hundred inhabitants that
29 maintains both elementary and high school grades under the direction of a
30 single school board;

31 (2) Class II includes any school district embracing territory having

1 a population of one thousand five hundred or more but fewer than five
2 thousand inhabitants that maintains both elementary and high school
3 grades under the direction of a single school board;

4 (3) ~~(1)~~ Class III includes any school district embracing territory
5 having a population of five thousand or more but fewer than two hundred
6 thousand less than one hundred fifty thousand inhabitants that maintains
7 both elementary and high school grades under the direction of a single
8 school board;

9 (4) ~~(2)~~ Class IV includes any school district embracing territory
10 having a population of one hundred thousand or more inhabitants with a
11 city of the primary class within the territory of the district that
12 maintains both elementary and high school grades under the direction of a
13 single school board; and

14 (5) ~~(3)~~ Class V includes any school district whose employees
15 participate in a retirement system established pursuant to the Class V
16 School Employees Retirement Act and which embraces territory having a
17 city of the metropolitan class within the territory of the district that
18 maintains both elementary grades and high school grades under the
19 direction of a single school board and any school district with territory
20 in a city of the metropolitan class created pursuant to the Learning
21 Community Reorganization Act and designated as a Class V school district
22 in the reorganization plan.

23 Sec. 6. Section 79-104, Revised Statutes Cumulative Supplement,
24 2022, is amended to read:

25 79-104 (1)(a) Whenever any Class I, II, III, or IV school district
26 attains the number of inhabitants which requires its reclassification as
27 a Class II, III, IV, or V school district, respectively, the Commissioner
28 of Education shall reclassify such district as a district of the next
29 higher class.

30 (b) Any reclassification pursuant to subdivision (1)(a) of this
31 section shall become effective at the beginning of the next fiscal year

1 after the order of the commissioner.

2 (2) On January 1, 2025 ~~2019~~, the commissioner shall reclassify any
3 school district to the classification required by the changes made to
4 section 79-102 by this legislative bill ~~Laws 2018, LB377~~, which
5 reclassification shall be effective immediately.

6 (3) Within fifteen days after the reclassification of any school
7 district pursuant to subsection (1) or (2) of this section, the
8 commissioner shall notify the county clerk or election commissioner, of
9 the county in which the greatest number of legal voters in the school
10 district reside, of such change in classification and the effective date
11 of such change.

12 Sec. 7. Section 79-407, Revised Statutes Cumulative Supplement,
13 2022, is amended to read:

14 79-407 The territory within the corporate limits of each
15 incorporated municipality in the State of Nebraska that is not in part
16 within the boundaries of a learning community, together with such
17 additional territory and additions to such municipality as may be added
18 thereto, as declared by ordinances to be boundaries of such municipality,
19 having a population of five thousand or more but fewer than two hundred
20 ~~less than one hundred fifty~~ thousand inhabitants as determined by the
21 most recent federal decennial census or the most recent revised certified
22 count by the United States Bureau of the Census, including such adjacent
23 territory as now is or hereafter may be attached for school purposes,
24 shall constitute a Class III school district, except that nothing in this
25 section shall be construed to change the boundaries of any school
26 district that is a member of a learning community. The school district
27 shall be a body corporate and possess all the usual powers of a
28 corporation for public purposes and may sue and be sued, purchase, hold,
29 and sell such personal and real property, and control such obligations as
30 are authorized by law.

31 Sec. 8. Section 79-413, Revised Statutes Cumulative Supplement,

1 2022, is amended to read:

2 79-413 (1) The State Committee for the Reorganization of School
3 Districts created under section 79-435 may create a new school district
4 from other districts or change the boundaries of any district that is not
5 a member of a learning community upon receipt of petitions signed by
6 sixty percent of the legal voters of each district affected. If the
7 petitions contain signatures of at least sixty-five percent of the legal
8 voters of each district affected, the state committee shall approve the
9 petitions.

10 (2) Petitions proposing to change the boundaries of existing school
11 districts that are not members of a learning community through the
12 transfer of a parcel of land, not to exceed six hundred forty acres,
13 shall be approved by the state committee when the petitions involve the
14 transfer of land between Class I, II, III, or IV school districts or when
15 there would be an exchange of parcels of land between Class I, II, III,
16 or IV school districts and the petitions have the approval of at least
17 sixty-five percent of the school board of each affected district.

18 (3)(a) Petitions proposing to create a new school district or to
19 change the boundary lines of existing school districts that are not
20 members of a learning community, any of which involves the transfer of
21 more than six hundred forty acres, shall, when signed by at least sixty
22 percent of the legal voters in each district affected, be submitted to
23 the state committee. The state committee shall, within forty days after
24 receipt of the petition, hold one or more public hearings and review and
25 approve or disapprove such proposal.

26 (b) If there is a bond election to be held in conjunction with the
27 petition, the state committee shall hold the petition until the bond
28 election has been held, during which time names may be added to or
29 withdrawn from the petitions. The results of the bond election shall be
30 certified to the state committee.

31 (c) If the bond election held in conjunction with the petition is

1 unsuccessful, no further action on the petition is required. If the bond
2 election is successful, within fifteen days after receipt of the
3 certification of the bond election results, the state committee shall
4 approve the petition and notify the county clerk to effect the changes in
5 district boundary lines as set forth in the petitions.

6 (4) Any person adversely affected by the changes made by the state
7 committee may appeal to the district court of any county in which the
8 real estate or any part thereof involved in the dispute is located. If
9 the real estate is located in more than one county, the court in which an
10 appeal is first perfected shall obtain jurisdiction to the exclusion of
11 any subsequent appeal.

12 (5) A signing petitioner may withdraw his or her name from a
13 petition and a legal voter may add his or her name to a petition at any
14 time prior to the end of the period when the petition is held by the
15 state committee. Additions and withdrawals of signatures shall be by
16 notarized affidavit filed with the state committee.

17 Sec. 9. Section 79-451, Revised Statutes Cumulative Supplement,
18 2022, is amended to read:

19 79-451 Within thirty days after the classification of the
20 reorganized school districts by the county clerk under section 79-450,
21 the state committee shall appoint from among the legal voters of each new
22 school district created the number of school board members specified in
23 the plan of reorganization. A reorganized school district shall be formed
24 and organized and shall have a school board not later than April 1
25 following the last legal action, as prescribed in section 79-450,
26 necessary to effect the changes in boundaries as set forth in the plan of
27 reorganization, although the physical reorganization of such reorganized
28 school district may not take effect until June 1. The first board shall
29 be appointed on an at-large basis, and all boards shall be elected at
30 large until such time as school districts are established as provided in
31 section 32-554.

1 In appointing the first school board of a Class I, II, or III school
2 district, the terms of approximately one-half of the members shall expire
3 on the first Thursday after the first Tuesday in January after the first
4 even-numbered year following their appointment and the terms of the
5 remaining members shall expire on the first Thursday after the first
6 Tuesday in January after the second even-numbered year following their
7 appointment.

8 The school board so appointed shall proceed at once to organize in
9 the manner prescribed by law.

10 Sec. 10. Section 79-458, Revised Statutes Cumulative Supplement,
11 2022, is amended to read:

12 79-458 (1) Any freeholder or freeholders, person in possession or
13 constructive possession as vendee pursuant to a contract of sale of the
14 fee, holder of a school land lease under section 72-232, or entrant upon
15 government land who has not yet received a patent therefor may file a
16 petition on or before June 1 for all other years with a board consisting
17 of the county assessor, county clerk, and county treasurer, asking to
18 have any tract or tracts of land described in the petition set off from
19 an existing school district in which the land is situated and attached to
20 a different school district which is contiguous to such tract or tracts
21 of land if:

22 (a)(i) The school district in which the land is situated is a Class
23 I, II, or III school district which has had an average daily membership
24 in grades nine through twelve of less than sixty for the two consecutive
25 school fiscal years immediately preceding the filing of the petition;

26 (ii) Such Class I, II, or III school district has voted pursuant to
27 section 77-3444 to exceed the maximum levy established pursuant to
28 subdivision (2)(a) of section 77-3442, which vote is effective for the
29 school fiscal year in which the petition is filed or for the following
30 school fiscal year;

31 (iii) The high school in such Class I, II, or III school district is

1 within fifteen miles on a maintained public highway or maintained public
2 road of another public high school; and

3 (iv) Neither school district is a member of a learning community; or

4 (b) Except as provided in subsection (7) of this section, the school
5 district in which the land is situated, regardless of the class of school
6 district, has approved a budget for the school fiscal year in which the
7 petition is filed that will cause the combined levies for such school
8 fiscal year, except levies for bonded indebtedness approved by the voters
9 of such school district and levies for the refinancing of such bonded
10 indebtedness, to exceed the greater of (i) one dollar and twenty cents
11 per one hundred dollars of taxable valuation of property subject to the
12 levy or (ii) the maximum levy authorized by a vote pursuant to section
13 77-3444.

