

West's Revised Statutes of Nebraska Annotated
Chapter 79. Schools
Article 4. School Organization and Reorganization
(f) Freeholders' Petitions

Neb.Rev.St. § 79-458

79-458. School district; tract of land set off from district; petition; conditions; procedure; appeal

Effective: July 19, 2024

Currentness

(1) Any freeholder or freeholders, person in possession or constructive possession as vendee pursuant to a contract of sale of the fee, holder of a school land lease under section 72-232, or entrant upon government land who has not yet received a patent therefor may file a petition on or before June 1 for all other years with a board consisting of the county assessor, county clerk, and county treasurer, asking to have any tract or tracts of land described in the petition set off from an existing school district in which the land is situated and attached to a different school district which is contiguous to such tract or tracts of land if:

(a)(i) The school district in which the land is situated is a Class I, II, or III school district which has had an average daily membership in grades nine through twelve of less than sixty for the two consecutive school fiscal years immediately preceding the filing of the petition;

(ii) Such Class I, II, or III school district has voted pursuant to section 77-3444 to exceed the maximum levy established pursuant to subdivision (2)(a) of section 77-3442, which vote is effective for the school fiscal year in which the petition is filed or for the following school fiscal year;

(iii) The high school in such Class I, II, or III school district is within fifteen miles on a maintained public highway or maintained public road of another public high school; and

(iv) Neither school district is a member of a learning community; or

(b) Except as provided in subsection (7) of this section, the school district in which the land is situated, regardless of the class of school district, has approved a budget for the school fiscal year in which the petition is filed that will cause the combined levies for such school fiscal year, except levies for bonded indebtedness approved by the voters of such school district and levies for the refinancing of such bonded indebtedness, to exceed the greater of (i) one dollar and twenty cents per one hundred dollars of taxable valuation of property subject to the levy or (ii) the maximum levy authorized by a vote pursuant to section 77-3444.

For purposes of determining whether a tract of land is contiguous, all petitions currently being considered by the board shall be considered together as a whole.

(2) The petition shall state the reasons for the proposed change and shall show with reference to the land of each petitioner: (a) That (i) the land described in the petition is either owned by the petitioner or petitioners or that he, she, or they hold a school

land lease under section 72-232, are in possession or constructive possession as vendee under a contract of sale of the fee simple interest, or have made an entry on government land but have not yet received a patent therefor and (ii) such tract of land includes all such contiguous land owned or controlled by each petitioner; (b) that the conditions of subdivision (1)(a) or (1)(b) of this section have been met; and (c) that such petition is approved by a majority of the members of the school board of the district to which such land is sought to be attached.

(3) The petition shall be verified by the oath of each petitioner. Notice of the filing of the petition and of the hearing on such petition before the board constituted as prescribed in subsection (1) or (4) of this section shall be given at least ten days prior to the date of such hearing by one publication in a legal newspaper of general circulation in each district and by posting a notice on the outer door of the schoolhouse in each district affected thereby, and such notice shall designate the territory to be transferred. Following the filing of a petition pursuant to this section, such board shall hold a public hearing on the petition and shall approve or disapprove the petition on or before July 15 following the filing of the petition based on a determination of whether the petitioner has complied with all requirements of this section. If such board approves the petition, such board shall change the boundaries of the school districts so as to set off the land described in the petition and attach it to such district pursuant to the petition with an effective date of August 15 following the filing of the petition, which actions shall cause such transfer to be in effect for levies set for the year in which such transfer takes effect.

(4) Petitions requesting transfers of property across county lines shall be addressed jointly to the county clerks of the counties concerned, and the petitions shall be acted upon by the county assessors, county clerks, and county treasurers of the counties involved as one board, with the county clerk of the county from which the land is sought to be transferred acting as chairperson of the board.

