

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 642

Introduced by Raikes, 25

Read first time January 17, 2007

Committee: Education

A BILL

1 FOR AN ACT relating to the Educational Service Units Act;
2 to amend sections 79-1201, 79-1202, 79-1215, 79-1217,
3 and 79-1232, Reissue Revised Statutes of Nebraska, and
4 section 79-1204, Revised Statutes Cumulative Supplement,
5 2006; to change provisions relating to role and mission;
6 to provide for mergers and transfers as prescribed;
7 to harmonize provisions; and to repeal the original
8 sections.

9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-1201, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 79-1201 Sections 79-1201 to 79-1244 and sections 4 and
4 5 of this act shall be known and may be cited as the Educational
5 Service Units Act.

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

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

22 Sec. 3. Section 79-1204, Revised Statutes Cumulative
23 Supplement, 2006, is amended to read:

24 79-1204 (1) The role and mission of the educational
25 service units is to serve as educational service providers in the

1 state's system of elementary and secondary education.

2 (2) Educational service units shall:

3 (a) Act primarily as service agencies in providing core
4 services and services identified and requested by member school
5 districts;

6 (b) Provide for economy, efficiency, and
7 cost-effectiveness in the cooperative delivery of educational
8 services;

9 (c) Provide educational services through leadership,
10 research, and development in elementary and secondary education;

11 (d) Act in a cooperative and supportive role with the
12 State Department of Education and school districts in development
13 and implementation of long-range plans, strategies, and goals for
14 the enhancement of educational opportunities in elementary and
15 secondary education; and

16 (e) Serve, when appropriate and as funds become
17 available, as a repository, clearinghouse, and administrator of
18 federal, state, and private funds on behalf of school districts
19 which choose to participate in special programs, projects, or
20 grants in order to enhance the quality of education in Nebraska
21 schools; and -

22 (f) Serve as the administrator of any learning community
23 the majority of whose territory is within the boundaries of
24 the educational service unit and assist the learning community
25 coordinating council and the members of the learning community in

1 accomplishing the purposes of such learning community.

2 (3) Except as provided in section 79-1241, core services
3 shall be provided by educational service units to all member school
4 districts. Core services shall be defined by each educational
5 service unit as follows:

6 (a) Core services shall be within the following
7 service areas in order of priority: (i) Staff development; (ii)
8 technology, including distance education services; ~~and~~ (iii)
9 instructional materials services; and (iv) administration of
10 learning communities;

11 (b) Core services shall improve teaching and student
12 learning by focusing on enhancing school improvement efforts,
13 meeting statewide requirements, and achieving statewide goals in
14 the state's system of elementary and secondary education;

15 (c) Core services shall provide schools with access to
16 services that:

17 (i) The educational service unit and its member school
18 districts have identified as necessary services;

19 (ii) Are difficult, if not impossible, for most
20 individual school districts to effectively and efficiently provide
21 with their own personnel and financial resources;

22 (iii) Can be efficiently provided by each educational
23 service unit to its member school districts; and

24 (iv) Can be adequately funded to ensure that the service
25 is provided equitably to the state's public school districts;

1 (d) Core services shall be designed so that the
2 effectiveness and efficiency of the service can be evaluated on a
3 statewide basis; and

4 (e) Core services shall be provided by the educational
5 service unit in a manner that minimizes the costs of administration
6 or service delivery to member school districts.

7 (4) Educational service units shall meet minimum
8 accreditation standards set by the State Board of Education that
9 will:

10 (a) Provide for accountability to taxpayers;

11 (b) Assure that educational service units are assisting
12 and cooperating with school districts to provide for equitable and
13 adequate educational opportunities statewide; and

14 (c) Assure a level of quality in educational programs and
15 services provided to school districts by the educational service
16 units.

17 (5) Educational service units may contract to provide
18 services to:

19 (a) Nonmember public school districts;

20 (b) Nonpublic school systems;

21 (c) Other educational service units; and

22 (d) Other political subdivisions, under the Interlocal
23 Cooperation Act and the Joint Public Agency Act.

24 (6) Educational service units shall not regulate school
25 districts unless specifically provided pursuant to another section

1 of law.

