

E AND R AMENDMENTS TO LB 1070

Introduced by Wishart, 27, Chairman Enrollment and Review

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:

3 Section 1. Section 79-499, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:

5 79-499 (1) Commencing with the 1992-93 school year, if the fall
6 school district membership or the average daily membership of an existing
7 Class II or III school district shows fewer ~~less~~ than thirty-five
8 students in grades nine through twelve, the district shall submit a plan
9 for developing cooperative programs with other high schools, including
10 the sharing of curriculum and certificated and noncertificated staff, to
11 the State Committee for the Reorganization of School Districts. The
12 cooperative program plan shall be submitted by the school district by
13 September 1 of the year following such fall school district membership or
14 average daily membership report. A cooperative program plan shall not be
15 required if there is no high school within fifteen miles from such
16 district on a reasonably improved highway. The state committee shall
17 review the plan and provide advice and communication to such school
18 district and other high schools.

19 (2) If for two consecutive years the fall school district
20 membership, or for two consecutive years the average daily membership, of
21 an existing Class II or III school district is fewer ~~less~~ than twenty-
22 five pupils in grades nine through twelve or if for one year an existing
23 Class II or III school district contracts with a neighboring school
24 district or districts to provide educational services for all of its
25 pupils in grades nine through twelve, such school district shall, except
26 as provided in subsection (3) or (4) of this section, become a Class I
27 school district through the order of the state committee if the high

1 school is within fifteen miles on a reasonably improved highway of
2 another high school.

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

6 (3) Any Class II or III school district maintaining a four-year high
7 school which has a fall school district membership or an average daily
8 membership of fewer ~~less~~ than twenty-five students in grades nine through
9 twelve may contract with another school district to provide educational
10 services for its pupils in grades nine through twelve. Such contract may
11 continue for a period not to exceed one year. At the end of such one-year
12 period, the school district may resume educational services for grades
13 nine through twelve if the average daily membership in grades nine
14 through twelve for such school district has reached at least fifty
15 students. If the school district has not achieved such fall school
16 district membership or average daily membership, it shall become a Class
17 I school district by order of the state committee entered after thirty
18 days' notice to the district but without a hearing, notwithstanding the
19 distance on a reasonably improved highway to the nearest school district
20 conducting a high school.

21 (4)(a) Any Class II or III school district maintaining the only
22 public high school in the county ~~may continue to operate the high school~~
23 with a fall school district membership or an average daily membership of
24 fewer less than twenty-five students in grades nine through twelve shall
25 be subject to this subsection until such school district reaches a fall
26 school district membership or average daily membership of at least
27 thirty-five students or fewer than fifteen students in grades nine
28 through twelve or dissolves. Such school district may continue to operate
29 the high school if:

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

1 and

2 (ii) At a districtwide election held the second Tuesday of November
3 by whatever means the county conducts balloting, in the second
4 consecutive school year that the fall school district membership for
5 grades nine through twelve is fewer ~~less~~ than twenty-five students ~~and~~
6 ~~for each succeeding school year unless such membership is at least~~
7 ~~thirty-five students for such school year,~~ a majority of voters approve a
8 ballot issue to continue to operate the high school for the immediately
9 following school year. If such ballot issue succeeds in the initial
10 election, the school board shall annually determine if such a
11 districtwide election is necessary for each subsequent year that the
12 school district is subject to this subsection, except that such school
13 board shall hold such districtwide election if four years have passed
14 since the last election pursuant to this section and the school district
15 has remained subject to this subsection.

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

1 (c) This subsection shall not apply to any school district if the
2 fall school district membership or an average daily membership falls to
3 fewer ~~less~~ than fifteen students in grades nine through twelve.

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

10 Sec. 2. Original section 79-499, Revised Statutes Cumulative
11 Supplement, 2016, is repealed.

12 2. On page 1, strike beginning with "an" in line 2 through
13 "requirement" in line 3 and insert "provisions relating to elections to
14 continue the operation of certain high schools".