14 For purposes of determining whether a tract of land is contiguous,
15 all petitions currently being considered by the board shall be considered
16 together as a whole.

17 (2) The petition shall state the reasons for the proposed change and
18 shall show with reference to the land of each petitioner: (a) That (i)
19 the land described in the petition is either owned by the petitioner or
20 petitioners or that he, she, or they hold a school land lease under
21 section 72-232, are in possession or constructive possession as vendee
22 under a contract of sale of the fee simple interest, or have made an
23 entry on government land but have not yet received a patent therefor and
24 (ii) such tract of land includes all such contiguous land owned or
25 controlled by each petitioner; (b) that the conditions of subdivision (1)
26 (a) or (1)(b) of this section have been met; and (c) that such petition
27 is approved by a majority of the members of the school board of the
28 district to which such land is sought to be attached.

29 (3) The petition shall be verified by the oath of each petitioner.
30 Notice of the filing of the petition and of the hearing on such petition
31 before the board constituted as prescribed in subsection (1) or (4) of

1 this section shall be given at least ten days prior to the date of such
2 hearing by one publication in a legal newspaper of general circulation in
3 each district and by posting a notice on the outer door of the
4 schoolhouse in each district affected thereby, and such notice shall
5 designate the territory to be transferred. Following the filing of a
6 petition pursuant to this section, such board shall hold a public hearing
7 on the petition and shall approve or disapprove the petition on or before
8 July 15 following the filing of the petition based on a determination of
9 whether the petitioner has complied with all requirements of this
10 section. If such board approves the petition, such board shall change the
11 boundaries of the school districts so as to set off the land described in
12 the petition and attach it to such district pursuant to the petition with
13 an effective date of August 15 following the filing of the petition,
14 which actions shall cause such transfer to be in effect for levies set
15 for the year in which such transfer takes effect.

16 (4) Petitions requesting transfers of property across county lines
17 shall be addressed jointly to the county clerks of the counties
18 concerned, and the petitions shall be acted upon by the county assessors,
19 county clerks, and county treasurers of the counties involved as one
20 board, with the county clerk of the county from which the land is sought
21 to be transferred acting as chairperson of the board.

22 (5) Appeals may be taken from the action of such board or, when such
23 board fails to act on the petition, on or before August 1 following the
24 filing of the petition, to the district court of the county in which the
25 land is located on or before August 10 following the filing of the
26 petition, in the same manner as appeals are now taken from the action of
27 the county board in the allowance or disallowance of claims against the
28 county. If an appeal is taken from the action of the board approving the
29 petition or failing to act on the petition, the transfer shall occur
30 effective August 15 following the filing of the petition, which actions
31 shall cause such transfer to be in effect for levies set for the year in

1 which such transfer takes effect, unless action by the district court
2 prevents such transfer.

3 (6) This section does not apply to any school district located on an
4 Indian reservation and substantially or totally financed by the federal
5 government.

6 (7) For school districts that have approved a budget for school
7 fiscal year 2007-08 that will cause the combined levies, except levies
8 for bonded indebtedness approved by the voters of the school district and
9 levies for the refinancing of such bonded indebtedness, to exceed the
10 greater of (a) one dollar and twenty cents per one hundred dollars of
11 taxable valuation of property subject to the levy or (b) the maximum levy
12 authorized by a vote pursuant to section 77-3444, the school boards of
13 such school districts may adopt a binding resolution stating that the
14 combined levies, except levies for bonded indebtedness approved by the
15 voters of the school district and levies for the refinancing of such
16 bonded indebtedness, for school fiscal year 2008-09 shall not exceed the
17 greater of (i) one dollar and twenty cents per one hundred dollars of
18 taxable valuation of property subject to the levy or (ii) the maximum
19 levy authorized by a vote pursuant to section 77-3444. On or before May
20 9, 2008, such binding resolutions shall be filed with the Auditor of
21 Public Accounts and the county assessors, county clerks, and county
22 treasurers for all counties in which the school district has territory.
23 If such binding resolution is filed on or before May 9, 2008, land shall
24 not be set off and attached to another district pursuant to subdivision
25 (2)(b) of this section in 2008.

26 (8) Nothing in this section shall be construed to detach obligations
27 for voter-approved bonds from any tract of land.

28 Sec. 11. Section 79-470, Revised Statutes Cumulative Supplement,
29 2022, is amended to read:

30 79-470 (1) No district shall contract for the instruction of all of
31 its pupils with a Class I, II, III, IV, or V school district for more

1 than two consecutive years.

2 (2) The State Committee for the Reorganization of School Districts
3 shall dissolve and attach to a neighboring school district or districts
4 any school district which, for two consecutive years, contracts for the
5 instruction of all of its pupils with a Class I, II, III, IV, or V school
6 district.

7 (3) The dissolution of any school district pursuant to this section
8 shall be effected in the manner prescribed in section 79-498. When such
9 dissolution would create extreme hardships on the pupils or the school
10 district affected, the State Board of Education may, on application by
11 the school board of the school district, waive the dissolution of the
12 school district on an annual basis.

13 (4) Nothing in this section shall be construed as an extension of
14 the limitations on contracting for the instruction of the pupils of a
15 school district contained in section 79-598.

16 Sec. 12. Section 79-473, Revised Statutes Cumulative Supplement,
17 2022, is amended to read:

18 79-473 (1) If the territory annexed by a change of boundaries of a
19 city or village which lies within a Class I, II, or III school district
20 as provided in section 79-407 has been part of a Class IV or Class V
21 school district prior to such annexation, a merger of the annexed
22 territory with the Class I, II, or III school district shall become
23 effective only if the merger is approved by a majority of the members of
24 the school board of the Class IV or V school district and a majority of
25 the members of the school board of the Class I, II, or III school
26 district within ninety days after the effective date of the annexation
27 ordinance, except that a merger shall not become effective pursuant to
28 this section if such merger involves a school district that is a member
29 of a learning community.

30 (2) Notwithstanding subsection (1) of this section, when territory
31 which lies within a Class I, II, or III school district or which does not

1 lie within a Class IV or V school district is annexed by a city or
2 village pursuant to section 79-407, the affected school board of the city
3 or village school district and the affected school board or boards
4 serving the territory subject to the annexation ordinance shall meet
5 within thirty days after the effective date of the annexation ordinance
6 if neither school district is a member of a learning community and
7 negotiate in good faith as to which school district shall serve the
8 annexed territory and the effective date of any transfer. During the
9 process of negotiation, the affected boards shall consider the following
10 criteria:

11 (a) The educational needs of the students in the affected school
12 districts;

13 (b) The economic impact upon the affected school districts;

14 (c) Any common interests between the annexed or platted area and the
15 affected school districts and the community which has zoning jurisdiction
16 over the area; and

17 (d) Community educational planning.

18 If no agreement has been reached within ninety days after the
19 effective date of the annexation ordinance, the territory shall transfer
20 to the school district of the annexing city or village ten days after the
21 expiration of such ninety-day period unless an affected school district
22 petitions the district court within the ten-day period and obtains an
23 order enjoining the transfer and requiring the boards of the affected
24 school districts to continue negotiation. The court shall issue the order
25 upon a finding that the affected board or boards have not negotiated in
26 good faith based on one or more of the criteria listed in this
27 subsection. The district court shall require no bond or other surety as a
28 condition for any preliminary injunctive relief. If no agreement is
29 reached after such order by the district court and additional
30 negotiations, the annexed territory shall become a part of the school
31 district of the annexing city or village.

