

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 717

Introduced by Council, 11.

Read first time January 04, 2012

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to school boards; to amend sections 32-541,
2 32-542, 32-543, 32-544, 32-545, 32-546, 79-451, 79-472,
3 79-4,129, 79-546, 79-547, 79-548, 79-550, 79-551, 79-552,
4 79-565, 79-835, and 79-10,111, Reissue Revised Statutes
5 of Nebraska, and section 79-724, Revised Statutes
6 Supplement, 2011; to change provisions relating to
7 membership and elections; to provide for salaries; to
8 harmonize provisions; to repeal the original sections;
9 and to declare an emergency.

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

1 Section 1. Section 32-541, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 32-541 For boards taking office before January 1, 2013,
4 Class I school districts which have voted to have a six-member school
5 board pursuant to section 79-548 may elect the board members at the
6 statewide primary election. The members of the school board serving
7 when it is decided to elect at the statewide primary election shall
8 continue in office until the first Tuesday in June following the next
9 statewide primary election, at which election a six-member board
10 shall be elected. The three members receiving the highest number of
11 votes shall be elected for terms of four years, and the three members
12 receiving the next highest number of votes shall be elected for terms
13 of two years. Each member's term of office shall begin on the first
14 Tuesday in June following his or her election and, except as
15 otherwise provided in this section, shall continue for four years or
16 until the member's successor is elected and qualified.

17 (2) For boards taking office on or after January 1, 2013,
18 Class I school districts which have voted to have a five-member
19 school board pursuant to section 79-548 shall nominate and elect such
20 members as provided in section 7 of this act. The members shall meet
21 the qualifications found in section 79-543.

22 Sec. 2. Section 32-542, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 32-542 ~~Three~~ (1) For boards taking office before January
25 1, 2013, three school board members shall be elected for each Class

1 II school district at each statewide general election, except that
2 when a Class II school district is created by a Class I school
3 district which determines by a majority vote to establish a high
4 school pursuant to section 79-406, a six-member board shall be
5 elected at the next statewide general election and the three members
6 receiving the highest number of votes shall be elected for terms of
7 four years, and the three members receiving the next highest number
8 of votes shall be elected for terms of two years. Each member's term
9 of office shall begin on the date of the first regular meeting of the
10 board in January following the statewide general election at which he
11 or she is elected and, except as otherwise provided in this section,
12 shall continue for four years or until the member's successor is
13 elected and qualified. The term of a board member holding office on
14 January 1, 1997, which term would otherwise expire before the first
15 regular meeting of the board in January following the statewide
16 general election, shall be extended to the first regular meeting of
17 the board in January following the date his or her term would
18 otherwise expire.

19 (2) For boards taking office on or after January 1, 2013,
20 the board of a Class II school district shall consist of three
21 members unless such district has voted to have a five-member board as
22 provided in section 79-548.

23 (3) The school board members of a Class II school
24 district shall meet the qualifications found in section 79-543.

25 Sec. 3. Section 32-543, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 32-543 (1) ~~If~~ For boards taking office before January 1,
3 2013, if a caucus is held for nominations under section 79-549 for a
4 Class III school district, the board of education shall consist of
5 six members to be elected by the registered voters of the school
6 district at the statewide primary election. Two members shall be
7 elected at each election for a term of six years. The members shall
8 meet the qualifications found in section 79-543.

9 (2) Except as provided in subsection (1) of this section,
10 members of the board of education of a Class III school district
11 shall be nominated at the statewide primary election and elected at
12 the statewide general election. ~~The~~

13 (3)(a) For boards taking office before January 1, 2013,
14 the board of education of a Class III school district shall have six
15 or nine members as provided in section 79-549 or 79-550, and the
16 members shall be nominated and elected at large or by district or
17 ward as provided in section 32-554 or nominated by district or ward
18 and elected at large as provided in section 79-550.

19 (b) For boards taking office on or after January 1, 2013,
20 the board of education of a Class III school district shall have the
21 number of members as provided in section 79-549 or 79-550, and the
22 members shall be nominated and elected as provided in section 7 of
23 this act.

24 (4) The number of members to be nominated at the
25 statewide primary election and elected at the statewide general

1 election and the terms for which they will be nominated and elected
2 shall be determined by the election commissioner or county clerk with
3 the aid of the elected secretary of the board of education of the
4 district. The terms of office of members of such board shall expire
5 on the first Thursday after the first Tuesday in January.

6 (5) Terms shall be staggered so that (a) for boards
7 taking office before January 1, 2013, three members shall be elected
8 to each six-member board and four or five members shall be elected to
9 each nine-member board at each general election for terms of four
10 years and (b) for boards taking office on or after January 1, 2013,
11 one or two members shall be elected to each three-member board and
12 two or three members shall be elected to each five-member board at
13 each general election for terms of four years.

