

**Nebraska Department of Education  
School Finance & Organization Services**

**2010/11  
Budget Text  
For  
Nebraska Public School Districts**

**This Budget Text Should Be Used in Conjunction With:  
2010/11 Budget LC-2 Preparation Guidelines  
2010-2011 School District Budget Instruction Manual  
Nebraska Budget Act  
Tax Equity and Educational Opportunities Support Act**

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<http://www.education.ne.gov/FOS/SchoolFinance/Budget/>

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## INTRODUCTION

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This *Budget Text* has been written to provide school districts with information on the budget process. Specific statute references are provided throughout the *Budget Text* to assist the reader in locating a particular provision of law. Every effort has been made to make this *Budget Text* as complete and accurate as possible; however, discrepancies and omissions may occur. Please refer to the Nebraska Revised Statutes for complete information on the Nebraska Budget Act [§13-501 through §13-522] and the Tax Equity and Educational Opportunities Support Act [§79-1001 through §79-1033].

This *Budget Text* does not contain all of the guidelines or all of the necessary forms for completing the budget process. It should be used in conjunction with the School District Budget Instruction Manual, the Budget Form LC-2 Preparation Guidelines, the Nebraska Budget Act, and the Tax Equity and Educational Opportunities Support Act.

The information provided in this *Budget Text* is current as of July 1, 2010. The *Budget Text* is designed to assist Nebraska school districts in understanding the budget process in compliance with State Statutes and is intended to be consistent with relevant State Statutes. It is recommended to consult legal counsel for clarification of any statutory information.

## DETERMINING CERTIFIED BUDGET AUTHORITY

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All public school districts are under an expenditure limitation for the general fund budget of disbursements and transfers. The Department of Education calculates and certifies budget authority to each school district. Certified Budget Authority is the greater of the budget based calculation or the formula needs based calculation. These calculations and the data components used in each calculation are detailed below.

### CALCULATIONS TO DETERMINE CERTIFIED BUDGET AUTHORITY

#### Budget Based Calculation

The Budget Based Calculation uses information from the 2009/10 Lid Computation Form (LC-2) and the 2010/11 Applicable Allowable Growth Rate. The three steps in the 2010/11 Budget Based Calculation are detailed below.

- Step 1:** 2009/10 Total General Fund Budget of Disbursements and Transfers (GFBE) is reduced by 2009/10 Special Grant Funds (SGF), 2009/10 Special Education Budget of Disbursements and Transfers (SPED) and 2009/10 General Fund Lid Exclusions (GFLE).
- Step 2:** The result of the calculation in Step 1 is grown by .75% and the school district's 2010/11 Applicable Allowable Growth Rate (AAGR) to determine Adjusted General Fund Budget of Disbursements and Transfers.
- Step 3:** The 2009/10 Unused Budget Authority (UBA) is added to the Adjusted General Fund Budget of Disbursements and Transfers to generate the Budget Based Calculation.

$$[(GFBE - SGF - SPED - GFLE) \times (1.0075 + AAGR)] + UBA$$

The result of the Budget Based Calculation is compared to the result of the Formula Needs Based Calculation. Certified Budget Authority is the calculation that generates the greatest amount of budget authority for the school district.

#### Formula Needs Based Calculation

The Formula Needs Based Calculation uses information from the 2010/11 State Aid Certification and the 2009/10 LC-2. There are four steps in the 2010/11 Formula Needs Based Calculation. These steps are detailed below.

- Step 1:** 2010/11 Formula Needs (FN) of the school district are increased by 116.15%.

## DETERMINING CERTIFIED BUDGET AUTHORITY

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**Step 2:** 2009/10 Special Education Budget of Disbursements and Transfers (SPED), as filed on or before September 20, 2009, are grown by the Basic Allowable Growth Rate (BAGR) of .25%.

**Step 3:** The result from Step 2 is subtracted from the result in Step 1 to determine Adjusted Formula Needs.

**Step 4:** 2009/10 Unused Budget (UBA) is added to the Adjusted Formula Needs to generate Formula Needs Based Calculation.

$$[(FN \times 1.1615) - ((1 + BAGR) \times SPED)] + UBA$$

The result of the Formula Needs Based Calculation is compared to the result of the Budget Based Calculation. Certified Budget Authority is the calculation that generates the greatest amount of budget authority for the school district.

<b>DATA COMPONENTS USED IN CALCULATING CERTIFIED BUDGET AUTHORITY</b>
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### Formula Needs

Formula needs are a component in the calculation of the Equalization Aid Formula Concept:

$$\text{Needs} - \text{Resources} = \text{Equalization Aid}$$

Information on the calculation of formula needs may be found in the *Tax Equity and Educational Opportunities Support Act* document. That document is available on the State Aid website at:

<http://www.education.ne.gov/FOS/SchoolFinance/StateAid/Default.htm>

### Basic Allowable Growth Rate (§77-3446 & §79-1025)

The Basic Allowable Growth Rate is .25% for school fiscal year 2010/11.

### Applicable Allowable Growth Rate (§79-1026.01)

The Applicable Allowable Growth Rate is between .25% and 3.25% for school fiscal year 2010/11. The calculation of the Applicable Allowable Growth Rate is made by the Department of Education.

## DETERMINING CERTIFIED BUDGET AUTHORITY

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The Applicable Allowable Growth Rate is determined by comparing the actual general fund operating expenditures to the formula needs of the local system. General fund operating expenditures and formula needs of the local system are components in the calculation of State Aid. Information on how general fund operating expenditures and formula needs are calculated may be found in the *Tax Equity and Educational Opportunities Support Act* document. That document is available on the State Aid website at:

<http://www.education.ne.gov/FOS/SchoolFinance/StateAid/Default.htm>

A local system that has actual general fund operating expenditures greater than formula needs will have an Applicable Allowable Growth Rate of .25%.

A local system that has actual general fund operating expenditures lower than 80% of formula needs will have an Applicable Growth Rate of 3.25%.

A local system that has actual general fund operating expenditures that fall between formula needs and 80% of formula needs will have an Applicable Allowable Growth Rate between .25% and 3.25%.

### Data Components from the LC-2

The following data components are compiled from the 2009/10 LC-2 on file with the Department of Education.

- ◆ General Fund Budget of Disbursements and Transfers
- ◆ Unused Budget Authority
- ◆ Special Grant Funds
- ◆ Special Education Budget of Disbursements and Transfers
- ◆ General Fund Lid Exclusions

Data components are available at the following website:

<http://www.education.ne.gov/FOS/SchoolFinance/Budget/Certification.htm>

## EXCLUSIONS TO THE EXPENDITURE LIMITATION

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There are provisions in statute for specific items to be outside of the expenditure limitation. These exclusions are described below and a list of these exclusions may also be found in the Appendix.

### Special Grant Funds

Special grant funds are placed outside of the expenditure limitation by §79-1003(19) and 79-1003(38). The State Board of Education approves a list of special grant funds for each school fiscal year. Special grant funds also include certain items listed on the Special Grant Fund List that require specific approval from the State Board of Education before being accessed by a school district. These special grants include:

- ◆ *Insurance Settlements* – When a settlement is received on an insurance claim(s), the expenditures necessary to repair or replace the item(s) in the claim may be excluded from the expenditure limitation up to the amount of the insurance settlement proceeds received.
- ◆ *Interfund Loans* – The repayment of loans between school district funds may be excluded from the expenditure limitation.
- ◆ *Reimbursements for Wards of the Court* – Payments received by school districts as reimbursements for educating wards of the court may be excluded from the expenditure limitation.
- ◆ *Repayments to County Governments for Previous Overpayments* – Occasionally an error will be made at the county level in the distribution of property taxes to school districts in the county. When this occurs and a school district is required to repay those tax dollars, the repayment may be outside of the expenditure limitation.
- ◆ *Short-term Borrowings* – School district borrowings that are made and repaid within the same school fiscal year may be excluded from the expenditure limitation. These include, but are not limited to, tax anticipation notes, registered warrants and short-term loans for cash flow purposes.
- ◆ *Special Supplementary Grants from City or County Governments* – Any grant not currently listed on the Special Grant Fund List from a city or county government.
- ◆ *Special Supplementary Grants from Corporations, Foundations, or Other Private Interests* – Any grants not currently listed on the Special Grant Fund list from a corporation, a foundation or any other private interest.

