

ONE HUNDRED FIRST LEGISLATURE - SECOND SESSION - 2010
COMMITTEE STATEMENT
LB965

Hearing Date: Tuesday February 23, 2010
Committee On: Education
Introducer: Sullivan
One Liner: Change school board and educational service unit vacancy provisions

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye: 8 Senators Adams, Ashford, Avery, Cornett, Giese, Haar, Howard, Sullivan

Nay:

Absent:

Present Not Voting:

Proponents:

Senator Kate Sullivan
Susan DeCamp
John Wurdeman

Representing:

Introducer
Nebraska Association of School Boards
Nebraska Association of School Boards, ESU 7

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

Legislative Bill 965 would clarify the term for school board members appointed to fill vacancies and would declare a vacancy if an educational service unit (ESU) board member is absent from the territory of the ESU for 60 days or misses two consecutive meetings without being excused by the remaining board members.

Section 32-570 would be amended by clarifying the term for a school board member who was appointed to fill a vacancy. If a vacancy occurs prior to the filing deadline for a nonincumbent for the primary election preceding the general election in the middle of the vacated term, a registered voter would be nominated at the next primary election and elected at the following general election for the remainder of the term. The appointed board member would serve until such elected member took office. If the vacancy occurs after the nonincumbent deadline, the appointment would be for the balance of the unexpired term. Provisions regarding vacancies in districts that do not nominate candidates at a primary would be eliminated.

Section 79-1217 would be amended by declaring a vacancy on an ESU board when a member is absent from the geographical boundaries of the ESU for a continuous period of 60 days at one time or from more than two consecutive regular meetings unless excused by a majority of the remaining members of the board.

Explanation of amendments:

The Committee Amendment would replace the original provisions. The amendments would clarify the term for school board members appointed to fill vacancies and would declare a vacancy if an educational service unit (ESU) board

member is absent from the territory of the ESU for 60 days or misses two consecutive meetings without being excused by the remaining board members.

Section 32-570 would be amended by clarifying the term for a school board member who was appointed to fill a vacancy. For districts that nominate candidates at a primary election, if a vacancy occurs prior to the filing deadline for a nonincumbent for the primary election preceding the general election in the middle of the vacated term, a registered voter would be nominated at the next primary election and elected at the following general election for the remainder of the term. For districts that do not nominate candidates at a primary election, if a vacancy occurs prior to a caucus preceding the general election in the middle of the vacated term, a registered voter would be nominated in the manner provided for nominations and elections of board members in the district. The appointed board member would serve until such elected member took office. If the vacancy occurs after these deadlines, the appointment would be for the balance of the unexpired term. The amendment would also clarify that the ability for the remaining board members to excuse absences and not declare a vacancy applies to both absences from the territory and absences from meetings.

Section 79-1217 would be amended by declaring a vacancy on an ESU board when a member is absent from the geographical boundaries of the ESU for a continuous period of 60 days at one time or from more than two consecutive regular meetings unless excused by a majority of the remaining members of the board for either type of absence.

Greg Adams, Chairperson