

**ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009**  
**COMMITTEE STATEMENT**  
**LB281**

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**Hearing Date:** Tuesday February 03, 2009  
**Committee On:** Education  
**Introducer:** Mello  
**One Liner:** Change educational service unit board membership provisions

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**  
**Aye:** 6 Senators Adams, Ashford, Cornett, Giese, Sullivan, Haar  
**Nay:**  
**Absent:** 2 Senators Avery, Howard  
**Present Not Voting:**

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**Proponents:**  
Senator Heath Mello  
John Lindsay  
Jeff Rippe

**Representing:**  
Introducer  
Omaha Public School  
Bellevue Public Schools

**Opponents:**  
Gil Kettelhut  
Ron Pearson

**Representing:**  
ESU #3  
ESU #3

**Neutral:**  
Brian Hale

**Representing:**  
NASB

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**Summary of purpose and/or changes:**

Legislative Bill 281 would provide for the appointment, rather than election, of educational service unit (ESU) board members when ESU's with territory in a learning community reorganize by the transfer of a school district from one ESU to another. The board members would be appointed by the school board members of the school districts belonging to the learning community involved in the reorganization.

Section 32-515 would be amended by recognizing that some ESU board members would be appointed rather than elected. This change would both recognize the new appointment provisions and replace the exception from the election requirements for ESU's that have only one member school district.

Section 79-1212 would be amended by providing appointment procedures for ESU boards when a plan of reorganization changes ESU boundaries by transferring a school district that is a member of a learning community from one ESU to another with existing territory in the learning community. Within 30 days after approval of the plan by the State Board of Education, the school board members of each school district in the learning community involved in the reorganization would meet and appoint between 5 and 12 board members to constitute the board of the reorganized ESU.

Section 79-1217 would be amended by recognizing ESU boards appointed according to the new provisions beginning on the first Thursday after the first Tuesday in January 2011. The section would also be amended by causing successor members for such boards to be appointed by the school board members of the school districts which are members of

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the reorganized ESU.

Section 79-1217.01 would be amended by exempting ESU boards appointed according to the new provisions from the redistricting provisions.

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**Explanation of amendments:**

The Committee Amendments replace the original provisions. Section 79-1212 would be amended by specifying the board members for reorganized educational service units (ESU's) when one school district is added to a single-district ESU to form a two-school-district ESU.

The initial board of the two-district ESU would have an equal number of members residing in each school district. The members residing in the school district joining the ESU would consist of the school board members of such district plus any ESU board members that reside in the school district from the ESU the district is leaving. The members residing in the school district that was previously the only member of the ESU would be the school board members of such district. Those school board members were the ESU board members of the single-district ESU. If the number of members residing in each of the school districts is not equal, the school district with more members would reduce the number of school board members serving on the ESU board until half of the ESU board members reside in each school district. The initial board members serve until new ESU board members are elected at the next statewide general election and such members take office. The ESU board members residing in the other affected ESU also continue to serve until new members are elected and take office.

Within 30 days after approval of the reorganization plan by the State Board of Education, the Commissioner of Education would call a meeting of the board members of each ESU being reorganized to take all necessary action to prepare for operation of the reorganized ESU commencing one year following approval of the plan. Expenses incurred prior to the operation of the new ESU would be prorated between the counties comprising the ESU on the basis of the assessed valuation of such counties. This is the current procedure for other ESU reorganizations.

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Greg Adams, Chairperson