1 (3) Whenever an application for approval of a final plat or replat
2 is filed for territory which lies within the zoning jurisdiction of a
3 city of the first or second class and does not lie within the boundaries
4 of a Class IV or V school district, the boundaries of a school district
5 that is a member of a learning community, the boundaries of any county in
6 which a city of the metropolitan class is located, or the boundaries of
7 any county that has a contiguous border with a city of the metropolitan
8 class, the affected school board of the school district within the city
9 of the first or second class or its representative and the affected board
10 or boards serving the territory subject to the final plat or replat or
11 their representative shall meet within thirty days after such application
12 and negotiate in good faith as to which school district shall serve the
13 platted or replatted territory and the effective date of any transfer
14 based upon the criteria prescribed in subsection (2) of this section.

15 If no agreement has been reached prior to the approval of the final
16 plat or replat, the territory shall transfer to the school district of
17 the city of the first or second class upon the filing of the final plat
18 unless an affected school district petitions the district court within
19 ten days after approval of the final plat or replat and obtains an order
20 enjoining the transfer and requiring the affected boards to continue
21 negotiation. The court shall issue the order upon a finding that the
22 affected board or boards have not negotiated in good faith based on one
23 or more of the criteria listed in subsection (2) of this section. The
24 district court shall require no bond or other surety as a condition for
25 any preliminary injunctive relief. If no agreement is reached after such
26 order by the district court and additional negotiations, the platted or
27 replatted territory shall become a part of the school district of the
28 city of the first or second class.

29 For purposes of this subsection, plat and replat apply only to (a)
30 vacant land, (b) land under cultivation, or (c) any plat or replat of
31 land involving a substantive change in the size or configuration of any

1 lot or lots.

2 (4) Notwithstanding any other provisions of this section, all
3 negotiated agreements relative to boundaries or to real or personal
4 property of school districts reached by the affected school boards shall
5 be valid and binding, except that such agreements shall not be binding on
6 reorganization plans pursuant to the Learning Community Reorganization
7 Act.

8 Sec. 13. Section 79-474, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 79-474 Whenever an existing school district or a part thereof is
11 merged into a Class I, II, or III school district under the provisions of
12 section 79-407 or 79-473, the property included in such school district
13 or part thereof which is merged into the Class I, II, or III school
14 district shall continue to be liable for any bonded indebtedness incurred
15 by the school district of which it was a part prior to such merger and
16 the property included in such school district or part thereof which is
17 merged into the Class I, II, or III school district shall not be liable
18 for any bonded indebtedness incurred by the Class I, II, or III school
19 district prior to such merger.

20 Sec. 14. Section 79-475, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 79-475 Whenever an existing school district, or a part thereof, is
23 merged into a Class I, II, III, or IV school district under the
24 provisions of section 79-407, 79-408, or 79-473, such merger shall be
25 effective on July 1 immediately following the effective date of the
26 change of city or village boundaries which caused the merger pursuant to
27 section 79-407, 79-408, or 79-473.

28 Sec. 15. Section 79-499, Revised Statutes Cumulative Supplement,
29 2022, is amended to read:

30 79-499 (1) If the fall school district membership or the average
31 daily membership of an existing Class I, II, or III school district shows

1 fewer than forty-five students in grades kindergarten through twelve, the
2 district shall submit a plan for developing cooperative programs with
3 other school districts, including the sharing of curriculum and
4 certificated and noncertificated staff, to the State Committee for the
5 Reorganization of School Districts. The cooperative program plan shall be
6 submitted by the school district by September 1 of the year following
7 such fall school district membership or average daily membership report.
8 A cooperative program plan shall not be required if there is no school
9 within fifteen miles from such district on a reasonably improved highway.
10 The state committee shall review the plan and provide advice and
11 communication to such school district and other school districts.

12 (2) If for two consecutive years the fall school district
13 membership, or for two consecutive years the average daily membership, of
14 an existing Class I, II, or III school district is fewer than forty-five
15 students in grades kindergarten through twelve as determined by the
16 Commissioner of Education, such school district shall, except as provided
17 in subsection (3) of this section, be dissolved pursuant to the
18 procedures described in subdivision (3)(b) of this section through the
19 order of the state committee if the school district is within fifteen
20 miles on a reasonably improved highway of another school.

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

24 (3)(a) Any Class I, II, or III school district which is the only
25 public school district in the county and which has a fall school district
26 membership or an average daily membership of fewer than forty-five
27 students in grades kindergarten through twelve shall be subject to this
28 subsection until such school district reaches a fall school district
29 membership or an average daily membership in grades kindergarten through
30 twelve of at least forty-five students or such school district dissolves.
31 Such school district may continue to operate if:

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

4 (ii) At a districtwide election held the second Tuesday of November
5 by whatever means the county conducts balloting, in the second
6 consecutive school year that the fall school district membership for
7 grades kindergarten through twelve is fewer than forty-five students, a
8 majority of voters approve a ballot issue to continue to operate the
9 school district for the immediately following four school years. If such
10 ballot issue succeeds and the school district remains subject to this
11 subsection, such school board or board of education shall conduct a
12 public hearing and, after receiving testimony at the public hearing, vote
13 whether to continue to operate the school district every four years
14 thereafter. If such ballot issue or such vote of the school board or
15 board of education fails, the school district shall be dissolved pursuant
16 to the procedures described in subdivision (3)(b) of this section.

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

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

7 Sec. 16. Section 79-4,108, Revised Statutes Cumulative Supplement,
8 2022, is amended to read:

9 79-4,108 (1) Unified system means two or more Class I, II, or III
10 school districts participating in an interlocal agreement under the
11 Interlocal Cooperation Act with approval from the State Committee for the
12 Reorganization of School Districts. The interlocal agreement shall
13 provide:

14 (a) For a minimum term of three school years;

15 (b) That all property tax and state aid resources shall be shared by
16 the unified system;

17 (c) That a board composed of school board members, with at least one
18 school board member from each district, shall determine the general fund
19 levy, within the limitations placed on school districts and multiple-
20 district school systems pursuant to section 77-3442, to be applied in all
21 participating districts and shall determine the distribution of property
22 tax and state aid resources within the unified system. For purposes of
23 section 77-3442, the multiple-district school system shall include all of
24 the districts participating in the unified system;

25 (d) That certificated staff will be employees of the unified system.
26 For any certificated staff employed by the unified system, tenure and
27 seniority as of the effective date of the interlocal agreement shall be
28 transferred to the unified system and tenure and seniority provisions
29 shall continue in the unified system except as provided in sections
30 79-850 to 79-858. If a district withdraws from the unified system or if
31 the interlocal agreement expires and is not renewed, certificated staff

1 employed by a participating district immediately prior to the unification
2 shall be reemployed by the original district and tenure and seniority as
3 of the effective date of the withdrawal or expiration shall be
4 transferred to the original district. The certificated staff hired by the
5 unified system but not employed by a participating district immediately
6 prior to the unification shall be subject to the reduction-in-force
7 policy of the unified system;

8 (e) That the participating districts shall pay obligations of the
9 unified system pursuant to sections 79-850 to 79-858 on a pro rata basis
10 based on the adjusted valuations if a district withdraws from the unified
11 system or if the interlocal agreement expires and is not renewed; and

12 (f) The permissible method or methods for accomplishing the partial
13 or complete termination of the interlocal agreement and for disposing of
14 assets and liabilities upon such partial or complete termination.

15 Additional provisions in the interlocal agreement shall be
16 determined by the participating districts and shall encourage cooperation
17 within the unified system.

18 (2) Application for unification shall be made to the state
19 committee. The application shall contain a copy of the interlocal
20 agreement signed by the president of each participating school board. The
21 state committee shall approve or disapprove applications for unification
22 within forty days after receipt of the application. If the interlocal
23 agreement complies with subsection (1) of this section and all school
24 boards of the participating districts have approved the interlocal
25 agreement, the state committee shall approve the application. Unification
26 agreements shall be effective on June 1 following approval from the state
27 committee for status as a unified system or on the date specified in the
28 interlocal agreement, except that the date shall be on or after June 1
29 and on or before September 1 for a specified year. The board established
30 in the interlocal agreement may begin meeting any time after the
31 application has been approved by the state committee.