14 (6) When it becomes necessary to establish the staggering
15 of terms by electing members for terms of different duration at the
16 same election, candidates receiving the greatest number of votes
17 shall be elected for the longest terms. The members shall meet the
18 qualifications found in section 79-543.

19 Sec. 4. Section 32-544, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 32-544 ~~Candidates~~ For boards taking office before January
22 1, 2013, candidates for the board of education of a Class IV school
23 district shall be nominated and elected by district as provided in
24 section 32-552 for four-year terms at the same time as members of the
25 city council of the city in which the district is located. A member

1 of the board shall be elected from each district pursuant to such
2 section. Candidates shall be nominated and elected upon a nonpartisan
3 ballot. At the general city election in 1979 and each four years
4 thereafter, one member shall be elected from each even-numbered
5 district. At the general city election in 1981 and each four years
6 thereafter, one member shall be elected from each odd-numbered
7 district. For boards taking office on or after January 1, 2013,
8 candidates for the board of education of a Class IV school district
9 shall be nominated and elected as provided in section 7 of this act.

10 The members shall meet the qualifications found in
11 section 79-543.

12 Sec. 5. Section 32-545, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 32-545 A-(1) For boards taking office before January 1,
15 2013, a member of the board of education of a Class V school district
16 shall be elected from each district provided for in section 32-552.
17 The members shall meet the qualifications found in section 79-552. At
18 each statewide general election, six members of the board shall be
19 elected to serve for four years from and including the first Monday
20 of the January following their election or until their successors are
21 elected and qualified. Candidates shall be nominated at the statewide
22 primary election upon a nonpartisan ballot. At the statewide general
23 election in 1976 and each four years thereafter, one member shall be
24 elected from each even-numbered district. At the statewide general
25 election in 1978 and each four years thereafter, one member shall be

1 elected from each odd-numbered district.

2 (2) For boards taking office on or after January 1, 2013,
3 candidates for the board of education of a Class V school district
4 shall be nominated and elected as provided in section 7 of this act.

5 The members shall meet the qualifications found in
6 section 79-543.

7 Sec. 6. Section 32-546, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 32-546 ~~Members~~ For boards taking office before January 1,
10 2013, members of the school board of a Class VI school district shall
11 be elected at the statewide primary election. For boards taking
12 office on or after January 1, 2013, candidates for the board of
13 education of a Class VI school district shall be nominated and
14 elected as provided in section 7 of this act. The term of office for
15 members shall begin on the second Monday in June following their
16 election and shall continue for four years or until their successors
17 are elected and qualified. Persons may be nominated either by
18 petition or by direct filing. The members shall meet the
19 qualifications found in section 79-543.

20 Sec. 7. For boards taking office on or after January 1,
21 2013:

22 (1) All school boards and boards of education shall be
23 composed of either three or five members. Each candidate for election
24 to a school board or board of education and each member of a school
25 board or board of education shall be a taxpayer in and a resident of

1 the school district governed by such board. School board and board of
2 education members shall be nominated at the statewide primary
3 election and elected at the statewide general election. All persons
4 elected as members of school boards and boards of education shall
5 take and subscribe to the usual oath of office before the first
6 Monday in January following their election, and the student member
7 shall take and subscribe to the usual oath of office before the first
8 Monday in January following his or her designation. In case any
9 person so elected fails to take and subscribe his or her oath of
10 office as required by this section, his or her election shall be void
11 and the vacancy shall be filled by the board;

12 (2) In the first year that there is a change in the
13 number of school board members or board of education members pursuant
14 to this section, (a) for boards with three members, the member
15 receiving the highest number of votes shall be elected for a term of
16 four years and the remaining two members shall be elected for terms
17 of two years and (b) for boards with five members, the two members
18 receiving the highest number of votes shall be elected for terms of
19 four years and the remaining three members shall be elected for terms
20 of two years;

21 (3) For members taking office on or after January 1,
22 2013, no member of any school board or board of education may serve
23 on such board for more than a total of eight calendar years, whether
24 or not such years are consecutive. Each member's term shall begin on
25 the date of the first regular meeting of the board in January

1 following his or her election;

2 (4) All school boards shall be elected on at at-large
3 basis until such time as a school district establishes subdistricts,
4 at which time each candidate for election to a school board or board
5 of education and each member of a school board or board of education
6 shall be a taxpayer in and a resident of the school district governed
7 by such board and the subdistrict from which the member is elected;
8 and

9 (5) The terms of all members serving on school boards and
10 boards of education on the effective date of this act shall terminate
11 on the date the terms of members elected to serve on or after January
12 1, 2013, begin. Members serving on the effective date of this act may
13 be candidates for election to a school board or board of education
14 which will begin serving on or after January 1, 2013, if they meet
15 the qualifications set out in subdivision (1) of this section.