(5) Appeals may be taken from the action of such board or, when such board fails to act on the petition, on or before August 1 following the filing of the petition, to the district court of the county in which the land is located on or before August 10 following the filing of the petition, in the same manner as appeals are now taken from the action of the county board in the allowance or disallowance of claims against the county. If an appeal is taken from the action of the board approving the petition or failing to act on the petition, the transfer shall occur effective August 15 following the filing of the petition, which actions shall cause such transfer to be in effect for levies set for the year in which such transfer takes effect, unless action by the district court prevents such transfer.

(6) This section does not apply to any school district located on an Indian reservation and substantially or totally financed by the federal government.

(7) For school districts that have approved a budget for school fiscal year 2007-08 that will cause the combined levies, except levies for bonded indebtedness approved by the voters of the school district and levies for the refinancing of such bonded indebtedness, to exceed the greater of (a) one dollar and twenty cents per one hundred dollars of taxable valuation of property subject to the levy or (b) the maximum levy authorized by a vote pursuant to section 77-3444, the school boards of such school districts may adopt a binding resolution stating that the combined levies, except levies for bonded indebtedness approved by the voters of the school district and levies for the refinancing of such bonded indebtedness, for school fiscal year 2008-09 shall not exceed the greater of (i) one dollar and twenty cents per one hundred dollars of taxable valuation of property subject to the levy or (ii) the maximum levy authorized by a vote pursuant to section 77-3444. On or before May 9, 2008, such binding resolutions shall be filed with the Auditor of Public Accounts and the county assessors, county clerks, and county treasurers for all counties in which the school district has territory. If such binding resolution is filed on or before May 9, 2008, land shall not be set off and attached to another district pursuant to subdivision (2)(b) of this section in 2008.

(8) Nothing in this section shall be construed to detach obligations for voter-approved bonds from any tract of land.

Credits

Laws 1996, LB 900, § 207; Laws 1997, LB 710, § 3; Laws 1997, LB 806, § 22; Laws 1998, Sp. Sess., LB 1, § 11; Laws 1999, LB 272, § 58; Laws 2001, LB 797, § 10; Laws 2006, LB 1024, § 43; Laws 2007, LB 219, § 1; Laws 2008, LB 988, § 4, eff. April 3, 2008; Laws 2018, LB 377, § 23, eff. Jan. 1, 2019; Laws 2024, LB 1329, § 28, eff. July 19, 2024.

Neb. Rev. St. § 79-458, NE ST § 79-458

Current through legislation effective April 7, 2026, of the 2nd Regular Session of the 109th Legislature (2026)

End of Document

© 2026 Thomson Reuters. No claim to original U.S. Government Works.

received
3-18-26 Hk

FREEHOLDERS' PETITION TO CHANGE SCHOOL DISTRICT BOUNDARY

Buffalo County, Nebraska

(Pursuant to Neb. Rev. Stat. § 79-458)

TO:

Buffalo County Assessor,
Kearney, Nebraska

PETITIONERS

We, the undersigned freeholders, being legal owners of the tract of land described below, hereby petition under the provisions of Nebraska Revised Statute § 79-458 for a change in the boundary between the above-named school districts.

Petitioners:

Ryan T. Martin
Austin L. Martin
210 N Mill Street
Elm Creek, NE 68836
Email: austin.martin1020@gmail.com
Phone: (308) 340-7698

PROPERTY DESCRIPTION

A tract of land being the Southwest Quarter (SW¹/₄) of Section 35, Township 10 North, Range 18 West of the Sixth Principal Meridian, Buffalo County, Nebraska. To include the entirety of the parcels listed below.