## **EXCLUSIONS TO THE EXPENDITURE LIMITATION**

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The receipt of additional grants occurs frequently during a school fiscal year. A school district must receive State Board approval to exclude an additional grant from the expenditure lid. To receive State Board approval for one of the items listed above, follow the process detailed at the end of this Section.

The General Fund budget may need to be amended to provide a school district with the authority to spend the additional grant funds. The amendment process would occur when the expenditure of additional grant funds would cause the school district to exceed the Total General Fund Budget of Disbursements and Transfers. This figure is shown on the School District Budget Form and represents the maximum amount of money that may be spent during the school fiscal year from the General Fund. The Special Grant Fund List and the LC-2 must also be amended when amending the General Fund budget for additional grants.

### **Special Education**

Items budgeted as special education are placed outside of the expenditure limitation by §79-1023. State Statute Section 79-1025 prohibits a school district from using the budget authority for special education on non-special education expenditures.

There is no limitation placed on the amount of funds a school district may budget for special education expenditures. A limitation is placed on the amount of money that will be reimbursed by the State of Nebraska for special education expenditures.

### **Infrastructure Damaged by Natural Disaster**

An exclusion to the expenditure limitation exists for school districts with expenditures for repairs to infrastructure damaged by a natural disaster. In order to be considered an exclusion to the expenditure limitation, the Governor or the Federal Emergency Management Agency (FEMA) must declare a disaster emergency pursuant to the Emergency Management Act. This exclusion may be found in §79-1028.01(a) and requires State Board approval.

### **Judgments Not Paid by Liability Insurance**

As stated in §79-1028.01(b), to qualify for this exclusion the school district must have a judgment entered against it that requires or obligates the school district to pay such judgment. The exclusion is limited to the amount not paid by the liability insurance coverage of the school district. This exclusion does not apply to judgments or orders from the Commission of Industrial Relations (CIR). A school district must apply to the State Board for approval to utilize this exclusion.

## **EXCLUSIONS TO THE EXPENDITURE LIMITATION**

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### **Retirement Incentive Plan & Staff Development Assistance**

The Retirement Incentive Plan and Staff Development Assistance are described in §79-854 through §79-858 and are available to any school district that has reorganized and a reduction in force is necessary. The options also apply to any Class II or III school district that has unified and a reduction in force is necessary. The deadline for notifying certified staff of the availability of these options is March 15. Costs incurred through the establishment of a Retirement Incentive Plan and/or Staff Development Assistance are exclusions to the expenditure limitation. Consult the Nebraska Revised Statutes and/or legal counsel for assistance in meeting the specific steps a school district must follow when implementing either of these options. These exclusions may be found in §79-1028.01(c). State Board approval is required for these exclusions.

### **Distance Education Courses**

A school district may have an exclusion not to exceed the amounts received from educational entities, as defined in section 79-1201.01, for providing distance education courses through the Educational Service Unit Coordinating Council to such educational entities. The State Board of Education must approve the use of this exclusion. This exclusion may be found in §79-1028.01(e).

### **Data Transmission Networks Exclusion**

This exclusion is available for the first and second school fiscal years a school district will be participating in Network Nebraska for the full school fiscal year. This exclusion may be found in §79-1028.01(f). The State Board of Education must approve the use of this exclusion.

For school districts whose first full school fiscal year of participating in Network Nebraska was the 2009/10 school fiscal year, the amount of this exclusion will be the difference between 2010/11 estimated expenditures and 2007/08 actual expenditures for telecommunications services, access to data transmission networks that transmit data to and from the school district, and the transmission of data on such networks.

For school districts whose first full school fiscal year of participating in Network Nebraska is the 2010/11 school fiscal year, the amount of this exclusion will be the difference between 2010/11 estimated expenditures and 2008/09 actual expenditures for telecommunications services, access to data transmission networks that transmit data to and from the school district, and the transmission of data on such networks.

## **EXCLUSIONS TO THE EXPENDITURE LIMITATION**

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### **Expenditures for Transfer of Land**

This exclusion will be the expenditures a school district incurs to pay another school district for the transfer of land. State Board approval is required for this exclusion and the exclusion may be found in §79-1028.01(g).

### **Voluntary Termination Agreements with Certificated Employees**

Expenditures for sums agreed to be paid by a school district to certificated employees in exchange for a voluntary termination of employment occurring prior to July 1, 2009 are outside of the expenditure limitation. This provision is found in §79-1028.01(2)(a) and is only available for agreements with employees who hold a professional certificate in their position. State Board approval is required for this exclusion.

### **Retirement Contribution Increase**

The school district's increase in the contribution rate for employee's salaries will be an exclusion to the expenditure lid through 2013/14. State Board approval is required for this exclusion. The provisions of this exclusion may be found in §79-1028.01(h) & (i). This exclusion allows a school district to exceed the expenditure limitation by a specific dollar amount not to exceed the difference between the employer's contribution rate and 7.35% for the budgeted amount of employee salaries. The expenditure exclusion for Class V school districts will be the difference between the employer's contribution rate and 7.37%

### **New Elementary Attendance Site(s)**

A school district may exceed the expenditure limitation by the specific dollar amount of expenditures for the first year of operating a new elementary attendance site(s). To qualify for this exclusion the elementary attendance site(s) must have to be closed for at least one school year and the elementary attendance site would most likely qualify for the elementary site allowance component in the calculation of 2011/12 State Aid. State Board approval is required for this exclusion. This exclusion may be found in §79-1028.01(2)(b).

### **Process to Request State Board Approval**

Submit a letter, email, or fax to the Department of Education, School Finance & Organization Services to receive State Board approval for any of the exclusions listed in this section. For Special Grants not listed on the Special Grant Fund List or one or more of the Supplementary Grants, the letter, email, or fax should provide details of the purpose of the grant and the amount of funds anticipated to be received. For the

## EXCLUSIONS TO THE EXPENDITURE LIMITATION

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remaining exclusions listed in this section, the letter, email or fax should provide details of the additional expenditures relating to the exclusion.

The Office of School Finance & Organization Services will notify the school district of the State Board's approval, modification, or denial of the amount(s) requested for exclusion from the expenditure lid.

A comprehensive list of exclusions requiring State Board approval is shown below:

- ◆ Special Grants not listed on the Special Grant Fund List
- ◆ Supplementary Grants listed on the Special Grant Fund List
  - Insurance Settlements
  - Interfund Loans
  - Reimbursements for Wards of the Court
  - Repayments to County Governments for Previous Overpayments
  - Short-Term Borrowings
  - Special Supplementary Grants from City or County Government
  - Special Supplementary Grants from Corporations, Foundations or Other Private Interests
- ◆ Infrastructure damaged by a natural disaster
- ◆ Judgments not paid by liability insurance
- ◆ Retirement Incentive Plans and Staff Development Assistance (only available to school districts that have reorganized or unified.)
- ◆ Distance Education Courses
- ◆ Data Transmission Networks Exclusion
- ◆ Expenditures for transfer of land
- ◆ Voluntary Termination Agreements With Certificated Employees
- ◆ Retirement Contribution Increase
- ◆ New Elementary Attendance Site(s)

### Filing Deadlines for Expenditure Exclusions

State Board Meeting	Deadline to File Request for Expenditure Exclusion
August 11, 2010	July 20, 2010
September 2, 2010	August 11, 2010
October 6, 2010	September 15, 2010
November 3, 2010	October 13, 2010
December 8, 2010	November 15, 2010

## ALLOWABLE RESERVE LIMITATION

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School districts are allowed to budget for a cash reserve in most of the budgeted funds. The Depreciation Fund, Contingency Fund and Special Building Fund do not have a budgeted cash reserve. A budgeted cash reserve is the amount of funds a school district expects to have available during the school fiscal year.

Many revenue sources, such as property taxes, are not received evenly throughout the year. Budgeting for a cash reserve helps even out the school district's cash flow during these times. A budgeted cash reserve places a school district in a better financial position to pay bills during times when receipts are coming in slowly.

School districts are not allowed to budget unlimited amounts in cash reserves. Cash reserve limitations take two forms— an Applicable Allowable Reserve Percentage and a percentage of budgeted expenditures.

The budgeted cash reserve or the cash reserve referred to in this section of the *Budget Text* does not refer to the funds a school district has on deposit with a financial institution or those funds being held by the county treasurer. The funds a school district has on deposit with a financial institution or those funds held by the county treasurer are components of the total beginning balance and the total ending balance of a school district. There is no limitation on the total beginning balance or the total ending balance of a school district.

