

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 477**

Introduced by Davis, 43.

Read first time January 20, 2015

Committee:

- 1 A BILL FOR AN ACT relating to schools; to amend section 79-499, Reissue
- 2 Revised Statutes of Nebraska; to change provisions relating to a
- 3 district maintaining the only public high school in a county as
- 4 prescribed; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-499, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 79-499 (1) Commencing with the 1992-93 school year, if the fall  
4 school district membership or the average daily membership of an existing  
5 Class II or III school district shows less than thirty-five students in  
6 grades nine through twelve, the district shall submit a plan for  
7 developing cooperative programs with other high schools, including the  
8 sharing of curriculum and certificated and noncertificated staff, to the  
9 State Committee for the Reorganization of School Districts. The  
10 cooperative program plan shall be submitted by the school district by  
11 September 1 of the year following such fall school district membership or  
12 average daily membership report. A cooperative program plan shall not be  
13 required if there is no high school within fifteen miles from such  
14 district on a reasonably improved highway. The state committee shall  
15 review the plan and provide advice and communication to such school  
16 district and other high schools.

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

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

30 (3) Any Class II or III school district maintaining a four-year high  
31 school which has a fall school district membership or an average daily

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

14 (4)(a) Any Class II or III school district maintaining the only  
15 public high school in the county may continue to operate the high school  
16 with a fall school district membership or an average daily membership of  
17 less than twenty-five students in grades nine through twelve if:

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

21 (ii) At a districtwide election held the second Tuesday of November  
22 by whatever means the county conducts balloting, in the second  
23 consecutive school year that the fall school district membership for  
24 grades nine through twelve is less than twenty-five students and for each  
25 succeeding school year unless such membership is at least thirty-five  
26 students for such school year, a majority of voters approve a ballot  
27 issue to continue to operate the high school for the immediately  
28 following school year.

29 (b) If such ballot issue fails, the state committee shall dissolve  
30 the school district and attach the territory to other school districts  
31 based on the preferences of each landowner if such preference is provided

1 in the time and manner required by the state committee and would transfer  
2 such parcels to a school district with a boundary contiguous to the  
3 school district being dissolved. Landowners submitting such preferences  
4 shall sign a statement that the district of preference is the district  
5 which children who might reside on the property, at the time of the  
6 dissolution or in the future, would be expected to attend. For property  
7 for which a preference is not provided in the time and manner required by  
8 the state committee, the state committee shall transfer such property to  
9 one or more of the school districts with boundaries contiguous to the  
10 district being dissolved in a manner that will best serve children who  
11 might reside on such property, at the time of the dissolution or in the  
12 future, and that will, to the extent possible, create compact and  
13 contiguous districts.

14 (c) This subsection shall not apply to any school district if the  
15 fall school district membership or an average daily membership falls to  
16 less than fifteen students in grades nine through twelve.

17 (5 4) For purposes of this section, when calculating fall school  
18 district membership or average daily membership, a resident school  
19 district as defined in section 79-233 shall not count students attending  
20 an option district as defined in such section and a Class II or III  
21 school district shall not count foreign exchange students and nonresident  
22 students who are wards of the court or state.

23 Sec. 2. Original section 79-499, Reissue Revised Statutes of  
24 Nebraska, is repealed.