Parcel ID numbers: 460147000, 460147100

CURRENT SCHOOL DISTRICT

Amherst Public School District No. 119
District ID: 3100070

PROPOSED SCHOOL DISTRICT


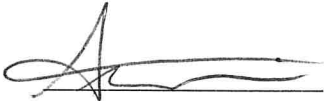
Elm Creek Public School District No. 9
District ID: 3170140

REASONS FOR REQUEST

The property described above is contiguous to the Elm Creek Public School District. Petitioners' children currently attend school within the Elm Creek district. Transportation routes, educational access, community alignment, and emergency services favor reassignment to Elm Creek Public Schools. The petitioners therefore respectfully request that the boundary between Amherst Public School District No. 119 and Elm Creek Public

School District No. 9 be adjusted to include the described property within the Elm Creek district.

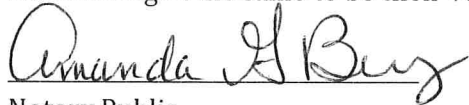
SIGNATURES OF PETITIONERS

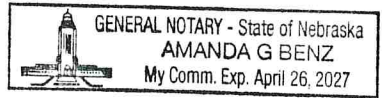
Printed Name	Signature	Date
Ryan T. Martin		<u>3-18-26</u>
Austin L. Martin		<u>3-18-26</u>

NOTARY ACKNOWLEDGMENT

State of Nebraska)
: ss.
County of Buffalo)

On this 18 day of MARCH, 2026, before me, a Notary Public in and for said County and State, personally appeared Ryan T. Martin and Austin L. Martin, to me personally known to be the identical persons whose names are affixed to the foregoing instrument, and acknowledged the same to be their voluntary act and deed.


Notary Public



My commission expires: April 26, 2027

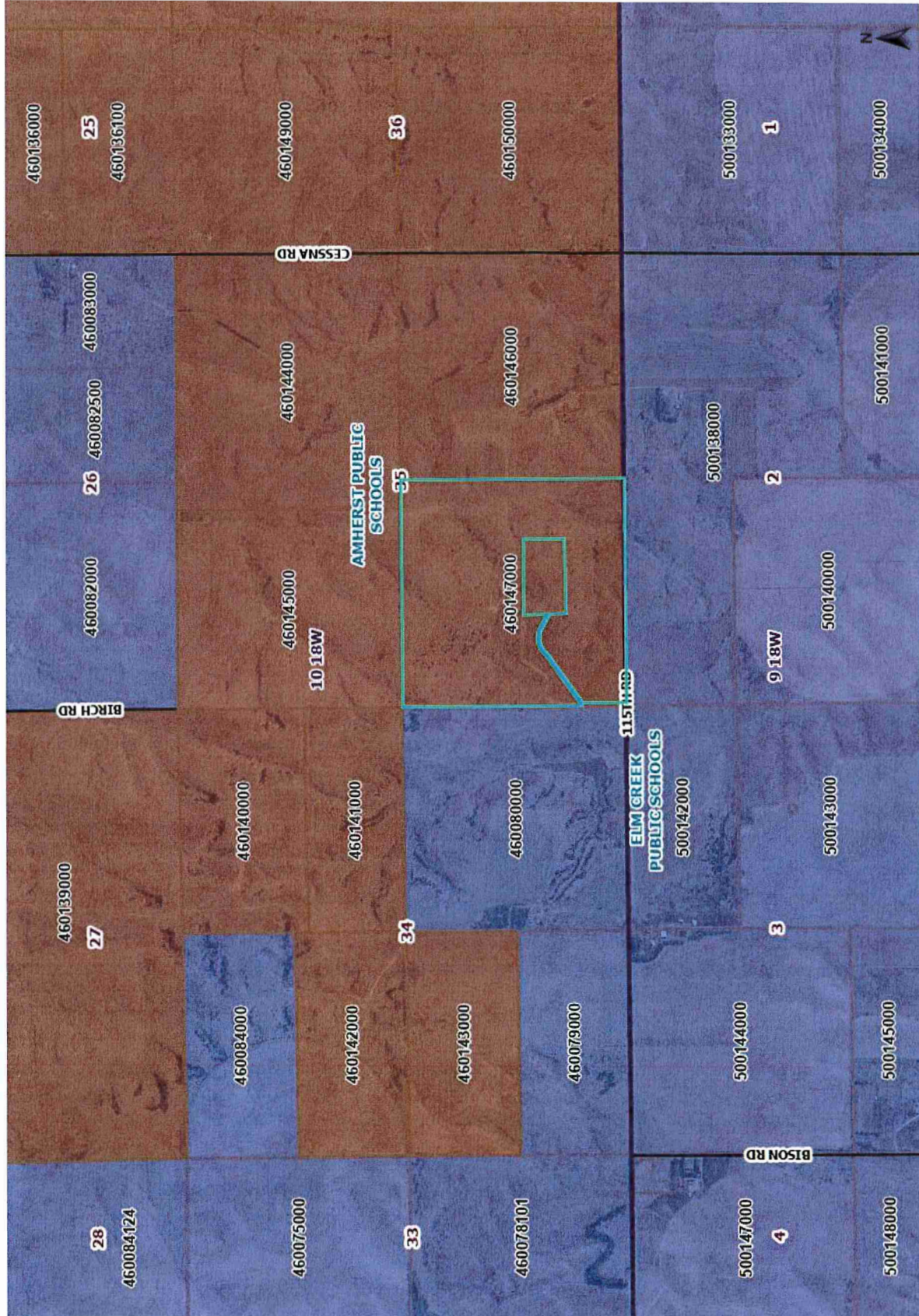
TO BE FILED WITH:

