

**TO:** Roger Breed, Ed.D.  
Commissioner of Education

**FROM:** Brian L. Halstead, Assistant Commissioner

**SUBJECT:** Adjustment of boundaries for ESU #2 and ESU #7

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### **PROPOSED BOARD ACTION**

**That the State Board of Education adopt the prepared order to adjust the boundaries of Educational Service Unit No. 2 and Educational Service Unit No. 7 so that the boundaries of each educational service unit align with the boundaries of their member school districts.**

### **BACKGROUND INFORMATION**

Section 79-1205 requires that the State Board of Education adjust the boundaries of Educational Service Units which do not align with the boundaries of member school districts. On May 27, 2011, the State Committee for the Reorganization of School Districts entered an order dissolving Dodge County School District No. 46 (Dodge Public Schools), which was a member of ESU #2, and Colfax County School District No. 59 (Howells Public Schools), which was a member of ESU #7, and creating Colfax County School District No. 70 (Howells-Dodge Consolidated Schools). The Superintendent of Colfax County School District No. 70 (Howells-Dodge Consolidated Schools) has requested that the new school district be a member of ESU #7.

#### **Estimated Cost**

De minimis costs to county officials for adjustment of records.

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**Supporting Documentation Included:** Draft Order for ESU #2 and ESU #7, letter from Superintendent of Howells-Dodge Consolidated Schools, the Order and Petition filed with the State Committee for the Reorganization of School Districts, and a copy of Section 79-1205.

**For additional information on this item:** Call Brian L. Halstead (402) 471-0732 or e-mail: [brian.halstead@nebraska.gov](mailto:brian.halstead@nebraska.gov)



Therefore, the Board adjusts the boundaries of ESU No. 2 to align with the following school district boundaries in said counties as existed on July 1, 2012:

Cuming County School District No. 1	(West Point Public Schools)
Cuming County School District No. 20	(Bancroft-Rosalie Community Schools)
Cuming County School District No. 30	(Wisner-Pilger Public Schools)
Dodge County School District No. 1	(Fremont Public Schools)
Dodge County School District No. 62	(Scribner-Snyder Community Schools)
Dodge County School District No. 594	(Logan View Public Schools)
Dodge County School District No. 595	(North Bend Central Public Schools)

In addition, the Board adjusts the boundaries of ESU No. 7 to align with the school district boundaries of the following school districts in said counties as existed on July 1, 2012:

Colfax County School District No. 39	(Leigh Community Schools)
Colfax County School District No. 58	(Clarkson Public Schools)
Colfax County School District No. 70	(Howells-Dodge Consolidated Schools)
Colfax County School District No. 123	(Schuyler Community Schools)

The County Clerks, Treasurers, and Assessors of Colfax, Cuming, Dodge, and Stanton Counties are directed to implement the necessary changes in the educational service unit maps and tax records as required pursuant to this order and applicable law, with an effective date of July 1, 2012. A copy of this order shall also be provided to the appropriate educational service unit officials.

Dated this 11<sup>th</sup> day of July 2012.

**DRAFT**

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Jim Scheer, President  
State Board of Education

# Howells-Dodge Consolidated Schools

**Howells Attendance Center:**

418 May Street  
P.O. Box 159  
Howells, NE 68641-0159

Phone: (402) 986-1621

Fax: (402) 986-1261



Tom McMahon, Superintendent

Tom Ridder, Principal

**Dodge Attendance Center:**

209 Ash Street  
Dodge, NE 68633

Phone: (402) 693-2207

Fax: (402) 693-2209

June 20, 2012

Brian Halstead, Legal Counsel  
Department of Education  
301 Centennial Mall south  
P.O. Box 94987  
Lincoln, NE 68509

Dear Mr. Halstead:

Please be advised that the Board of Education of the newly formed Howells-Dodge Consolidated Schools (Colfax County District 19-0070) will be included in the ESU #7, Educational Service Unit in Columbus, Nebraska.