### Applicable Allowable Reserve Percentage

School districts are limited in the amount it may budget for allowable reserves in the General Fund, Employee Benefit Fund, and Depreciation Fund. The total amount of Necessary Cash Reserve in the General Fund and Employee Benefit Fund and the Total Requirements in the Depreciation Fund may not exceed a specific percentage based on the Average Daily Membership of the school district. The 2010/11 Allowable Reserve Percentage was certified to school districts on March 10, 2010.

This percentage is applied to the 2010/11 Total General Fund Budget of Disbursements and Transfers to determine the maximum dollar amount of allowable reserves. The Applicable Allowable Reserve Percentages are listed in the table below and are also found in §79-1027.

Average Daily Membership	Allowable Reserve Percentage
0 – 471	45 %
471.01 – 3,044	35 %
3,044.01 – 10,000	25 %
10,000 and over	20 %

## **ALLOWABLE RESERVE LIMITATION**

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### **Cash Reserves as a Percent of Budgeted Expenditures**

The amount of cash reserves in the Bond Fund, Activities Fund, School Lunch Fund, Qualified Capital Purpose Undertaking Fund, Cooperative Fund and Student Fee Fund cannot exceed 50% of the total budgeted expenditures less capital outlay for the budget year.

## EXCEEDING BUDGET AUTHORITY

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A school district may decide the budget authority calculated after applying the expenditure exclusions is insufficient to provide the appropriate level of service within the school district. The other options available to access additional spending authority for a school district are detailed below.

### Special Election to Exceed Budget Authority

Section 79-1029(3) allows a board of education or the legal voters of the school district to request a special election to exceed the maximum general fund budget of expenditures minus the special education budget of expenditures (as prescribed in section 79-1023) by a specific dollar amount.

### Calling for the Election

When the decision has been made to put the issue of exceeding the maximum general fund budget of expenditures minus the special education budget of expenditures to the patrons of the school district, an election can be called for in one of two ways:

- ◆ Recommendation by the school board; or
- ◆ Petition signed by at least five percent of the legal voters of the school district.

The recommendation of the board or the petition of the legal voters shall include the total dollar amount the board would increase the general fund budget of expenditures for the 2010/11 school fiscal year over and above the maximum general fund budget of expenditures minus the special education budget of expenditures certified by the Department of Education for the 2010/11 school fiscal year. The vote may be placed on the ballot at a primary, general, or special election.

Any special election conducted under the Election Act must be held on the first Tuesday following the second Monday of the month unless the recommendation or petition specifically provides for another day. In even-numbered years, no special elections may be held in April, May, June, October, November, or December unless the special election is held in conjunction with a statewide primary or general election. The vote to exceed the maximum general fund budget of expenditures minus the special education budget of expenditures may occur in conjunction with the vote to exceed the levy limitation. However, an election to exceed the maximum general fund budget of expenditures minus the special education budget of expenditures may not require an election to override the levy limitation.

Information on an election to exceed the levy limitation is found in §77-3444 and the **Exceeding the Levy Limitation** section of this *Budget Text*. If the election is for both issues, specific language should be included in the ballot indicating the school board is requesting authority to exceed the levy and expenditure limitations.

## EXCEEDING BUDGET AUTHORITY

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The language on the ballot to exceed the maximum general fund budget of expenditures minus the special education budget of expenditures and the levy limitation should include:

- ◆ The dollar amount of the increase in the general fund budget of disbursements and transfers over the maximum general fund budget of expenditures minus the special education budget of expenditures.
- ◆ The amount of the levy which exceeds the statutory maximum.
- ◆ The budgeted funds the levy override will cover.
- ◆ The number of years (not to exceed 5 years) for the increased levy.

Work with the county clerk, election commissioner and the school district's legal counsel to develop the ballot language and to conduct the election. The county clerk or election commissioner will be able to provide the timeframes for holding a special election.

### **Documentation Required to Certify Additional Budget Authority**

A school district must attach a copy of the ballot language and certification of election results to the School District Budget Form. If a majority of all registered voters voting on the issue approves the increased budget authority, the approved amount is included on the School District Budget Form and the LC-2.

### **Budget Authority from a Dissolved/Merged School District(s)**

A school district is allowed to exceed its budget authority as a result of receiving valuation from a dissolved or merged school district. The receiving school district will utilize the dissolving school district's Certified Budget Authority. The calculation and determination of Certified Budget Authority may be found in the **Determining Certified Budget Authority** section of this *Budget Text*.

If more than one school district will be receiving budget authority from a dissolving school district, the percentage of valuation being received by each school district will be applied to the dissolving school district's Certified Budget Authority.

## **BUDGET PREPARATION, ADOPTION, FILING, AND AMENDING**

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School districts are subject to the provisions contained in Chapter 13, Article 5 of the Nebraska Revised Statutes, also known as the Nebraska Budget Act. Section 13-502(1) states: “The purpose of the Nebraska Budget Act is to require governing bodies of this state...to follow prescribed budget practices and procedures and make available to the public pertinent information pertaining to the financial requirements and expectations of such governing bodies so that intelligent and informed support, opposition, criticism, suggestions, or observations can be made by those affected.”

Much of the general information concerning preparing, adopting, filing, and amending a budget for political subdivisions is contained in the Nebraska Budget Act. A summary of the procedures and deadlines specific to school districts are outlined below. A list of school district funds may be found in the Appendix.

### **Budget Preparation**

Budgeting is the process of allocating finite resources to the prioritized needs of a school district. The budget represents the legal authority to spend school district funds. Adopting a budget implies a set of decisions has been made by the board of education that matches the needs of the school district with its resources.

One method of preparing a budget is to compare actual receipts and expenditures from preceding school fiscal years to the estimated/actual receipts and expenditures for the current school fiscal year. This information will assist school district personnel and the board of education in estimating the appropriate level of receipts and expenditures for the ensuing school fiscal year. The method may also provide the necessary information for the board of education to prioritize programs and activities to determine which programs or activities may need to be reduced in order to stay within the levy and expenditure limitations.

The information for preparing a budget may be gathered from a number of documents. These documents may be, but are not limited to, the following:

- ◆ Audit Reports from prior school fiscal years
- ◆ Annual Financial Reports from prior school fiscal years
- ◆ School District Budget Forms from prior school fiscal years (including the Worksheet Pages)
- ◆ Internal reports and data from the school district’s accounting system

The Minimum Levy Adjustment component of State Aid is an important piece in the preparation of the budget. The Minimum Levy Adjustment is assessed to any local system that has a General Fund levy that is 10¢ less than the statutory maximum levy. The statutory maximum levy for 2010/11 is \$1.05. If a local system has a General Fund

## BUDGET PREPARATION, ADOPTION, FILING, AND AMENDING

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levy less than 95¢, a Minimum Levy Adjustment will be part of the 2011/12 calculation of State Aid.

School districts that are members of a learning community will be assessed a Minimum Levy Adjustment if the member school district has a General Fund levy that is less than 5¢ of the statutory maximum levy that may be established by a learning community coordinating council for its member school districts. The statutory maximum levy that may be established by a learning community coordinating council for its member school districts is 95¢. If a member school district has a General Fund levy less than 90¢, a Minimum Levy Adjustment will be part of the 2011/12 calculation of State Aid.

### Timeline for Budget Preparation, Adoption and Filing

There are statutory deadlines that require state agencies or county officials to provide certain information necessary to the budget process to school districts. The information from state agencies or county officials may be received a few days before or after the date listed below.

**March 10** – School districts received the information listed below from the Department of Education.

- ◆ *Budget Factors Certification* – Included the 2010/11 Certified Budget Authority, the 2010/11 Applicable Allowable Reserve Percentage, and the data components used to calculate and determine Certified Budget Authority.
- ◆ *State Aid Certification* – The amount of State Aid the school district will receive in the 2010/11 school fiscal year.

**March 15** – Deadline for notification of availability of the Retirement Incentive Plan and Staff Development Assistance for school districts that are part of a dissolution/merger or unification.

**April 15** – Deadline for school districts to provide Reduction in Force (RIF) notices to certificated personnel.

**July 1** – All materials relating to the budget process will be available from the Budget Materials website at <http://www.education.ne.gov/FOS/SchoolFinance/Budget/> or the Auditor of Public Accounts website at <http://www.auditors.state.ne.us>. The LC-2 is an online data collection completed through the Nebraska Department of Education Portal. A detailed list of the budget and LC-2 materials may be found in the *2010/11 Budget Timeline*, the *2010/11 LC-2 Preparation Guidelines* and the *2010-2011 Budget Instruction Manual*.

