

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 590

Introduced by Cornett, 45

Read first time January 17, 2007

Committee: Education

A BILL

1 FOR AN ACT relating to educational service units; to amend
2 sections 79-1202, 79-1206, 79-1209, 79-1210, 79-1212, and
3 79-1217, Reissue Revised Statutes of Nebraska; to change
4 provisions relating to reorganization; to harmonize
5 provisions; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-1202, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 79-1202 The official name of each educational service
4 unit shall be Educational Service Unit No. ... of the State
5 of Nebraska, and the individual number of each unit shall be
6 determined by the State Board of Education. School District 55-001
7 of Lancaster County shall remain Educational Service Unit No. 18
8 unless one or more other school districts join such educational
9 service unit as a result of reorganization. School District 28-001
10 of Douglas County shall remain Educational Service Unit No. 19
11 unless one or more other school districts join such educational
12 service unit as a result of reorganization. ~~For educational service~~
13 ~~units existing on January 1, 1998, the number of the unit shall~~
14 ~~remain the same.~~ For educational service units created by merger
15 or reorganization, the number of the unit shall be the number
16 of one of the educational service units dissolving into the new
17 educational service unit. For all other newly created educational
18 service units, the number shall be any number not otherwise
19 assigned to an existing educational service unit.

20 Sec. 2. Section 79-1206, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 79-1206 (1) The Legislature finds that from time to time
23 there is a need to change the boundaries of educational service
24 units in response to changes in student population and in student
25 and school needs as well as changes in the taxable wealth and

1 financial resources of the educational service units.

2 (2) It is the intent of the Legislature to allow a school
3 district with an average daily membership of eight thousand five
4 hundred or more students in prekindergarten through grade twelve to
5 form an educational service unit consisting of a single district.

6 (3) It is also the intent of the Legislature to
7 establish an orderly process for locally initiated reorganization
8 of educational service unit boundaries. The purpose of sections
9 79-1206 to 79-1211 is to establish the statutory framework for such
10 process and to empower the State Board of Education to make changes
11 in educational service unit boundaries based on statutory criteria.
12 Nothing in such sections prevents the addition of additional school
13 districts to Educational Service Unit No. 18 or Educational Service
14 Unit No. 19. Any perceived conflict relating to the addition of
15 additional school districts to Educational Service Unit No. 18 or
16 Educational Service Unit No. 19 shall be addressed in the petition
17 filed pursuant to section 79-1207.

18 Sec. 3. Section 79-1209, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 79-1209 A petition to reorganize educational service
21 units may include the following:

22 (1) A transfer of a school district or districts from
23 one established educational service unit to another established
24 educational service unit;

25 (2) A withdrawal from an established educational service

1 unit by two or more school districts to form a new educational
2 service unit;

3 (3) An addition of a school district or districts which
4 are not part of an educational service unit to an established or
5 new educational service unit; ~~and~~

6 (4) The dissolution of one or more entire educational
7 service units for attachment to existing educational service units
8 or the merger of two or more educational service units into a new
9 educational service unit; and -

10 (5) The withdrawal of a school district with an average
11 daily membership of eight thousand five hundred or more students
12 from an established educational service unit to form a new
13 educational service unit.

14 Sec. 4. Section 79-1210, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 79-1210 The State Board of Education shall grant or deny
17 any petition to change educational service unit boundaries based
18 upon the following criteria:

19 (1) The educational needs of students in the affected
20 school districts and the affected educational service units;

21 (2) The economic viability of the proposal as it relates
22 to affected established educational service units or affected
23 proposed educational service units;

24 (3) Any community of interest among affected school
25 districts and affected educational service units;

1 (4) Geographic proximity as such would affect the ability
2 of affected educational service units to deliver service in a
3 cost-effective manner; ~~and~~

4 (5) In the dissolution of one or more entire educational
5 service units, evidence of consent from each educational service
6 unit board and two-thirds of the school boards or boards of
7 education of member school districts representing a majority of
8 students in each affected educational service unit; and -

9 (6) The attainment by a school district of an average
10 daily membership of eight thousand five hundred or more students.

11 Sec. 5. Section 79-1212, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 79-1212 Members of boards of educational service units
14 existing prior to approval of any plan of reorganization shall
15 serve as board members of educational service units which are
16 reorganized pursuant to sections 79-1206 to 79-1211 until the
17 expiration of their original terms. The term of a board member
18 shall expire if the educational service unit is reorganized
19 pursuant to such sections and as a result the board member no
20 longer lives within the boundaries of the educational service unit
21 on the board of which he or she serves. Such persons shall be
22 members of the board of the reorganized educational service unit in
23 which they reside. Within thirty days after approval of any plan of
24 reorganization by the State Board of Education, the Commissioner of
25 Education shall call a meeting of board members of each educational

1 service unit being reorganized pursuant to sections 79-1206 to
2 79-1211. At such meeting, members of each such board shall appoint
3 one member from each county not having representation on such board
4 to serve until the next general election. The board shall take
5 all necessary action to prepare for operation of the reorganized
6 educational service unit commencing one year following approval
7 of any plan of reorganization by the State Board of Education.
8 Expenses incurred by such board prior to such times shall be
9 prorated between the counties comprising the educational service
10 unit on the basis of the assessed valuation of such counties.