Thank you for your Cooperation in this matter.

Sincerely,

Thomas M. McMahon, Superintendent  
Howells-Dodge Consolidated

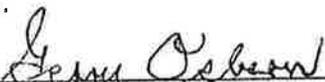
STATE COMMITTEE FOR THE REORGANIZATION OF SCHOOL DISTRICTS  
STATE OF NEBRASKA

IN THE MATTER OF: )  
 ) Case No. 2994  
Petition for Dissolution and Merger of )  
Colfax County School District 59 )  
(Howells Public Schools) with )  
Dodge County School District 46 )  
(Dodge Public Schools) by Creating )  
Colfax County School District 70, a New Class III )  
School District )

On May 27, 2011, the State Committee for the Reorganization of School Districts (Committee) met at the State Office Building, 301 Centennial Mall South, 14th and M Streets, Lincoln, Nebraska, and held a hearing on the Petition involving the aforementioned school districts as required by law.

The Committee hereby finds that the Petition, a copy of which is attached and by this reference is incorporated herein, is approved and authorized by the Committee with an effective date of June 1, 2012. Therefore, the County Clerks of Colfax, Cuming, Dodge, and Stanton County are authorized to proceed further according to the approved Petition and applicable law.

Dated this 27<sup>th</sup> day of May 2011.

  
Gerry Osborn, Chairperson  
State Committee for the Reorganization of School Districts

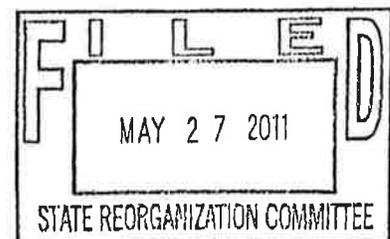
The vote by the Committee to approve the Petition was 5 in favor, 0 against, 0 abstaining, and 0 absent. Individual members voted as follows:

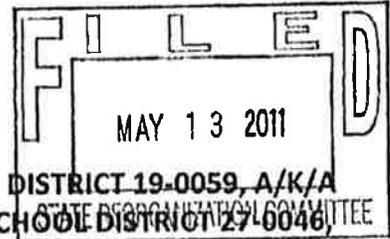
In Favor: Dale Fornander, Teresa Hawk, Gil Kettelhut, Kendall Moseley, Gerry Osborn

Against: None

Abstaining: None

Absent: None





Howells

**PETITION AND PLAN TO DISSOLVE COLFAX COUNTY SCHOOL DISTRICT 19-0059, A/K/A HOWELLS PUBLIC SCHOOL DISTRICT AND DODGE COUNTY SCHOOL DISTRICT 27-0046, a/k/a DODGE PUBLIC SCHOOL DISTRICT AND CREATE A NEW DISTRICT**

**TO: *The Nebraska State Committee for the Reorganization of School Districts and all others who are or may be concerned.***

The undersigned, by this petition, being sixty percent (60%) or more of the duly qualified and now acting members of the School Board and Board of Education of Colfax County School District 19-0059 a/k/a Howells Public School District, a duly accredited Class III school district in which is located a city or incorporated village (Howells, Nebraska), hereinafter referred to as the "existing Howells Public School District" and of Dodge County School District 27-0046, a/k/a Dodge Public School District, a duly accredited Class III school district in which is located a city or incorporated village (Dodge, Nebraska), hereinafter referred to as the "existing Dodge Public School District," do hereby respectfully petition and present the following proposal and plan to dissolve the existing Howells Public School District and the existing Dodge Public School District, and to create a new school district pursuant to NEB. REV. STAT. § 79-413 and § 79-415, *et seq.*, and other Nebraska laws. The new school district, as it will exist after the effective date of its creation pursuant to this Petition and Plan, shall be assigned a new number by the Commissioner of Education and its new corporate name shall be "Colfax County School District 79-\_\_\_\_" (county and number to be assigned), as provided by NEB. REV. STAT. § 79-307 and § 79-405, and other Nebraska laws, and will sometimes hereinafter be referred to as the "new school district." The proposed school district reorganization by dissolution and creation of a new school district as provided by this Petition and Plan is as follows:

**I.**

**A DESCRIPTION OF THE  
PROPOSED BOUNDARIES OF THE REORGANIZED SCHOOL DISTRICTS**

**A.** A description of the boundaries and geographic area and territory of the existing Howells Public School District and the existing Dodge Public School District is shown on Exhibit A, which is attached hereto, incorporated herein, and made a part hereof by this reference.