16 Sec. 8. Section 79-451, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 79-451 (1) Within thirty days after the classification of
19 the reorganized school districts by the county clerk under section
20 79-450, the state committee shall appoint from among the legal voters
21 of each new school district created the number of members necessary
22 to constitute a school board of the class in which the new school
23 district has been classified. A reorganized school district shall be
24 formed and organized and shall have a school board not later than
25 April 1 following the last legal action, as prescribed in section

1 79-450, necessary to effect the changes in boundaries as set forth in
2 the plan of reorganization, although the physical reorganization of
3 such reorganized school district may not take effect until June 1.
4 The first board shall be appointed on an at-large basis, and all
5 boards shall be elected at large until such time as school districts
6 are established as provided in section 32-554.

7 ~~In~~ (2)(a) For boards taking office before January 1,
8 2013, in appointing the first school board of a Class II school
9 district, the members shall be appointed so that the terms of three
10 members expire on the date of the first regular meeting of the board
11 in January after the first even-numbered year following their
12 appointment and the terms of the three remaining members expire on
13 the date of the first regular meeting of the board in January after
14 the second even-numbered year following their appointment. At the
15 statewide general election in the first even-numbered year after the
16 reorganization, three board members in each Class II school district
17 shall be elected to terms of four years, and thereafter all
18 candidates shall be elected to terms of four years. Each member's
19 term shall begin on the date of the first regular meeting of the
20 board in January following his or her election.

21 (b) For boards taking office on or after January 1, 2013,
22 in appointing the first school board of a new Class II school
23 district, the members shall be appointed so that the term of one
24 member expires on the date of the first regular meeting of the board
25 in January after the first even-numbered year following the member's

1 appointment and the terms of the two remaining members expire on the
2 date of the first regular meeting of the board in January after the
3 second even-numbered year following their appointment. At the
4 statewide general election in the first even-numbered year after the
5 reorganization, one board member in each Class II school district
6 shall be elected to a term of four years and thereafter all
7 candidates shall be elected to terms of four years. Each member's
8 term shall begin on the date of the first regular meeting of the
9 board in January following his or her election.

10 (3)(a) For boards taking office before January 1, 2013:

11 (i) In appointing the first school board of a Class III
12 school district with a six-member board serving terms of four years,
13 the terms of three members shall expire on the first Thursday after
14 the first Tuesday in January after the first even-numbered year
15 following their appointment and the terms of the three remaining
16 members shall expire on the first Thursday after the first Tuesday in
17 January after the second even-numbered year following their
18 appointment; and -

19 (ii) In appointing the first school board of a Class III
20 school district with a nine-member board serving terms of four years,
21 the terms of four members shall expire on the first Thursday after
22 the first Tuesday in January after the first even-numbered year
23 following their appointment and the terms of five members shall
24 expire on the first Thursday after the first Tuesday in January after
25 the second even-numbered year following their appointment. Thereafter

1 ~~all Class III district school boards shall be elected to terms of~~
2 ~~four years.~~

3 (b) For boards taking office on or after January 1, 2013,
4 in appointing the first school board of a Class III school district,
5 the board shall be a three-member board with the members serving
6 terms of four years. The term of one member shall expire on the first
7 Thursday after the first Tuesday in January after the first even-
8 numbered year following his or her appointment, and the terms of the
9 two remaining members shall expire on the first Thursday after the
10 first Tuesday in January after the second even-numbered year
11 following their appointment.

12 (4)(a) For boards taking office before January 1, 2013,
13 in appointing the first school board of a new Class IV school
14 district, the members shall be appointed so that the terms of three
15 members expire on the third Monday in May of the first odd-numbered
16 year following their appointment and the terms of four members shall
17 expire on the third Monday in May of the second odd-numbered year
18 following their appointment. Thereafter all Class IV district school
19 boards shall be elected to terms of four years.

20 (b) For boards taking office on or after January 1, 2013,
21 in appointing the first school board of a new Class IV school
22 district, the members shall be appointed so that the terms of two
23 members expire on the third Monday in May of the first odd-numbered
24 year following their appointment and the terms of three members shall
25 expire on the third Monday in May of the second odd-numbered year

1 following their appointment. Thereafter all Class IV district school
2 boards shall be elected to terms of four years.

