

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 509

Introduced by Murante, 49.

Read first time January 23, 2013

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to political subdivisions; to amend sections
2 32-546.01, 32-555.01, and 79-2117, Revised Statutes
3 Cumulative Supplement, 2012; to change the election and
4 membership of learning community coordinating councils;
5 to harmonize provisions; and to repeal the original
6 sections.

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

1 Section 1. Section 32-546.01, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 32-546.01 ~~(1) Each~~ (1)(a) Until the learning community
4 coordinating council elected in 2014 pursuant to subdivision (b) of
5 this subsection takes office in January 2015, each learning community
6 shall be governed by a learning community coordinating council
7 consisting of eighteen voting members, with twelve members elected on
8 a nonpartisan ballot from six numbered subcouncil districts created
9 pursuant to section 32-555.01 and with six members appointed from
10 such subcouncil districts pursuant to this section. Each voter shall
11 be allowed to cast votes for one candidate at both the primary and
12 general elections to represent the subcouncil district in which the
13 voter resides. The four candidates receiving the most votes at the
14 primary election shall advance to the general election. The two
15 candidates receiving the most votes at the general election shall be
16 elected. A candidate shall reside in the subcouncil district for
17 which he or she is a candidate. Coordinating council members shall be
18 elected on the nonpartisan ballot.

19 (b) Beginning with the learning community coordinating
20 council elected in 2014 pursuant to this subdivision that takes
21 office in January 2015, each learning community shall be governed by
22 a learning community coordinating council consisting of one member
23 elected from each school district that is a member of the learning
24 community. Each voter shall be allowed to cast votes for one
25 candidate at both the primary and general elections to represent the

1 school district in which the voter resides. The two candidates
2 receiving the most votes in the school district at the primary
3 election shall advance to the general election. The candidate
4 receiving the most votes in the school district at the general
5 election shall be elected. A candidate shall reside in the school
6 district for which he or she is a candidate. Coordinating council
7 members shall be elected on the nonpartisan ballot.

8 (2) The initial elected members shall be nominated at the
9 statewide primary election and elected at the statewide general
10 election immediately following the certification of the establishment
11 of the learning community, and subsequent members shall be nominated
12 at subsequent statewide primary elections and elected at subsequent
13 statewide general elections. Except as provided in this section, such
14 elections shall be conducted pursuant to the Election Act.

15 (3) Vacancies in office for elected members shall occur
16 as set forth in section 32-560. Whenever any such vacancy occurs, the
17 remaining elected members of such council shall appoint an individual
18 residing within the geographical boundaries of the subcouncil
19 district or school district, as appropriate, for the balance of the
20 unexpired term.

21 (4)(a) Until the learning community coordinating council
22 elected in 2014 pursuant to subdivision (1)(b) of this section takes
23 office in January 2015, members ~~Members~~ —elected to represent odd-
24 numbered districts in the first election for the learning community
25 coordinating council shall be elected for two-year terms. Members

1 elected to represent even-numbered districts in the first election
2 for the learning community coordinating council shall be elected for
3 four-year terms. The terms of members serving on the effective date
4 of this act expire when the learning community coordinating council
5 elected in 2014 pursuant to subdivision (1)(b) of this section takes
6 office in January 2015.

7 (b) Beginning with the general election in 2014 or the
8 first election for a learning community coordinating council created
9 after the effective date of this act, members ~~Members elected in~~
10 ~~subsequent elections~~ shall be elected for four-year terms and until
11 their successors are elected and qualified.

