

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 576

Introduced by Murante, 49.

Read first time January 21, 2015

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to political subdivisions; to amend section
2 79-2117, Reissue Revised Statutes of Nebraska, and sections
3 32-546.01 and 32-555.01, Revised Statutes Cumulative Supplement,
4 2014; to change the election and membership of learning community
5 coordinating councils; to harmonize provisions; and to repeal the
6 original 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, 2014, is amended to read:

3 32-546.01 (1)(a) Until the learning community coordinating council
4 elected in 2016 pursuant to subdivision (b) of this subsection takes
5 office in January 2017, each ~~(1)~~ Each learning community shall be
6 governed by a learning community coordinating council consisting of
7 eighteen voting members, with twelve members elected on a nonpartisan
8 ballot from six numbered subcouncil districts created pursuant to section
9 32-555.01 and with six members appointed from such subcouncil districts
10 pursuant to this section. ~~Each voter shall be allowed to cast votes for~~
11 ~~one candidate at both the primary and general elections to represent the~~
12 ~~subcouncil district in which the voter resides. The four candidates~~
13 ~~receiving the most votes at the primary election shall advance to the~~
14 ~~general election. The two candidates receiving the most votes at the~~
15 ~~general election shall be elected.~~ A candidate shall reside in the
16 subcouncil district for which he or she is a candidate. Coordinating
17 council members shall be elected on the nonpartisan ballot.

18 (b) Beginning with the learning community coordinating council
19 elected in 2016 pursuant to this subdivision that takes office in January
20 2017, each learning community shall be governed by a learning community
21 coordinating council consisting of one member elected from each school
22 district that is a member of the learning community. Each voter shall be
23 allowed to cast votes for one candidate at both the primary and general
24 elections to represent the school district in which the voter resides.
25 The two candidates receiving the most votes in the school district at the
26 primary election shall advance to the general election. The candidate
27 receiving the most votes in the school district at the general election
28 shall be elected. A candidate shall reside in the school district for
29 which he or she is a candidate. Coordinating council members shall be
30 elected on the nonpartisan ballot.

31 (2) The initial elected members shall be nominated at the statewide

1 primary election and elected at the statewide general election
2 immediately following the certification of the establishment of the
3 learning community, and subsequent members shall be nominated at
4 subsequent statewide primary elections and elected at subsequent
5 statewide general elections. Except as provided in this section, such
6 elections shall be conducted pursuant to the Election Act.

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

12 (4) (a) Until the learning community coordinating council elected in
13 2016 pursuant to subdivision (1)(b) of this section takes office in
14 January 2017, members ~~Members~~ elected to represent odd-numbered districts
15 in the first election for the learning community coordinating council
16 shall be elected for two-year terms. Members elected to represent even-
17 numbered districts in the first election for the learning community
18 coordinating council shall be elected for four-year terms. The terms of
19 members serving on the effective date of this act expire on the date the
20 learning community coordinating council elected in 2016 pursuant to
21 subdivision (1)(b) of this section takes office in January 2017.

22 (b) Beginning with the general election in 2016 or the first
23 election for a learning community coordinating council created after the
24 effective date of this act, members ~~Members elected in subsequent~~
25 ~~elections~~ shall be elected for four-year terms and until their successors
26 are elected and qualified.

27 (5) Until 2015, the ~~The~~ appointed members shall be appointed in
28 November of each even-numbered year after the general election. Appointed
29 members shall be school board members of school districts in the learning
30 community either elected to take office the following January or
31 continuing their current term of office for the following two years.

1 Until the learning community coordinating council elected in 2016
2 pursuant to subdivision (1)(b) of this section takes office in January
3 2017, the ~~For learning communities to be established the following~~
4 ~~January pursuant to orders issued pursuant to section 79-2102, the~~
5 ~~Secretary of State shall hold a meeting of the school board members of~~
6 ~~the school districts in such learning community to appoint one member~~
7 ~~from such school boards to represent each of the subcouncil districts on~~
8 ~~the coordinating council of such learning community. For subsequent~~
9 ~~appointments, the current appointed members of the coordinating council~~
10 ~~shall hold a meeting of the school board members of such school districts~~
11 ~~to appoint one member from such school boards to represent each of the~~
12 ~~subcouncil districts on the coordinating council of the learning~~
13 ~~community. The appointed members shall be selected by the school board~~
14 ~~members of the school districts in the learning community who reside in~~
15 ~~the subcouncil district to be represented pursuant to a secret ballot,~~
16 ~~shall reside in the subcouncil district to be represented, and shall be~~
17 ~~appointed for two-year terms and until their successors are appointed and~~
18 ~~qualified, except that the terms of appointed members serving on the~~
19 ~~effective date of this act expire on the date the learning community~~
20 ~~coordinating council elected in 2016 pursuant to subdivision (1)(b) of~~
21 ~~this section takes office in January 2017. This subsection terminates on~~
22 ~~such date.~~

23 (6) Until the learning community coordinating council elected in
24 2016 pursuant to subdivision (1)(b) of this section takes office in
25 January 2017, vacancies ~~Vacancies~~ in office for appointed members shall
26 occur upon the resignation, death, or disqualification from office of an
27 appointed member. Disqualification from office shall include ceasing
28 membership on the school board for which membership qualified the member
29 for the appointment to the learning community coordinating council or
30 ceasing to reside in the subcouncil district represented by such member
31 of the learning community coordinating council. Whenever such vacancy

1 occurs, the remaining appointed members shall hold a meeting of the
2 school board members of the school districts in such learning community
3 to appoint a member from such school boards who lives in the subcouncil
4 district to be represented to serve for the balance of the unexpired
5 term, except that the terms of appointed members serving on the effective
6 date of this act expire on the date the learning community coordinating
7 council elected in 2016 pursuant to subdivision (1)(b) of this section
8 takes office in January 2017. This subsection terminates on such date.