3 (5)(a) For boards taking office before January 1, 2013,
4 in appointing the first school board of a Class V school district
5 with a twelve-member board serving terms of four years, the terms of
6 six members shall expire on the first Monday in January after the
7 first even-numbered year following their appointment and the terms of
8 six members shall expire on the first Monday in January after the
9 second even-numbered year following their appointment. Thereafter all
10 Class V district school boards shall be elected to terms of four
11 years.

12 (b) For boards taking office on or after January 1, 2013,
13 in appointing the first school board of a new Class V school
14 district, the members shall be appointed so that the terms of two
15 members expire on the third Monday in May of the first odd-numbered
16 year following their appointment and the terms of three members
17 expire on the third Monday in May of the second odd-numbered year
18 following their appointment. Thereafter all Class V district school
19 boards shall be elected to terms of four years.

20 (6) The school board so appointed shall proceed at once
21 to organize in the manner prescribed by law.

22 Sec. 9. Section 79-472, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 79-472 (1)(a) If a Class II school district, by a vote of
25 fifty-five percent of the legal voters voting at a special meeting,

1 decides to discontinue and close the high school, the school district
2 shall become an affiliated Class I school district on the date
3 designated by such legal voters. Affiliation shall be accomplished
4 pursuant to sections 79-413 to 79-427. At such meeting a decision
5 shall be made as to when the new school board shall be elected and
6 whether, if the board will take office before January 1, 2013, the
7 board shall consist of three members or six members, and if the board
8 will take office on or after January 1, 2013, whether the board shall
9 consist of three members or five members. No new Class I school
10 district shall establish a six-member board or a five-member board
11 unless the school district contains a minimum of one hundred fifty
12 children who are five through twenty years of age. The school board
13 of the existing Class II school district shall remain in office until
14 the effective date for the formation of the new Class I school
15 district.

16 (b) If the new school board is to consist of three
17 members, such members shall be elected at the time of the vote to
18 change from a Class II school district to a Class I school district
19 or at a special meeting held not less than thirty days prior to the
20 effective date of the change from a Class II school district to a
21 Class I school district. At the special meeting, a treasurer shall be
22 elected for a term of one year, a secretary for a term of two years,
23 and a president for a term of three years, and their successors shall
24 be elected for terms of three years each. All officers so elected
25 shall hold their offices until successors are elected and qualified.

1 After such change becomes effective, the school district and its
2 officers shall have the powers of and be governed by the provisions
3 of law applicable to Class I school districts.

4 (c) If the new school board is to consist of six or five
5 members, such members shall be elected after the vote to change from
6 a Class II school district to a Class I school district. The
7 procedure for electing board members shall be as prescribed in
8 section 32-541 or as prescribed in subsection (3) of section 79-565,
9 except that such election may be held at any annual school meeting or
10 at a special school meeting called for the purpose of electing school
11 district officers.

12 (2) No school district may change from Class I to Class
13 II unless that school district has an enrollment of not less than one
14 hundred pupils in grades nine through twelve. This subsection shall
15 not apply to any school district located on an Indian reservation and
16 substantially or totally financed by the federal government.

17 Sec. 10. Section 79-4,129, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 79-4,129 (1) Within thirty days after the classification
20 of the reorganized school districts by the county clerk under section
21 79-4,128, the state committee shall appoint from among the legal
22 voters of each new school district created the number of members
23 necessary to constitute a school board of the class in which the new
24 school district has been classified. A reorganized school district
25 shall be formed and organized and shall have a school board not later

1 than April 1 following the last legal action, as prescribed in
2 section 79-4,128, necessary to effect the changes in boundaries as
3 set forth in the plan of reorganization, although the physical
4 reorganization of such reorganized school district shall take effect
5 July 1 following the classification of the reorganized school
6 districts under section 79-4,128. The first board shall be appointed
7 on an at-large basis, and all boards shall be elected at large until
8 such time as election districts are established as provided in
9 section 32-554.

10 (2)(a) For boards taking office before January 1, 2013,
11 in ~~in~~ appointing the first school board of a Class II school
12 district, the members shall be appointed so that the terms of three
13 members expire on the date of the first regular meeting of the board
14 in January after the first even-numbered year following their
15 appointment and the terms of the three remaining members expire on
16 the date of the first regular meeting of the board in January after
17 the second even-numbered year following their appointment. At the
18 statewide general election in the first even-numbered year after the
19 reorganization, three board members in each Class II school district
20 shall be elected to terms of four years. Thereafter all candidates
21 shall be elected to terms of four years. Each member's term shall
22 begin on the date of the first regular meeting of the board in
23 January following his or her election.