Buffalo County Assessor
1512 Central Ave
Kearney, NE 68847



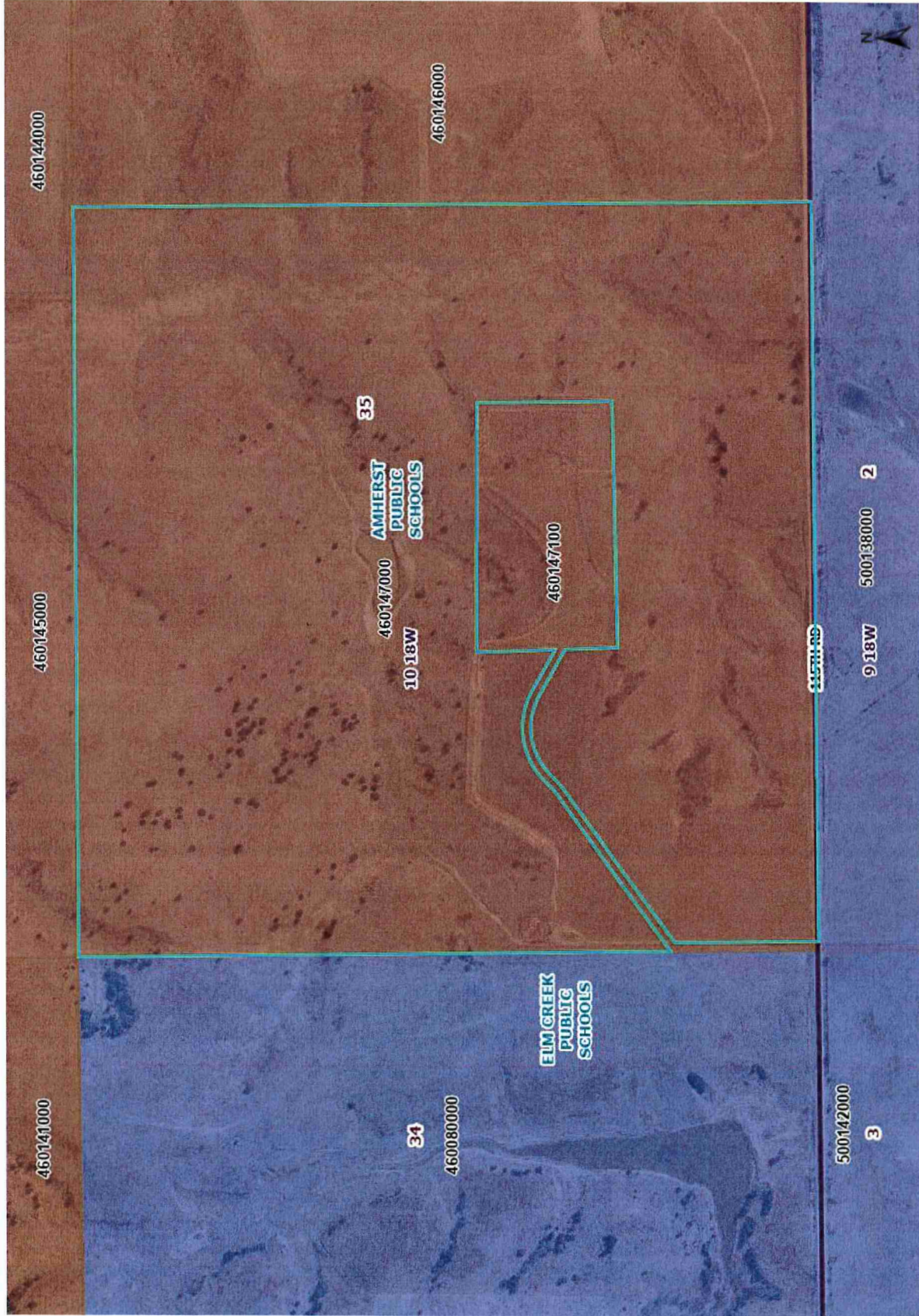
Buffalo County, NE

- Parcels
- Parcel Numbers
- Roads
- Townships
- Sections
- School Districts
- AMHERST PUBLIC SCHOOLS
- ANSLEY PUBLIC SCHOOLS
- CENTURA PUBLIC SCHOOLS
- ELM CREEK PUBLIC SCHOOLS
- SCHOOLS
- GIBBON PUBLIC SCHOOLS
- KEARNEY PUBLIC SCHOOLS
- PLEASANTON PUBLIC SCHOOLS
- SCHOOLS
- RAVENNA PUBLIC SCHOOLS
- SHELTON PUBLIC SCHOOLS
- S-E-M PUBLIC SCHOOLS





Buffalo County, NE





Buffalo County Freeholders Board

Heather Christensen, County Clerk

Brenda Rohrich, County Treasurer

Roy Meusch, County Assessor

May 1st, 2026

Ryan T. Martin
Austin L. Martin
210 N Mill Street
Elm Creek, NE 68836

Subject: Freeholder petition

The Freeholder's Board has received the petition submitted requesting the transfer of land between school districts.

To ensure compliance with applicable law and to preserve the rights of all parties, the Freeholders Board will convene a public meeting to consider petition. The meeting will be conducted in two parts.

First, the Board will determine whether a sufficient petition, including all required statutory declarations, has been submitted. Second, if the petition is found to meet the minimum statutory requirements, the Board will proceed to consider the merits of the requested transfer.

As part of this process, you are hereby requested to show cause why the petition should be allowed to proceed to a hearing on the transfer issue. This request is made because, based on an initial review of the petition and publicly available tax levy information, it appears that the statutory minimum requirements for consideration may not be satisfied.

The applicable requirements are set forth in Nebraska Revised Statute § 79-458. Among other things, the statute requires:

1. That the school district to which the property is proposed to be transferred will accept the transfer;
2. That the land to be transferred is contiguous to the receiving district;
AND, Either (3) or (4);
3. Certain conditions applicable to Class I, II, or III districts, including minimum enrollment thresholds, levy override approval under § 77-3444, proximity to another high school, and non-membership in a learning community;
OR
4. That the school district from which the land is being transferred has approved a budget for the relevant fiscal year causing its combined levies (excluding specified bonded indebtedness) to exceed statutory thresholds, as defined in § 79-458.