9 (7) Until the learning community coordinating council elected in
10 2016 pursuant to subdivision (1)(b) of this section takes office in
11 January 2017, each ~~Each~~ learning community coordinating council shall
12 also have a nonvoting member from each member school district which does
13 not have either an elected or an appointed member who resides in the
14 school district on the council. Such nonvoting members shall be appointed
15 by the school board of the school district to be represented to serve for
16 two-year terms, and notice of the nonvoting member selected shall be
17 submitted to the Secretary of State by such board prior to December 31 of
18 each even-numbered year. Each such nonvoting member shall be a resident
19 of the appointing school district and shall not be a school administrator
20 employed by such school district. Whenever a vacancy occurs, the school
21 board of such school district shall appoint a new nonvoting member and
22 submit notice to the Secretary of State and to the learning community
23 coordinating council. The terms of nonvoting members serving on the
24 effective date of this act expire on the date the learning community
25 coordinating council elected in 2016 pursuant to subdivision (1)(b) of
26 this section takes office in January 2017. This subsection terminates on
27 such date.

28 (8) Members of a learning community coordinating council shall take
29 office on the first Thursday after the first Tuesday in January following
30 their election or appointment, except that members appointed to fill
31 vacancies shall take office immediately following administration of the

1 oath of office. Until the learning community coordinating council elected
2 in 2016 pursuant to subdivision (1)(b) of this section takes office in
3 January 2017, each ~~Each~~ voting member elected or appointed prior to April
4 6, 2010, shall be paid a per diem in an amount determined by such council
5 up to two hundred dollars per day for official meetings of the council
6 and the achievement subcouncil for which he or she is a member, for
7 meetings that occur during the term of office for which the election or
8 appointment of the member took place prior to April 6, 2010, up to a
9 maximum of twelve thousand dollars per fiscal year. Each voting member
10 shall be eligible for reimbursement of reasonable expenses related to
11 service on the learning community coordinating council. Until the
12 learning community coordinating council elected in 2016 pursuant to
13 subdivision (1)(b) of this section takes office in January 2017, each
14 ~~Each~~ nonvoting member shall be eligible for reimbursement of reasonable
15 expenses related to service on the learning community coordinating
16 council.

17 Sec. 2. Section 32-555.01, Revised Statutes Cumulative Supplement,
18 2014, is amended to read:

19 32-555.01 (1)(a) For learning communities established prior to the
20 effective date of this act, the ~~The~~ election commissioners of the
21 applicable counties, pursuant to certification of the establishment of a
22 learning community pursuant to section 79-2102, shall divide the
23 territory of the new learning community into six numbered districts for
24 the purpose of electing members to the learning community coordinating
25 council in compliance with section 32-553 and for the purpose of
26 organizing achievement subcouncils pursuant to section 79-2117.

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

31 (2) Such districts shall be compact and contiguous and substantially

1 equal in population. ~~The newly established subcouncil districts shall be~~
2 ~~certified to the Secretary of State on or before November 1 immediately~~
3 ~~following such certification.~~ The newly established subcouncil districts
4 shall apply beginning with the election of the first council members for
5 such learning community. Following the drawing of initial subcouncil
6 districts pursuant to this section, additional redistricting thereafter
7 shall be undertaken by the learning community coordinating council
8 according to section 32-553.

9 Sec. 3. Section 79-2117, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 79-2117 (1) Each learning community coordinating council shall have
12 an achievement subcouncil for each subcouncil district.

13 (2)(a) Until the learning community coordinating council elected in
14 2016 pursuant to subdivision (1)(b) of section 32-546.01 takes office in
15 January 2017, each ~~Each~~ achievement subcouncil shall consist of the three
16 voting coordinating council members representing the subcouncil district
17 plus any nonvoting coordinating council members choosing to participate
18 who represent a school district that has territory within the subcouncil
19 district and the ~~—~~ The voting coordinating council members shall also be
20 the voting members on the achievement subcouncil.

21 (b) Beginning with the learning community coordinating council
22 elected in 2016 pursuant to subdivision (1)(b) of section 32-546.01 that
23 takes office in January 2017, each achievement subcouncil shall consist
24 of three members selected by the coordinating council.

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

28 (4) Each achievement subcouncil shall:

29 (a 1) Develop a diversity plan recommendation for the territory in
30 its subcouncil district that will provide educational opportunities which
31 will result in increased diversity in schools in the subcouncil district;

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

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

6 (d 4) Receive community input and complaints regarding the learning
7 community and academic achievement in the subcouncil district; and

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

12 Sec. 4. Original section 79-2117, Reissue Revised Statutes of
13 Nebraska, and sections 32-546.01 and 32-555.01, Revised Statutes
14 Cumulative Supplement, 2014, are repealed.