

## LEGISLATIVE BILL 647

Approved by the Governor April 19, 2002

Introduced by Stuhr, 24

AN ACT relating to schools; to amend section 79-1217, Revised Statutes Supplement, 2001; to provide requirements for school textbook contracts; to change provisions relating to membership on educational service unit boards; to harmonize provisions; and to repeal the original section.

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

Section 1. (1) On and after January 1, 2003, all contracts for the purchase of textbooks for school districts and educational service units shall require the publisher or manufacturer to provide to the school district or educational service unit, at no cost, (a) computer files or other electronic versions of each textbook title purchased and (b) the right to transcribe, reproduce, modify, and distribute each textbook title purchased in braille, large print if the publisher or manufacturer does not offer a large-print edition, or other specialized accessible media exclusively for use by students in the same school district or educational service unit who are blind or visually impaired.

(2) The contract shall also provide that: (a) Within thirty days after receiving a request from a school district or educational service unit, the publisher or manufacturer shall provide computer files or other electronic versions of each textbook title purchased to such school district or educational service unit; (b) the computer files or other electronic version shall maintain the structural integrity of the standard instructional materials, be compatible with commonly used braille translation and speech synthesis software, and include corrections and revisions as may be necessary; (c) if the technology is not available to convert a math, science, or other nonliterary textbook into the format prescribed in this section, the publisher or manufacturer shall not be required to provide computer files or other electronic versions of the textbook; and (d) upon the willful failure of the publisher or manufacturer to comply with the requirements of the contract pursuant to this section, the publisher or manufacturer shall reimburse the school district or educational service unit for the cost of creating such computer files or electronic versions.

Sec. 2. Section 79-1217, Revised Statutes Supplement, 2001, is amended to read:

79-1217. (1) All educational service units, except Educational Service Units No. 18 and 19, shall be governed by a board to be known as the Board of Educational Service Unit No. . . . . The educational service unit board shall be composed of one member from each county and four members at large, all of whom shall reside within the geographical boundaries of the educational service unit, but no more than two of the members at large shall be appointed or elected from the same county unless any one county within the educational service unit has a population in excess of one hundred fifty thousand inhabitants or the educational service unit consists of only one county. The four candidates who receive the highest number of votes for at-large representative shall be elected, except that if more than two of such candidates reside within the same county which has a population of one hundred fifty thousand inhabitants or less, the candidates from such county receiving fewer votes than the two candidates receiving the highest number of votes for at-large representative from such county shall not be elected and a vacancy or vacancies shall exist for at-large representative. The vacancy shall be filled pursuant to subsection (2) of this section. Successors to the members initially appointed shall be elected pursuant to section 32-515.

(2) Vacancies in office shall occur as set forth in section 32-560. Whenever any vacancy occurs on the board, the remaining members of such board shall appoint an individual residing within the geographical boundaries of the educational service unit and meeting the qualifications for the office to fill such vacancy for the balance of the unexpired term.

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

(4) Except as provided in subsection (5) of this section, any local joint school district located in two or more counties shall be considered a part of the educational service unit in which the greater number of school-age

children of such joint school district reside. All legal voters of any such joint school district shall be eligible to hold office as the county representative of the county in which the greater number of school-age children reside. Any legal voter of any joint school district shall be eligible to hold office as the at-large representative if such legal voter resides within the geographical boundary of the school district comprising the educational service unit.

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

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

(7) Educational Service Unit No. 18 shall be governed by the school board of School District 55-001 of Lancaster County.

(8) Educational Service Unit No. 19 shall be governed by the school board of School District 28-001 of Douglas County.

Sec. 3. Original section 79-1217, Revised Statutes Supplement, 2001, is repealed.