1 (3) Upon granting the application for unification, the State
2 Department of Education shall recognize the unified system as a single
3 Class I, II, or III district for state aid, budgeting, accreditation,
4 enrollment of students, state programs, and reporting. Except as
5 otherwise required by the department, the unified system shall submit a
6 single report document for each of the reports required of school
7 districts pursuant to Chapter 79 and shall submit a single budget
8 document pursuant to the Nebraska Budget Act and sections 13-518 to
9 13-522.

10 (4) The school districts participating in a unified system shall
11 retain their separate identities for all purposes except those specified
12 in this section, and participation in a unified system shall not be
13 considered a reorganization.

14 Sec. 17. Section 79-4,129, Revised Statutes Cumulative Supplement,
15 2022, is amended to read:

16 79-4,129 (1) Within thirty days after the classification of the
17 reorganized school districts by the county clerk under section 79-4,128,
18 the state committee shall appoint from among the legal voters of each new
19 school district created the number of school board members specified in
20 the plan of reorganization. A reorganized school district shall be formed
21 and organized and shall have a school board not later than April 1
22 following the last legal action, as prescribed in section 79-4,128,
23 necessary to effect the changes in boundaries as set forth in the plan of
24 reorganization, although the physical reorganization of such reorganized
25 school district shall take effect July 1 following the classification of
26 the reorganized school districts under section 79-4,128. The first board
27 shall be appointed on an at-large basis, and all boards shall be elected
28 at large until such time as election districts are established as
29 provided in section 32-554.

30 (2) In appointing the first school board of a Class I, II, or III
31 school district, the terms of approximately one-half of the members shall

1 expire on the first Thursday after the first Tuesday in January after the
2 first even-numbered year following their appointment and the terms of the
3 remaining members shall expire on the first Thursday after the first
4 Tuesday in January after the second even-numbered year following their
5 appointment. Thereafter all Class I, II, or III district school boards
6 shall be elected to terms of four years.

7 (3) In appointing the first school board of a Class IV school
8 district, the members shall be appointed so that the terms of three
9 members shall expire on the third Monday in May of the first odd-numbered
10 year following their appointment and the terms of four members shall
11 expire on the third Monday in May of the second odd-numbered year
12 following their appointment. Thereafter all Class IV district school
13 boards shall be elected to terms of four years.

14 (4) In appointing the first school board of a Class V school
15 district after a reorganization under this section with a nine-member
16 board serving terms of four years, the terms of the members shall expire
17 as provided in section 32-545. All Class V district school boards shall
18 be elected to terms of four years.

19 (5) The school boards appointed under this section shall proceed at
20 once to organize in the manner prescribed by law.

21 Sec. 18. Section 79-501, Revised Statutes Cumulative Supplement,
22 2022, is amended to read:

23 79-501 The school board or board of education of a Class I, II, III,
24 or IV school district shall have the care and custody of the schoolhouse
25 and other property of the district and shall have authority to hire a
26 superintendent and the required number of teachers and other necessary
27 personnel.

28 Sec. 19. Section 79-520, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 79-520 The board of education of a Class I, II, or III school
31 district has power to select its own officers and make its own rules and

1 regulations not inconsistent with any statute applicable to such
2 district. No member of the board, except the secretary, shall accept or
3 receive any compensation for services performed in discharging the duties
4 of his or her office.

5 Sec. 20. Section 79-524, Revised Statutes Cumulative Supplement,
6 2022, is amended to read:

7 79-524 The school board of any Class I, II, III, or IV school
8 district shall establish a permanent and continuing census or enumeration
9 of school children in the school district. The list in writing of the
10 names of the children and taxpayers shall not be required to be reported,
11 but the names of all of the children belonging to such school district,
12 from birth through twenty years of age, shall instead be kept in a
13 depository maintained by such school district and subject to inspection
14 at all times. Such record shall not or need not include the names of all
15 the taxpayers in the district.

16 Sec. 21. Section 79-525, Revised Statutes Cumulative Supplement,
17 2022, is amended to read:

18 79-525 The school board or board of education of a Class I, II, III,
19 or IV school district shall (1) provide the necessary appendages for the
20 schoolhouse, (2) keep the same in good condition and repair during the
21 time school is taught in the schoolhouse, and (3) keep an accurate
22 account of all expenses incurred. Such account shall be prepared by the
23 secretary, audited by the president and treasurer, and, on their written
24 order, paid out of the general school fund.

25 Sec. 22. Section 79-526, Revised Statutes Cumulative Supplement,
26 2022, is amended to read:

27 79-526 (1) The school board or board of education of a Class I, II,
28 III, or IV school district has responsibility for the general care and
29 upkeep of the schools, shall provide the necessary supplies and
30 equipment, and, except as otherwise provided, has the power to cause
31 pupils to be taught in such branches and classified in such grades or

1 departments as may seem best adapted to a course of study which the board
2 shall establish with the consent and advice of the State Department of
3 Education. The board shall make provision for pupils that may enter at
4 any time during the school year. The board shall have a record kept of
5 the advancement of all pupils in each branch of study. The board shall
6 make rules and regulations as it deems necessary for the government and
7 health of the pupils and devise any means as may seem best to secure the
8 regular attendance and progress of children at school.

9 (2) The school board may make expenditures for supplies, equipment,
10 travel, meals, and lodging for school programs and activities, including
11 extracurricular and interscholastic activities, appropriate for the
12 benefit, government, and health of pupils enrolled in the school
13 district.

14 Sec. 23. Section 79-534, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 79-534 All Class I, II, or III school districts shall be under the
17 direction and control of the boards of education elected pursuant to
18 section 32-543.

19 Sec. 24. Section 79-547, Revised Statutes Cumulative Supplement,
20 2022, is amended to read:

21 79-547 (1) Except as otherwise provided in section 79-550, the
22 school board or board of education of a Class I, II, or III school
23 district shall consist of six members.

24 (2) In addition to the members specified in subsection (1) of this
25 section, such school boards or boards of education may include one or
26 more student members selected pursuant to section 79-559.

27 Sec. 25. Section 79-549, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 79-549 (1) The school board of any Class I, II, or III school
30 district that is a member of a learning community may place before the
31 legal voters of the school district the issue of whether to begin to have

1 a caucus for nominations by adopting a resolution to place the issue
2 before the legal voters and certifying the issue to the election
3 commissioner or county clerk prior to September 1 for placement on the
4 ballot at the next statewide general election. The legal voters of the
5 school district may also have the issue placed on the ballot at the
6 statewide general election by circulating a petition and gathering the
7 signatures of the legal voters residing within the school district at
8 least equal to seven percent of the number of persons registered to vote
9 in the school district at the last statewide primary election. The
10 petitions shall be filed with the election commissioner or county clerk
11 for signature verification on or before August 15 prior to a statewide
12 general election. If the election commissioner or county clerk determines
13 that the appropriate number of legal voters signed the petition, he or
14 she shall place the issue on the ballot for the next statewide general
15 election. The issue shall not be placed on the ballot again within four
16 years after voting on the issue at a statewide general election.

17 (2) Any Class I, II, or III school district that nominated school
18 board members by caucus pursuant to this section as it existed
19 immediately before July 14, 2006, shall continue such procedure until the
20 legal voters of the district vote not to continue to have a caucus for
21 nominations pursuant to subsection (3) of this section. A caucus shall be
22 held pursuant to subsection (5) of this section not less than seventy
23 days prior to the holding of the election to nominate two or more
24 candidates for each vacancy to be voted upon at the election to be held
25 in conjunction with the statewide primary election pursuant to subsection
26 (1) of section 32-543. No candidate nominated shall have his or her name
27 placed upon the ballot for the general election unless, not more than ten
28 days after his or her nomination, he or she files with the secretary of
29 the school board a written statement accepting the nomination. The
30 secretary of the school board shall certify the names of the candidates
31 to the election commissioner or county clerk who shall prepare the

1 official ballot listing the names as certified and without any area
2 designation. All legal voters residing within the school district shall
3 be permitted to vote at such election.