**B.** A description of the boundaries and geographic area and territory of the new school district created as a result of this reorganization Petition and Plan shall include

the combined boundaries and geographic area and territory of the existing Howells Public School District and the existing Dodge Public School District as shown on Exhibit A.

C. It is the intention of the petitioners to include in this Petition and Plan and in the new school district the entire boundaries and geographic area and territory of the existing Howells Public School District, and the existing Dodge Public School District, which is legally within such school districts on or after the effective date of this Petition and Plan and creation of the new school district. It is further the intention of the petitioners to exclude from this Petition and Plan and from the new school district any boundaries and geographic area and territory which is not legally within the existing Howells Public School District, and the existing Dodge Public School District on or after the effective date of this Petition and Plan and creation of the new school district. Further, in the event of conflicting descriptions between this Petition and Plan and official records and documents on file with the county officials of Colfax County, Nebraska who are required by law to maintain school district boundary lines and description records, such official records and documents shall be controlling as to what are the proper and legal descriptions and boundaries of the existing school districts and the new school district.

## II.

### SUMMARY OF THE TERMS ON WHICH THE REORGANIZATION IS TO BE MADE BETWEEN THE REORGANIZED SCHOOL DISTRICTS

A. Effective Date. The existing Howells Public School District, and the existing Dodge Public School District will be dissolved and discontinued and a new school district shall be created effective on the 1st day of June, 2012, or upon the entry of an order creating the new school district by the State Committee for the Reorganization of School Districts, whose order is necessary to effect the school district reorganization called for in this Petition and Plan, although the physical reorganization of the new school district shall not take effect until commencement of the 2012-2013 fiscal year on September 1, 2012, according to NEB. REV. STAT. § 79-420, and other Nebraska laws. The new school district shall be a Class III school district and shall include the combined boundaries, geographic area, and territory of the existing Howells Public School District and the existing Dodge Public School District, provided that existing budget obligations, educational programs, administration, and teaching staff responsibilities will continue through the entire 2012-2013 school fiscal year. After the 2012-2013 school fiscal year, except as otherwise provided herein, budgets, educational programs, administration, and teaching staff responsibilities will be

determined in the sole and absolute discretion of the School Board and Board of Education of the new school district.

**B. Board of Education - Appointment of Initial Board of Education and Election of Board Members.**

**1. Appointment of the Initial Six-Member Board.** The initial School Board and Board of Education of the new school district shall be composed of six (6) members. It is recommended to the State Committee that three (3) be current members at the time of appointment from the School Board and Board of Education of the existing Dodge Public Schools, with one (1) of such members appointed having a long term ending the first Thursday after the first Tuesday in January of 2017, and two (2) of such members having a short term ending the first Thursday after the first Tuesday in January of 2015; and that three (3) be current members at the time of appointment from the School Board and Board of Education of the existing Howells Public Schools, with two (2) of such members appointed having a long term ending the first Thursday after the first Tuesday in January of 2017, and one (1) of such members appointed having a short term ending the first Thursday after the first Tuesday in January of 2015. The terms of the initial School Board and Board of Education members of the reorganized school district are provided by Neb. Rev. Stat. §79-451, and other Nebraska laws. The School Boards and Boards of Education of each of the existing Dodge Public School District and existing Howells Public School District shall on or before March 1, 2012, nominate three (3) board members then serving on such boards to be members of the School Board and Board of Education of the new school district, and forward such nomination to the State Committee for the Reorganization of School Districts; and, upon receipt of such nominations, the State Committee for the Reorganization of School Districts shall hold a public meeting and hearing regarding the appointment of the School Board and Board of Education of the new school district on or before April 1, 2012, and shall appoint the members of the School Board and Board of Education of the new school district pursuant to Neb. Rev. Stat. § 79-420, Reissue 2008.

