

LEGISLATIVE BILL 440

Approved by the Governor February 25, 1982

Introduced by Kilgarin, 7

AN ACT to amend section 79-516.04, Reissue Revised Statutes of Nebraska, 1943, section 79-803.03, Revised Statutes Supplement, 1980, and sections 79-902.01, 79-1003, and 79-1103, Revised Statutes Supplement, 1981, relating to schools; to permit a student member to serve on school boards in certain districts; to harmonize provisions; and to repeal the original sections.

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

Section 1. (1) The board of education or school board of any Class II, III, IV, V, or VI school district may include at least one nonvoting member who is a public high school student from the district. If the board elects to include such a nonvoting student member, the student member shall serve for a term of one year, beginning on September 1, and shall be the student body or student council president, the senior class representative, or a representative elected from and by the entire student body, as designated by the voting members of the board.

(2) Any nonvoting student member of the board shall have the privilege of attending all open meetings of the board but shall be excluded from executive sessions.

Sec. 2. That section 79-516.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-516.04. (1) The school board or board of education shall consist of the following members:

{1} (a) In a Class II district, six members; and

{2} (b) In a Class III district, six members unless the board of education has provided, or hereafter provides, a nine-member board pursuant to section 79-803.11.

(2) In addition to the members specified in subsection (1) of this act, such school boards or boards of education may include one or more student members selected pursuant to section 1 of this act.

Sec. 3. That section 79-803.03, Revised Statutes Supplement, 1980, be amended to read as follows:

79-803.03. The board of education of a Class III school district of which more than seventy-five per cent of the geographical area lies within a city of the metropolitan class shall consist of six members to be elected by the registered voters of the school district at the time of the statewide primary election and also may include one or more nonvoting student members selected pursuant to section 1 of this act. Not less than seventy days prior to the holding of the election, there shall be nominated at a caucus held within the district, two or more candidates for each vacancy to be voted upon at an election to be held in conjunction with the statewide primary election, except that student members may be selected pursuant to section 1 of this act. Two members shall be elected at each general election for a term of six years. The governing body which calls the caucus shall publish notice of such caucus in at least one newspaper of general circulation in the district at least once each week for two consecutive weeks before the caucus. The notice shall state the date, time, place, and names of voting board members whose terms are to be filled. The chairman chairperson of the caucus at which candidates are nominated shall certify to the secretary of the board of education the names of the candidates so nominated not later than two days following the caucus. The secretary of the board of education shall then notify the persons so nominated of their nomination, such notification to take place not later than five days after such caucus. No candidate nominated shall have his or her name placed upon the ballot unless, not more than ten days after the holding of such caucus, he or she shall have filed with the secretary of the board of education a written statement accepting the nomination. The secretary of the board of education shall certify the names of the candidates to the proper election official who shall prepare the official ballot listing the names as certified and without any area designation. All registered voters residing within the school district shall be permitted to vote at such election.

Sec. 4. That section 79-902.01, Revised Statutes Supplement, 1981, be amended to read as follows:

79-902.01. The board of education of a fourth class district shall consist of six members and also may include a nonvoting student member or members selected pursuant to section 1 of this act. Board Voting members shall be elected for four years. Members Voting members of the board shall enter upon the duties of their office

on the third Monday of the month in which they are elected. Vacancies in office shall occur as set forth in section 32-1037, or when a member elected from a district no longer resides in such election district. Whenever any vacancy occurs on the board, the remaining members shall appoint an individual residing within the geographical boundaries of the school district and within the geographical boundaries of the election district of the member whose term has become vacant in the manner prescribed in section 79-464. Candidates Nonstudent candidates for the board of education shall be nominated and elected at the same time as members of the city council. No filing fee shall be required of such candidates. The election commissioner of the county in which the greater part of the district is situated shall, subject to review by the school board, divide the school district into six numbered districts, substantially equal in population as determined by the most recent federal census. The election commissioner shall consider the location of schools within the district and their boundaries. A member of the board shall be elected from each such district, except that a student member may be selected pursuant to section 1 of this act. Candidates shall be nominated from the district at the primary election upon a nonpolitical ballot. The names of the two candidates receiving the highest number of votes at such primary election in each district designated by the election commissioner shall be placed upon an official ballot for the board of education to be elected at large at the general city election. Members of the board of education shall serve until the expiration of their terms. At the general city election in 1979 and each four years thereafter, one member shall be elected from each of the even-numbered districts. At the general city election in 1981 and each four years thereafter, one member shall be elected from each of the odd-numbered districts. The election commissioner shall adjust the boundaries of the election districts, subject to final review and adjustment by the school board, to conform to changes in the territory and population of the school district and also following each federal decennial census.