4 (3) The school board may place before the legal voters of the school
5 district the issue of whether to continue to have a caucus for
6 nominations by adopting a resolution to place the issue before the legal
7 voters and certifying the issue to the election commissioner or county
8 clerk prior to September 1 for placement on the ballot at the next
9 statewide general election. The legal voters of the school district may
10 also have the issue placed on the ballot at the statewide general
11 election by circulating a petition and gathering the signatures of the
12 legal voters residing within the school district at least equal to seven
13 percent of the number of persons registered to vote in the school
14 district at the last statewide primary election. The petitions shall be
15 filed with the election commissioner or county clerk for signature
16 verification on or before August 15 prior to a statewide general
17 election. If the election commissioner or county clerk determines that
18 the appropriate number of legal voters signed the petition, he or she
19 shall place the issue on the ballot for the next statewide general
20 election. The issue shall not be placed on the ballot again within four
21 years after voting on the issue at a statewide general election.

22 (4) If the legal voters vote not to continue to have a caucus, the
23 school board shall determine the number of members to be nominated and
24 elected as provided in subsection (2) of section 32-543. The terms of the
25 members in office at the time of the vote shall be extended to the first
26 Thursday after the first Tuesday in January after the expiration of their
27 terms. At the first general election following the vote, a number of
28 members receiving the greatest number of votes shall be elected for a
29 term of four years and a number of members receiving the next greatest
30 number of votes shall be elected for a term of two years so that
31 approximately one-half of the school board members are elected every two

1 years.

2 (5) A school district which uses a caucus for nominations shall
3 develop rules and procedures for conducting the caucus which will ensure:

4 (a) Publication of the rules and procedures by multiple sources if
5 necessary so that every resident of the school district has access to
6 information on the process for placing a name in nomination and voting at
7 the caucus;

8 (b) Facilities for voting at the caucus which comply with the
9 federal Americans with Disabilities Act of 1990 and which will
10 accommodate a reasonably anticipated number of legal voters;

11 (c) Election security which will provide for a fair and impartial
12 election, including the secrecy of the ballot, one vote per legal voter,
13 and only legal voters of the school district being allowed to vote;

14 (d) Equal access to all legal voters of the school district,
15 including the presence of an interpreter at the caucus at the expense of
16 the school district and ballots for the blind and visually impaired to
17 provide access to the process by all legal voters of the school district;

18 (e) Adequate time and opportunity for legal voters of the school
19 district to exercise their right to vote; and

20 (f) Notification of nomination to the candidates and to the
21 secretary of the school board.

22 The rules and regulations shall be approved by the election
23 commissioner or county clerk prior to use for a caucus.

24 Sec. 26. Section 79-550, Revised Statutes Cumulative Supplement,
25 2022, is amended to read:

26 79-550 (1) The school board of a Class I, II, or III school district
27 may, by resolution adopted in an odd-numbered year, provide for a change
28 in the number of members on the school board to a minimum of five members
29 and a maximum of nine members to be effective at the beginning of the
30 term of office for school board members elected at the next statewide
31 general election. The school board shall include in the resolution:

1 (a) A statement of the change in number of members to be added to or
2 eliminated from the school board;

3 (b) A statement that the change does not take effect until the
4 beginning of the term of office for school board members elected at the
5 next statewide general election;

6 (c) If the members are not nominated or elected by district or ward
7 in the school district:

8 (i) If the change in number adds members to the school board, a
9 statement of the number of members to be elected at the next statewide
10 general election, including the members whose terms are expiring and the
11 additional members, and the number of such members to be elected to four-
12 year terms and the number of such members to be elected to two-year terms
13 so that approximately one-half of the total number of members are elected
14 at each statewide general election. The members receiving the highest
15 number of votes shall be elected to four-year terms, and the members
16 receiving the next highest number of votes shall be elected to two-year
17 terms; and

18 (ii) If the change in number decreases the number of members on the
19 school board, a statement of the number of members to be elected at the
20 next statewide general election, if any, and at the subsequent statewide
21 general election, if necessary, and the number of such members to be
22 elected at such elections to four-year terms and the number of such
23 members to be elected at such elections to two-year terms so that
24 approximately one-half of the total number of members are elected at each
25 statewide general election. The members receiving the highest number of
26 votes shall be elected to four-year terms, and the members receiving the
27 next highest number of votes shall be elected to two-year terms; and

28 (d) If the members are nominated or elected by district or ward in
29 the school district:

30 (i) The changes to the boundaries of districts or wards;

31 (ii) A statement that the changes to the boundaries are effective

1 for purposes of nominating or electing, as applicable, members to the
2 school board beginning with the next statewide primary and general
3 elections but that the changes in boundaries are not effective for
4 purposes of representation until the beginning of the term of office for
5 school board members elected at the next statewide general election;

6 (iii) A statement of which districts or wards, as changed, are on
7 the ballot at the next statewide primary or general election, as
8 applicable, and whether the members elected from such districts or wards
9 are being elected for four-year terms or two-year terms;

10 (iv) A statement specifying the newly established districts which
11 each member will represent for the remainder of his or her term, if
12 necessary;

13 (v) If the change in number adds members to the school board, a
14 statement of the number of members to be elected at the next statewide
15 general election, including the members whose terms are expiring and the
16 additional members, and the districts or wards of such members to be
17 elected to four-year terms and the districts or wards of such members to
18 be elected to two-year terms so that approximately one-half of the total
19 number of members are elected at each statewide general election; and

20 (vi) If the change in number decreases the number of members on the
21 school board, a statement of the number of members to be elected at the
22 next statewide general election, if any, and at the subsequent statewide
23 general election, if necessary, and the districts or wards of such
24 members to be elected at such elections to four-year terms and the
25 districts or wards of such members to be elected at such elections to
26 two-year terms so that approximately one-half of the total number of
27 members are elected at each statewide general election.

28 (2) If the members of the school board of a Class I, II, or III
29 school district are nominated and elected by district or ward, the board
30 may by resolution provide for the nomination of the members by district
31 or ward and the election of the members at large. If the members are

1 nominated by district or ward and elected at large, the board may by
2 resolution provide for the nomination and election of the members by
3 district or ward.

4 (3) Any Class I, II, or III school district which has a nine-member
5 school board on January 1, 2015, may continue to have a nine-member
6 school board without complying with the requirements of this section.

7 Sec. 27. Section 79-554, Revised Statutes Cumulative Supplement,
8 2022, is amended to read:

9 79-554 In all meetings of a school board of a Class I, II, or III
10 school district, a majority of the members shall constitute a quorum for
11 the transaction of business. Regular meetings shall be held on or before
12 the third Monday of every month. All meetings of the board shall be
13 subject to the Open Meetings Act. Special meetings may be called by the
14 president or any two members, but all members shall have notice of the
15 time and place of meeting. If a school district is participating in an
16 approved unified system as provided in section 79-4,108, regular meetings
17 of such district's school board shall be held at least twice during the
18 school year.

19 Sec. 28. Section 79-555, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 79-555 The regular meetings of the board of education of a Class I,
22 II, or III school district shall be held as provided in section 79-554.
23 Special meetings may be held as circumstances may demand, and all
24 meetings of the board shall be open to the public.

25 Sec. 29. Section 79-559, Revised Statutes Cumulative Supplement,
26 2022, is amended to read:

27 79-559 (1) The school board or board of education of any Class I,
28 II, III, or IV school district may include at least one nonvoting member
29 who is a public high school student from the district. If the board
30 elects to include such a nonvoting student member, the student member
31 shall serve for a term of one year, beginning on September 1, and shall

1 be the student body or student council president, the senior class
2 representative, or a representative elected from and by the entire
3 student body, as designated by the voting members of the board.

4 (2) Any nonvoting student member of the board has the privilege of
5 attending all open meetings of the board but shall be excluded from
6 executive sessions.

