

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 381

Introduced by Speaker Flood, 19; at the request of the Governor.

Read first time January 13, 2011

Committee: Education

A BILL

1 FOR AN ACT relating to schools; to amend sections 32-515, 79-748,
2 79-760.04, 79-760.05, 79-1201, 79-1202, 79-1217.01, and
3 79-1225, Reissue Revised Statutes of Nebraska, and
4 sections 79-1217 and 79-2104.02, Revised Statutes
5 Cumulative Supplement, 2010; to change provisions
6 relating to educational service units; to eliminate
7 provisions relating to and withdraw from the Compact for
8 Education; to eliminate provisions relating to a student
9 achievement coordinator; to harmonize provisions; to
10 provide an operative date; to repeal the original
11 sections; to outright repeal sections 79-11,150, 79-1501,
12 79-1503, and 79-1504, Reissue Revised Statutes of
13 Nebraska; and to declare an emergency.

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

1 Section 1. Section 32-515, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 32-515 Candidates for the boards of educational service
4 units, ~~except boards of educational service units with only one~~
5 ~~member school district,~~ shall be elected to represent the
6 ~~geographical boundaries~~ election districts of the educational service
7 unit as provided in section 79-1217. The terms of members elected in
8 2008 to represent odd-numbered election districts established
9 pursuant to section 79-1217.01 shall expire in 2011. The terms of
10 members elected in 2008 to represent even-numbered election districts
11 established under such section shall expire in 2013. Successors to
12 the members elected in 2008 shall be elected for terms of four years.
13 Candidates for the board of educational service units shall meet the
14 qualifications found in section 79-1217. Board members shall be
15 elected on the nonpartisan ballot.

16 Sec. 2. Section 79-748, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 79-748 (1) The Legislature finds and declares that:

19 (a) Global economic competition is making new demands
20 upon the school system of the state;

21 (b) The competitiveness of the United States in the new
22 global economy will require that schools effectively educate all
23 students and prepare them to develop the capacity to learn new skills
24 and tasks quickly and to apply this knowledge in creative and
25 imaginative ways, in novel contexts, and in collaboration with

1 others;

2 (c) The need to fundamentally restructure education to
3 meet the challenges and opportunities of a constantly changing
4 technological economy is recognized and endorsed by such diverse
5 groups as the Committee for Economic Development, an organization of
6 some eighty chief executive officers of American corporations, ~~the~~
7 ~~Education Commission of the States,~~ the National Education
8 Association, the American Federation of Teachers, and the National
9 Governors' Association; and

10 (d) The restructuring of the school system is a long-
11 term, evolving process with the principal goal being to develop a
12 system that ensures that all students learn to use their minds well
13 as a result of their education.

14 (2) It is the intent of the Legislature to stimulate
15 ideas and visions that go beyond the traditional models of schooling
16 and to encourage the development of public-private partnerships in
17 establishing and supporting reform in education.

18 Sec. 3. Section 79-760.04, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 79-760.04 (1) For each learning community, any
21 educational service units that have member school districts that are
22 part of such learning community shall develop and implement a joint
23 plan to establish grade level standards and provide for
24 developmentally appropriate assessment of students in grades
25 kindergarten through three. The joint plan shall include, but not be

1 limited to, the subject areas of reading and mathematics and shall be
2 developed to measure student progress toward such standards.

3 (2) The ~~coordinator appointed pursuant to section~~
4 ~~79-11,150 and the~~ State Department of Education shall provide
5 assistance in the development of the standards and assessment
6 described in subsection (1) of this section.

7 (3) School districts shall report data collected pursuant
8 to the plan described in subsection (1) of this section to such
9 educational service units. The data shall conform with the data
10 collection procedures established for the student identifier system
11 pursuant to section 79-760.05.

12 Sec. 4. Section 79-760.05, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 79-760.05 (1) The State Board of Education shall
15 implement a statewide system for tracking individual student
16 achievement, using the student identifier system of the State
17 Department of Education, that can be aggregated to track student
18 progress by demographic characteristics, including, but not limited
19 to, race, poverty, high mobility, attendance, and limited English
20 proficiency, on available measures of student achievement which
21 include, but need not be limited to, national assessment instruments
22 and state assessment instruments. Such a system shall be designed so
23 as to aggregate student data by available educational input
24 characteristics, which may include class size, teacher education,
25 teacher experience, special education, early childhood programs,

1 federal programs, and other targeted education programs. School
2 districts shall provide the department with individual student
3 achievement data from assessment instruments required pursuant to
4 section 79-760.03 in order to implement the statewide system.