12 (5) ~~The~~ Until 2013, the appointed members shall be
13 appointed in November of each even-numbered year after the general
14 election. Appointed members shall be school board members of school
15 districts in the learning community either elected to take office the
16 following January or continuing their current term of office for the
17 following two years. ~~For learning communities to be established the~~
18 ~~following January pursuant to orders issued pursuant to section~~
19 ~~79-2102, the Secretary of State shall hold a meeting of the school~~
20 ~~board members of the school districts in such learning community to~~
21 ~~appoint one member from such school boards to represent each of the~~
22 ~~subcouncil districts on the coordinating council of such learning~~
23 ~~community. For subsequent appointments, the current appointed members~~
24 ~~of the coordinating council shall hold a meeting of the school board~~
25 ~~members of such school districts to appoint one member from such~~

1 ~~school boards to represent each of the subcouncil districts on the~~
2 ~~coordinating council of the learning community. The~~ Until the
3 learning community coordinating council elected in 2014 pursuant to
4 subdivision (1)(b) of this section takes office in January 2015, the
5 appointed members shall be selected by the school board members of
6 the school districts in the learning community who reside in the
7 subcouncil district to be represented pursuant to a secret ballot,
8 shall reside in the subcouncil district to be represented, and shall
9 be appointed for two-year terms and until their successors are
10 appointed and qualified, except that the terms of appointed members
11 serving on the effective date of this act expire when the learning
12 community coordinating council elected in 2014 pursuant to
13 subdivision (1)(b) of this section takes office in January 2015. This
14 subsection terminates on such date.

15 (6) ~~Vacancies~~ Until the learning community coordinating
16 council elected in 2014 pursuant to subdivision (1)(b) of this
17 section takes office in January 2015, vacancies in office for
18 appointed members shall occur upon the resignation, death, or
19 disqualification from office of an appointed member. Disqualification
20 from office shall include ceasing membership on the school board for
21 which membership qualified the member for the appointment to the
22 learning community coordinating council or ceasing to reside in the
23 subcouncil district represented by such member of the learning
24 community coordinating council. Whenever such vacancy occurs, the
25 remaining appointed members shall hold a meeting of the school board

1 members of the school districts in such learning community to appoint
2 a member from such school boards who lives in the subcouncil district
3 to be represented to serve for the balance of the unexpired term,
4 except that the terms of appointed members serving on the effective
5 date of this act expire when the learning community coordinating
6 council elected in 2014 pursuant to subdivision (1)(b) of this
7 section takes office in January 2015. This subsection terminates on
8 such date.

9 (7) ~~Each~~ Until the learning community coordinating
10 council elected in 2014 pursuant to subdivision (1)(b) of this
11 section takes office in January 2015, each learning community
12 coordinating council shall also have a nonvoting member from each
13 member school district which does not have either an elected or an
14 appointed member who resides in the school district on the council.
15 Such nonvoting members shall be appointed by the school board of the
16 school district to be represented to serve for two-year terms, and
17 notice of the nonvoting member selected shall be submitted to the
18 Secretary of State by such board prior to December 31 of each even-
19 numbered year. Each such nonvoting member shall be a resident of the
20 appointing school district and shall not be a school administrator
21 employed by such school district. Whenever a vacancy occurs, the
22 school board of such school district shall appoint a new nonvoting
23 member and submit notice to the Secretary of State and to the
24 learning community coordinating council. The terms of nonvoting
25 members serving on the effective date of this act expire when the

1 learning community coordinating council elected in 2014 pursuant to
2 subdivision (1)(b) of this section takes office in January 2015. This
3 subsection terminates on such date.

4 (8) Members of a learning community coordinating council
5 shall take office on the first Thursday after the first Tuesday in
6 January following their election or appointment, except that members
7 appointed to fill vacancies shall take office immediately following
8 administration of the oath of office. ~~Each~~ Until the learning
9 community coordinating council elected in 2014 pursuant to
10 subdivision (1)(b) of this section takes office in January 2015, each
11 voting member elected or appointed prior to April 6, 2010, shall be
12 paid a per diem in an amount determined by such council up to two
13 hundred dollars per day for official meetings of the council and the
14 achievement subcouncil for which he or she is a member, for meetings
15 that occur during the term of office for which the election or
16 appointment of the member took place prior to April 6, 2010, up to a
17 maximum of twelve thousand dollars per fiscal year. Each voting
18 member shall be eligible for reimbursement of reasonable expenses
19 related to service on the learning community coordinating council.
20 ~~Each~~ Until the learning community coordinating council elected in
21 2014 pursuant to subdivision (1)(b) of this section takes office in
22 January 2015, each nonvoting member shall be eligible for
23 reimbursement of reasonable expenses related to service on the
24 learning community coordinating council.