## **BUDGET PREPARATION, ADOPTION, FILING, AND AMENDING**

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**August 20** – Assessed valuation is certified by the county assessor to school districts and all other political subdivisions.

**September 20** – Adopted budgets for school districts must be filed with the Auditor of Public Accounts, the County Clerk, and the Nebraska Department of Education.

### **Budget Hearing**

School districts must hold a public hearing prior to adopting a budget. The Notice of Budget Hearing and Budget Summary must be published in a newspaper of general circulation in the school district five days prior to the hearing. The Auditor of Public Accounts considers the day of publication and the day of the hearing part of the five-day count. Consult legal counsel to provide a timeline for the publication of the hearing notice.

The Notice of Budget Hearing and Budget Summary must include the time, day and place of the hearing, a summary of the proposed budget statement and an itemized estimate of the property tax request. The Notice of Budget Hearing and Budget Summary form that is provided by the Auditor of Public Accounts meets all of the statutory requirements for publishing. A school district may hold the budget hearing prior to a regular board meeting or may schedule the hearing at another convenient time.

After the budget hearing has been held, a board of education has three options:

1. Adopt the budget as originally published.
2. Make changes to the published budget and then vote to adopt.
3. Vote to postpone the motion to adopt the budget in order to further consider the budget.

The board of education may choose to postpone the motion to adopt the budget after conducting the budget hearing. The option to postpone may be to further consider changes to the budget that arise at the budget hearing. There is no requirement to hold another budget hearing prior to adopting the budget when the board of education chooses this option.

### **Adopting the Budget**

A majority vote of the board of education is necessary to adopt the budget. If the budget is adopted as published, the budget is ready to be filed. The vote to adopt the budget is **not** done during the hearing. It takes place during the board meeting held after the hearing or at another board meeting scheduled at a later date.

## **BUDGET PREPARATION, ADOPTION, FILING, AND AMENDING**

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If the adopted budget differs from the one originally published, a summary of such changes must be published within 20 days after its adoption. The summary should set forth the items changed and the reasons for the change. If the Notice of Summary of Changes is published within 20 days from the date the budget is adopted, there is no requirement to publish a notice for another hearing, hold another hearing, and take another vote to adopt the budget. There is no Notice of Summary of Changes form provided by the Auditor of Public Accounts or the Department of Education.

If a school district fails to meet the 20 day republishing deadline, it must go through the hearing process described on the following page to amend the budget before the budget is considered legally adopted.

### **Filing the Budget**

School district budgets must be filed by **September 20** with:

- ◆ Auditor of Public Accounts
- ◆ County Board, c/o County Clerk
- ◆ Nebraska Department of Education

The following materials are included when filing the budget:

- ◆ School District Budget Form (Cover Page through Page 5)
- ◆ Proof of Publication for the Notice of Budget Hearing
- ◆ Notice of Budget Hearing
- ◆ Schedules A, B & C
- ◆ Copy of Certification of Taxable Value
- ◆ Election Ballot and Certification of Election Results for a successful election to override the levy limitation (if applicable)
- ◆ Lid Computation Form (LC-2) submitted to the Nebraska Department of Education through the NDE Portal
  - Paper copy of the LC-2 and the Special Grant Fund List submitted to the Auditor of Public Accounts and the County Clerk
- ◆ Election Ballot and Certification of Election Results for a successful election to exceed the expenditure limitation (if applicable)

### **Correcting the Budget**

A budget may be corrected for clerical, mathematical or accounting errors without holding a public hearing if the following conditions are met:

- ◆ The board of education discovers the error(s) within 30 days of adopting the budget;

## **BUDGET PREPARATION, ADOPTION, FILING, AND AMENDING**

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- ◆ The correction does not affect the total budget of disbursements and transfers by more than 1%; or
- ◆ The correction does not increase the amount of the property tax request.

If the Auditor of Public Accounts notifies a school district of one of these errors, the budget may also be corrected within 30 days without holding a hearing.

### **Amending the Budget**

The Nebraska Budget Act does not allow a school district to spend more than the total budget of disbursements and transfers in any budgeted fund. There may be occasions when the adopted budget will not meet the expenditure needs of the school district. The budget should be amended whenever it appears expenditures will exceed the total budget of disbursements and transfers in any budgeted fund. School districts should review the LC-2 to help determine the maximum amount available when amending the General Fund. The Bond Fund must be amended whenever a school district refunds a bond issue.

State Statute 13-511 provides the process for amending a budget. The process is similar to the one used to adopt the budget. A Notice of Amended Budget Hearing should be published in a newspaper of general circulation within the school district five days prior to the hearing. A copy of the summary of the original adopted budget that was previously published and a copy of the summary of the proposed revised budget should be included in the Notice of Amended Budget Hearing.

Information required in the Notice of Amended Budget Hearing includes the time, day and place of the hearing, the dollar amount of the proposed change, and the reason for the proposed amendment. If the proposed amendment is an increase, the Notice of Amended Budget Hearing should state the reason the adopted budget is not adequate. There is no Notice of Amended Budget Hearing form provided by the Auditor of Public Accounts or the Department of Education.

Whenever it becomes necessary to amend a budget, the fund or funds being amended must balance—Total Requirements must equal Total Resources Available. The amount of property taxes requested cannot be changed if the amendment is adopted after the county board of equalization has set tax levies and the county clerk has delivered the tax list to the county treasurer. The county board of equalization is required to set tax levies on or before October 15.

### **Hold the Hearing/Adopt the Amended Budget**

The hearing to amend the budget may be scheduled before a regular board meeting. A majority of the board of education is necessary to adopt the amended budget. The vote

## **BUDGET PREPARATION, ADOPTION, FILING, AND AMENDING**

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to adopt the amended budget should occur during the board meeting following the hearing.

### **File the Amended Budget**

When filing the amended budget, include the pages of the budget that differ from the previously adopted and filed budget. If the amendment affects the General Fund expenditures or the Allowable Reserves, an amended LC-2 must be submitted to the Department of Education through the NDE Portal. Paper copies of the amended LC-2 should be filed with the Auditor of Public Accounts and the County Clerk. Include the proof of publication of the hearing to amend the budget. These items must be filed with the following entities:

- ◆ Auditor of Public Accounts
- ◆ County Board c/o County Clerk
- ◆ Nebraska Department of Education

### **American Recovery and Reinvestment Act**

The American Recovery and Reinvestment Act of 2009 (ARRA) provides additional funds for school fiscal years 2009/10 and 2010/11. These additional funds are appropriated in the following programs:

- ◆ ESEA (Title I, etc.)
- ◆ IDEA (611 and 619 Allocations)
- ◆ Federal State Fiscal Stabilization Funds

When preparing the budget for 2010/11, make sure to include the additional ESEA (Title I, etc.), and IDEA funds in the federal receipts and expenditure portions of the budget. The additional amounts for these programs may be found at the following websites:

ESEA (Title I, etc.) and IDEA: <http://www.education.ne.gov/ARRA/index.html>

The Federal State Fiscal Stabilization Funds are part of the Certified 2010/11 Total State Aid for equalized school districts. The Certified 2010/11 Total State Aid amount will be reported as a receipt under 3110 State Aid. This amount may be found at the following website:

<http://www.education.ne.gov/FOS/SchoolFinance/StateAid/Default.htm>

## LEVY LIMITATION

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School districts in the State of Nebraska are also under a levy limitation. The levy limitation places a ceiling on the property tax rate that may be assessed against the taxable valuation in a school district. The 1% County Treasurer Fee and the Delinquent Tax Allowance must be levied within the statutory maximum levy established in §77-3442. A list of these exclusions may be found in the Appendix. A list of school district funds may also be found in the Appendix.

The statutory maximum levy for school fiscal year 2010/11 is \$1.05 plus exclusions per \$100 of taxable valuation for school districts that are not members of a learning community.

School districts that are members of a learning community are limited to a combined General Fund and Special Building Fund levy. This combined levy will be the difference between \$1.05 and the amount a learning community coordinating council levies for the General Fund and Special Building Fund of its member school districts. State Statute Section 77-3442(2)(b) limits the General Fund levy for a learning community coordinating council to a maximum of 95¢ per \$100 of taxable valuation of its member school districts. State Statute 77-3442(2)(g) limits the Special Building Fund levy for a learning community coordinating council to 2¢ per \$100 of assessed valuation of its member school district.