2 Sec. 4. (1) On or before December 31, 2007, and on
3 or before December 31 of each year thereafter, the State Board
4 of Education shall order the merger of all educational service
5 units that have territory within the boundaries of a single city
6 of the metropolitan class and shall transfer school districts
7 that are members of such educational service units but are not
8 members of the learning community of such city of the metropolitan
9 class to other educational service units contiguous to such school
10 districts. The effective date for such merger and transfers shall
11 be July 1 following issuance of the order. The order shall contain
12 (a) the transfer of school districts that are not members of
13 such learning community, (b) a plan for the provision of services
14 to school districts affected by the merger and transfers, and
15 (c) a plan for the utilization of existing facilities, equipment,
16 and materials and for the disposition of assets and any unbonded
17 indebtedness of affected educational service units. Each of the
18 affected educational service units shall provide the information
19 requested by the State Department of Education to complete the
20 plans in a timely manner.

21 (2) The learning community coordinating council for the
22 learning community of such city of the metropolitan class shall
23 become the governing board for the merged educational service unit.
24 Members of the governing boards of educational service units merged
25 pursuant to this section shall serve as board members of such

1 educational service units until the effective date of the merger.
 2 The learning community coordinating council shall meet with such
 3 educational service unit board members in advance of such date to
 4 take all necessary action to prepare for operation of the merged
 5 educational service unit.

6 Sec. 5. (1) On the effective date of any merger or
 7 reorganization pursuant to section 4 of this act, the county
 8 treasurer of each county shall adjust the tax list of each
 9 affected educational service unit in accordance with the changes
 10 in boundaries pursuant to such merger or reorganization so that
 11 the uncollected taxes levied upon property that has been merged or
 12 reorganized pursuant to such section shall when collected be placed
 13 to the credit of the educational service unit of which the property
 14 is a part.

15 (2) The board of an educational service unit that is to
 16 become merged or reorganized pursuant to such section shall not
 17 employ any person for a term greater than six months, and any
 18 contract or lease made by such board is hereby declared to be null
 19 and void if it extends for a period greater than six months unless
 20 validated by the learning community coordinating council, except
 21 that this subsection does not negate any rights of any certificated
 22 employees of the educational service unit to continued employment
 23 pursuant to sections 79-846 to 79-849 and 79-1234 to 79-1239 or
 24 any previously negotiated collective-bargaining agreements between
 25 the educational service unit and certificated employees covering a

1 period of time greater than six months.

2 (3) All official records of educational service units
3 which are merged or reorganized pursuant to section 4 of
4 this act shall be transferred to the merged or reorganized
5 educational service unit after the effective date of such merger
6 or reorganization.

7 Sec. 6. Section 79-1215, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 79-1215 (1) Within one year after the date of approval
10 of any plan of reorganization pursuant to sections 79-1206 to
11 79-1211, the county treasurer of each county shall adjust the
12 tax list of the educational service unit in accordance with the
13 changes in boundaries of the educational service units ~~pursuant to~~
14 ~~sections 79-1206 to 79-1211~~ so that the uncollected taxes levied
15 upon property that has been transferred to another educational
16 service unit shall when collected be placed to the credit of the
17 reorganized educational service unit to which the property is a
18 part.

19 (2) The board of every existing educational service unit
20 that is to become reorganized pursuant to ~~sections 79-1206 to~~
21 ~~79-1211~~ such sections shall not employ any person for a term
22 greater than one year. Any contract or lease made by such a
23 governing body is hereby declared to be null and void if it
24 extends for a period greater than one year unless validated
25 by the board of the reorganized educational service unit. This

1 subsection is not inconsistent with and does not negate any
2 rights of any educational service unit certificated employees to
3 continued employment pursuant to sections 79-846 to 79-849 and
4 79-1234 to 79-1239. The provisions of this subsection do not negate
5 any previously negotiated collective-bargaining agreements between
6 educational service unit certificated employees and the educational
7 service unit covering a period of time greater than one year.