25 Sec. 2. Section 32-555.01, Revised Statutes Cumulative

1 Supplement, 2012, is amended to read:

2 32-555.01 ~~The (1)(a)~~ For learning communities established
3 prior to the effective date of this act, the election commissioners
4 of the applicable counties, pursuant to certification of the
5 establishment of a learning community pursuant to section 79-2102,
6 shall divide the territory of the new learning community into six
7 numbered districts for the purpose of electing members to the
8 learning community coordinating council in compliance with section
9 32-553 and for the purpose of organizing achievement subcouncils
10 pursuant to section 79-2117.

11 (b) For learning communities established after the
12 effective date of this act, the coordinating council shall divide the
13 territory of the new learning community into six numbered districts
14 for the purpose of organizing achievement subcouncils pursuant to
15 section 79-2117.

16 (2) Such districts shall be compact and contiguous and
17 substantially equal in population. The newly established subcouncil
18 districts shall be certified to the Secretary of State on or before
19 November 1 immediately following such certification. ~~The newly~~
20 ~~established subcouncil districts shall apply beginning with the~~
21 ~~election of the first council members for such learning community.~~
22 Following the drawing of initial subcouncil districts pursuant to
23 this section, additional redistricting thereafter shall be undertaken
24 by the learning community coordinating council according to section
25 32-553.

1 Sec. 3. Section 79-2117, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 79-2117 (1) Each learning community coordinating council
4 shall have an achievement subcouncil for each subcouncil district.

5 (2)(a) Until the learning community coordinating council
6 elected in 2014 pursuant to subdivision (1)(b) of section 32-546.01
7 takes office in January 2015, each ~~Each~~ achievement subcouncil shall
8 consist of the three voting coordinating council members representing
9 the subcouncil district plus any nonvoting coordinating council
10 members choosing to participate who represent a school district that
11 has territory within the subcouncil district. ~~The~~ and voting
12 coordinating council members shall also be the voting members on the
13 achievement subcouncil.

14 (b) Beginning with the learning community coordinating
15 council elected in 2014 pursuant to subdivision (1)(b) of section
16 32-546.01 that takes office in January 2015, each achievement
17 subcouncil shall consist of three members selected by the
18 coordinating council.

19 (3) Each achievement subcouncil shall meet as necessary
20 but shall meet and conduct a public hearing within its subcouncil
21 district at least once each school year.

22 (4) Each achievement subcouncil shall:

23 ~~(1)~~ (a) Develop a diversity plan recommendation for the
24 territory in its subcouncil district that will provide educational
25 opportunities which will result in increased diversity in schools in

1 the subcouncil district;

2 ~~(2)~~—(b) Administer elementary learning centers in
3 cooperation with the elementary learning center executive director;

4 ~~(3)~~—(c) Review and approve or disapprove of the poverty
5 plans and limited English proficiency plans for the schools located
6 in its subcouncil district;

7 ~~(4)~~—(d) Receive community input and complaints regarding
8 the learning community and academic achievement in the subcouncil
9 district; and

10 ~~(5)~~—(e) Hold public hearings at its discretion in its
11 subcouncil district in response to issues raised by residents of the
12 subcouncil district regarding the learning community, a member school
13 district, and academic achievement in the subcouncil district.

14 Sec. 4. Original sections 32-546.01, 32-555.01, and
15 79-2117, Revised Statutes Cumulative Supplement, 2012, are repealed.