These levy limitations apply to the General Fund, the Special Building Fund, and portions of the Bond Fund and Qualified Capital Purpose Undertaking Fund.

### Levy Exclusions

The exclusions to the levy limitation are provided in §77-3442(2)(d) and §77-3442(10). The total amount of exclusion items in each fund may be increased by 1% to account for the county treasurer commission. For example, if the levy exclusion items total \$40,000, the property tax request that is excludable from the levy limitation would be \$40,400 ( $\$40,000 \times 1.01$ ).

The exclusions to the levy limitation are:

- ◆ *Voluntary termination agreements with certificated employees* – Amounts levied to pay for sums agreed to be paid to certificated employees in exchange for a voluntary termination of employment.
- ◆ *Special Building Fund projects commenced prior to April 1, 1996* – The amounts levied to pay for special building fund projects commenced prior to April 1, 1996. Commenced is defined as “any action taken by the school board on the record which commits the board to expend district funds in planning, constructing, or carrying out the project.”

## LEVY LIMITATION

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- ◆ *Judgments not covered by liability insurance* – The amount levied for judgments obtained against a political subdivision that are not covered by liability insurance.
- ◆ *Lease-purchase contracts approved prior to July 1, 1998* – Only amounts levied for lease-purchase contracts approved prior to July 1, 1998.
- ◆ *Bonded indebtedness* – The amount levied to retire bonded indebtedness (principal and interest only) that has been approved according to law and secured by a levy on property. This includes repayment of bonds from the General Fund, Bond Fund and Qualified Capital Purpose Undertaking Fund.
  - This exclusion does not include the repayment of principal, premium, or interest on general obligation bonds issued for insurance premium costs and the payment of all costs and expenses associated with membership in a risk management pool that are effective after April 2, 2008.

### Taxing Funds and Exclusions Specific to the Funds

School districts request property taxes in four funds. The funds are listed below along with exclusions for the fund and any other restrictions on the levy of the fund.

- ◆ **General Fund** – School districts may access any of the following levy exclusions, unless otherwise noted.
  - Voluntary termination agreements with certificated employees.
  - Judgments not covered by liability insurance.
  - Only lease-purchase contracts approved prior to July 1, 1998.
  - Bonded indebtedness. (Principal and interest only.)
    - Does not include the repayment of principal, premium, or interest on general obligation bonds issued for insurance premium costs and the payment of all costs and expenses associated with membership in a risk management pool that are effective after April 2, 2008.
  - School districts that are members of a learning community are limited to a combined General Fund and Special Building Fund levy. The maximum levy will be the difference between \$1.05 and the amount a learning community coordinating council levies for the General Fund and Special Building Fund for its member school districts.
    - State Statute Section 77-3442(2)(b) limits the General Fund levy established by a learning community coordinating council to a maximum of 95¢ per \$100 of taxable valuation of its member school districts.
    - State Statute 77-3442(2)(g) limits the Special Building Fund levy established by a learning community coordinating council to 2¢ per \$100 of assessed valuation of its member school district.

## LEVY LIMITATION

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### ◆ **Bond Fund**

- Bonded indebtedness. (Principal and interest only.)
  - Does not include the repayment of principal, premium, or interest on general obligation bonds issued for insurance premium costs and the payment of all costs and expenses associated with membership in a risk management pool that are effective after April 2, 2008.

### ◆ **Special Building Fund**

- Special Building Fund projects commenced prior to April 1, 1996.
- Only lease-purchase contracts approved prior to July 1, 1998.
- There is a statutory maximum levy of 14¢ with board approval and 17.5¢ with voter approval.
- School districts that are members of a learning community are limited to a combined General Fund and Special Building Fund levy. The maximum levy will be the difference between \$1.05 and the amount a learning community coordinating council levies for the General Fund and Special Building Fund of its member school districts.
  - State Statute Section 77-3442(2)(b) limits the General Fund levy for a learning community coordinating council to a maximum of 95¢ per \$100 of taxable valuation of its member school districts.
  - State Statute 77-3442(2)(g) limits the Special Building Fund levy for a learning community coordinating council to 2¢ per \$100 of assessed valuation of its member school district.

### ◆ **Qualified Capital Purpose Undertaking Fund** – Bonded indebtedness. (Principal and interest only.)

- There is a statutory maximum levy of 5.2¢.
- Includes repayment of Qualified Zone Academy Bonds
- Includes the bonding authority for Qualified School Construction Bonds

When levies for all of these taxing funds are added together, the total levy must be at or below the maximum levy set forth in §77-3442, unless the school district has accessed one or more of the levy exclusions. When a school district accesses one or more of the exclusions to the levy limitation, the tax levy set by the county board of equalization will be greater than the maximum levy set forth in §77-3442.

A school district may also have a tax levy higher than the maximum levy set forth in §77-3442 if they held a successful election to override the levy limitation. The process to override the levy limitation may be found in the **Exceeding the Levy Limitation** section of this *Budget Text*.

## LEVY LIMITATION

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### Other Levy Limitation Considerations

An additional levy limitation is given for school districts that qualify as “Federal Aid School Districts.” This is defined in 77-3442(2)(e) as “. . . any school district which receives ten percent or more of the revenue for its general fund budget from federal government sources pursuant to Title VIII of Public Law 103-382 as such title existed on September 1, 2001.” Title VIII of Public Law 103-382 is more commonly referred to as Impact Aid.

As stated in §77-3442(2)(e), any school district that qualifies under this exclusion item can levy in excess of the levy limitation “to the extent necessary to qualify to receive federal aid pursuant to Title VIII of Public Law 103-382 as such title existed on September 1, 2001.” If a school district thinks it may qualify for this exclusion item, contact the Department of Education, School Finance & Organization Services for further information.

## EXCEEDING THE LEVY LIMITATION

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The patrons of a school district may vote to exceed the levy limitation.

### Calling the Election

State Statute 77-3444(1) allows a board of education to call for a special election to exceed the levy limitation by a resolution approved by 2/3 of the board of education. Only one resolution per calendar year by the board of education may be submitted to the voters.

The patrons of a school district may call for a special election by submitting a petition signed by at least five percent (5%) of the legal voters of the school district to the board of education. Only one petition may be submitted by the legal voters each year.

The resolution or the petition must include the amount of the excess levy authority being sought, as well as the duration of the excess levy (maximum of 5 years). The county clerk/election commissioner must receive the resolution or petition at least 30 days before the election is held. The notice of the election must be made at least 20 days before the election is to be held. The election must take place prior to October 10 of the first year in which the excess levy would be in effect.

Any special election conducted under the Election Act must be held on the first Tuesday following the second Monday of the month unless the recommendation or petition specifically provides for another day. In even-numbered years, no special elections may be held in April, May, June, October, November, or December unless the special election is held in conjunction with a statewide primary or general election.

Whenever a school district is considering holding an election to exceed the levy limitation, the school district should also review its spending authority. The vote to exceed the levy limitation may occur in conjunction with the vote to exceed the maximum general fund budget of expenditures minus the special education budget of expenditures. Both votes may be necessary to give the school district the authority to spend the additional funds generated by a successful election to exceed the levy limitation. Information on combining the elections may be found in the **Exceeding Budget Authority** section of this *Budget Text*. When this situation occurs, specific language should be included in the ballot indicating the board of education is requesting authority to exceed the levy and the maximum general fund budget of expenditures minus the special education budget of expenditures.

Work with the county clerk or election commissioner and your legal counsel to develop the ballot language and to conduct the election.

## EXCEEDING THE LEVY LIMITATION

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### Ballot Language

The language on the ballot to exceed the levy limitation should include the amount of the levy in excess of the statutory maximum, which budgeted funds the levy override will cover, and the number of years (not to exceed 5 years) for the increased levy. The ballot should also include whether or not levy exclusion items will be allowed over the excess levy being voted upon. The school district may also wish to add the total tax levy being requested.

Section 77-3444(2) provides specific ballot language necessary to exceed the levy limitation. An example of a sample ballot to exceed the levy limitation may be found in the Appendix.

### Approval to Exceed the Levy Limitation

A successful election to exceed the levy limitation provides a school district the authority to levy an amount not to exceed the maximum levy in §77-3442(2) **plus** the amount of additional levy authority approved in the election **plus** the ability to tax for the levy exclusions. Taxing for the additional levy exclusions is only available if the ballot contained language regarding the ability to tax for the additional exclusions. A copy of the ballot language and a certification of the election results must be filed with the school district's budget.