24 (b) For boards taking office on or after January 1, 2013,
25 in appointing the first school board of a Class II school district,

1 the members shall be appointed so that the terms of two members, if a
2 three-member board, or three members, if a five-member board, expire
3 on the date of the first regular meeting of the board in January
4 after the first even-numbered year following their appointment and
5 the terms of the remaining member or members expire on the date of
6 the first regular meeting of the board in January after the second
7 even-numbered year following their appointment. At the statewide
8 general election in the first even-numbered year after the
9 reorganization, two board members, if a three-member board, or three
10 members, if a five-member board, in each Class II school district
11 shall be elected to terms of four years. Thereafter all candidates
12 shall be elected to terms of four years. Each member's term shall
13 begin on the date of the first regular meeting of the board in
14 January following his or her election.

15 (3)(a) For boards taking office before January 1, 2013:

16 (i) In appointing the first school board of a Class III
17 school district with a six-member board serving terms of four years,
18 the terms of three members shall expire on the first Thursday after
19 the first Tuesday in January after the first even-numbered year
20 following their appointment and the terms of the three remaining
21 members shall expire on the first Thursday after the first Tuesday in
22 January after the second even-numbered year following their
23 appointment. Thereafter all Class III district school boards with
24 six-member boards shall be elected to terms of four years; and -

25 ~~(4)~~-(ii) In appointing the first school board of a Class

1 III school district with a nine-member board serving terms of four
2 years, the terms of four members shall expire on the first Thursday
3 after the first Tuesday in January after the first even-numbered year
4 following their appointment and the terms of five members shall
5 expire on the first Thursday after the first Tuesday in January after
6 the second even-numbered year following their appointment. Thereafter
7 all Class III district school boards with nine-member boards shall be
8 elected to terms of four years.

9 (b) For boards taking office on or after January 1, 2013,
10 in appointing the first school board of a Class III school district
11 the terms of two members, if a three-member board, or three members,
12 if a five-member board, shall expire on the first Thursday after the
13 first Tuesday in January after the first even-numbered year following
14 their appointment and the terms of the remaining members shall expire
15 on the first Thursday after the first Tuesday in January after the
16 second even-numbered year following their appointment. Thereafter all
17 Class III district school boards shall be elected to terms of four
18 years.

19 ~~(5) In (4)(a)~~ For boards taking office before January 1,
20 2013, in appointing the first school board of a Class IV school
21 district, the members shall be appointed so that the terms of three
22 members shall expire on the third Monday in May of the first odd-
23 numbered year following their appointment and the terms of four
24 members shall expire on the third Monday in May of the second odd-
25 numbered year following their appointment. Thereafter all Class IV

1 district school boards shall be elected to terms of four years.

2 (b) For boards taking office on or after January 1, 2013,
3 in appointing the first school board of a Class IV school district,
4 the members shall be appointed so that the terms of two members, if a
5 three-member board, or of three members, if a five-member board,
6 shall expire on the third Monday in May of the first odd-numbered
7 year following their appointment and the terms of the remaining
8 members shall expire on the third Monday in May of the second odd-
9 numbered year following their appointment. Thereafter all Class IV
10 district school boards shall be elected to terms of four years.

11 ~~(6) In (5)(a)~~ For boards taking office before January 1,
12 2013, in appointing the first school board of a Class V school
13 district with a twelve-member board serving terms of four years, the
14 terms of six members shall expire on the first Monday in January
15 after the first even-numbered year following their appointment and
16 the terms of six members shall expire on the first Monday in January
17 after the second even-numbered year following their appointment.
18 Thereafter all Class V district school boards shall be elected to
19 terms of four years.

20 (b) For boards taking office on or after January 1, 2013,
21 in appointing the first school board of a Class V school district,
22 the terms of two members, if a three-member board, or of five
23 members, if a five-member board, shall expire on the first Monday in
24 January after the first even-numbered year following their
25 appointment and the terms of the remaining members shall expire on

1 the first Monday in January after the second even-numbered year
2 following their appointment. Thereafter all Class V district school
3 boards shall be elected to terms of four years.

4 ~~(7)~~ (6) The school boards appointed under this section
5 shall proceed at once to organize in the manner prescribed by law.

6 Sec. 11. Section 79-546, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 79-546 ~~Except as provided in section 79-1217, (1)(a) For~~
9 boards taking office before January 1, 2013, all members of a school
10 board, or board of education, or other governing board created
11 pursuant to Chapter 79 shall not receive a per diem; and (b) for
12 boards taking office on or after January 1, 2013, each member of a
13 school board or board of education shall receive twenty thousand
14 dollars per year.

15 (2) Except as provided in section 79-1217 and subsection
16 (1) of this section, all members of a governing board created
17 pursuant to Chapter 79 shall not receive a per diem.

18 (3) Each such board may provide or reimburse members for
19 their actual and necessary expenses incurred while carrying out their
20 duties. Mileage expenses shall be computed at the rate provided in
21 section 81-1176. Sections 81-1174, 81-1175, and 81-1177 shall serve
22 as guidelines for such boards when determining allowable expenses and
23 reimbursement for such expenses.