As a preliminary matter, a valid petition must include declarations addressing these statutory requirements. Based on a review of publicly available levy histories obtained from the Assessor's Office, it appears that the "transferring" school district has not, in the relevant fiscal years, approved a budget resulting in combined levies exceeding \$1.20 per \$100 of taxable valuation, nor approved a levy override pursuant to § 77-3444.

If these facts are correct, the petition may fail to meet the statutory minimum requirements necessary for the Board to proceed to a hearing on the merits.

Further details regarding the date, time, and location of the meeting will be provided under separate notice.

Sincerely,

A handwritten signature in cursive script that reads "Heather Christensen". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Heather Christensen
Buffalo County Clerk

Attached:

Nebraska Revised Statute § 79-458
Public Notice

CC:

Amherst School
Elm Creek School
Kearney Hub Notice

NOTICE OF PUBLIC HEARING
OF
BUFFALO COUNTY FREEHOLDERS BOARD

The Buffalo County Freeholders Board, consisting of the Buffalo County Clerk, the Buffalo County Assessor and the Buffalo County Treasurer, will hold an open and public hearing to discuss the freeholder petition filed by Ryan and Austin Martin pursuant to § Section 79-458 to set off their tract of land legally described as: A tract of land being the Southwest Quarter (SW1/4) of Section 35, Township 10 North, Range 18 West of the Sixth Principal Meridian, Buffalo County, Nebraska. Parcel numbers 460147000 and 460147100. The property described above is contiguous to the Elm Creek Public School District and is currently situated and attached to the Amherst Public School District. Said public hearing is to be held on May 18, 2026 at 1:30 p.m. in the Buffalo County Commissioners board room at the Buffalo County Courthouse, in Kearney, Nebraska. Any interested party who wishes to appear and be heard concerning the freeholders petition should conduct themselves accordingly.



Heather A. Christensen
Buffalo County Clerk





ELM CREEK PUBLIC SCHOOLS

230 E. Calkins Ave, PO Box 490
Elm Creek, NE 68836
Phone:(308) 856-4300
Fax: (308) 455-6252

Kim Beran, Superintendent -- Brandon Marquez, 7-12 Principal/Activities Director -- Terah Williams, PK-6 Principal

April 27, 2026

To Whom It May Concern,

At the request of the Buffalo County Clerk's Office, please find the enrollment numbers for Elm Creek Public Schools below.

For the 2023–2024 school year:

9th grade – 34
10th grade – 19
11th grade – 19
12th grade – 25

For the 2024–2025 school year:

9th grade – 27
10th grade – 34
11th grade – 20
12th grade – 16

Please let me know if you have any questions or need additional information.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Kim Beran".

Kim Beran
Elm Creek Public Schools' Superintendent

“Love Blue, Live Gold”

Board of Education Regular Meeting
Wednesday, May 13, 2026 6:00 PM

1. OPEN THE MEETING

1.1. Call to Order

Meeting was called to order at 6pm.

1.1.1. Publication of Meeting

1.1.2. Nebraska Open Meetings Law

1.1.3. Pledge of Allegiance

1.1.4. District Mission Statement

1.2. Board Member Roll Call

2. CELEBRATION OF EXCELLENCE (staff & student presentations, etc.)

3. PUBLIC COMMENT

No public comment was made.

4. INFORMATION ITEMS

4.1. Administrator Reports

4.1.1. Superintendent Report - Mrs. Beran

Mrs. Beran updated the board on important dates coming up, the excellent review from the Rule 10 visit and also provided an update on the budget.

4.1.1.1. Important Dates

4.1.1.2. Review Acknowledgment of Compliance for Accreditation (Rule 10)

4.1.1.3. Budget Tracking Form

4.1.2. Principal/AD Report - Mr. Marquez

Mr. Marquez updated the board on the success of graduation, spring testing, and improved attendance rates. In his Activities Director report, he also shared updates on the weight lifting schedule, district track, and golf starting Thursday.

