



**Ninety-Seventh Legislature - Second Session - 2002**  
**Committee Statement**  
**LB 1253**

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**Hearing Date:** February 11, 2002

**Committee On:** Education

**Introducer(s):** (Raikes)

**Title:** Provide for using resident membership for freeholder petitions and cooperative programs

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**Roll Call Vote – Final Committee Action:**

Advanced to General File

Advanced to General File with Amendments

X Indefinitely Postponed

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**Vote Results:**

5	Yes	Senators Raikes, Brashear, Price, Stuhr, Maxwell
0	No	
0	Present, not voting	
3	Absent	Senators Suttle, Coordsen, Wickersham

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**Proponents:**

Senator Ron Raikes

Former Senator Harold Stryker

**Representing:**

Introducer

Rising City Community Member

**Opponents:**

Dan Alberts

WRITTEN:

Keith Fagot

**Representing:**

Rising City Public Schools Superintendent

Loomis Public Schools

**Neutral:**

**Representing:**

**Summary of purpose and/or changes:**

Legislative Bill 1253 would modify the requirements allowing land transfers between school districts known as “freeholding” and the requirements for Class II or III school districts to develop cooperative programs or to convert to a Class I school district.

In order to transfer land pursuant to the provisions of § 79-458 the district that the land is being transferred out of must meet certain requirements. The district must be a Class II or III school district which has had an average daily membership in grades 9-12 of less than 60 for the 2 consecutive school fiscal years immediately preceding the filing of the petition. The district must also have voted to exceed the maximum levy and the high school must be within 15 miles of another high school.

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This measure modifies the requirement for an average daily membership in grades 9-12 of less than 60 by limiting the student count to resident students and by recognizing that the average daily membership is measured for school years, not school fiscal years. This change is accomplished by introducing the term “resident membership,” which would mean the average daily membership in the school district for the school year which overlaps the majority of the school fiscal year in question minus the average daily membership of option students.

The requirements to develop cooperative programs or to convert to a Class I school district contained in § 79-499 also depend on the average daily membership of the districts. If the membership is less than 35 in grades 9-12, the district is required to submit a plan for developing cooperative programs. If the membership is less than 25 for 2 consecutive years, the district is generally required to become a Class I school district.

This measure modifies these requirements in the same way that the “freeholding” requirements were modified by replacing the average daily membership requirements with resident membership requirements. The same definition of resident membership would apply.

**Explanation of amendments, if any:**

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**Senator Ron Raikes, Chairperson**