

LEGISLATURE OF NEBRASKA
NINETY-SECOND LEGISLATURE
FIRST SESSION

Legislative Bill 719

Introduced by Withem, 14
Read first time January 23, 1991
Committee: Education

A BILL

FOR AN ACT relating to schools and school districts; to amend sections 79-438.12 and 79-4,223, Revised Statutes Supplement, 1990; to change a date relating to affiliation of school districts; and to repeal the original sections.

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

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Section 1. That section 79-438.12, Revised Statutes Supplement, 1990, be amended to read as follows:

79-438.12. (1) Except as provided in subsection (2) of this section, on and after ~~July 1~~ June 30, 1994, the budget of operational expenses of each high school district and Class I district or in an affiliated school system shall be certified to the county superintendent and county assessor for computation of an affiliated school system tax levy. The proceeds of such levy, upon collection by the county, shall be distributed to the districts in the affiliated school system in amounts which are in proportion to the amounts of the budget of operational expenses certified by such districts to the county superintendent and county assessor. Such levy shall be computed as follows:

(a) If a Class I district affiliates with only one high school district, the sum of the property tax requirements necessary to fund the budget of operational expenses of each district or portion thereof shall be divided by the sum of the assessed valuation of each such district or portion thereof, except that only that portion of the budget of operational expenses of each district or portion thereof which does not exceed the

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prior year's budget of operational expenses, multiplied by a factor equal to one hundred one percent of the average countywide growth in the budget of operational expenses shall be included in such computation. The remainder of such budget of operational expenses shall be assessed to the property of such district or portion thereof which exceeds such average countywide growth level; or

(b) If a Class I district affiliates with more than one high school district, such Class I district's budget of operational expenses shall be apportioned to respective portions of such Class I district for purposes of this computation based on each portion's assessed taxable valuation in relation to the total assessed valuation of the entire Class I district. If a Class I district affiliates with more than one high school district, an average districtwide affiliated school system tax levy shall be computed as follows:

(i) The affiliated school system tax levy applicable to each portion of Class I district property shall be multiplied by the taxable assessed valuation of such corresponding portion of Class I district property; and

(ii) The tax dollar yield from all such portions of Class I district property shall be totaled

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and divided by the taxable assessed valuation of the entire Class I district to arrive at the average districtwide affiliated school system levy.

(2) The affiliated school system tax levy established pursuant to subsection (1) of this section shall not apply to a Class VI district or a Class I district or portion thereof which is affiliated with a Class VI district. A Class I district affiliating in whole or in part with a Class VI district shall pay a high school levy as provided in section 79-438.10.

Sec. 2. That section 79-4,223, Revised Statutes Supplement, 1990, be amended to read as follows:

79-4,223. On, and after ~~July 1~~ June 30, 1994, the facilities, programs, and services of a district In an affiliated school system shall be open to all students residing in every district or portion thereof which is part of such affiliated school system, except that this section shall not apply to the facilities, programs, and services of Class I districts or portions thereof which are affiliated with or a part of a Class VI district. The school

board of any affiliated Class I district may request that the school board of a high school district within the same affiliated school system provide, at the Class I facility, elementary educational

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services or programs which are offered by the high school district but not available at the Class I facility. The school board shall make every reasonable effort to comply with such request. Any additional funds expended by the high school district to provide educational services or programs requested by the Class I district shall be included in the budget of operational expenses for purposes of the computation provided in subdivision (1)(a) of section 79-438.12 and shall be supported by the affiliated school system tax levy described in section 79-438.12. Any parent or legal guardian of a student opting to enroll such student in a facility in another district within an affiliated school system other than the district in which such parent or legal guardian resides shall, by January 1 of each year to be effective for the succeeding school year, file a notice of intent to so enroll such student. The date for filing the notice may, by mutual agreement of the boards of education of the districts involved, be extended to any date agreed upon by such boards.

Sec. 3. That original sections 79-438.12 and 79-4,223, Revised Statutes Supplement, 1990, are repealed.

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