7 Sec. 30. Section 79-564, Revised Statutes Cumulative Supplement,
8 2022, is amended to read:

9 79-564 At the first meeting of each school board or board of
10 education elected in a Class I, II, or III school district, and annually
11 thereafter, the board shall elect from among its members a president and
12 vice president. The board shall also elect a secretary who need not be a
13 member of the board. If the secretary is a member of the board, an
14 assistant secretary may be named and his or her duties and compensation
15 set by the board.

16 Sec. 31. Section 79-569, Revised Statutes Cumulative Supplement,
17 2022, is amended to read:

18 79-569 The president of the school board of a Class I, II, III, or
19 IV school district shall: (1) Preside at all meetings of the district;
20 (2) countersign all orders upon the treasury for money to be disbursed by
21 the district and all warrants of the secretary on the county treasurer
22 for money raised for district purposes or apportioned to the district by
23 the county treasurer; (3) administer the oath to the secretary and
24 treasurer of the district when such an oath is required by law in the
25 transaction of the business of the district; and (4) perform such other
26 duties as may be required by law of the president of the board. He or she
27 is entitled to vote on any issue that may come before any meeting.

28 Sec. 32. Section 79-570, Revised Statutes Cumulative Supplement,
29 2022, is amended to read:

30 79-570 If at any district meeting of a Class I, II, III, or IV
31 school district any person conducts himself or herself in a disorderly

1 manner and persists in such conduct after notice by the president or
2 person presiding, the president or person presiding may order such person
3 to withdraw from the meeting and, if the person refuses, may order any
4 person or persons to take such person into custody until the meeting is
5 adjourned.

6 Sec. 33. Section 79-572, Revised Statutes Cumulative Supplement,
7 2022, is amended to read:

8 79-572 The president of a Class I, II, III, or IV school district
9 shall appear for and on behalf of the district in all suits brought by or
10 against the district.

11 Sec. 34. Section 79-576, Revised Statutes Cumulative Supplement,
12 2022, is amended to read:

13 79-576 The secretary of a Class I, II, III, or IV school district
14 shall be clerk of the school board and of all meetings when present, but
15 if he or she is not present, the school board may appoint a clerk for the
16 time being, who shall certify the proceedings to the secretary to be
17 recorded by him or her.

18 Sec. 35. Section 79-577, Revised Statutes Cumulative Supplement,
19 2022, is amended to read:

20 79-577 The secretary of a Class I, II, III, or IV school district
21 shall (1) record all proceedings of the district in a book furnished by
22 the district to be kept for that purpose, (2) preserve copies of all
23 reports, and (3) safely preserve and keep all books and papers belonging
24 to the office.

25 Sec. 36. Section 79-578, Revised Statutes Cumulative Supplement,
26 2022, is amended to read:

27 79-578 The secretary of a Class I, II, III, or IV school district
28 shall take, or cause to be taken by some person appointed for the purpose
29 by a majority vote of the school board, the census of the school district
30 and then make or cause to be made a list in writing of the names of all
31 the children belonging to such district, from birth through twenty years

1 of age, together with the names of all the taxpayers in the district. A
2 copy of the list, verified by oath of the person taking such census or by
3 affidavit appended to or endorsed on the list, setting forth that it is a
4 correct list of the names of all children belonging in the district from
5 birth through twenty years of age and that it reflects such information
6 as of June 30, shall be maintained as provided in section 79-524.

7 Sec. 37. Section 79-579, Revised Statutes Cumulative Supplement,
8 2022, is amended to read:

9 79-579 Whenever a secretary or president of the school board of a
10 Class I, II, III, or IV school district refuses to sign orders on the
11 treasurer or the treasurer thinks best to refuse the payment of orders
12 drawn upon him or her, the difficulty shall be referred for adjudication
13 to the county attorney, who shall proceed at once to investigate the
14 matter. If the county attorney finds that the officer complained of
15 refuses through contumacy or for insufficient reasons, the county
16 attorney, on behalf of the district, shall apply to the proper court for
17 a writ of mandamus to compel the officer to perform his or her duty.

18 Sec. 38. Section 79-580, Revised Statutes Cumulative Supplement,
19 2022, is amended to read:

20 79-580 The secretary of the school board or board of education of
21 each Class I, II, or III school district shall, within ten days after any
22 regular or special meeting of the board, publish one time in a legal
23 newspaper published in or of general circulation in such district a list
24 of the claims, arising on contract or tort, allowed at the meeting. The
25 list shall set forth the name of the claimant and the amount and nature
26 of the claim allowed, to consist of not more than ten words in stating
27 the nature of each such claim. The secretary shall likewise cause to be
28 published a concise summary of all other proceedings of such meetings.
29 Publication of such claims or proceedings in a legal newspaper shall not
30 be required unless the publication can be done at an expense not
31 exceeding the rates provided by law for the publication of proceedings of

1 county boards.

2 Sec. 39. Section 79-581, Revised Statutes Cumulative Supplement,
3 2022, is amended to read:

4 79-581 The secretary of any school board or board of education of a
5 Class I, II, or III school district failing or neglecting to comply with
6 the provisions of section 79-580 shall be guilty of a Class V
7 misdemeanor. In the discretion of the court, the judgment of conviction
8 may provide for the removal from office of such secretary for such
9 failure or neglect.

10 Sec. 40. Section 79-586, Revised Statutes Cumulative Supplement,
11 2022, is amended to read:

12 79-586 The treasurer of each Class I, II, III, or IV school district
13 shall, within ten days after his or her election, execute to the county
14 and file with the secretary a bond or evidence of equivalent insurance
15 coverage of not less than five hundred dollars in any instance and not
16 more than double the amount of money, as nearly as can be ascertained, to
17 come into his or her hands as treasurer at any one time, which bond shall
18 be signed by either a personal surety or a surety company or companies of
19 recognized responsibility as surety or sureties, to be approved by the
20 president and secretary, conditioned for the faithful discharge of the
21 duties of the office. The bond when approved or evidence of equivalent
22 insurance coverage shall be filed by the secretary in the office of the
23 county treasurer of the county in which the school district is situated.
24 If the treasurer fails to execute such bond or provide evidence of such
25 insurance coverage, the office shall be declared vacant by the school
26 board or board of education and the board shall immediately appoint a
27 treasurer who shall be subject to the same conditions and possess the
28 same powers as if elected to that office. The treasurer shall have no
29 power or authority to withdraw or disburse the money of the district
30 prior to filing the bond or evidence of equivalent insurance coverage
31 provided for in this section.

1 Sec. 41. Section 79-587, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 79-587 The treasurer of each Class I, II, III, or IV school district
4 shall apply for and receive from the county treasurer all school money
5 apportioned to or collected for the district by the county treasurer,
6 upon order of the secretary countersigned by the president. The treasurer
7 shall pay out all money received by him or her, on the order of the
8 secretary countersigned by the president of such district.

9 Sec. 42. Section 79-588, Revised Statutes Cumulative Supplement,
10 2022, is amended to read:

11 79-588 The treasurer of a Class I, II, III, or IV school district
12 shall keep a record in which the treasurer shall enter all the money
13 received and disbursed by him or her, specifying particularly (1) the
14 source from which money has been received, (2) to what fund it belongs,
15 and (3) the person or persons to whom and the object for which the same
16 has been paid out. The treasurer shall present to the district, at each
17 annual meeting, a report in writing containing a statement of all money
18 received during the preceding year and of the disbursement made with the
19 items of such disbursements and exhibit the vouchers therefor. At the
20 close of the treasurer's term of office, he or she shall settle with the
21 school board and shall hand over to his or her successor the records and
22 all receipts, vouchers, orders, and papers coming into his or her hands
23 as treasurer of the district, together with all money remaining in his or
24 her hands as such treasurer.

25 Sec. 43. Section 79-589, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 79-589 In a Class I, II, or III school district which lies outside
28 of the corporate limits of any city or village or of which more than one-
29 half is geographically within a city of the metropolitan class, the board
30 of education shall elect one of its members, other than the secretary, as
31 treasurer of the school district and the provisions of section 79-590

1 shall not apply to the selection of a treasurer of such a district. The
2 treasurer shall prepare and submit in writing a monthly report of the
3 state of the finances of the district and pay school money only upon
4 warrants signed by the president of the board or, in the president's
5 absence, by the vice president, and countersigned by the secretary. The
6 treasurer shall give a bond or evidence of equivalent insurance coverage
7 payable to the school district in such sum as may be fixed by the board.
8 Such bond shall be signed by one or more surety companies of recognized
9 responsibility. The cost of such bond or insurance coverage shall be paid
10 by the school district.

