

THE WAYNE HERALD

ONE-HUNDRED SEVENTH YEAR

WAYNE, NEBRASKA 68787, MONDAY, NOVEMBER 29, 1982

THIS ISSUE — ONE SECTION, 12 PAGES

NUMBER SEVENTEEN

Judge releases non-resident tuition funds

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Release of the funds, held in escrow since a lawsuit was filed last summer, came as a result of an order issued Nov. 10 by District Judge Merrill C. Warren in District Court of Wayne County.

Warren's decision on a pre-emptory writ of mandamus results in the release of the funds, pending a decision on the lawsuit which protests the amount of non-resident tuition paid by Class I district residents.

The release of the tuition funds was based on LB 933, the new non-resident tuition law passed this year. The new law requires distribution of funds while lawsuits are pending unless the plaintiff files a \$100,000 bond.

THE LITIGATION was inflated last summer by taxpayers in Wayne County from Class I districts, delaying the distribution of funds payable to Class III schools that receive students for free high school tuition purposes.

Taxpayers bringing the suit were Merlin Reinhardt, Richard Lund, Frederick Mann, Gene Lutt, Cyril Hansen and Dwayne Rethwisch.

Although six names were released in connection with the litigation, the action was not only brought on behalf of those who filed, but "for all of the other owners of property similarly situated in the non-high school districts of Wayne County," according to the filed petition.

The case is only one of many across the state, brought against county governments,

but ultimately aimed at high school boards.

The suit was filed against the county instead of the school district because it is the county which is responsible for assessing the tax to the residents in the non-high school districts for the tuition cost.

EARLIER LAST summer, in a separate filing, county attorney Budd Bornhoft, John Recknor, counsel for the plaintiff, and Norfolk attorney David Domina, counsel for the school districts, worked out a special stipulation.

The stipulation, approved in Wayne County District Court, allowed the districts that have Wayne County youngsters in their schools, to receive some of the 1981-82 tuition funds which had been frozen.

The stipulation allowed these districts to

receive 1.25 percent of the average per pupil costs for the 1981-82 school year.

In the case of Wayne-Carroll High School, that amount was multiplied by 52, the number of students attending Wayne-Carroll from the non-high school districts.

That total was \$144,040, or \$103,000 less than what the board had originally expected.

The money to the districts was to be released in three separate payments.

Money released as a result of Judge Warren's decision earlier this month brings the total amount received by the Wayne-Carroll district to \$272,250.18 — the amount it requested for the 1981-82 school year.

LOREN PARK, county superintendent of schools, said his office prepared checks to be sent to receiving districts following

Judge Warren's decision.

Amounts released by his office were: Wayne-Carroll, \$55,699.88; Winside, \$14,567.05; Randolph, \$2,745.59; Norfolk, \$8,347.04; Laurel, \$824.60; Pender, \$11,352.94; Wisner-Pilger, \$9,570.45; Pierce, \$4,675.69; Wakefield, \$4,973.33.

County Treasurer Leon Meyer said interest from the funds collected will go to the successful party in the original litigation.

Action on the lawsuit has been continued until a review by the Nebraska Supreme Court of an earlier decision in Colfax County favoring the high school districts.

FRANCES Haun, superintendent for Wayne-Carroll Community Schools, said tuition funds received by Wayne-Carroll schools will go into the general fund.

"We budgeted low in the estimated receipts of free high tuition because at the time the budget was prepared the board had no assurance that any of these monies would be received," said Haun.

Haun explained that the term "free high school tuition" is a misnomer.

"It's not free," said Haun, adding that the situation begins with the different classes of schools that exist in Nebraska.

Class I schools are those that maintain only elementary grades under the direction of a single school board.

In order for these boards to provide high school education for their youngsters, they must pay the Class III, or above, districts a dollar amount, the minimum of which has been set by the Unicameral.

"Therein lies the problem," said Haun.



Photography: Randall Howell

Snowbirds warned to fly before city plows

Think snow removal. Though Wayne residents may not have had a white Thanksgiving this year, winter's snowfalls are on the way.

He's making a list...

AND CHECKING it twice. Santa Claus was scheduled to be in Wayne Saturday. But, he's had a

helper here for a couple of days. Workers set up this City Hall statue last week.

See SHUTDOWN, page 7

The communication concept

City Hall's walls come alive with Wayne woman's artwork

By Randall Howell

said Victor, who grew up on a family farm near Madison

"This opportunity is great because artists



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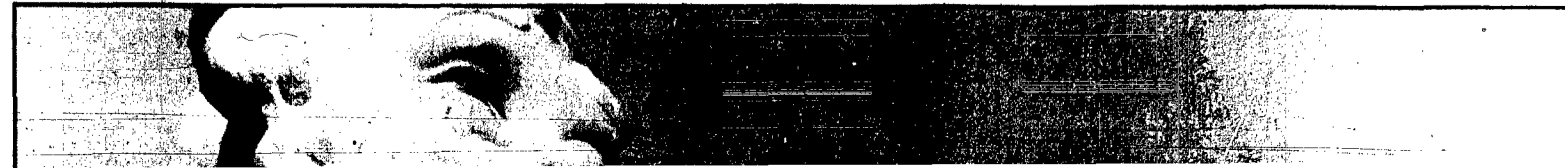
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WSC sets extended