### Rescinding or Modifying the Excess Levy

Section 77-3444(4) states "A political subdivision . . . may rescind or modify a previously approved excess levy authority prior to its expiration by a majority of registered voters voting on the issue in a primary, general, or special election at which the issue is placed before the voters." The requirements for calling the election and approving the rescission or modification are the same as those for approving the original issue.

## PROPERTY TAX REQUEST RESOLUTION

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The final piece of the budget process is the Property Tax Request Resolution. The Property Tax Request Resolution asks for tax dollars based on the total property tax request of the school district. The property tax request determines the amount of tax dollars a school district is seeking from its taxpayers to fund the school district through the upcoming school fiscal year. The property tax request is approved by the board of education when the budget is adopted.

The Property Tax Request Resolution should contain the same tax requests approved when the budget was adopted. If a property tax request is modified as a result of information from the public hearing, the Property Tax Request Resolution should contain the updated information. If the budget has been adopted before any modifications are made to a property tax request, the board of education will need to go through the process to amend the budget. There is no statutory requirement to republish the Notice of Special Hearing to Set Final Tax Request if the information adopted is different from the information originally published.

### **Process for Adopting the Property Tax Request Resolution**

Section 77-1601.02(1) states that “The property tax request for the prior year shall be the property tax request for the current year for the purposes of the levy set by the county board of equalization...unless the (board of education) passes by a majority vote a resolution...setting the tax request at a different amount.” If the property tax requests for the taxing funds are the same as the property tax requests in those funds for the previous year, the school district is not required to adopt a Property Tax Request Resolution asking for tax dollars.

For most school districts, these amounts will differ. The school district must hold a public hearing on the total amount of tax dollars being requested. The Notice of Special Hearing to Set Final Tax Request should be published in a newspaper of general circulation within the school district five days prior to the hearing. The Hearing Notice should contain the time, day, and place of the hearing in addition to the following required items:

- ◆ The dollar amount of the prior year’s property tax request.
- ◆ The property tax levy that was necessary to fund the prior year’s property tax request.
- ◆ The property tax levy that would be necessary to fund the prior year’s property tax request if applied to the current year’s valuation.
- ◆ The proposed dollar amount of the property tax request for the current year.
- ◆ The property tax levy necessary to fund the current year’s tax request.

The Notice of Special Hearing to Set Final Tax Request that is provided by the Auditor of Public Accounts meets all of the statutory requirements for publishing.

## PROPERTY TAX REQUEST RESOLUTION

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The Hearing Notice will contain two property tax request figures and three property tax levies for every taxing fund. The school district must ensure that the patrons of the school district will be able to identify which of these property tax requests and property tax levy figures actually apply to the upcoming budget year.

The Special Hearing to Set the Final Tax Request may be held prior to a regular board meeting or may be scheduled at another convenient time. The board meeting may be on the same day or a subsequent day. The board of education should approve the Property Tax Request Resolution at a meeting held after the public hearing. The vote to approve the Property Tax Request Resolution should not occur during the public hearing. A majority vote of the board is required to adopt the Property Tax Request Resolution.

After the Property Tax Request Resolution is adopted, §77-1601.02(1) states that the Property Tax Request Resolution “shall be certified and forwarded to the county clerk...” An example of a resolution may be found in the Appendix.

### Timeline for the Property Tax Request Resolution

Date	Activity
October 13	Resolution setting the property tax requests due to County Clerk and Auditor of Public Accounts.
October 15	County Board of Equalization sets property tax levies for all taxing funds.

### Calculating a Property Tax Levy

The assessed valuation of a school district, the property tax request, the other receipts and expenditure levels for the school district determine the property tax levy. To calculate a property tax levy, use the following formula:

$$(\text{Property Tax Request} \div \text{Assessed Valuation}) \times 100 = \text{Property Tax Levy}$$

## GLOSSARY

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**Adopted Budget** – the document adopted by a board of education. Provides the authority for a school district to make expenditures and generate tax dollars. Contains the estimated amounts of receipts and expenditures for each fund. Required by the Nebraska Budget Act. May also be referred to as the budget.

**Amended Budget** – the document that reflects a change in expenditures for any fund. Budgets may be amended through the last day of the school fiscal year (August 31). An amendment should occur whenever it has been determined the amount of budgeted expenditures originally adopted will not meet the financial needs of the school district.

**Applicable Allowable Growth Rate** – determined by §79-1026.01. The range is .25% to 3.25%. May also be referred to as AAGR.

**Applicable Allowable Reserve Percentage** – determined by statute (§79-1027). The percentage is based on the average daily membership (ADM) of a school district. Places a limitation on the amount of funds that may be budgeted as reserves in the General Fund and Employee Benefit Fund and the total requirements in the Depreciation Fund.

**Assessed Valuation** – certified by the county assessor on or before August 20. Includes all real, personal and centrally assessed valuation in a school district. Used by the county board of equalization to determine the tax levy for each taxing fund in a school district.

**Basic Allowable Growth Rate** – determined by §77-3446 and §79-1025. The basic allowable growth rate is .25%. May also be referred to as BAGR.

**Budget** – the document that provides the authority for a school district to make expenditures and generate tax dollars. Contains the estimated amounts of receipts and expenditures for each taxing fund. Required by the Nebraska Budget Act. May also be referred to as the adopted budget or the School District Budget Form.

**Budget Authority** – the total amount of funds that may be budgeted to be expended during a school fiscal year. In the General Fund, this includes special education expenditures, special grant funds and non-special education expenditures.

**Budget Based Calculation** – a method for determining certified budget authority found in §79-1023(3). This calculation uses the prior year's budget information, including unused budget authority, the ensuing year's Applicable Allowable Growth Rate, and an additional .75%.

**Budget Factors Certification** – a document provided by the Department of Education. Includes required information for preparing the LC-2 for the ensuing school fiscal year.

## GLOSSARY

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**Certification of Taxable Value** – the document from the county assessor that certifies the amount of assessed valuation for the school district. A school district that has land in more than one county will receive this document from each county assessor.

**Certified Budget Authority** - the greater of the Budget Based Calculation or the Formula Needs Based Calculation. It includes unused budget authority. Certified budget authority is the amount that must stay within the expenditure limitation.

**Exclusions** – items that are removed from the levy limitation or the expenditure limitation. Levy limitation exclusions are found in §77-3442 and expenditure limitation exclusions are found in §79-1003(38), §79-1025 and §79-1028.01.

**Expenditure Limitation** – a restriction on the growth in expenditures for a school district.

**Formula Needs Based Calculation** – a method for determining certified budget authority found in §79-1023(3). This calculation uses the total formula needs certified for the ensuing school fiscal year and the budgeted special education expenditures from the prior school fiscal year. Unused budget authority is included in this calculation.

**General Fund Budget of Disbursements and Transfers** – the total amount of disbursements a school district estimates spending during a school fiscal year. A school district may not exceed this total amount. May also be referred to as General Fund Budget of Expenditures or General Fund Expenditures.

**LC-2** – the Lid Computation form. The LC-2 assists a school district in preparing the budget to stay within the statutory expenditure limitation. The LC-2 is available as an online data collection through the NDE Portal. May also be referred to as the Lid Computation Form or the Budget Form LC-2.

**Levy** – the rate at which property is taxed based on each \$100 of assessed valuation. Restricted by §77-3442. School districts are under a statutory maximum levy plus exclusions. May also be referred to as the tax rate.

**Levy Exclusions** – items that are removed from the statutory maximum levy calculation. Levy limitation exclusions are found in §77-3442.

**Levy Limitation** – a restriction on the growth in tax dollars for a school district. The statutory maximum levy is \$1.05 plus exclusions per \$100 of assessed valuation for school fiscal year 2010/11 for school districts that are not members of a learning community. School districts that are members of a learning community are limited to a combined General Fund and Special Building Fund levy that will be the difference between \$1.05 and the amount a learning community coordinating council levies for the General Fund and Special Building Fund of its member school districts.

## GLOSSARY

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**Local System** – a learning community, a unified system or a Class II, III, IV or V school district.

**Minimum Levy Adjustment** – a component of State Aid. Applied to any local system that is a member of a learning community that has a general fund levy that is 5¢ less than the statutory maximum levy for a learning community. For all other local systems, applied if the general fund levy is 10¢ less than the statutory maximum levy.