5 (2) The department ~~and the coordinator appointed pursuant~~
6 ~~to section 79-11,150~~ shall annually analyze and report on student
7 achievement for the state, each school district, and each learning
8 community aggregated by the demographic characteristics described in
9 subsection (1) of this section. The department shall report the
10 findings to the Governor, the Legislature, school districts,
11 educational service units, and each learning community. Such analysis
12 shall include aggregated data that would indicate differences in
13 achievement due to available educational input characteristics
14 described in subsection (1) of this section. ~~Such analysis shall~~
15 ~~include indicators of progress toward state achievement goals for~~
16 ~~students in poverty, limited English proficient students, and highly~~
17 ~~mobile students according to the plan developed by the coordinator~~
18 ~~pursuant to section 79-11,150.~~

19 Sec. 5. Section 79-1201, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 79-1201 Sections 79-1201 to 79-1249 and section 7 of this
22 act shall be known and may be cited as the Educational Service Units
23 Act.

24 Sec. 6. Section 79-1202, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 79-1202 The official name of each educational service
2 unit shall be Educational Service Unit No. ... of the State of
3 Nebraska, and the individual number of each unit shall be determined
4 by the State Board of Education. For educational service units
5 existing on ~~January 1, 1998,~~ July 1, 2011, the number of the unit
6 shall remain the same. For educational service units created by
7 merger, the number of the unit shall be the number of one of the
8 educational service units dissolving into the new educational service
9 unit. For all other newly created educational service units, the
10 number shall be any number not otherwise assigned to an existing
11 educational service unit.

12 Sec. 7. (1) Beginning July 1, 2011, educational service
13 units shall not serve or encompass within their boundaries any school
14 district designated as a Class IV or Class V district.

15 (2) Consistent with subsection (1) of this section, the
16 State Board of Education shall adjust the boundaries of any
17 educational service unit that has a Class IV or Class V district
18 within such educational service unit's boundaries prior to July 1,
19 2011. Such boundary adjustments shall align the boundaries of an
20 educational service unit to the boundaries of the remaining member
21 school districts. Any educational service unit that serves only a
22 Class IV or Class V district shall be dissolved.

23 (3) If an educational service unit is dissolved pursuant
24 to subsection (2) of this section, the Class IV or Class V district
25 previously served by such educational service unit shall succeed to

1 all the property, contracts, and obligations of such educational
2 service unit and shall assume all of such educational service unit's
3 valid contracts and obligations.

4 (4) Beginning July 1, 2011, no educational service unit
5 that consists of only one member school district shall be formed.

6 Sec. 8. Section 79-1217, Revised Statutes Cumulative
7 Supplement, 2010, is amended to read:

8 79-1217 (1) All educational service units shall be
9 governed by a board to be known as the Board of Educational Service
10 Unit No. ~~Until the first Thursday after the first Tuesday in~~
11 ~~January 2009, the educational service unit board, except the board of~~
12 ~~an educational service unit with only one member school district,~~
13 ~~shall be composed of one member from each county and four members at~~
14 ~~large, all of whom shall reside within the geographical boundaries of~~
15 ~~the educational service unit, but no more than two of the members at~~
16 ~~large shall be appointed or elected from the same county unless any~~
17 ~~one county within the educational service unit has a population in~~
18 ~~excess of one hundred fifty thousand inhabitants or the educational~~
19 ~~service unit consists of only one county. Beginning on the first~~
20 ~~Thursday after the first Tuesday in January 2009, the The educational~~
21 ~~service unit board, except the board of an educational service unit~~
22 ~~with only one member school district, shall be composed of one member~~
23 ~~elected to represent each election district established pursuant to~~
24 ~~section 79-1217.01. Successors to the members initially appointed~~
25 ~~pursuant to section 79-1212 shall be elected pursuant to section~~

1 32-515.

2 (2) Vacancies in office shall occur as set forth in
3 section 32-560, except as otherwise provided in section 79-1212
4 regarding the requirement to live in the district represented, or in
5 the case of absences, unless excused by a majority of the remaining
6 members of the board, when a member is absent from the geographical
7 boundaries of the educational service unit for a continuous period of
8 sixty days at one time or from more than two consecutive regular
9 meetings of the board. Whenever any vacancy occurs on the board, the
10 remaining members of such board shall appoint an individual residing
11 within the election district of the educational service unit for
12 which the vacancy exists and meeting the qualifications for the
13 office to fill such vacancy for the balance of the unexpired term.