24 Sec. 12. Section 79-547, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 79-547 (1) ~~The~~ For boards taking office before January 1,
2 2013, the school board or board of education shall consist of the
3 following members:

4 (a) In a Class II district, six members; and

5 (b) In a Class III district, six members unless the board
6 of education provides a nine-member board pursuant to section 79-550.

7 (2) For boards taking office on or after January 1, 2013,
8 the school board or board of education shall consist of the following
9 members:

10 (a) In a Class II district, three members; and

11 (b) In a Class III district, three members unless the
12 board of education provides a five-member board pursuant to section
13 79-550.

14 (3) In addition to the members specified in ~~subsection~~
15 ~~(1)~~ subsections (1) and (2) of this section, such school boards or
16 boards of education may include one or more student members selected
17 pursuant to section 79-559.

18 Sec. 13. Section 79-548, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 79-548 ~~The~~ (1) For boards taking office before January 1,
21 2013, the legal voters of a Class I school district having a school
22 census of more than one hundred fifty persons may, at an annual or
23 special meeting by a favorable vote of fifty-five percent of the
24 persons in attendance and voting, change to a six-member school
25 board. The district shall continue to have a six-member board until

1 fifty-five percent of the persons in attendance and voting at an
2 annual or special meeting vote to change to a three-member board.
3 Board members of a six-member board shall be elected as provided in
4 section 32-541 or as provided for in subsection (3) of section
5 79-565. All teachers elected by such a district must meet the same
6 qualifications as do the teachers in Class II districts.

7 (2) For boards taking office on or after January 1, 2013,
8 the legal voters of a Class I school district having a school census
9 of more than one hundred fifty persons may, at an annual or special
10 meeting by a favorable vote of fifty-five percent of the persons in
11 attendance and voting, change to a five-member school board. The
12 district shall continue to have a five-member board until fifty-five
13 percent of the persons in attendance and voting at an annual or
14 special meeting vote to change to a three-member board. Board members
15 of a five-member board shall be elected as provided in section 7 of
16 this act. All teachers elected by such a district must meet the same
17 qualifications as do the teachers in Class II districts.

18 Sec. 14. Section 79-550, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 79-550 (1) For boards which began serving before January
21 1, 2013:

22 (a) A Class III school district with a six-member board
23 of education may by resolution provide for an increase in the number
24 of members from six to nine. The board of education shall appoint
25 members to fill the three vacancies thus created in the manner

1 prescribed in section 32-570; -

2 ~~(2)-(b)~~ A Class III school district with a nine-member
3 board of education may by resolution provide for decreasing the
4 number of members of the board of education from nine to six. When
5 such a decrease is provided, three of the vacancies which would
6 otherwise occur at the next election shall not be filled; and -

7 ~~(3)-(c)~~ If the members of the board of education of a
8 Class III school district are nominated and elected by district or
9 ward, the board of education may by resolution provide for the
10 nomination of the members by district or ward and the election of the
11 members at large. If the members are nominated by district or ward
12 and elected at large, the board of education may by resolution
13 provide for the nomination and election of the members by district or
14 ward.

15 (2) For boards taking office on or after January 1, 2013:

16 (a) A Class III school district with a three-member board
17 of education may by resolution provide for an increase in the number
18 of members from three to five. The board of education shall appoint
19 members to fill the vacancies thus created in the manner prescribed
20 in section 32-570;

21 (b) A Class III school district with a five-member board
22 of education may by resolution provide for decreasing the number of
23 members of the board of education from five to three. When such a
24 decrease is provided, the vacancies which would otherwise occur at
25 the next election shall not be filled; and

1 (c) Members shall be nominated and elected as provided in
2 section 7 of this act.

3 Sec. 15. Section 79-551, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 79-551 ~~The~~ For boards taking office before January 1,
6 2013, the board of education of a Class IV school district shall
7 consist of seven members, and for boards taking office on or after
8 January 1, 2013, the board of education of a Class IV school district
9 shall consist of five members. Such board also may include a
10 nonvoting student member or members selected pursuant to section
11 79-559. Voting members shall be elected as provided in section 32-544
12 for boards taking office before January 1, 2013, and as provided in
13 section 7 of this act for boards taking office on or after January 1,
14 2013. Voting members of the board shall begin the duties of their
15 office ~~on the third Monday of the month in which they are elected.~~ as
16 provided in section 7 of this act.