4.1.2.1. FAFSA Report

Mr. Marquez shared that FAFSA Report for 20 seniors, 11 completed 55%, and 9 opt-outs 45%.

4.1.3. **Principal Report - Mrs. Williams**

Mrs. Williams shared that spring testing had wrapped up and students celebrated their great testing scores with a trip to the Big Apple. She also celebrated the successful Rule 10 visit and shared that they are looking forward to the school visit this fall.

5. **CONSENT AGENDA**

Motion was made to proceed with the consent agenda as presented. This motion, made by Hannah Hild and seconded by Ryan Martin, Passed.

Alicia Beavers: Yea, Cole Brodine: Yea, Hannah Hild: Yea, Jacob Kringle: Yea, Ryan Martin: Yea, Lynette Mitchell: Yea

5.1. **Prior Meeting Minutes**

5.2. **Policy Final Reading and Adoption Including all New Policy Updates**

5.3. **Financial Reports and Claims according to Review of Bills policy 3007**

6. **ACTION ITEMS**

6.1. **Consider & Approve Service Agreements with Anderson Bros for HS HVAC Systems**

Motion was made to approve Service Agreements with Anderson Bros for HS HVAC Systems \$7,066.41 twice a year. This motion, made by Ryan Martin and seconded by Cole Brodine, Passed.

Alicia Beavers: Yea, Cole Brodine: Yea, Hannah Hild: Yea, Jacob Kringle: Yea, Ryan Martin: Yea, Lynette Mitchell: Yea

6.2. **Consider & Approve Anderson Bros Service Agreement for the Water Heaters & Water Fountains**

Motion was made to approve Anderson Bros Service Agreement for annual Water Heaters & Water Fountains inspections and maintenance. This motion, made by Cole Brodine and seconded by Ryan Martin, Passed.

Alicia Beavers: Yea, Cole Brodine: Yea, Hannah Hild: Yea, Jacob Kringle: Yea, Ryan Martin: Yea, Lynette Mitchell: Yea

6.3. **Consider & Approve Anderson Bros Elementary & Middle School Service Agreement HVAC Systems**

Motion was made to Approve Anderson Bros Elementary & Middle School Service Agreement HVAC Systems Elem & MS HVAC Systems \$15,548.50. This motion, made by Ryan Martin and seconded by Jacob Kringle, Passed.

Alicia Beavers: Yea, Cole Brodine: Yea, Hannah Hild: Yea, Jacob Kringle: Yea, Ryan Martin: Yea, Lynette Mitchell: Yea

6.4. Discuss and Consider Approval on Freeholders Petition

Motion was made to Consider Approval on Freeholders Petition. This motion, made by Alicia Beavers and seconded by Cole Brodine, Passed.

Alicia Beavers: Yea, Cole Brodine: Yea, Hannah Hild: Yea, Jacob Kringle: Yea, Ryan Martin: Abstain, Lynette Mitchell: Yea

6.5. Consider and Approve Early Graduation for Student (26-27 school year)

Motion was made to Approve Early Graduation for Student (26-27 school year) at semester. This motion, made by Cole Brodine and seconded by Hannah Hild, Passed.

Alicia Beavers: Yea, Cole Brodine: Yea, Hannah Hild: Yea, Jacob Kringle: Yea, Ryan Martin: Yea, Lynette Mitchell: Yea

6.6.

Consider and Take any Necessary Action to Purchase Computers for 26-27 School Year for up to \$60,000

Motion was made to Take any Necessary Action to Purchase Computers for 26-27 School Year for up to \$60,000. This motion, made by Alicia Beavers and seconded by Ryan Martin, Passed.