8 (3) Any certificated employee who, in the year
9 immediately preceding a reorganization, has been employed one-half
10 time or more by an educational service unit which is affected by
11 an approved petition to change educational service unit boundaries
12 shall, upon the effective date of the reorganization of the
13 educational service unit boundaries pursuant to sections 79-1206
14 to 79-1211, have the option, for purposes of reduction in force,
15 to be considered an employee of either the educational service
16 unit at which he or she has been employed or of the educational
17 service unit which will provide services to the affected school
18 district. If such employee elects to be considered an employee of
19 the educational service unit which will serve the affected school
20 district, the employee shall not lose any right of seniority or
21 tenure status after the transfer. If the certificated employee in
22 the year immediately preceding reorganization is assigned less than
23 one-half time to a school district petitioning or a school district
24 in an educational service unit petitioning for reorganization, then
25 such certificated employee shall continue to be an employee of the

1 educational service unit existing prior to reorganization.

2 (4) All official records of existing educational service
3 units which are reorganized in whole or in part pursuant to
4 sections 79-1206 to 79-1211 shall be transferred to the office of
5 the Commissioner of Education for storage.

6 (5) This section does not apply to reorganizations
7 pursuant to sections 4 and 5 of this act.

8 Sec. 7. Section 79-1217, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 79-1217 (1) All educational service units, except
11 educational service units created pursuant to section 4 of this act
12 and Educational Service Units No. 18 and 19, shall be governed by
13 a board to be known as the Board of Educational Service Unit No.
14 The educational service unit board shall be composed of
15 one member from each county and four members at large, all of whom
16 shall reside within the geographical boundaries of the educational
17 service unit, but no more than two of the members at large shall
18 be appointed or elected from the same county unless any one county
19 within the educational service unit has a population in excess of
20 one hundred fifty thousand inhabitants or the educational service
21 unit consists of only one county. The four candidates who receive
22 the highest number of votes for at-large representative shall be
23 elected, except that if more than two of such candidates reside
24 within the same county which has a population of one hundred fifty
25 thousand inhabitants or less, the candidates from such county

1 receiving fewer votes than the two candidates receiving the highest
2 number of votes for at-large representative from such county shall
3 not be elected and a vacancy or vacancies shall exist for at-large
4 representative. The vacancy shall be filled pursuant to subsection
5 (2) of this section. Successors to the members initially appointed
6 shall be elected pursuant to section 32-515.

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

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

18 (4) Except as provided in subsection (5) of this section,
19 any joint school district located in two or more counties shall
20 be considered a part of the educational service unit in which the
21 greater number of school-age children of such joint school district
22 reside. All legal voters of any such joint school district shall be
23 eligible to hold office as the county representative of the county
24 in which the greater number of school-age children reside. Any
25 legal voter of any joint school district shall be eligible to hold

1 office as the at-large representative if such legal voter resides
2 within the geographical boundary of the school district comprising
3 the educational service unit.

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

19 (6) The administrator of each educational service unit,
20 prior to July 1 of each year in which a statewide primary election
21 is to be held, shall certify to the election commissioner or county
22 clerk of each county located within the unit the corporate name
23 of each school district, as described in section 79-405, located
24 within the county. If a school district is a joint school district
25 located in two or more counties, the administrator shall certify to

1 each election commissioner or county clerk the educational service
2 unit of which the school district is considered to be a part.

3 (7) Educational Service Unit No. 18 shall be governed by
4 the school board of School District 55-001 of Lancaster County.

5 (8) An educational service unit created by a merger
6 pursuant to section 4 of this act shall be governed by the learning
7 community coordinating council for the city of the metropolitan
8 class with territory within the boundaries of such educational
9 service unit. ~~Educational Service Unit No. 19 shall be governed by~~
10 ~~the school board of School District 28-001 of Douglas County.~~

11 Sec. 8. Section 79-1232, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 79-1232 The board of any educational service unit except
14 an educational service unit governed by a learning community
15 coordinating council may provide its members with hospitalization,
16 medical, surgical, accident, sickness, or term life insurance
17 coverage or any one or more of such coverages.

18 Sec. 9. Original sections 79-1201, 79-1202, 79-1215,
19 79-1217, and 79-1232, Reissue Revised Statutes of Nebraska, and
20 section 79-1204, Revised Statutes Cumulative Supplement, 2006, are
21 repealed.