17 Sec. 16. Section 79-552, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 79-552 ~~The~~ (1) For boards taking office before January 1,
20 2013, the board of education of a Class V school district shall
21 consist of twelve members, one elected from each district pursuant to
22 section 32-545, and also may include a nonvoting student member or
23 members selected pursuant to section 79-559. Each elected member
24 shall be a resident of the district for at least six months prior to
25 the election. Each candidate for election to and each member of the

1 board of education shall be a taxpayer in and a resident of the
2 district of such school district as designated pursuant to section
3 32-552.

4 (2) For boards taking office on or after January 1, 2013,
5 the board of education of a Class V school district shall consist of
6 five members nominated and elected as provided in section 7 of this
7 act and also may include a nonvoting student member or members
8 selected pursuant to section 79-559.

9 (3) All persons elected as members of the board of
10 education shall take and subscribe to the usual oath of office before
11 the first Monday in January following their election, and the student
12 member shall take and subscribe to the usual oath of office before
13 the first Monday in January following his or her designation. In case
14 any person so elected fails so to do, his or her election shall be
15 void and the vacancy shall be filled by the board.

16 Sec. 17. Section 79-565, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 79-565 (1) The legal voters of every new Class I school
19 district, when assembled pursuant to legal notice, shall elect by
20 ballot from the legal voters of such district a president for a term
21 of three years, a secretary for a term of two years, and a treasurer
22 for a term of one year. At the next annual school meeting of the
23 district and regularly thereafter, their successors shall be elected
24 for terms of three years each. All officers elected shall hold their
25 offices until their successors are elected or appointed and

1 qualified.

2 (2) Officers of existing organized Class I districts, as
3 referred to in subsection (1) of this section, shall continue and
4 discharge the duties of their offices until the expiration of their
5 terms. Their successors shall be elected for terms of three years.

6 (3) In any Class I district which is not within any city
7 or village containing one hundred fifty or more children who are five
8 through twenty years of age: -

9 (a) For boards taking office before January 1, 2013,
10 candidates for the school board shall be nominated by petition of at
11 least twenty-five legal voters of the district, which petition shall
12 be filed with the secretary of the school board not less than fifteen
13 days prior to the date of the annual school meeting. Legal voters at
14 such meeting and election may cast their ballots, written or printed,
15 between the hours of 12 noon and 8 p.m. of such date. Each year two
16 members shall be elected for terms of three years and until their
17 successors have been elected and qualified. The terms of members of
18 the school board in such a district shall begin on the second Monday
19 of September, and on such date the members of the board shall elect a
20 president, a treasurer, and a secretary from their own number. Each
21 such officer shall serve for a term of one year or until his or her
22 successor is elected and qualified; and -

23 (b) For boards taking office on or after January 1, 2013,
24 candidates for the school board shall be nominated and elected as
25 provided in section 7 of this act.

1 (4) The president, secretary, and treasurer of a district
2 referred to in subsection (3) of this section shall (a) conduct the
3 election or cause the election to be conducted and (b) record the
4 names and residences of persons voting and seal, preserve, and
5 deliver the ballots to be publicly opened and canvassed as the first
6 order of business at the convening of the annual meeting at 8 p.m. of
7 such day.

8 (5) Elections conducted pursuant to this section shall
9 come under the jurisdiction of the Secretary of State to decide
10 disputed points of law as provided in section 32-201.

11 Sec. 18. Section 79-724, Revised Statutes Supplement,
12 2011, is amended to read:

13 79-724 An informed, loyal, just, and patriotic citizenry
14 is necessary to a strong, stable, just, and prosperous America. Such
15 a citizenry necessitates that every member thereof be fully
16 acquainted with the nation's history and that he or she be in full
17 accord with our form of government and fully aware of the liberties,
18 opportunities, and advantages of which we are possessed and the
19 sacrifices and struggles of those through whose efforts these
20 benefits were gained. Since youth is the time most susceptible to the
21 acceptance of principles and doctrines that will influence men and
22 women throughout their lives, it is one of the first duties of our
23 educational system to conduct its activities, choose its textbooks,
24 and arrange its curriculum in such a way that the love of liberty,
25 justice, democracy, and America will be instilled in the hearts and

1 minds of the youth of the state.

2 (1) Every school board shall, at the beginning of each
3 school year, appoint from its members a committee ~~of three,~~
4 consisting of a quorum of the members of the school board, to be
5 known as the committee on Americanism. The committee on Americanism
6 shall:

7 (a) Carefully examine, inspect, and approve all textbooks
8 used in the teaching of American history and civil government in the
9 school. Such textbooks shall adequately stress the services of the
10 men and women who achieved our national independence, established our
11 constitutional government, and preserved our union and shall be so
12 written to include contributions by ethnic groups as to develop a
13 pride and respect for our institutions and not be a mere recital of
14 events and dates;

15 (b) Assure themselves as to the character of all teachers
16 employed and their knowledge and acceptance of the American form of
17 government; and

18 (c) Take all such other steps as will assure the carrying
19 out of the provisions of this section.

