



Hundredth Legislature - First Session - 2007
Committee Statement
LB 230

Hearing Date: February 12, 2007
Committee On: Education

Introducer(s): (Raikes)

Title: Change provisions relating to resident students for purposes of certain reorganizations

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - Advanced to General File with Amendments
 - X Indefinitely Postponed
-

Vote Results:

6	Yes	Senators Adams, Ashford, Burling, Howard, Johnson, and Kopplin
2	No	Senators Avery and Raikes
0	Present, not voting	
0	Absent	

Proponents:

Senator Ron Raikes
Don Carley

Representing:

Introducer
Self

Opponents:

Ron Clark
Alan Katzberg
Molly Underwood
Karen Bamesberger
Grant E. Fisher
Curtis Cogswell
Mike Harmon

Representing:

Self
Nebraska Rural Community Schools Association
McCool Junction Public Schools
Self
Self
McCool Junction Public Schools
Giltner Public Schools

Neutral:

Gene Burton

Representing:

Prague Public Schools

Summary of purpose and/or changes:

Legislative Bill 230 would restrict the student counts to resident students for determining eligibility to transfer property between school districts pursuant to “freeholding” provisions. The resident student counts for provisions related to depopulated school districts would be clarified.

Section 79-458 would be amended by restricting the student count to resident students for purposes of determining eligibility to transfer land from one school district to another pursuant to such section, commonly known as freeholding. A new provision would exclude option students, foreign exchange students, or students who are wards of the court or state who would not otherwise be resident students from the calculation of the number of resident students.

Landowners are allowed under § 79-458 to transfer land from a Class II or III school district if such district:

1. Has had an average daily membership in grades 9-12 of less than sixty for 2 consecutive school fiscal years immediately preceding the filing of the petition;
2. Has voted to exceed the maximum levy and the vote is effective for the school fiscal year in which the petition is filed or for the following school fiscal year;
3. Has a high school within 15 miles on a maintained public highway or maintained public road of another high school; and
4. Is not a member of a learning community.

The land may be transferred to a district that is contiguous to the land. For the purpose of determining whether a tract of land is contiguous, all petitions currently being considered by the board are considered together as a whole. The petitions must also be approved by a majority of the school board of the district to which the land would be attached.

Section 79-498 would be amended by clarifying the requirements to dissolve districts with less than 3 legal voters and districts that do not either maintain a school for at least 1 resident student or contract for the education of resident students. Such dissolutions would be based on a resident student count that would not include option students, foreign exchange students, or students who are wards of the court or state who would not otherwise be resident students. An extreme hardship exception would also be restricted to resident students. The current provisions, except the extreme hardship provisions, include resident student and not option students in the count, but do not address foreign exchange students or state wards.

The notification provisions would also be amended. The current provisions require the State Committee for the Reorganization of School Districts to notify each legal resident of the district. The new provisions require the committee to provide notice by publication at least once in a legal newspaper of general circulation in the district.

Section 79-499 would be amended by clarifying that the student counts do not include option students, foreign exchange students, and students who are wards of the court or state who would not otherwise be resident students for the provisions applying to districts with less than 35 high school students and the provisions applying to districts with less than 25 high school students. Subsection 4 currently excludes option students, foreign exchange students, and all wards of the court or state from the calculations for the section. However, the other subsections do not cross reference the provisions of subsection 4 or otherwise indicate that only resident students are to be included in the student counts.

The section requires districts with less than 35 to submit a plan for developing cooperative programs if there is another high school within 15 miles from the district on a reasonable improved highway. If a district has less than 25 high school students for 2 years or contracts for

the education of all high school students for 1 year, the district is required to become a Class I school district. A district that contracts for the education of all high school students may only resume high school education if the district has at least 50 high school students in the average daily membership.

Explanation of amendments, if any:

Senator Ron Raikes, Chairperson