

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 711

Introduced by Dierks, 40.

Read first time January 06, 2010

Committee: Education

A BILL

1 FOR AN ACT relating to unified school systems; to amend section
2 79-4,108, Reissue Revised Statutes of Nebraska; to change
3 provisions relating to interlocal agreements; and to
4 repeal the original section.

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

1 Section 1. Section 79-4,108, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 79-4,108 (1) Unified system means two or more Class II or
4 III school districts participating in an interlocal agreement
5 under the Interlocal Cooperation Act with approval from the
6 State Committee for the Reorganization of School Districts. The
7 interlocal agreement may include Class I districts if the entire
8 valuation is included in the unified system. The interlocal
9 agreement shall provide:

10 (a) For ~~for~~ a minimum term of three school years;

11 (b) That ~~The agreement shall provide that~~ all property
12 tax and state aid resources shall be shared by the unified system;

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

25 (d) That ~~The interlocal agreement shall also provide~~

1 ~~that~~ certificated staff will be employees of the unified system.
2 For any certificated staff employed by the unified system, tenure
3 and seniority as of the effective date of the interlocal agreement
4 shall be transferred to the unified system and tenure and seniority
5 provisions shall continue in the unified system except as provided
6 in sections 79-850 to 79-858. If a district withdraws from the
7 unified system or if the interlocal agreement expires and is not
8 renewed, certificated staff employed by a participating district
9 immediately prior to the unification shall be reemployed by the
10 original district and tenure and seniority as of the effective
11 date of the withdrawal or expiration shall be transferred to the
12 original district. The certificated staff hired by the unified
13 system but not employed by a participating district immediately
14 prior to the unification shall be subject to the reduction-in-force
15 policy of the unified system;

16 (e) That the ~~- The interlocal agreement shall also~~
17 ~~require~~ participating districts ~~to~~ shall pay obligations of the
18 unified system pursuant to sections 79-850 to 79-858 on a pro rata
19 basis based on the adjusted valuations if a district withdraws from
20 the unified system or if the interlocal agreement expires and is
21 not renewed; ~~and-~~

22 (f) The permissible method or methods for accomplishing
23 the partial or complete termination of the interlocal agreement
24 and for disposing of assets and liabilities upon such partial or
25 complete termination.

1 Additional provisions in the interlocal agreement shall
2 be determined by the participating districts and shall encourage
3 cooperation within the unified system.

4 (2) Application for unification shall be made to the
5 state committee. The application shall contain a copy of the
6 interlocal agreement signed by the president of each participating
7 school board. The state committee shall approve or disapprove
8 applications for unification within forty days after receipt
9 of the application. If the interlocal agreement complies with
10 subsection (1) of this section and all school boards of the
11 participating districts have approved the interlocal agreement,
12 the state committee shall approve the application. Unification
13 agreements shall be effective on June 1 following approval from
14 the state committee for status as a unified system or on the date
15 specified in the interlocal agreement, except that the date shall
16 be on or after June 1 and on or before September 1 for a specified
17 year. The board established in the interlocal agreement may begin
18 meeting any time after the application has been approved by the
19 state committee.

20 (3) Upon granting the application for unification, the
21 State Department of Education shall recognize the unified system
22 as a single Class II or III district for state aid, budgeting,
23 accreditation, enrollment of students, state programs, and
24 reporting, except that the department shall require such reporting
25 on an individual district basis as necessary to calculate formula

1 need pursuant to the Tax Equity and Educational Opportunities
2 Support Act separately for each participating district beginning
3 with the calculation of state aid for school fiscal year 2009-10.
4 Except as otherwise required by the department, the unified system
5 shall submit a single report document for each of the reports
6 required of school districts pursuant to Chapter 79 and shall
7 submit a single budget document pursuant to the Nebraska Budget Act
8 and sections 13-518 to 13-522. The class of district shall be the
9 same as the majority of participating districts, excluding Class
10 I districts. If there are an equal number of Class II and Class
11 III districts in the unified system, the unified system shall be
12 recognized by the department as a Class III district.

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

17 ~~(5) The withdrawal of a participating school district~~
18 ~~from a unified system or dissolution of a unified system shall~~
19 ~~occur only if each participating school district in such unified~~
20 ~~system either will be merged with at least one other school~~
21 ~~district or will continue participation in such unified system~~
22 ~~with at least one other participating school district following~~
23 ~~such withdrawal or dissolution. The withdrawal of a participating~~
24 ~~school district from a unified system or dissolution of a unified~~
25 ~~system shall be accomplished and the rights and liabilities of~~

1 the participating school districts determined through an action for
2 declaratory judgment pursuant to the Uniform Declaratory Judgments
3 Act. An action under the act praying for the withdrawal of a
4 participating school district, dissolution of the unified system,
5 or a declaration of the rights and liabilities of the participating
6 school districts may be brought by the school board of any
7 participating school district. The court shall have jurisdiction
8 to determine all matters relating to the rights and liabilities
9 of the participating school districts, including, but not limited
10 to, the allocation among the participating school districts of
11 (a) the certificated staff employed by the unified system among
12 the participating school districts, (b) the real and personal
13 property acquired by and held in the name of the unified system,
14 (c) the local, state, and federal revenue of the unified system,
15 including state aid to be paid to the unified system for the year
16 following the withdrawal of a participating school district or the
17 dissolution of the unified system, and (d) the liability for the
18 repayment pursuant to subsection (8) of section 79-1010 of any
19 incentive aid received by the unified system and its participating
20 school districts, which liability shall be subtracted from the
21 state aid of the participating school districts to which such
22 repayment is allocated for the school fiscal years following the
23 last school fiscal year of participation of a withdrawing school
24 district or the operation of the dissolved unified system. The
25 State Department of Education shall implement and enforce all terms

1 of any decree of declaratory judgment entered pursuant to this
2 section.

3 ~~(6) After April 3, 2008, the State Committee for the~~
4 ~~Reorganization of School Districts shall not approve or order into~~
5 ~~effect any new unified system under this section. The committee~~
6 ~~may approve and order into effect the addition of school districts~~
7 ~~to a unified system or the continuation of a unified system if~~
8 ~~the continuing unified system will consist of at least two school~~
9 ~~districts which are continuing participation in the unified system.~~

10 Sec. 2. Original section 79-4,108, Reissue Revised
11 Statutes of Nebraska, is repealed.