

AMENDMENTS TO LB1166

Introduced by Education.

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

3           Section 1. Section 79-499, Revised Statutes Cumulative Supplement,  
4 2018, is amended to read:

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

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

1 is within fifteen miles on a reasonably improved highway of another high  
2 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 III school district which has a fall school district  
7 membership or an average daily membership of fewer than twenty-five  
8 students in grades nine through twelve may contract with another school  
9 district to provide educational services for its pupils in grades nine  
10 through twelve. Such contract may continue for a period not to exceed one  
11 year. At the end of such one-year period, the school district may resume  
12 educational services for grades nine through twelve if the average daily  
13 membership in grades nine through twelve for such school district has  
14 reached at least fifty students. If the school district has not achieved  
15 such fall school district membership or average daily membership, it  
16 shall be dissolved pursuant to the procedures described in subdivision  
17 (4)(b) of this section by order of the state committee entered after  
18 thirty days' notice to the district but without a hearing,  
19 notwithstanding the distance on a reasonably improved highway to the  
20 nearest school district conducting a high school.

21 (4)(a) Any Class III school district maintaining the only public  
22 high school in the county with a fall school district membership or an  
23 average daily membership of fewer than twenty-five students in grades  
24 nine through twelve shall be subject to this subsection until such school  
25 district reaches a fall school district membership or an average daily  
26 membership in grades nine through twelve of at least thirty-five students  
27 or, for two consecutive years, fewer than fifteen students in grades nine  
28 through twelve or such school district dissolves. Such school district  
29 may continue to operate 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 than twenty-five students, a majority  
6 of voters approve a ballot issue to continue to operate the high school  
7 for the immediately following school year. If such ballot issue succeeds  
8 in the initial election, the school board shall annually determine if  
9 such a districtwide election is necessary for each subsequent year that  
10 the school district is subject to this subsection, except that such  
11 school board shall hold such districtwide election if four years have  
12 passed since the last election pursuant to this section and the school  
13 district has remained subject to this subsection.

14 (b) If such ballot issue as provided in subdivision (4)(a)(ii) of  
15 this section fails, or if a school district falls within the provisions  
16 of subsection (2) or (3) of this section, the state committee shall  
17 dissolve the school district and attach the territory to other school  
18 districts based on the preferences of each landowner if such preference  
19 is provided in the time and manner required by the state committee and  
20 would transfer such parcels to a school district with a boundary  
21 contiguous to the school district being dissolved. Landowners submitting  
22 such preferences shall sign a statement that the district of preference  
23 is the district which children who might reside on the property, at the  
24 time of the dissolution or in the future, would be expected to attend.  
25 For property for which a preference is not provided in the time and  
26 manner required by the state committee, the state committee shall  
27 transfer such property to one or more of the school districts with  
28 boundaries contiguous to the district being dissolved in a manner that  
29 will best serve children who might reside on such property, at the time  
30 of the dissolution or in the future, and that will, to the extent  
31 possible, create compact and 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 than fifteen students in grades nine through twelve for two  
4 consecutive years.

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

11           Sec. 2.    Original section 79-499, Revised Statutes Cumulative  
12 Supplement, 2018, is repealed.

13           Sec. 3.    Since an emergency exists, this act takes effect when  
14 passed and approved according to law.