**(2) Permanent School Board Districts or Wards.** The initial School Board and Board of Education of the new school district shall establish a permanent School Board district or ward system of electing or appointing School Board and Board of Education members in the new school district. The new school district shall consist of two (2) permanent School Board districts or wards of approximately equal population pursuant to the procedures provided in Neb. Rev. Stat. § 32-553, et seq., and/or other Nebraska laws. The boundaries of District or Ward No. 1 shall be composed of as much as legally possible the boundaries and geographic area and territory of the existing Dodge Public School District, which ward shall conduct its first election at the

statewide primary and statewide general election in 2014; and the boundaries of District or Ward No. 2 shall be composed of as much as legally possible the boundaries and geographic area and territory of the existing Howells Public School District, which ward shall conduct its first election at the statewide primary and statewide general election in 2014. In order to equalize the population of the districts or wards, a portion of the geographic area and territory of one of the existing school districts may be required to be attached to the district or ward made up of the other existing school district. The initial School Board and Board of Education of the new school district shall be appointed from these two permanent School Board districts or wards (subject to the above recommendations), and all School Board and Board of Education members of the new school district shall subsequently be elected or appointed from these two permanent School Board districts or wards until different permanent School Board districts or wards or at-large election or appointment of School Board and Board of Education members are established as provided by Neb. Rev. Stat. § 32-554, et seq., and other Nebraska laws.

**(3) Temporary School Board Districts or Wards for Filling Vacancies on Initial Board of Education.** Should a vacancy occur for a seat of a member of the initial Board of Education appointed pursuant to subparagraph II. B (1) above, the person appointed pursuant to law to fill such vacancy shall reside at the time of such appointment (a) within the boundaries of the district or ward in which the member of the initial Board of Education whose seat has been vacated resided at the time of his or her appointment to the initial Board of Education, or (b) if the districts or wards have not yet been determined, within the boundaries of the existing school district, either the Howells Public School District or the Dodge Public School District, in which the member of the initial Board of Education whose seat has been vacated resided at the time of his or her appointment to the initial Board of Education; provided, that this provision shall exist only for and until completion of the first elections for each seat on the Board of Education, and shall automatically expire for the "short term" members on the first Thursday after the first Tuesday in January in 2015 and for the "long term" members on the first Thursday after the first Tuesday in January in 2017.

**C. Bonded Indebtedness and Other Indebtedness.**

1. The existing Dodge Public School District has bonded indebtedness as of the effective date of this Petition and Plan. The liability for such bonded indebtedness shall be assumed in its entirety by the existing Dodge Public School District.

2. The existing Howells Public School District has bonded indebtedness as of the effective date of this Petition and Plan. The liability for such bonded

indebtedness shall be assumed in its entirety by the existing Howells Public School District.

D. Petition Not Contingent upon a Bond Election. This Petition is not contingent upon the success of a bond election in any of the affected school districts.

E. Special Building Funds. Existing funds in the Special Building Funds of each district as of June 1, 2012, shall be allocated as follows:

1. Funds in the special building fund of Howells Public School District as of June 1, 2012, shall be segregated into a separate fund within the special building fund and used solely for improvements to the school buildings and attendant facilities located in the existing Howells Public School District; and,

2. Funds in the special building fund of Dodge Public School District as of June 1, 2012, shall be segregated into a separate fund within the special building fund and used solely for improvements to the school buildings and attendant facilities located in the existing Dodge Public School District.

3. Funds in the special building fund of the unified system established for the 2011-2012 fiscal year may be used for building improvements within the new school district as determined in the sole discretion of the Board of Education.

