

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 904**

Introduced by Baker, 30.

Read first time January 12, 2016

Committee: Education

1 A BILL FOR AN ACT relating to learning communities; to amend section  
2 79-2102, Reissue Revised Statutes of Nebraska, and section  
3 32-546.01, Revised Statutes Cumulative Supplement, 2014; to permit  
4 school districts to opt out of a learning community as prescribed;  
5 to harmonize provisions; and to repeal the original sections.  
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-546.01, Revised Statutes Cumulative  
2 Supplement, 2014, is amended to read:

3 32-546.01 (1) Each learning community shall be governed by a  
4 learning community coordinating council consisting of eighteen voting  
5 members, with twelve members elected on a nonpartisan ballot from six  
6 numbered subcouncil districts created pursuant to section 32-555.01 and  
7 with six members appointed from such subcouncil districts pursuant to  
8 this section. Each voter shall be allowed to cast votes for one candidate  
9 at both the primary and general elections to represent the subcouncil  
10 district in which the voter resides. The four candidates receiving the  
11 most votes at the primary election shall advance to the general election.  
12 The two candidates receiving the most votes at the general election shall  
13 be elected. A candidate shall reside in the subcouncil district for which  
14 he or she is a candidate. Coordinating council members shall be elected  
15 on the nonpartisan ballot.

16 (2) The initial elected members shall be nominated at the statewide  
17 primary election and elected at the statewide general election  
18 immediately following the certification of the establishment of the  
19 learning community, and subsequent members shall be nominated at  
20 subsequent statewide primary elections and elected at subsequent  
21 statewide general elections. Except as provided in this section, such  
22 elections shall be conducted pursuant to the Election Act.

23 (3) Vacancies in office for elected members shall occur as set forth  
24 in section 32-560. Whenever any such vacancy occurs, the remaining  
25 elected members of such council shall appoint an individual residing  
26 within the geographical boundaries of the subcouncil district for the  
27 balance of the unexpired term.

28 (4) Members elected to represent odd-numbered districts in the first  
29 election for the learning community coordinating council shall be elected  
30 for two-year terms. Members elected to represent even-numbered districts  
31 in the first election for the learning community coordinating council

1 shall be elected for four-year terms. Members elected in subsequent  
2 elections shall be elected for four-year terms and until their successors  
3 are elected and qualified.

4 (5) The appointed members shall be appointed in November of each  
5 even-numbered year after the general election. Appointed members shall be  
6 school board members of school districts in the learning community either  
7 elected to take office the following January or continuing their current  
8 term of office for the following two years. For learning communities to  
9 be established the following January pursuant to orders issued pursuant  
10 to section 79-2102, the Secretary of State shall hold a meeting of the  
11 school board members of the school districts in such learning community  
12 to appoint one member from such school boards to represent each of the  
13 subcouncil districts on the coordinating council of such learning  
14 community. For subsequent appointments, the current appointed members of  
15 the coordinating council shall hold a meeting of the school board members  
16 of such school districts to appoint one member from such school boards to  
17 represent each of the subcouncil districts on the coordinating council of  
18 the learning community. The appointed members shall be selected by the  
19 school board members of the school districts in the learning community  
20 who reside in the subcouncil district to be represented pursuant to a  
21 secret ballot, shall reside in the subcouncil district to be represented,  
22 and shall be appointed for two-year terms and until their successors are  
23 appointed and qualified.

24 (6) Vacancies in office for appointed members shall occur upon the  
25 resignation, death, or disqualification from office of an appointed  
26 member. Disqualification from office shall include ceasing membership on  
27 the school board for which membership qualified the member for the  
28 appointment to the learning community coordinating council or ceasing to  
29 reside in the subcouncil district represented by such member of the  
30 learning community coordinating council, or the school district on whose  
31 board of education the appointed member serves having opted out of

1 membership in the learning community pursuant to section 79-2102.  
2 Whenever such vacancy occurs, the remaining appointed members shall hold  
3 a meeting of the school board members of the school districts in such  
4 learning community to appoint a member from such school boards who lives  
5 in the subcouncil district to be represented to serve for the balance of  
6 the unexpired term.