**Nebraska Budget Act** – the portions of state statute (§13-501 through §13-512) that refer to the budget practices and procedures that all political subdivisions must follow.

**Necessary Cash Reserve(s)** – an amount of budgeted funds to provide a stable cash flow during a school fiscal year. Limited by the Applicable Allowable Reserve Percentage or by 50% of the total expenditures in a budgeted fund less capital outlay.

**Notice of Amended Budget Hearing** – information that must be published in a newspaper of general circulation in a school district. Notifies the public of the time, day and place of a hearing to amend the current school fiscal year budget. Must be published 5 days before the hearing. The Auditor of Public Accounts considers the day of publication and the day of the hearing in the 5-day requirement. Contains the proposed amendment to the current school fiscal year budget and also contains a copy of the originally published budget summary. May also be referred to as the Notice of Amended Budget Hearing and Budget Summary.

**Notice of Budget Hearing** – the form that must be published in a newspaper of general circulation in a school district. Notifies the public of the time, day and place of a hearing on the ensuing school fiscal year budget. Must be published 5 days before the hearing. The Auditor of Public Accounts considers the day of publication and the day of the hearing in the 5-day requirement. Details the total receipts, expenditures, cash reserves, and property tax request for the school district. May also be referred to as the Notice of Budget Hearing and Budget Summary.

**Notice of Special Hearing to Set Final Tax Request** – required by §77-1601.02. Provides notice to the taxpayer of the opportunity to provide input on the amount of property taxes being requested for the upcoming school fiscal year.

**Notice of Summary of Changes** – information that must be published if the budget that was adopted is different from the budget information that was published in the Notice of Budget Hearing and Budget Summary. If this form is published within 20 days after the budget is adopted, no additional hearing is required.

**Proof of Publication** – the document received from the newspaper that provides documentation the notice of hearing was published. May also be referred to as the Affidavit of Publication.

## GLOSSARY

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**Property Tax Request** – the total dollar amount of funds that will need to be generated through taxes to meet the operating needs for the upcoming school fiscal year. Includes county treasurer’s commission and an amount for delinquent taxes.

**Schedule A** – an attachment to the School District Budget Form. Provides the amount of general fund expenditure exclusions for repairs to infrastructure damaged by a natural disaster, judgments not paid for by a school district’s liability insurance, voluntary termination agreements, the retirement contribution increase, and distance education courses.

**Schedule B** – an attachment to the School District Budget Form. Provides the amount of the total personal and real property tax request that is excluded from the levy limitation for voluntary termination agreements, Special Building Fund projects commenced prior to April 1, 1996, judgments, lease-purchase agreements entered into between July 1, 1996 and July 1, 1997, and bond principal and interest. It does not include the repayment of principal, premium, or interest on general obligation bonds issued for insurance premium costs and the payment of all costs and expenses associated with membership in a risk management pool that are effective after April 2, 2008.

**Schedule C** – an attachment to the School District Budget Form. A worksheet to assist schools in calculating the amount of the personal and real property tax request that is under the levy limitation.

**School District Budget Form** – the document that provides the authority for a school district to make expenditures and generate tax dollars. Contains the estimated amounts of receipts and expenditures for each taxing fund. Required by the Nebraska Budget Act. Also referred to as the budget or budget document.

**Special Education Budget of Disbursements and Transfers** – the estimated expenditures for special education activities. Includes instructional costs and transportation. May also be referred to as Special Education Budget of Expenditures or Special Education Expenditures.

**School Fiscal Year** – begins on September 1 and ends on August 31.

**Special Grant Funds** – exclusions to the expenditure limitation. State Board of Education approves the list of special grant funds for each school fiscal year. Special Grants are funds receipted and expended for a specific purpose. Special grant funds do not increase the property tax request for a school district.

**Spending Authority** – the total amount of expenditures actually budgeted in each fund on the School District Budget Form.

## GLOSSARY

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**Statutory Maximum Levy** – the maximum levy per one hundred dollars of taxable value. The maximum General Fund levy for school districts that are not members of a learning community is \$1.05 plus exclusions. The maximum levy for schools that are members of a learning community will be the difference between \$1.05 and the amount a learning community coordinating council levies for the General Fund and Special Building Fund of its member school districts.

**Tax Equity and Educational Opportunities Support Act** – the statutory provisions for calculating and certifying State Aid and Budget Factors to school districts. May also be referred to as TEEOSA.

**Property Tax Request Resolution** – a document adopted by a board of education and forwarded to the county clerk. Includes the total amount of tax dollars requested for each taxing fund of a school district.

**Total Budget of Disbursements and Transfers** – the total amount of expenditures required to operate a school district for a school fiscal year. This amount is the maximum a school district may expend. May also be referred to as Total Budget of Expenditures.

**Unused Budget Authority** – the difference between total allowable budget authority and total adjusted general fund budget of disbursements and transfers. Unused budget authority is calculated on the LC-2 and carries forward into future school fiscal years.

## APPENDIX

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## EXAMPLE

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### BALLOT LANGUAGE TO EXCEED THE LEVY LIMITATION

*Language taken from §77-3444(2)*

“Shall **{School district name}** be allowed to levy a property tax not to exceed **{Amount}** cents per one hundred dollars of taxable valuation in excess of the limits prescribed by law until fiscal year **{Year}** for the purposes of **{Choose as many as applicable: general operations; building construction, remodeling or site acquisition; or both general operations and building acquisition, remodeling or site acquisition.}**?”

Complete the ballot with the following information:

- ◆ The name of your school district.
- ◆ The amount of the proposed increase over the statutory maximum tax levy.
- ◆ The numbers of years for the proposed tax levy.
- ◆ The purposes for the proposed levy.

The ballot may also contain the total levy being proposed and if the levy exclusions will be utilized above the total levy being requested.

## EXAMPLE

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### 20\_\_/20\_\_ TAX REQUEST RESOLUTION FOR (County Name) SCHOOL DISTRICT (District Number)

WHEREAS, public notice was given at least five days in advance of a Special Public Hearing called for the purpose of discussing and approving or modifying the District's Tax Requests for the 20\_\_/20\_\_ school fiscal year for the General Fund, Bond Fund, Special Building Fund, and Qualified Capital Purpose Undertaking Fund of (County Name) School District (District Number); and,

WHEREAS, such Special Public Hearing was held before the Board of Education (hereinafter "the Board") of (County Name) School District (District Number) (hereinafter "the District") at the time, date, and place announced in the notice published in a newspaper of general circulation, a copy of which notice and proof of publication of which is attached hereto as Exhibit A, all as required by law; and,

WHEREAS, the Board provided an opportunity to receive comment, information and evidence from persons in attendance at such Special Hearing; and,

WHEREAS, the Board, after having reviewed the District's Tax Requests for each said fund, and after public consideration of the matter, has determined that the Final Tax Requests as listed below are necessary in order to carry out the functions of the District, as determined by the Board for the 20\_\_/20\_\_ school fiscal year.

NOW BE IT THEREFORE RESOLVED that (1) the Tax Request for the General Fund should be, and hereby is set at \$(dollar amount); (2) the Tax Request for the Bond Fund should be, and hereby is set at \$(dollar amount); (3) the Tax Request for the Special Building Fund should be, and hereby is set at \$(dollar amount); and (4) the Tax Request for the Qualified Capital Purpose Undertaking Fund should be, and hereby is set at \$(dollar amount).

It is so moved by (Name of Board Member) and seconded by (Name of Board Member) this (Date) day of (Month), (Year).

Roll Call vote as follows:

(Name of Board Member)	YES	NO
(Name of Board Member)	YES	NO
(Name of Board Member)	YES	NO
(Name of Board Member)	YES	NO
(Name of Board Member)	YES	NO
(Name of Board Member)	YES	NO

The undersigned herewith certifies, as Secretary of the Board of Education of (County Name) School District (District Number), that the above Resolution was duly adopted by a majority of said Board at a duly constituted public meeting of said Board.

