

LEGISLATIVE BILL 942

Approved by the Governor April 10, 1984

Introduced by Vickers, 38

AN ACT relating to schools; to amend sections 79-402.06 and 79-701, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to certain petitions; to change provisions relating to the discontinuance of a Class II school district as prescribed; and to repeal the original section.

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

Section 1. That section 79-402.06, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-402.06. Petitions presented pursuant to sections 79-402.03 to 79-402.05 shall be subject to the same requirements for content, hearings, notice, review, and appeal as petitions submitted pursuant to section 79-402, except that a petition presented pursuant to section 79-402.03 shall not become effective unless it is approved by a vote of a majority of the members of the state committee for school district reorganization. If such petition is not approved, the final hearing by the county committee for school district reorganization and the county superintendent shall not be held. Any person adversely affected by the disapproval shall have the right of appeal under section 79-402.

Sec. 2. That section 79-701, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-701. (1) A Class II district shall be created whenever a Class I district determines by a majority vote of the electors to establish a high school.

(2) The members of the school board serving when it is decided to establish a high school shall continue in office until the first Tuesday in June following the next statewide primary election, at which election a six-member board shall be elected. The three receiving the highest number of votes shall be elected for a term of four years and the three receiving the next highest number of votes shall be elected for a term of two years.

(3) If a Class II district, by a vote of fifty-five per cent of the legal voters voting at an annual or special meeting, ~~shall decide~~ decides to discontinue the high school and close the same, the district shall thereupon become a Class I district on the date designated by such voters. At such meeting a decision shall be made as to when the new board of education shall be elected and whether the board shall consist of three members or six

members. No new Class I district shall establish a six-member board unless the district contains a minimum of one hundred fifty children between five and twenty-one years of age pursuant to section 79-601. The board of education of the existing Class II district shall remain in office until the effective date for the formation of the new Class I district.

If the new board of education is to consist of three members, such members shall be elected at the time the electors vote to change from a Class II district to a Class I district or at any annual or special meeting held not less than thirty days prior to the effective date of the change from a Class II district to a Class I district. At such the annual or special meeting, a treasurer shall be elected for a term of one year, a secretary for a term of two years, and a president for a term of three years; and regularly thereafter; their successors shall be elected for the term of three years each; and all officers so elected shall hold their offices until their successors are elected and qualified. After such change becomes effective, the district and its officers shall have the powers and be governed by the provisions of law applicable to Class I school districts.

If the new board of education is to consist of six members, such members shall be elected after school district electors have voted to change from a Class II district to a Class I district. The procedure for electing board members shall be as prescribed in subsection (3) of section 79-601, except that such election may be held at any annual meeting or at a special meeting called for the purpose of electing school district officers.

(4) No district may change from Class I to Class II unless that district has an enrollment of not less than one hundred pupils in grades nine to twelve. This subsection shall not apply to any district located on an Indian reservation and substantially or totally financed by the federal government.

(5) If for three consecutive years the average daily membership of an existing Class II district shall be is less than twenty-five pupils in grades nine through twelve in the case of a district maintaining a four-year high school; or less than ten pupils in grades nine and ten in the case of a district maintaining a two-year high school; or after the effective date of this act if for one year an existing Class II district contracts with a neighboring district or districts to provide educational services for all of its pupils in grades nine through twelve, such district shall, except as provided in subsection (6) of this section, become a Class I district through the order of the county superintendent if such four-year the high school shall be is within fifteen miles on a reasonably improved highway of another four-year high school. 7 or if such two-year high school shall be within

~~fifteen miles on a reasonably improved highway of any high
seheet:~~ This subsection shall not apply to any district
located on an Indian reservation and substantially or
totally financed by the federal government.

(6) Any Class II district maintaining a four-year high school which has an average daily membership of less than twenty-five students in grades nine through twelve for three consecutive years which is subject to the provisions of subsection (5) of this section may contract with another district to provide educational services for its pupils in grades nine through twelve. Such contract may continue for a period not to exceed three years. At the end of such three-year period the district may resume educational services for grades nine through twelve if the average daily membership in grades nine through twelve for such district has reached at least fifty students, except that after the effective date of this act, a Class II district may contract pursuant to this subsection for a period of only one year and at the end of such one-year period the district may resume educational services for grades nine through twelve if the average daily membership in grades nine through twelve for such district has reached at least fifty students. If the district has not achieved such average daily membership, it shall become a Class I district as prescribed in subsection (5) of this section.

Sec. 3. That original sections 79-402.06 and 79-701, Reissue Revised Statutes of Nebraska, 1943, are repealed.