F. Other Assets and Liabilities.

All other indebtedness, assets, and liabilities of each such existing School District shall be assumed by the new School District on the effective date of the physical reorganization thereof, and any apportionment necessary shall be as provided by law. Future bonded indebtedness, if any, incurred by the new School District shall be the responsibility of the new School District which incurred such bonded indebtedness. As used herein, the term assets and liabilities of the existing School District includes, but is not limited to, such things as buildings; furniture; fixtures; equipment; vehicles; books; materials; supplies; monies on hand; monies budgeted for; tax receipts; tax receipts receivable; state, county, or local revenue received or to be received; state aid received or to be received by or on behalf of the existing School Districts and all other items of property, whether real, personal or inchoate; and all other responsibilities, whether real, personal or inchoate, except as set forth in this petition.

### III.

#### A MAP SHOWING THE BOUNDARIES OF THE ESTABLISHED

**SCHOOL DISTRICTS AND THE BOUNDARIES PROPOSED  
UNDER THIS PLAN OF REORGANIZATION**

A. Maps showing the boundaries of the existing School Districts and the boundaries proposed under this Petition and Plan are attached hereto, incorporated herein, and made a part hereof by this reference as Exhibit A.

B. In the event of conflicting maps between Exhibit A and the records of appropriate officials who are required by law to maintain School District maps, the records of such officials shall be controlling.

IV.

**OTHER MATTERS DETERMINED PROPER TO BE INCLUDED**

A. Utilization of Existing Buildings.

1. The Office of the Superintendent of Schools shall be initially located in the secondary school building located in Howells, Nebraska. The location of the Office of the Superintendent and all other school district offices shall be determined by the Board of Education of the new School District as it deems appropriate and feasible from time to time, in its sole and absolute discretion.

2. The existing buildings shall be used as follows:

a. Grades K-2 Elementary Facilities. Beginning with the 2012-2013 school year and continuing through the 2017-2018 school year the Board of Education shall maintain an elementary attendance center in the existing elementary school buildings in Howells, Nebraska and Dodge, Nebraska providing instruction at the kindergarten level through and including the second grade level (Grades K-2); provided, the Board of Education may, if it deems it necessary because of enrollment considerations, combine the instruction in one or more grades (e.g. a combined first and second grade classroom).

b. Grades 3-8 Facility in Dodge. Beginning with the 2012-2013 school year and continuing through the 2017-2018 school year the Board of Education shall maintain an elementary attendance center in the existing elementary school buildings in the existing school building located in Dodge, Nebraska providing instruction at the third grade level through and including the eighth grade level (Grades 3-8); provided, the Board of Education may, if it deems it necessary because of enrollment

considerations, combine the instruction in one or more grades (e.g. a combined third and fourth grade classroom).

c. **Grades 9-12 Facility in Howells.** Beginning with the 2012-2013 school year and continuing through the 2017-2018 school year the Board of Education shall maintain a high school attendance center in the existing secondary school building located in Howells, Nebraska providing instruction at the ninth grade level through twelfth grade level (Grades 9-12).

d. **Activity Contest Locations.** The Board of Education of the new School District request that the administration endeavor to schedule school activities, including practices and contests, in the school facilities located in Dodge, Nebraska and Howells, Nebraska in consideration of building and activity facilities and the grade level or nature of the activity.

3. Beginning with the 2018-19 school year, the Board of Education may, in its sole and absolute discretion, provide for different educational uses of the existing buildings, and facilities; provided, any decision to discontinue use of or to close a building or attendance center in either Howells, Nebraska or Dodge, Nebraska shall be subject to a majority vote of the Board of Education. The buildings or attendance centers are not attendance centers constituted under Neb. Rev. Stat. § 79-419 or other Nebraska laws, and this plan does not require the legal voters served by the school to vote by a majority vote for discontinuance or closure of any such attendance centers.