\_\_\_\_\_, Secretary

## BUDGET TIMELINE

Date	Budget Activity
March 10	Certification of: <ul style="list-style-type: none"> <li>◆ State Aid</li> <li>◆ Budget Factors</li> </ul>
March 15	Deadline for notification of availability of the Retirement Incentive Plan (§79-855) and Staff Development Assistance (§79-856) for school districts that are part of a dissolution or merger
April 15	Reduction in Force deadline
July 1	School District Budget Form and LC-2 documents available on the Internet
August 20	Assessed valuation certified by county
September 20	Filing deadline for Budget and LC-2 to NDE, Auditor of Public Accounts, County Clerk  Materials to submit: <ul style="list-style-type: none"> <li>◆ School District Budget Form (Cover Page through Page 5)</li> <li>◆ Proof of Publication for Notice of Budget Hearing</li> <li>◆ Schedules A, B, C</li> <li>◆ Certification of Taxable Value</li> <li>◆ Sample Ballot and Certification of Election Results for successful election to override the <i>levy limitation</i> (if applicable)</li> <li>◆ LC-2               <ul style="list-style-type: none"> <li>• The LC-2 &amp; Special Grants Fund List will be submitted online to NDE through the NDE Portal</li> <li>• A paper copy of the LC-2 &amp; Special Grants Fund List will be filed with the Auditor of Public Accounts &amp; the County Clerk</li> </ul> </li> <li>◆ Sample Ballot and Certification of Election Results for successful election to override the <i>expenditure limitation</i> (if applicable)</li> </ul>
October 13	Resolutions setting all tax requests filed
December 31	Filing deadline for the Report of Joint Public Agency & Interlocal Agreements <ul style="list-style-type: none"> <li>◆ File with the Auditor of Public Accounts</li> </ul>

## CHART OF LEVY & EXPENDITURE EXCLUSIONS

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Levy Exclusions	Expenditure Exclusions
Voluntary Termination Agreements	Voluntary Termination Agreements
Certain Lease Purchase Contracts	
Judgments Not Covered by Liability Insurance	Judgments Not Covered by Liability Insurance
Special Building Fund Projects	
Bonded Indebtedness	
	Repairs to Infrastructure Due to Natural Disaster
	Distance Education Courses
	Retirement Incentive Plan
	Staff Development Assistance
	Data Transmission Networks Exclusion
	Expenditures for Transfer of Land
	Retirement Contribution Increase
	New Elementary Attendance Site(s)
	Special Grant Funds
	Special Education Expenditures

## SAMPLE LETTER DATA TRANSMISSION NETWORKS EXPENDITURE EXCLUSION

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*(Current Date)*

Nebraska Department of Education  
School Finance & Organization Services  
301 Centennial Mall South  
PO Box 94897  
Lincoln, NE 68509

RE: 2010/11 Data Transmission Networks Expenditure Exclusion

*(Name of School District)* will be joining Network Nebraska as of *(date school will be joining)*.  
The school district is seeking approval from the State Board of Education for the Data  
Transmission Networks Expenditure Exclusion listed in the 2010/11 LC-2.

Actual expenditures for the *(insert fiscal year)* school fiscal year and the estimated expenditures  
for the 2010/11 school fiscal year are shown below.

	Actual <i>(School Fiscal Year)</i> Data Transmission Expenditures (A)	Estimated 2010/11 Data Transmission Expenditures (B)
<i>(Name of Provider)</i>		
Installation Charges		
Network Nebraska Membership		
Network Nebraska Transport		
Other		
<b>Total</b>		
<b>Requested Data Transmission Networks Expenditure Exclusion</b> [Total Column (B) – Total Column (A) ]		

I understand if the State Board of Education approves the request, the amount of the exclusion  
will be prepopulated in the 2010/11 LC-2.

Please feel free to contact me if you have any questions related to this request.

Sincerely,

*(Name of Superintendent)*

\*Add the names of additional providers as necessary.

The narrative in this template may be changed or adjusted to meet the specific needs of the school district making the request.

## SAMPLE LETTER RETIREMENT CONTRIBUTION INCREASE EXPENDITURE EXCLUSION

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(Current Date)

Nebraska Department of Education  
School Finance & Organization Services  
301 Centennial Mall South  
PO Box 94897  
Lincoln, NE 68509

RE: 2010/11 Retirement Contribution Increase

The *(Name of School District)* is seeking approval from the State Board of Education for the Retirement Contribution Increase Expenditure Exclusion listed in Schedule A of the School District Budget Form and Line B-130 of the 2010/11 LC-2.

The estimated increase in expenditures for the 2010/11 school fiscal year is shown below.

	2010/11 (A)	2010/11 (B)
Staff Salaries Subject to Retirement		
Retirement Contribution Rate	7.35%	8.36%
<b>Total Retirement Contribution</b>		
<b>Requested Retirement Contribution Increase Expenditure Exclusion</b> [Total Column (B) – Total Column (A)]		

I understand if the State Board of Education approves the request, the school district will report the amount on Schedule A of the 2010/11 School District Budget Form. I also understand the approved amount will be part of the total amount from Schedule A that will be reported by the school district on Line B-130 of the 2010/11 LC-2.

Please feel free to contact me if you have any questions related to this request.

Sincerely,

(Name of Superintendent)

## SCHOOL DISTRICT FUNDS

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The funds available to a school district are listed below. Please refer to the *Program Budgeting, Accounting, and Reporting System for Nebraska School Districts (Users' Manual)* for a detailed explanation on the classification and use of the funds.

**General Fund** – The General Fund finances all facets of services rendered by the school district.

**Depreciation Fund** – A Depreciation Fund may be established by a school district in order to facilitate the eventual purchase of costly capital outlay by reserving such monies from the General Fund.

**Employee Benefit Fund** – An Employee Benefit Fund may be established in order to specifically reserve General Fund money for the benefit of school district employees.

**Contingency Fund** – A Contingency Fund is authorized by statute and may be established by a school district to fund uninsured losses and legal fees incurred for defense against public losses.

**Activities Fund** – The Activities Fund is required to account for the financial operations of quasi-independent student organizations, inter-school athletics, and other self-supporting or partially self-supporting school activities.

**School Lunch Fund** – The School Lunch Fund is required to accommodate the financial activities of all Nutrition Programs operated by the school district.

**Bond Fund** – The Bond Fund shall be used to record tax receipts, investment interest, and the payment of bond principal, interest and other related costs.

**Special Building Fund** – A Special Building Fund shall be established when a school board decides to acquire or improve sites and/or to erect, alter or improve buildings.

**Qualified Capital Purpose Undertaking Fund** – A Qualified Capital Purpose Undertaking Fund may be established for the removal of environmental hazards, the reduction or elimination of accessibility barriers, the repayment of a qualified zone academy bond, modifications for life safety code violations, indoor air quality projects, and mold abatement and prevention projects.

**Cooperative Fund** – The Cooperative Fund may be used by the school district acting as the fiscal agent for any cooperative activity between one or more public agencies.

**Student Fee Fund** – The Student Fee Fund is a separate school district fund, not funded by tax revenue, into which all money collected from students pursuant to the Public Elementary and Secondary Student Fee Authorization Act must be deposited.

## WEBSITES

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Listed below are websites for the Department of Education and other State Agencies. These websites contain information on budgeting, property tax assessment and laws of the State of Nebraska.

Nebraska Department of Education

<http://www.education.ne.gov>

This is the website for the Department of Education. It contains links to all areas/sections of the Department of Education. Check this website for information and updates to any program administered by the Department of Education.

Nebraska Department of Education Portal

<http://portal.education.ne.gov/>

This is the doorway to all NDE online data collections. It includes the Grants Management System (GMS), the Consolidated Data Collection (CDC), the LC-2 and the Annual Financial Report.

Finance & Organizational Services

<http://www.education.ne.gov/FOS>

This website contains information and data for School Finance, State Aid, Pupil Transportation, Exempt Schools, Reorganization of School Districts, GMS, and Payment Information.

NDE Payment Information

<http://www.education.ne.gov/FOS/ADSS/PaymentInformation/Default.htm>

This website contains information on all payments made by NDE to a school district. Contact the Department of Administrative Services, Accounting Division (402-471-0606) for information on other payments from the State of Nebraska.

Auditor of Public Accounts

<http://www.auditors.state.ne.us>

This website contains budget and audit information databases, copies of budget forms, a budget timeline and other information related to the budget process for political subdivisions.

Department of Revenue – Property Assessment Division

<http://pat.ne.gov/>

This website contains information on assessment practices, a calendar of the assessment process and regulations and directives used to assess property.

Nebraska Legislature

<http://nebraskalegislature.gov/>

## **WEBSITES**

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A comprehensive website containing links to State Statutes, the Nebraska Constitution, the Uniform Commercial Code, and documents and reference materials related to the Nebraska Legislature.

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