11 Sec. 44. Section 79-590, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 79-590 The board of education of a Class I, II, or III school
14 district may employ a treasurer for such district who shall be paid a
15 salary, to be fixed by the board, of not to exceed one thousand two
16 hundred dollars per annum. If the board does not employ such a treasurer,
17 the city treasurer or deputy city treasurer of the city which is within
18 such district shall be ex officio treasurer of the school district. He or
19 she shall attend all meetings of the board when required so to do,
20 prepare and submit in writing a monthly report of the state of the
21 district's finances, and pay school money only upon warrants signed by
22 the president of the board or, in the president's absence, by the vice
23 president, and countersigned by the secretary. If the city treasurer or
24 his or her deputy acts as ex officio treasurer of the school district, he
25 or she shall be paid for such services by the school district a sum to be
26 fixed by the board. The treasurer of such district, or the city treasurer
27 or deputy city treasurer acting as ex officio treasurer, shall give a
28 bond or evidence of equivalent insurance coverage payable to the county
29 in such sum as may be fixed by the board of education. Such bond shall be
30 signed by one or more surety companies of recognized responsibility. The
31 cost of such bond or insurance coverage shall be paid by the school

1 district.

2 Sec. 45. Section 79-594, Revised Statutes Cumulative Supplement,
3 2022, is amended to read:

4 79-594 The school board in a Class I, II, III, or IV school district
5 may also elect at any regular meeting one superintendent of public
6 instruction with such salary as the board deems best and may enter into
7 contract with him or her at its discretion, for a term not to exceed
8 three years.

9 Sec. 46. Section 79-5,104, Revised Statutes Cumulative Supplement,
10 2022, is amended to read:

11 79-5,104 The school board or board of education of any Class I, II,
12 or III school district may, in its discretion, pay the regular school
13 tuition for any pupil residing in such school district and attending a
14 school outside such school district when, in the opinion of the board,
15 the best interests of the pupil or the school district may so require.

16 Sec. 47. Section 79-5,105, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 79-5,105 If the board of education of a Class I, II, III, IV, or V
19 school district finds it desirable that children of school age or any
20 grade or grades thereof residing on federal property situated in the
21 vicinity of a city of the metropolitan class be given instruction outside
22 the boundaries of such district of the character provided by law for
23 children within the district, under the direction and control of the
24 board of education and that the same is not detrimental to the interests
25 of the school district, the board of education may enter into a contract
26 with the federal government or any agency thereof to provide supervisory
27 services in the construction of school facilities and to maintain and
28 operate schools for the children of residents of such federal
29 installations.

30 Sec. 48. Section 79-5,106, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 79-5,106 The provisions of giving instructions outside a Class I,
2 II, III, IV, or V school district as provided in section 79-5,105 shall
3 not apply where existing facilities are now available.

4 Sec. 49. Section 79-611, Revised Statutes Cumulative Supplement,
5 2022, is amended to read:

6 79-611 (1) The school board of any school district shall provide
7 free transportation, partially provide free transportation, or pay an
8 allowance for transportation in lieu of free transportation as follows:

9 (a) When a student attends an elementary school in his or her own
10 school district and lives more than four miles from such elementary
11 school as measured by the shortest route that must actually and
12 necessarily be traveled by motor vehicle to reach the student's
13 residence;

14 (b) When a student is required to attend an elementary school
15 outside of his or her own school district and lives more than four miles
16 from such elementary school as measured by the shortest route that must
17 actually and necessarily be traveled by motor vehicle to reach the
18 student's residence;

19 (c) When a student attends a secondary school in his or her own
20 Class I, II, or III school district and lives more than four miles from
21 such secondary school as measured by the shortest route that must
22 actually and necessarily be traveled by motor vehicle to reach the
23 student's residence. This subdivision does not apply to any elementary-
24 only school district that merged with a high-school-only school district
25 to form a new Class I, II, or III school district on or after January 1,
26 1997, and before June 16, 2006; and

27 (d) When a student, other than a student in grades ten through
28 twelve in a Class V school district, attends an elementary or junior high
29 school in his or her own Class V school district and lives more than four
30 miles from such elementary or junior high school as measured by the
31 shortest route that must actually and necessarily be traveled by motor

1 vehicle to reach the student's residence.

2 (2)(a) For school years prior to school year 2017-18 and as required
3 pursuant to subsection (3) of section 79-241, the school board of any
4 school district that is a member of a learning community shall provide
5 free transportation for a student who resides in such learning community
6 and attends school in such school district if (i) the student is
7 transferring pursuant to the open enrollment provisions of section
8 79-2110, qualifies for free or reduced-price lunches, lives more than one
9 mile from the school to which he or she transfers, and is not otherwise
10 disqualified under subdivision (2)(c) of this section, (ii) the student
11 is transferring pursuant to the open enrollment provisions of section
12 79-2110, is a student who contributes to the socioeconomic diversity of
13 enrollment at the school building he or she attends, lives more than one
14 mile from the school to which he or she transfers, and is not otherwise
15 disqualified under subdivision (2)(c) of this section, (iii) the student
16 is attending a focus school or program and lives more than one mile from
17 the school building housing the focus school or program, or (iv) the
18 student is attending a magnet school or program and lives more than one
19 mile from the magnet school or the school housing the magnet program.

20 (b) For purposes of this subsection, student who contributes to the
21 socioeconomic diversity of enrollment at the school building he or she
22 attends has the definition found in section 79-2110. This subsection does
23 not prohibit a school district that is a member of a learning community
24 from providing transportation to any intradistrict student.

25 (c) For any student who resides within a learning community and
26 transfers to another school building pursuant to the open enrollment
27 provisions of section 79-2110 and who had not been accepted for open
28 enrollment into any school building within such school district prior to
29 September 6, 2013, the school board is exempt from the requirement of
30 subdivision (2)(a) of this section if (i) the student is transferring to
31 another school building within his or her home school district or (ii)

1 the student is transferring to a school building in a school district
2 that does not share a common border with his or her home school district.

3 (3) The transportation allowance which may be paid to the parent,
4 custodial parent, or guardian of students qualifying for free
5 transportation pursuant to subsection (1) or (2) of this section shall
6 equal two hundred eighty-five percent of the mileage rate provided in
7 section 81-1176, multiplied by each mile actually and necessarily
8 traveled, on each day of attendance, beyond which the one-way distance
9 from the residence of the student to the school exceeds three miles. Such
10 transportation allowance does not apply to students residing in a
11 learning community who qualify for free or reduced-price lunches.

12 (4) Whenever students from more than one family travel to school in
13 the same vehicle, the transportation allowance prescribed in subsection
14 (3) of this section shall be payable as follows:

15 (a) To the parent, custodial parent, or guardian providing
16 transportation for students from other families, one hundred percent of
17 the amount prescribed in subsection (3) of this section for the
18 transportation of students of such parent's, custodial parent's, or
19 guardian's own family and an additional five percent for students of each
20 other family not to exceed a maximum of one hundred twenty-five percent
21 of the amount determined pursuant to subsection (3) of this section; and

22 (b) To the parent, custodial parent, or guardian not providing
23 transportation for students of other families, two hundred eighty-five
24 percent of the mileage rate provided in section 81-1176 multiplied by
25 each mile actually and necessarily traveled, on each day of attendance,
26 from the residence of the student to the pick-up point at which students
27 transfer to the vehicle of a parent, custodial parent, or guardian
28 described in subdivision (a) of this subsection.