B. **Name of the High School, the Mascot, and the School District.** If not already completed as part of the unification of the two school districts, the Board of Education shall appoint a committee consisting of the following person from each of the participating school districts: The current athletic director and three students with one each representing the class of students scheduled to graduate from high school in 2012. The committee will be given the responsibility of proposing from three potential new names to the Unified District Board for the high school, mascot and colors not later than June 1, 2012.

C. **Transportation:** After the new School District is formed, the new School Board and Board of Education will give due consideration to developing a school transportation system appropriate for its needs.

D. **Bond Election Contingency:** This Petition and Plan is not contingent upon the success of a bond election.

E. **Option Enrollment:** Students of the new School District may attend other school districts under Neb. Rev. Stat. § 79-232 through § 79-247, as they now exist or may hereinafter be amended (the "Choice Laws" or "Option Enrollment Laws") to the same extent and on the same terms and conditions as all other children residing within the new School District.

F. **Educational Planning:** The existing Howells Public School District and the existing Dodge Public School District may, together or separately, submit a list of educational planning considerations for the guidance and consideration of the School Board and Board of Education of the new School District.

G. **Amendment or Modification of Petition and Plan for Future Reorganization:** This Petition and Plan may be amended or modified by the Board of Education of the new School District created thereby for purposes of merging said new School District with other school districts or otherwise participating in school district reorganization as provided by law.

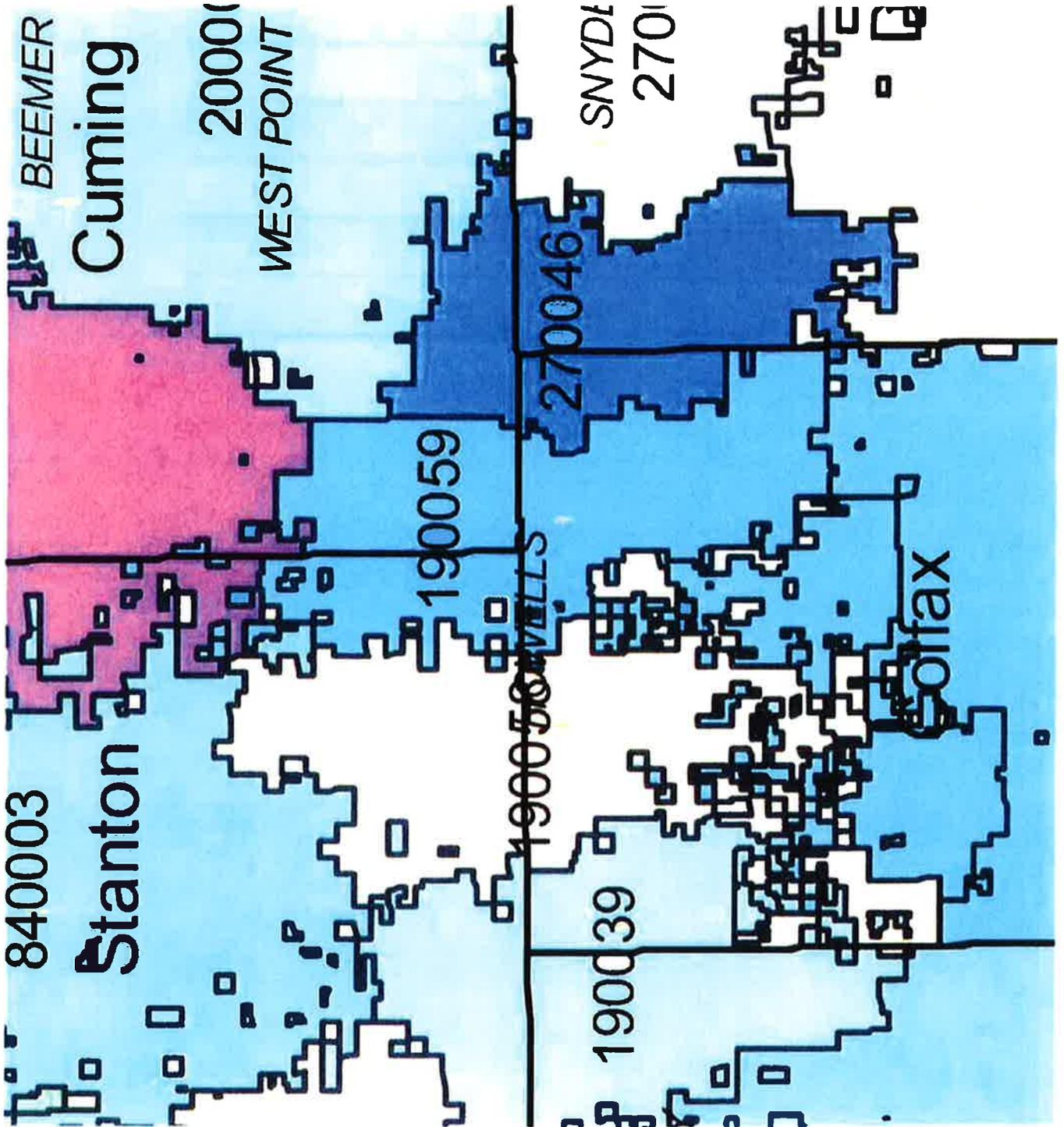
H. **Severability:** It is the intention of the petitioners signing this Petition and Plan that if any provision shall be declared invalid by any tribunal, the remaining provisions of this Petition and Plan shall not be affected thereby, and further, that if any provision of this Petition and Plan is declared invalid by any tribunal, then such provision shall be deemed automatically adjusted to conform to the requirements for validity as declared by any such tribunal at such time, and as so adjusted, shall be deemed a provision of this Petition and Plan as though originally included herein. In the event that the invalidated provision is of such a nature that it cannot be so adjusted, the provision shall be deemed deleted from this Petition and Plan as though the provision had never been included herein. In any of the above cases, the remaining provisions of this Petition and Plan shall remain in effect and shall not be affected thereby.