11 Sec. 6. Section 79-1217, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 79-1217 (1) All educational service units, except
14 Educational Service Units No. 18 and 19 and educational service
15 units formed by school districts having an average daily membership
16 of eight thousand five hundred or more students, shall be governed
17 by a board to be known as the Board of Educational Service Unit No.
18 The educational service unit board shall be composed of
19 one member from each county and four members at large, all of whom
20 shall reside within the geographical boundaries of the educational
21 service unit, but no more than two of the members at large shall
22 be appointed or elected from the same county unless any one county
23 within the educational service unit has a population in excess of
24 one hundred fifty thousand inhabitants or the educational service
25 unit consists of only one county. The four candidates who receive

1 the highest number of votes for at-large representative shall be
2 elected, except that if more than two of such candidates reside
3 within the same county which has a population of one hundred fifty
4 thousand inhabitants or less, the candidates from such county
5 receiving fewer votes than the two candidates receiving the highest
6 number of votes for at-large representative from such county shall
7 not be elected and a vacancy or vacancies shall exist for at-large
8 representative. The vacancy shall be filled pursuant to subsection
9 (2) of this section. Successors to the members initially appointed
10 shall be elected pursuant to section 32-515.

11 (2) Vacancies in office shall occur as set forth in
12 section 32-560. Whenever any vacancy occurs on the board, the
13 remaining members of such board shall appoint an individual
14 residing within the geographical boundaries of the educational
15 service unit and meeting the qualifications for the office to fill
16 such vacancy for the balance of the unexpired term.

17 (3) Members of the board shall receive no compensation
18 for their services but shall be reimbursed for the actual and
19 necessary expenses incurred in the performance of their duties
20 under the Educational Service Units Act as provided in sections
21 81-1174 to 81-1177.

22 (4) Except as provided in subsection (5) of this section,
23 any joint school district located in two or more counties shall
24 be considered a part of the educational service unit in which the
25 greater number of school-age children of such joint school district

1 reside. All legal voters of any such joint school district shall be
2 eligible to hold office as the county representative of the county
3 in which the greater number of school-age children reside. Any
4 legal voter of any joint school district shall be eligible to hold
5 office as the at-large representative if such legal voter resides
6 within the geographical boundary of the school district comprising
7 the educational service unit.

8 (5) Any Class I district which is part of a Class VI
9 district shall be considered a part of the educational service
10 unit of which the Class VI district is a member. If the Class
11 VI district has removed itself from an educational service unit,
12 each Class I district which is part of such Class VI district may
13 continue its existing membership in an educational service unit
14 or may change its status relative to membership in an educational
15 service unit in accordance with section 79-1209. The patrons of a
16 Class I district maintaining membership in an educational service
17 unit pursuant to this subsection shall have the same rights and
18 privileges as other patrons of the educational service unit, and
19 the taxable valuation of the taxable property within the geographic
20 boundaries of such Class I district shall be subject to the
21 educational service unit's tax levy established pursuant to section
22 79-1225.

23 (6) The administrator of each educational service unit,
24 prior to July 1 of each year in which a statewide primary election
25 is to be held, shall certify to the election commissioner or county

1 clerk of each county located within the unit the corporate name
2 of each school district, as described in section 79-405, located
3 within the county. If a school district is a joint school district
4 located in two or more counties, the administrator shall certify to
5 each election commissioner or county clerk the educational service
6 unit of which the school district is considered to be a part.

7 (7) Educational Service Unit No. 18 shall be governed
8 by the school board of School District 55-001 of Lancaster
9 County unless one or more additional school districts join such
10 educational service unit as part of a reorganization. If one or
11 more additional school districts join such educational service
12 unit, the educational service unit shall continue to be governed
13 by the school board of School District 55-001 of Lancaster County
14 until the school districts comprising the reorganized educational
15 service unit reorganize. Such districts shall reorganize the
16 governing board within twelve months after joining.

17 (8) Educational Service Unit No. 19 shall be governed by
18 the school board of School District 28-001 of Douglas County unless
19 one or more additional school districts join such educational
20 service unit as part of a reorganization. If one or more
21 additional school districts join such educational service unit,
22 the educational service unit shall continue to be governed by the
23 school board of School District 28-001 of Douglas County until
24 the school districts comprising the reorganized educational service
25 unit reorganize. Such districts shall reorganize the governing

1 board within twelve months after joining.

2 (9) An educational service unit formed after the
3 effective date of this act by a school district having an average
4 daily membership of eight thousand five hundred or more students
5 shall be governed by the school board of such school district.

6 Sec. 7. Original sections 79-1202, 79-1206, 79-1209,
7 79-1210, 79-1212, and 79-1217, Reissue Revised Statutes of
8 Nebraska, are repealed.