

## LEGISLATIVE BILL 520

Approved by the Governor March 1, 1988

Introduced by McFarland, 28

AN ACT relating to schools; to amend sections 79-402.09, 79-426.19, 79-511, 79-1254.07, 79-12,104, and 79-12,105, Reissue Revised Statutes of Nebraska, 1943; to require organization of reorganized and new school districts as prescribed; to provide for the commencement of preferred rights to reemployment for certain employees; to redefine a term; to change a provision relating to termination of contracts by reorganized school districts; and to repeal the original sections.

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

Section 1. That section 79-402.09, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-402.09. Within thirty days after the creation of a new school district pursuant to sections 79-402 and 79-402.03 to 79-402.08, the county reorganization committee shall appoint from among the qualified electors of the new school district created the number of members necessary to constitute a board of education of the class in which the new school district has been classified. If the new school district involves territory lying in the jurisdiction of two or more counties, the board of education shall be appointed by the joint action of the county reorganization committees of the counties involved. Members of the first board shall be appointed so that their terms will expire in accord with provisions of law governing school districts of the class involved. The board of education so appointed shall proceed at once to organize in the manner prescribed by law. A reorganized school district shall be formed, organized, and have a governing board not later than April 1 following the last legal action, as prescribed in section 79-402, necessary to effect the changes in boundaries as set forth in the petition, although the physical reorganization of such reorganized school district may not take effect until the commencement of the following school year. At the next annual school meeting or election following the establishment of the new school district and at

subsequent annual meetings or elections, successors shall be elected in the manner provided by law for election of board members of the class to which the school district belongs.

Sec. 2. That section 79-426.19, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-426.19. Within thirty days after the classification by the county superintendent of schools of the reorganized school districts, the county reorganization committee shall appoint from among the qualified electors of each new school district created the number of members necessary to constitute a school board or board of education of the class in which the new school district has been classified. A reorganized school district shall be formed, organized, and have a governing board not later than April 1 following the last legal action, as prescribed in section 79-426.18, necessary to effect the changes in boundaries as set forth in the plan of reorganization, although the physical reorganization of such reorganized school district may not take effect until the commencement of the following school year. The first board shall be appointed on an at-large basis and all boards shall be elected at large until such time as school districts are established as provided in section 5-108. If the new school district involves territory lying in two or more counties, the school board or board of education shall be appointed by the joint action of the county reorganization committees involved. In appointing the first board of a Class II school district, the members shall be appointed so that the terms of three members shall expire on the first Tuesday in June of the first even-numbered year and the terms of the three remaining members shall expire on the first Tuesday in June of the second even-numbered year following their appointment. At the statewide primary election in the first even-numbered year after the reorganization there shall be elected in each Class II school district three board members to terms of four years, and thereafter all candidates shall be elected to terms of four years. Each member's term shall begin on the first Tuesday in June following his or her election.

In appointing the first board of a Class III school district with a six-member board serving terms of four years, the terms of three members shall expire on the first Thursday after the first Tuesday in January after the first even-numbered year following their appointment and the terms of the three remaining members

shall expire on the first Thursday after the first Tuesday in January after the second even-numbered year following their appointment.

In appointing the first board of a Class III school district with a nine-member board serving terms of four years, the terms of four members shall expire on the first Thursday after the first Tuesday in January after the first even-numbered year following their appointment and the terms of five members shall expire on the first Thursday after the first Tuesday in January after the second even-numbered year following their appointment.

Thereafter all Class III school boards shall be elected to terms of four years.

The school board or board of education so appointed shall proceed at once to organize in the manner prescribed by law.

Sec. 3. That section 79-511, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-511. Every such school district of the first or second class shall be deemed duly organized when the majority of the officers elected at the first meeting shall have filed their acceptance as provided in section 79-510. A reorganized school district shall be formed, organized, and have a governing board not later than April 1 following the last legal action, as prescribed in section 79-402, 79-426.18, or 79-426.26, necessary to effect the changes in boundaries as set forth in the petition or plan of reorganization, although the physical reorganization of such reorganized school district may not take effect until the commencement of the following school year.

Sec. 4. That section 79-1254.07, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1254.07. Any employee whose contract shall be terminated because of reduction in force shall be considered to have been dismissed with honor and shall upon request be provided a letter to that effect. Such employee shall have preferred rights to reemployment for a period of twenty-four months commencing at the end of the contract year of such employee and the employee shall be recalled on the basis of length of service to the school to any position for which he or she is qualified by endorsement or college preparation to teach. Whenever a school district has, pursuant to section 79-486, contracted for the instruction of all of the students residing in such district or has, pursuant

to section 79-701, contracted for the instruction of its students in grades nine through twelve, then the preferred rights to reemployment shall commence at the end of the student contract period as agreed to by the contracting school district. The employee shall, upon reappointment, retain any benefits which had accrued to ~~said~~ such employee prior to termination, but such leave of absence shall not be considered as a year of employment by the district. An employee under contract to another educational institution may waive recall but such waiver shall not deprive the employee of his or her right to subsequent recall.

Sec. 5. That section 79-12,104, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-12,104. As used in sections 79-12,104 to 79-12,106, unless the context otherwise requires, reorganized school district shall mean:

(1) Any any expanded or altered school district, organized or altered by any of the means provided by Nebraska law including, but not limited to, the methods provided by section 79-402, 79-402.03 to 79-402.05, 79-403, 79-407, 79-426.02 to 79-426.19, 79-426.23 to 79-426.26, or 79-801; or

(2) Any school district to be formed in the future if the petition or plan for such reorganized school district has been approved pursuant to any of the methods set forth in subdivision (1) of this section when the effective date of such reorganization is prospective. For purposes of this subdivision a petition or plan shall be deemed approved when the last legal action has been taken, as prescribed in section 79-402, 79-426.18, or 79-426.26, necessary to effect the changes in boundaries as set forth in the petition or plan.

Sec. 6. That section 79-12,105, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-12,105. The reorganized school district or districts may terminate, in accordance with the provisions of sections 79-12,107 to 79-12,121, the contracts of employment of teachers whose employer's school district was or is to be closed, merged, or otherwise altered as provided for reorganized school districts in section 79-12,104, except that such teachers shall for the purpose of reduction in force be considered teachers of the reorganized school district or districts and the teachers shall be given full credit for the years of teaching experience they had acquired

as well as the same tenure or permanent status rights they had in the school district or districts affected by the reorganization.

Sec. 7. That original sections 79-402.09, 79-426.19, 79-511, 79-1254.07, 79-12,104, and 79-12,105, Reissue Revised Statutes of Nebraska, 1943, are repealed.