We, the undersigned, respectfully petition the State Committee for the Reorganization of School Districts and all other persons to whom this Petition and Plan is directed, to proceed with this Petition and Plan according to law, and the undersigned hereby petition to dissolve the existing Howells Public School District and the existing Dodge Public School District and to create a new school district as provided herein and to make such changes according to law by appropriate order of the State Committee for the Reorganization of School Districts and all others who are or may be concerned.

COLFAX COUNTY SCHOOL DISTRICT 19-0059, A/K/A HOWELLS PUBLIC SCHOOL	DODGE COUNTY SCHOOL DISTRICT 27-0046, A/K/A DODGE PUBLIC SCHOOL
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DISTRICT	DISTRICT
By: <u>Richard Coyle</u>	By: _____
By: <u>Heather MacHolaw</u>	By: _____
By: <u>Greg Jakubowski</u>	By: _____
By: <u>Steven J. Schmidt</u>	By: _____
By: <u>Keith Bresten</u>	By: _____
By: <u>Darryl J. Hegemann</u>	By: _____

DISTRICT	DISTRICT
By: _____	By: <u>Diana Doernemann</u>
By: _____	By: <u>David J. Wenzel</u>
By: _____	By: <u>Allen Poff</u>
By: _____	By: <u>Timothy Meyer</u>
By: _____	By: _____
By: _____	By: _____





**79-1205. Annual adjustment to boundaries; State Board of Education; duties.**

On or before July 31, 2007, and on or before July 31 of each year thereafter, the State Board of Education shall adjust the boundaries of any educational service unit the boundaries of which do not align with the boundaries of the member school districts on July 1 of such year. Such boundary adjustments shall align the boundaries of the educational service unit with the boundaries of the member school districts as the boundaries of the member school districts existed on July 1 of such year. Such boundary adjustments shall be referred to the appropriate county and educational service unit officials, and such officials shall implement the adjustments and make the necessary changes in the educational service unit maps and tax records.

**Source:** Laws 2007, LB603, § 10.