

LEGISLATIVE BILL 1057

Approved by the Governor April 18, 2022

Introduced by Brewer, 43.

A BILL FOR AN ACT relating to schools; to amend section 79-848, Reissue Revised Statutes of Nebraska, and section 79-499, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to Class III school district membership and under what conditions such school may continue to operate; to harmonize provisions; and to repeal the original sections.
Be it enacted by the people of the State of Nebraska,

Section 1. Section 79-499, Revised Statutes Cumulative Supplement, 2020, is amended to read:

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

(2) If for two consecutive years the fall school district membership, or for two consecutive years the average daily membership, of an existing Class III school district is fewer than forty-five ~~twenty-five~~ ~~pupils~~ in grades kindergarten ~~nine~~ through twelve as determined by the Commissioner of Education or if for one year an existing Class III school district contracts with a neighboring school district or districts to provide educational services for all of its pupils in grades nine through twelve, such school district shall, except as provided in subsection (3) or (4) of this section, be dissolved pursuant to the procedures described in subdivision (3)(b) (4)(b) of this section through the order of the state committee if the high school district ~~is~~ within fifteen miles on a reasonably improved highway of another high school.

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

~~(3) Any Class III school district which has a fall school district membership or an average daily membership of fewer than twenty-five students in grades nine through twelve may contract with another school district to provide educational services for its pupils in grades nine through twelve. Such contract may continue for a period not to exceed one year. At the end of such one-year period, the school district may resume educational services for grades nine through twelve if the average daily membership in grades nine through twelve for such school district has reached at least fifty students. If the school district has not achieved such fall school district membership or average daily membership, it shall be dissolved pursuant to the procedures described in subdivision (4)(b) of this section by order of the state committee entered after thirty days' notice to the district but without a hearing, notwithstanding the distance on a reasonably improved highway to the nearest school district conducting a high school.~~

~~(3)(a) (4)(a) Any Class III school district which is maintaining the only public high school district in the county and which has with a fall school district membership or an average daily membership of fewer than forty-five~~ ~~twenty-five~~ students in grades kindergarten ~~nine~~ through twelve shall be subject to this subsection until such school district reaches a fall school district membership or an average daily membership in grades kindergarten ~~nine~~ through twelve of at least forty-five ~~thirty-five~~ students or, ~~for two consecutive years, fewer than fifteen students~~ or such school district dissolves. Such school district may continue to operate ~~the high school~~ if:

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

(ii) At a districtwide election held the second Tuesday of November by whatever means the county conducts balloting, in the second consecutive school year that the fall school district membership for grades kindergarten ~~nine~~ through twelve is fewer than forty-five ~~twenty-five~~ students, a majority of voters approve a ballot issue to continue to operate the high school district for the immediately following four ~~school~~ years year. If such ballot issue succeeds and in the initial election, the school board shall annually determine if such a districtwide election is necessary for each subsequent year that the school district remains is subject to this subsection, ~~except that such school board or board of education shall conduct a public hearing and, after receiving testimony at the public hearing, vote whether to continue to operate the school district every four years thereafter. If such ballot issue or such vote of the~~

~~school board or board of education fails, the school district shall be dissolved pursuant to the procedures described in subdivision (3)(b) of this section hold such districtwide election if four years have passed since the last election pursuant to this section and the school district has remained subject to this subsection.~~

~~(b) The If such ballot issue as provided in subdivision (4)(a)(ii) of this section fails, or if a school district falls within the provisions of subsection (2) or (3) of this section, the state committee shall dissolve the school district and attach the territory to other school districts based on the preferences of each landowner if such preference is provided in the time and manner required by the state committee and would transfer such parcels to a school district with a boundary contiguous to the school district being dissolved. Landowners submitting such preferences shall sign a statement that the district of preference is the district which children who might reside on the property, at the time of the dissolution or in the future, would be expected to attend. For property for which a preference is not provided in the time and manner required by the state committee, the state committee shall transfer such property to one or more of the school districts with boundaries contiguous to the district being dissolved in a manner that will best serve children who might reside on such property, at the time of the dissolution or in the future, and that will, to the extent possible, create compact and contiguous districts.~~

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

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

Sec. 2. Section 79-848, Reissue Revised Statutes of Nebraska, is amended to read:

79-848 Any employee whose contract is terminated because of reduction in force shall be considered dismissed with honor and shall upon request be provided a letter to that effect. Such employee shall have preferred rights to reemployment for a period of twenty-four months commencing at the end of the contract year of such employee, and the employee shall be recalled on the basis of length of service to the school to any position for which he or she is qualified by endorsement or college preparation to teach. Whenever a school district has, pursuant to section 79-598, contracted for the instruction of all of the students residing in such district ~~or has, pursuant to section 79-499, contracted for the instruction of its students in grades nine through twelve,~~ the preferred rights to reemployment shall commence at the end of the student contract period as agreed to by the contracting school district. The employee shall, upon reappointment, retain any benefits which had accrued to such employee prior to termination, but such leave of absence shall not be considered as a year of employment by the district. An employee under contract to another educational institution may waive recall, but such waiver shall not deprive the employee of his or her right to subsequent recall.

Sec. 3. Original section 79-848, Reissue Revised Statutes of Nebraska, and section 79-499, Revised Statutes Cumulative Supplement, 2020, are repealed.