Sec. 5. That section 79-1003, Revised Statutes Supplement, 1981, be amended to read as follows:

79-1003. The board of education of a fifth class school district shall consist of twelve members and also may include a nonvoting student member or members selected pursuant to section 1 of this act. The election commissioner of the county in which the greater part of such district is situated shall divide the school district into twelve numbered districts of compact and

contiguous territory and of as nearly equal population as may be practical. A member of the board shall be elected from each district, except that a student member may be selected pursuant to section 1 of this act. Such elected member shall have been a resident of the district for at least six months prior to the election. Each candidate for election to and each member of the board of education shall be a taxpayer in and a resident of the district of such school district as designated by the election commissioner. At each general election six members of the board shall be elected to serve for four years from and including the first Monday of the January following their election, or until their successors are elected and qualified. All persons elected as members of the board of education shall, before the first Monday in January following their election or, in the case of a student member, following his or her designation, take and subscribe to the usual oath of office. In case any person so elected shall fail so to do, his or her election shall be void, and the vacancy thereby occasioned shall be filled by the board. Candidates shall be nominated at the primary election upon a nonpolitical ballot. The names of the two candidates receiving the highest number of votes at such primary election in each district designated by the election commissioner shall be placed upon the official ballot for the board of education at the general election. For the general board of education election, the ballot shall be prepared in substantially the same form and the names rotated as is provided for election of other nonpolitical candidates, and the person receiving the highest number of votes in each district designated by the election commissioner shall be elected to the board of education. Any person who shall be a candidate at the primary election shall, at least sixty days prior to the primary, file with the officer authorized to conduct such election a statement of candidacy setting out his or her qualifications and willingness to abide by the election, such statement to be subscribed and sworn to before a notary or other person qualified to take oaths. There shall be no filing fee or any other requirement than the statement above provided for to enable qualified electors to become candidates for the board of education. Members of the board of education on January 1, 1976 shall serve until the expiration of their terms. At the general election in 1976 and each four years thereafter, one member shall be elected from each of the even-numbered districts. At the general election in 1978 and each four years thereafter, one member shall be elected from each of the odd-numbered districts. The election commissioner shall adjust the boundaries of such districts to conform to changes in the territory of the school district and following each federal decennial census.

Sec. 6. That section 79-1103, Revised Statutes Supplement, 1981, be amended to read as follows:

79-1103. (1) The governing body of each school district of the sixth class shall be a board consisting of a president, vice president, secretary, treasurer, and two other voting members, to be chosen in the manner herein prescribed, and also may include one or more nonvoting student members selected pursuant to section 1 of this act. Such board shall have the same powers and duties as, and shall be governed by the provisions of law governing the school boards in districts of the first and second class for purposes authorized by law. The fiscal year of school districts of the sixth class shall be the same as that of school districts of the third class. The annual meetings as provided in section 79-501 shall not apply to any Class VI school district.

(2) Members of such board shall be elected at the statewide primary election held each even-numbered year, in accordance with the provisions of section 79-551, except that a student member may be selected pursuant to section 1 of this act.

(3) Boards of education of districts of the sixth class which heretofore consisted of five members are hereby expanded to six members, and also may include one or more nonvoting student members as provided in subsection (1) of this section. At the statewide primary election in 1972, two members shall be elected; the person receiving the highest number of votes shall be elected for a term of four years, and the person receiving the second highest number of votes shall be elected for a term of two years. The two members whose terms expire in 1973 shall have their terms extended to the second Monday in June, 1974. At the primary election in 1974, three members shall be elected for terms of four years; thereafter their successors shall be elected for terms of four years. The two members of the board whose terms are to expire in 1975 shall have their terms extended to the second Monday in June, 1976. At the primary election in 1976, three members shall be elected for terms of four years; thereafter their successors shall be elected for terms of four years.

(4) Boards of education of Class VI school districts which heretofore consisted of three members are hereby expanded to six or more members as provided in subsection (1) of this section. At the primary election in May, 1972, four members shall be elected; the three receiving the highest numbers of votes shall be elected for terms of four years; the person receiving the fourth highest number of votes shall be elected for a term of

two years. The member whose term is to expire in 1973 shall have his or her term extended to the second Monday in June, 1974. At the statewide primary election in 1974, three members shall be elected for terms of four years. Thereafter their successors shall be elected for terms of four years.

(5) Boards of education of Class VI districts which heretofore consisted of six members shall continue as six-member boards, with the members elected at the statewide primary election and also may include at least one nonvoting student member selected pursuant to section 1 of this act. Two members shall be elected at the primary election in May, 1972, for terms of four years. Those members whose terms expire in 1973 shall have their terms extended to the second Monday in June, 1974. At the primary election in 1974, four members of the board shall be elected; the three persons receiving the three highest numbers of votes shall be elected for terms of four years, and the person receiving the fourth highest number of votes shall be elected for a term of two years. Thereafter their successors shall be elected for terms of four years.

(6) The term of office for nonstudent members of boards of education of Class VI school districts shall begin on the second Monday in June following their election, and shall continue for four years and until the members' successors are duly elected and qualified, except as provided in this section.

(7) Persons may be nominated for the board of education of Class VI districts either by petition or by direct filing, except that a student member may be selected pursuant to section 1 of this act. If by petition, the procedure shall be governed by the provisions in section 32-504; if by direct filing, the procedure shall be governed by the provisions of Chapter 32. The election shall be conducted by the county clerk or election commissioner according to the provisions of Chapter 32. The deadline for direct filing and for filing petitions shall be sixty days prior to the primary election. There shall be no filing fee.

(8) Upon completion of the canvass of the votes, the county clerk or election commissioner shall declare the proper candidates elected, and shall issue election certificates to the same.

(9) The board shall elect from its members a president, a vice president, a secretary, and a treasurer, at the first regular board meeting after the newly elected board members have been sworn in and prior

to conducting any other business.

(10) Any vacancy on the board, other than the position of student member, shall be filled pursuant to section 79-464.

Sec. 7. That original section 79-516.04, Reissue Revised Statutes of Nebraska, 1943, section 79-803.03, Revised Statutes Supplement, 1980, and sections 79-902.01, 79-1003, and 79-1103, Revised Statutes Supplement, 1981, are repealed.