29 (5) When a student who qualifies under the mileage requirements of
30 subsection (1) of this section lives more than three miles from the
31 location where the student must be picked up and dropped off in order to

1 access school-provided free transportation, as measured by the shortest
2 route that must actually and necessarily be traveled by motor vehicle
3 between his or her residence and such location, such school-provided
4 transportation shall be deemed partially provided free transportation.
5 School districts partially providing free transportation shall pay an
6 allowance to the student's parent or guardian equal to two hundred
7 eighty-five percent of the mileage rate provided in section 81-1176
8 multiplied by each mile actually and necessarily traveled, on each day of
9 attendance, beyond which the one-way distance from the residence of the
10 student to the location where the student must be picked up and dropped
11 off exceeds three miles.

12 (6) The board may authorize school-provided transportation to any
13 student who does not qualify under the mileage requirements of subsection
14 (1) of this section and may charge a fee to the parent or guardian of the
15 student for such service. No transportation payments shall be made to a
16 family for mileage not actually traveled by such family. The number of
17 days the student has attended school shall be reported monthly by the
18 teacher to the board of such public school district.

19 (7) No more than one allowance shall be made to a family
20 irrespective of the number of students in a family being transported to
21 school.

22 (8) No student shall be exempt from school attendance on account of
23 distance from the school.

24 Sec. 50. Section 79-1045, Revised Statutes Cumulative Supplement,
25 2022, is amended to read:

26 79-1045 The county treasurer shall, within twenty days after
27 receiving the apportionment under section 79-1044, apportion the amount
28 as follows: (1) To each school district lying wholly or partly within any
29 such forest reserve, an amount equal to the actual per pupil cost for
30 each pupil actually residing in that part of the district which is within
31 such forest reserve, but this apportionment per pupil shall not exceed

1 the average annual cost per pupil, based on average daily attendance
2 within that county; and (2) of the remaining amount, one-fifth to the
3 public road fund of the county, one-fifth equally to the several school
4 districts in the county, and the remaining three-fifths to the several
5 school districts in the county pro rata according to the enumeration of
6 scholars last returned by the districts. The county treasurer shall, with
7 the approval of the county board, have authority to retain the money to
8 be allocated under this subdivision to Class I, II, or III school
9 districts of the county to be used for the establishment and support of a
10 county circulating library for Class I, II, or III school districts. A
11 school district which has failed to sustain a school taught by a legally
12 qualified teacher for the length of time required by law shall not be
13 entitled to receive any portion of the Forest Reserve Fund.

14 Sec. 51. Section 79-1084, Revised Statutes Cumulative Supplement,
15 2022, is amended to read:

16 79-1084 The school board of a Class I, II, or III school district
17 shall annually, on or before September 30, report in writing to the
18 county board and, for years prior to 2017, the learning community
19 coordinating council if the school district is a member of a learning
20 community the entire revenue raised by taxation and all other sources and
21 received by the school board for the previous school fiscal year and a
22 budget for the ensuing school fiscal year broken down generally as
23 follows: (1) The amount of funds required for the support of the schools
24 during the ensuing school fiscal year; (2) the amount of funds required
25 for the purchase of school sites; (3) the amount of funds required for
26 the erection of school buildings; (4) the amount of funds required for
27 the payment of interest upon all bonds issued for school purposes; and
28 (5) the amount of funds required for the creation of a sinking fund for
29 the payment of such indebtedness. The secretary shall publish, within ten
30 days after the filing of such budget, a copy of the fund summary pages of
31 the budget one time at the legal rate prescribed for the publication of

1 legal notices in a legal newspaper published in and of general
2 circulation in such city or village or, if none is published in such city
3 or village, in a legal newspaper of general circulation in the city or
4 village. The secretary of the school board failing or neglecting to
5 comply with this section shall be deemed guilty of a Class V misdemeanor
6 and, in the discretion of the court, the judgment of conviction may
7 provide for the removal from office of such secretary for such failure or
8 neglect. For Class I, II, or III school districts that are not members of
9 a learning community, the county board shall levy and collect such taxes
10 as are necessary to provide the amount of revenue from property taxes as
11 indicated by all the data contained in the budget and the certificate
12 prescribed by this section, at the time and in the manner provided in
13 section 77-1601.

14 Sec. 52. Section 79-1093, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 79-1093 (1) The board of education of a Class I, II, III, IV, or V
17 school district may contract for (a) machine accounting and payroll
18 processing services, (b) disbursing school funds as ordered by the board
19 of education, (c) paying net salaries or wages earned by professional and
20 other personnel employed by the board of education, (d) remitting to
21 appropriate collection agencies sums withheld from salaries and wages,
22 and (e) any other computerized service which the board of education deems
23 necessary or desirable. Payment of salaries and wages as provided in this
24 section shall be made to the employee in bank credit or cash, as the
25 employee may specify.

26 (2) The bank or fiscal agent under contract as provided in this
27 section shall furnish to the board of education a report at the end of
28 each month detailing (a) the sums received for deposit in the school
29 district account, (b) the amount disbursed to payees as designated by the
30 secretary or authorized clerk of the board of education, and (c) the
31 unexpended balance in the school district account. This section does not

1 modify, limit, waive, or abrogate the responsibility and the liability of
2 the contracting board of education for the security and safe custody of
3 school funds as required by law or for their proper use and application
4 to school district indebtedness as provided by law.

5 Sec. 53. Section 79-10,114, Revised Statutes Cumulative Supplement,
6 2022, is amended to read:

7 79-10,114 No school property of any kind belonging to any Class I,
8 II, III, or IV school district shall be sold by the school board or board
9 of education except at a regular meeting of the board and with an
10 affirmative recorded vote of at least two-thirds of all the members of
11 the board. Proceeds of sale of school property sold as provided in this
12 section may be held separately from other funds of the school district
13 and may be used for any school purpose as the board may determine,
14 including, but not limited to, acquiring sites for school buildings or
15 teacherages and purchasing existing buildings for use as school buildings
16 or teacherages, including the sites upon which such buildings are
17 located, and the erection, alteration, equipping, and furnishing of
18 school buildings or teacherages.

19 Sec. 54. Section 79-10,117, Revised Statutes Cumulative Supplement,
20 2022, is amended to read:

21 79-10,117 The legal voters of any Class I, II, or III school
22 district have the power, at an election or at any annual or special
23 meeting, to (1) direct the purchasing or leasing of any appropriate site
24 and the building, hiring, or purchasing of a teacherage for the purpose
25 of providing housing facilities for the school employees of the district,
26 (2) determine the amount necessary to be expended for such purposes the
27 succeeding year, and (3) vote on a tax on the property of the district
28 for the payment of the amount.

29 Sec. 55. Section 79-10,118, Revised Statutes Cumulative Supplement,
30 2022, is amended to read:

31 79-10,118 A tax to establish a special fund for the building,

1 hiring, or purchasing of a teacherage for the purpose of providing
2 housing facilities for the school employees of any Class I, II, or III
3 district may be levied when authorized by fifty-five percent of the legal
4 voters voting on the proposition. The notice of the proposal to establish
5 such special fund shall include the sum to be raised or the amount of the
6 tax to be levied, the period of years, and the time of its taking effect.
7 If fifty-five percent of the legal voters voting at any such election
8 vote in favor of the proposition, the result of such election shall be
9 certified to the county board which, upon being satisfied that all the
10 requirements have been substantially complied with, shall cause the
11 proceedings to be entered upon the record of the county board and shall
12 make an order that the levy be made in accordance with the election
13 result and collected as other taxes.

14 Sec. 56. Original sections 32-543, 32-811, 79-474, 79-475, 79-520,
15 79-534, 79-549, 79-555, 79-589, 79-590, 79-5,105, 79-5,106, and 79-1093,
16 Reissue Revised Statutes of Nebraska, and sections 32-405, 32-618,
17 79-102, 79-104, 79-407, 79-413, 79-451, 79-458, 79-470, 79-473, 79-499,
18 79-4,108, 79-4,129, 79-501, 79-524, 79-525, 79-526, 79-547, 79-550,
19 79-554, 79-559, 79-564, 79-569, 79-570, 79-572, 79-576, 79-577, 79-578,
20 79-579, 79-580, 79-581, 79-586, 79-587, 79-588, 79-594, 79-5,104, 79-611,
21 79-1045, 79-1084, 79-10,114, 79-10,117, and 79-10,118, Revised Statutes
22 Cumulative Supplement, 2022, are repealed.