Alicia Beavers: Yea, Cole Brodine: Yea, Hannah Hild: Yea, Jacob Kringle: Yea, Ryan Martin: Yea, Lynette Mitchell: Yea

6.7. Consider and Approve Transferring \$25,000 from General Fund to Nutrition Fund

Motion was made to Approve Transferring \$25,000 from General Fund to Nutrition Fund. This motion, made by Alicia Beavers and seconded by Jacob Kringle, Passed.

Alicia Beavers: Yea, Cole Brodine: Yea, Hannah Hild: Yea, Jacob Kringle: Yea, Ryan Martin: Yea, Lynette Mitchell: Yea

7. SCHEDULE NEXT REGULAR BOARD MEETING

June 8th at 6pm.

8. ADJOURN

Motion made to adjourn the Elm Creek Public School Board meeting at 6:30pm. This motion, made by Alicia Beavers and seconded by Ryan Martin, Passed.

Alicia Beavers: Yea, Cole Brodine: Yea, Hannah Hild: Yea, Jacob Kringle: Yea, Ryan Martin: Yea, Lynette Mitchell: Yea

9. ****CLOSED SESSION:** If, during the course of the meeting, discussion of any item on the agenda should be held in a closed meeting, the board will conduct a closed meeting in accordance with the Nebraska Open Meetings Act.

10. ****SEQUENCE OF AGENDA:** The sequence of agenda topics is subject to change at the discretion of the board.



AMHERST PUBLIC SCHOOLS

"Home of the Broncos"

P.O. Box 8 ~ Amherst, NE 68812

Phone (308) 826-3131 Fax (308) 826-4865

Roger Thomsen-Superintendent/High School Principal

Carter Blauvelt-Elementary Principal

To:

Heather Christensen

County Clerk

hchristensen@buffalocounty.ne.gov

ap@buffalocounty.ne.gov

Buffalo County Clerk Office

Ph: 308/236-1226

Fax: 308/236-1223

We are gathering information for a Freeholders Petition and would appreciate your assistance. Could you please provide a signed letter that includes your enrollment totals for grades 9–12 for the 2023–2024 and 2024–2025 fiscal years

9th, 10th, 11th, & 12th grade enrollment (membership Roster) on file with NDE

23-24 = 29, 24, 25, 41

24-25 = 20, 29, 26, 23

Amherst public school formula students (total enrollment) on file with NDE

23-24 = 365.38

24-25 = 352.67

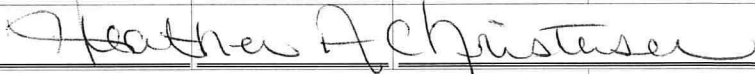
Educationally,

Roger Thomsen

Superintendent / 7-12 Principal

Amherst Public Schools

RESOLUTION 2025-64

BUFFALO COUNTY AGRICULTURAL SOCIETY									
		GENERAL	SINKING						
		0.008576	0.016246						
SANITARY & IMPROVEMENT DISTRICT #3									
		GENERAL							
		0.137710							
SCHOOL DISTRICTS									
DISTRICT	NO.	GENERAL	BOND	K-8 or 2009	9-12 or 2013	BOND (LB 2)	SP BLDG	CAPITAL	TOTAL
GIBBON	2	0.851511	0.124048				0.056480		1.032039
KEARNEY	7	0.815116		0.045689	0.081394		0.107996	0.022717	
ELM CREEK	9	0.864768	0.148071				0.055190		1.068029
SHELTON	19	0.923743	0.051985				0.014641	0.016975	1.007344
RAVENNA	69	0.625643				0.062357			.688000
PLEASANTON	R105	0.792299	0.113819			0.199650	0.020303	0.028220	
AMHERST	119	0.674937	0.113003				0.008629		.796569
<p>I, Heather A. Christensen, County Clerk in and for Buffalo County, Nebraska do hereby certify the levies for the political subdivisions of Buffalo County for the year 2025.</p> <p>WITNESS MY HAND AND OFFICIAL SEAL THIS 14th day of October 2025.</p>									
						 Heather A. Christensen, County Clerk			

