

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 965

Introduced by Sullivan, 41.

Read first time January 19, 2010

Committee: Education

A BILL

1 FOR AN ACT relating to education; to amend sections 32-570 and
2 79-1217, Reissue Revised Statutes of Nebraska; to change
3 procedures for filling vacancies on school boards; to
4 provide additional grounds for vacancies on governing
5 boards of educational service units; and to repeal the
6 original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-570, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 32-570 (1) A vacancy in the membership of a school board
4 shall occur as set forth in section 32-560 or when a member is
5 absent from the district for a continuous period of sixty days at
6 one time or from more than two consecutive regular meetings of the
7 board unless excused by a majority of the remaining members of the
8 board.

9 (2) A person appointed to fill a vacancy on the school
10 board of a Class I school district by the remaining members of
11 the board shall hold office until the beginning of the next school
12 year. A board member of a Class I school district elected to fill a
13 vacancy at a regular or special school district meeting shall serve
14 for the remainder of the unexpired term or until a successor is
15 elected and qualified.

16 (3) ~~Except as provided in subsection (4) of this section,~~
17 a A vacancy in the membership of a school board of a Class II, III,
18 IV, V, or VI school district resulting from any cause other than
19 the expiration of a term shall be temporarily filled by appointment
20 of a qualified registered voter by the remaining members of the
21 board. A If the vacancy occurs prior to the filing deadline
22 for nonincumbents for the primary election preceding the general
23 election in the middle of the vacated term, a registered voter
24 shall be nominated at the next primary election and elected at the
25 following general election for the remainder of the unexpired term.

1 If the vacancy occurs on or after such deadline, the appointment
 2 shall be for the balance of the unexpired term. A registered voter
 3 appointed or elected pursuant to this subsection shall meet the
 4 same requirements as the member whose office is vacant.

5 ~~(4) Any vacancy in the membership of a school board of~~
 6 ~~a school district which does not nominate candidates at a primary~~
 7 ~~election and elect members at the following general election shall~~
 8 ~~be temporarily filled by appointment of a qualified registered~~
 9 ~~voter by the remaining members of the board. A registered voter~~
 10 ~~shall be nominated and elected to fill the vacancy for the~~
 11 ~~remainder of the term in the manner provided for nomination and~~
 12 ~~election of board members in the district.~~

13 ~~(5) (4)~~ If any school board fails to fill a vacancy on
 14 the board, the vacancy may be filled by election at a special
 15 election or school district meeting called for that purpose.
 16 Such election or meeting shall be called in the same manner and
 17 subject to the same procedures as other special elections or school
 18 district meetings.

19 ~~(6) (5)~~ If there are vacancies in the offices of a
 20 majority of the members of a school board, the Secretary of State
 21 shall conduct a special school district election to fill such
 22 vacancies.

23 Sec. 2. Section 79-1217, Reissue Revised Statutes of
 24 Nebraska, is amended to read:

25 79-1217 (1) All educational service units shall be

1 governed by a board to be known as the Board of Educational
2 Service Unit No. Until the first Thursday after the first
3 Tuesday in January 2009, the educational service unit board, except
4 the board of an educational service unit with only one member
5 school district, shall be composed of one member from each county
6 and four members at large, all of whom shall reside within the
7 geographical boundaries of the educational service unit, but no
8 more than two of the members at large shall be appointed or
9 elected from the same county unless any one county within the
10 educational service unit has a population in excess of one hundred
11 fifty thousand inhabitants or the educational service unit consists
12 of only one county. Beginning on the first Thursday after the
13 first Tuesday in January 2009, the educational service unit board,
14 except the board of an educational service unit with only one
15 member school district, shall be composed of one member elected to
16 represent each election district established pursuant to section
17 79-1217.01. Successors to the members initially appointed pursuant
18 to section 79-1212 shall be elected pursuant to section 32-515.

19 (2) Vacancies in office shall occur as set forth in
20 section 32-560, except as otherwise provided in section 79-1212
21 regarding the requirement to live in the district represented, or
22 when a member is absent from the geographical boundaries of the
23 educational service unit for a continuous period of sixty days at
24 one time or from more than two consecutive regular meetings of
25 the board unless excused by a majority of the remaining members of

1 the board. Whenever any vacancy occurs on the board, the remaining
2 members of such board shall appoint an individual residing within
3 the election district of the educational service unit for which the
4 vacancy exists and meeting the qualifications for the office to
5 fill such vacancy for the balance of the unexpired term.

6 (3) Members of the board shall receive no compensation
7 for their services but shall be reimbursed for the actual and
8 necessary expenses incurred in the performance of their duties
9 under the Educational Service Units Act as provided in sections
10 81-1174 to 81-1177.

11 (4) Except as provided in subsection (5) of this section,
12 any joint school district located in two or more counties shall
13 be considered a part of the educational service unit in which the
14 greater number of school-age children of such joint school district
15 reside.

16 (5) Any Class I district which is part of a Class VI
17 district shall be considered a part of the educational service
18 unit of which the Class VI district is a member. If the Class
19 VI district has removed itself from an educational service unit,
20 each Class I district which is part of such Class VI district may
21 continue its existing membership in an educational service unit
22 or may change its status relative to membership in an educational
23 service unit in accordance with section 79-1209. The patrons of a
24 Class I district maintaining membership in an educational service
25 unit pursuant to this subsection shall have the same rights and

1 privileges as other patrons of the educational service unit, and
2 the taxable valuation of the taxable property within the geographic
3 boundaries of such Class I district shall be subject to the
4 educational service unit's tax levy established pursuant to section
5 79-1225.

6 (6) The administrator of each educational service unit,
7 prior to July 1 of each year in which a statewide primary election
8 is to be held, shall certify to the election commissioner or county
9 clerk of each county located within the unit the corporate name
10 of each school district, as described in section 79-405, located
11 within the county. If a school district is a joint school district
12 located in two or more counties, the administrator shall certify to
13 each election commissioner or county clerk the educational service
14 unit of which the school district is considered to be a part.

15 (7) Educational service units with only one member school
16 district shall be governed by the school board of such school
17 district.

18 Sec. 3. Original sections 32-570 and 79-1217, Reissue
19 Revised Statutes of Nebraska, are repealed.