14 (3) Members of the board shall receive no compensation
15 for their services but shall be reimbursed for the actual and
16 necessary expenses incurred in the performance of their duties under
17 the Educational Service Units Act as provided in sections 81-1174 to
18 81-1177.

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

24 (5) Any Class I district which is part of a Class VI
25 district shall be considered a part of the educational service unit

1 of which the Class VI district is a member. If the Class VI district
2 has removed itself from an educational service unit, each Class I
3 district which is part of such Class VI district may continue its
4 existing membership in an educational service unit or may change its
5 status relative to membership in an educational service unit in
6 accordance with section 79-1209. The patrons of a Class I district
7 maintaining membership in an educational service unit pursuant to
8 this subsection shall have the same rights and privileges as other
9 patrons of the educational service unit, and the taxable valuation of
10 the taxable property within the geographic boundaries of such Class I
11 district shall be subject to the educational service unit's tax levy
12 established pursuant to section 79-1225.

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

22 ~~(7) Educational service units with only one member school~~
23 ~~district shall be governed by the school board of such school~~
24 ~~district.~~

25 Sec. 9. Section 79-1217.01, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 79-1217.01 By December 31, 2007, and after each decennial
3 census pursuant to section 32-553, each educational service unit
4 board, ~~except boards of educational service units with only one~~
5 ~~member school district,~~ shall divide the territory of the educational
6 service unit into at least five and up to twelve numbered districts
7 for the purpose of electing members to the board in compliance with
8 section 32-553. Such districts shall be compact and contiguous and
9 substantially equal in population. The newly established election
10 districts shall apply beginning with the nomination and election of
11 educational service unit board members in 2008.

12 Sec. 10. Section 79-1225, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 79-1225 ~~(1)~~ After the adoption of its budget statement,
15 the board for each educational service unit, ~~except as provided in~~
16 ~~subsection (2) of this section,~~ may levy a tax in the amount which it
17 requires under its adopted budget statement to be received from
18 taxation. The levy shall be subject to the limits established by
19 section 77-3442. The amount of such levy shall be certified by the
20 secretary of the educational service unit board to the county board
21 of equalization of each county in which any part of the geographical
22 area of the educational service unit is located on or before
23 September 20 of each year. Such tax shall be levied and assessed in
24 the same manner as other property taxes and entered on the books of
25 the county treasurer. The proceeds of such tax, as collected, shall

1 be remitted to the treasurer of the board on or before the fifteenth
2 day of each month or more frequently as provided in section 77-1759.

3 ~~(2) For fiscal year 2013-14 and each fiscal year~~
4 ~~thereafter, only an educational service unit which has two or more~~
5 ~~member school districts may levy a tax on the taxable value of the~~
6 ~~taxable property within the geographic boundaries of the educational~~
7 ~~service unit.~~

8 Sec. 11. Section 79-2104.02, Revised Statutes Cumulative
9 Supplement, 2010, is amended to read:

10 79-2104.02 Each learning community coordinating council
11 shall use any funds received after January 15, 2011, pursuant to
12 section 79-1241.03 for evaluation and research pursuant to plans
13 developed by the learning community coordinating council with
14 assistance from the educational service unit coordinating council ~~and~~
15 ~~the student achievement coordinator~~ and adjusted on an ongoing basis.
16 The evaluation shall be conducted by one or more other entities or
17 individuals who are not employees of the learning community and shall
18 measure progress toward the goals and objectives of the learning
19 community, which goals and objectives shall include closing academic
20 achievement gaps based on socioeconomic status, and the effectiveness
21 of the approaches used by the learning community or pilot project to
22 reach such goals and objectives. Any research conducted pursuant to
23 this section shall also be related to such goals and objectives.
24 After the first full year of operation, each learning community shall
25 report evaluation and research results to the Education Committee of

1 the Legislature on or before December 1 of each year.

2 Sec. 12. This act becomes operative on July 1, 2011.

3 Sec. 13. Original sections 32-515, 79-748, 79-760.04,
4 79-760.05, 79-1201, 79-1202, 79-1217.01, and 79-1225, Reissue Revised
5 Statutes of Nebraska, and sections 79-1217 and 79-2104.02, Revised
6 Statutes Cumulative Supplement, 2010, are repealed.

7 Sec. 14. The following sections are outright repealed:
8 Sections 79-11,150, 79-1501, 79-1503, and 79-1504, Reissue Revised
9 Statutes of Nebraska.

10 Sec. 15. Since an emergency exists, this act takes effect
11 when passed and approved according to law.