20 (2) All American history courses approved for grade
21 levels as provided by this section shall include and adequately
22 stress contributions of all ethnic groups (a) to the development and
23 growth of America into a great nation, (b) to art, music, education,
24 medicine, literature, science, politics, and government, and (c) to
25 the war services in all wars of this nation.

1 (3) All grades of all public, private, denominational,
2 and parochial schools, below the sixth grade, shall devote at least
3 one hour per week to exercises or teaching periods for the following
4 purpose:

5 (a) The recital of stories having to do with American
6 history or the deeds and exploits of American heroes;

7 (b) The singing of patriotic songs and the insistence
8 that every pupil memorize the Star-Spangled Banner and America; and

9 (c) The development of reverence for the flag and
10 instruction as to proper conduct in its presentation.

11 (4) In at least two of the three grades from the fifth
12 grade to the eighth grade in all public, private, denominational, and
13 parochial schools, at least three periods per week shall be set aside
14 to be devoted to the teaching of American history from approved
15 textbooks, taught in such a way as to make the course interesting and
16 attractive and to develop a love of country.

17 (5) In at least two grades of every high school, at least
18 three periods per week shall be devoted to the teaching of civics,
19 during which courses specific attention shall be given to the
20 following matters:

21 (a) The United States Constitution and the Constitution
22 of Nebraska;

23 (b) The benefits and advantages of our form of government
24 and the dangers and fallacies of Nazism, Communism, and similar
25 ideologies; and

1 (c) The duties of citizenship, including active
2 participation in the improvement of a citizen's community, state,
3 country, and world and the value and practice of civil discourse
4 between opposing interests.

5 (6) Appropriate patriotic exercises suitable to the
6 occasion shall be held under the direction of the superintendent in
7 every public, private, denominational, and parochial school on
8 Lincoln's birthday, Washington's birthday, Flag Day, Memorial Day,
9 and Veterans Day, or on the day preceding or following such holiday,
10 if the school is in session.

11 (7) Every school board, the State Board of Education, and
12 the superintendent of each school district in the state shall be held
13 directly responsible in the order named for carrying out this
14 section, and neglect thereof by any employee or appointed official
15 shall be considered a dereliction of duty and cause for dismissal.

16 Sec. 19. Section 79-835, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 79-835 The hearing for a probationary certificated
19 employee, except a superintendent, provided in section 79-834, may be
20 held before a committee of the school board consisting of not less
21 than ~~three~~ a quorum of the board's total members. Notice of such a
22 hearing shall be sent to all board members five days prior to such
23 hearing. If a hearing is held before such a committee, the majority
24 opinion of the committee shall constitute a recommendation to the
25 school board with the final determination being made by a majority

1 vote of the members of the school board without additional hearing.
2 The hearing for a superintendent provided in such section shall not
3 be held before a committee of the school board. Notice shall be given
4 to all parties at least five days prior to such a hearing. A vote of
5 the majority of the members of the school board shall determine final
6 action relative to the contract of the superintendent.

7 Sec. 20. Section 79-10,111, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 79-10,111 The legal voters in a Class I or II school
10 district, when lawfully assembled, may adjourn from time to time, as
11 may be necessary, to designate a site for a schoolhouse by a vote of
12 fifty-five percent of those present and to change the designation of
13 a site for a schoolhouse by a similar vote at any annual or special
14 meeting. In any school district in which the schoolhouse is located
15 three-fourths of one mile or more from the center of such district,
16 such schoolhouse site may be changed to a point nearer the center of
17 the district by a majority vote of those present at any such school
18 meeting. In any school district containing more than one hundred
19 fifty children five through twenty years of age and having a school
20 board of six members before January 1, 2013, and five members on or
21 after January 1, 2013, the schoolhouse site in the district may be
22 changed or the purchasing of a new site may be directed, or both, at
23 any annual or special meeting, by a fifty-five percent vote of those
24 present at any such meeting. A schoolhouse site shall not be changed
25 more than once in any one school year.

1 Sec. 21. Original sections 32-541, 32-542, 32-543,
2 32-544, 32-545, 32-546, 79-451, 79-472, 79-4,129, 79-546, 79-547,
3 79-548, 79-550, 79-551, 79-552, 79-565, 79-835, and 79-10,111,
4 Reissue Revised Statutes of Nebraska, and section 79-724, Revised
5 Statutes Supplement, 2011, are repealed.

6 Sec. 22. Since an emergency exists, this act takes effect
7 when passed and approved according to law.