7 (7) Each learning community coordinating council shall also have a  
8 nonvoting member from each member school district which does not have  
9 either an elected or an appointed member who resides in the school  
10 district on the council. Such nonvoting members shall be appointed by the  
11 school board of the school district to be represented to serve for two-  
12 year terms, and notice of the nonvoting member selected shall be  
13 submitted to the Secretary of State by such board prior to December 31 of  
14 each even-numbered year. Each such nonvoting member shall be a resident  
15 of the appointing school district and shall not be a school administrator  
16 employed by such school district. Whenever a vacancy occurs, the school  
17 board of such school district shall appoint a new nonvoting member and  
18 submit notice to the Secretary of State and to the learning community  
19 coordinating council.

20 (8) Members of a learning community coordinating council shall take  
21 office on the first Thursday after the first Tuesday in January following  
22 their election or appointment, except that members appointed to fill  
23 vacancies shall take office immediately following administration of the  
24 oath of office. Each voting member elected or appointed prior to April 6,  
25 2010, shall be paid a per diem in an amount determined by such council up  
26 to two hundred dollars per day for official meetings of the council and  
27 the achievement subcouncil for which he or she is a member, for meetings  
28 that occur during the term of office for which the election or  
29 appointment of the member took place prior to April 6, 2010, up to a  
30 maximum of twelve thousand dollars per fiscal year. Each voting member  
31 shall be eligible for reimbursement of reasonable expenses related to

1 service on the learning community coordinating council. Each nonvoting  
2 member shall be eligible for reimbursement of reasonable expenses related  
3 to service on the learning community coordinating council.

4 Sec. 2. Section 79-2102, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 79-2102 (1) On or before September 15, 2007, and on or before  
7 August 1 of each odd-numbered year following the official designation of  
8 any new city of the metropolitan class or any valid request to form a new  
9 learning community, the Commissioner of Education shall certify the  
10 establishment of a new learning community with the effective date of the  
11 first Thursday after the first Tuesday in January of the next odd-  
12 numbered year following such certification to the county clerks, election  
13 commissioners, and county assessors of the counties with territory in the  
14 new learning community, to the Property Tax Administrator, to the State  
15 Department of Education, and to the school boards of the member school  
16 districts of the new learning community. A learning community shall be  
17 established for each city of the metropolitan class and shall include all  
18 school districts for which the principal office of the school district is  
19 located in the county where the city of the metropolitan class is located  
20 and all school districts for which the principal office of the school  
21 district is located in a county that has a contiguous border of at least  
22 five miles in the aggregate with such city of the metropolitan class,  
23 except that any school district with a population of twelve thousand or  
24 fewer residents according to the most recent federal decennial census  
25 may, upon the majority vote of the members of the board of education of  
26 such district, withdraw its membership in the learning community of which  
27 it is a member upon written notice to the learning community coordinating  
28 council and the Commissioner of Education at least six months prior to  
29 August 1 of the year of the district intends to withdraw.

30 (2) When a school district which has withdrawn from a learning  
31 community pursuant to subsection (1) of this section attains a population

1 which exceeds twelve thousand residents within the district according to  
2 the most recent federal decennial census shall rejoin the learning  
3 community by July 1 of the next even-numbered year.

4       (3) A learning community may also be established at the request of  
5 at least three school boards if (a) ~~(1)~~ all school districts for which  
6 the principal office of the school district is located in one or more  
7 specified counties are participating in the request and either (i) ~~(a)~~  
8 such school districts are all sparse or very sparse as determined  
9 pursuant to the Tax Equity and Educational Opportunities Support Act or  
10 ~~(ii) (b)~~ have a minimum combined total of at least two thousand students  
11 or (b) ~~(2)~~ the school districts participating in the request have a  
12 minimum combined total of at least ten thousand students. Such requests  
13 shall be received by the Commissioner of Education on or before May 1 of  
14 each odd-numbered year.

15       Sec. 3.    Original section 79-2102, Reissue Revised Statutes of  
16 Nebraska, and section 32-546.01, Revised Statutes Cumulative Supplement,  
17 2014, are repealed.