

**ONE HUNDREDTH LEGISLATURE - SECOND SESSION -
2008**

COMMITTEE STATEMENT

LB1154

Hearing Date: February 12, 2008

Committee On: Education

Introducer(s): (Raikes)

Title: Change learning community provisions

Roll Call Vote - Final Committee Action:

Placed on General File with Amendments

Vote Results:

8 Yes Senators Adams, Ashford, Avery, Burling, Howard,
Johnson, Kopplin, Raikes

0 No

0 Absent

0 Present, not voting

Proponents:

Senator Ron Raikes

Chuck Chevalier

George Conrad

John Deegan

Dick C.E. Davis

Representing:

Introducer

South Sarpy District 46

Douglas County West Community Schools

Bellevue Public Schools

Omaha 20/20 and Empowerment Network

Opponents:
Rick D. Black

Representing:
Papillion-LaVista Schools

Neutral:
Andrew Rikli

Ron Moravec

Representing:
11 Superintendents of Douglas and Sarpy
Counties
Secretary of State

Summary of purpose and/or change:

Legislative Bill 1154 would modify provisions regarding learning communities. Coordinating councils would be expanded with nonvoting members and an advisory committee of superintendents would be required. The Secretary of State would assist the initial councils in getting started. School district boundaries could be modified prior to the establishment of the learning community and the distribution of the common levy would reflect the previous resources for the first three years. The potential uses for the learning community capital levy would be narrowed. Provisions regarding the diversity plan and the educational options would be streamlined. Finally, the qualifications to become a learning community would also be modified.

Learning Community Governance

Section 32-546.01 would be amended by adding a nonvoting ex officio member from each school district that would not otherwise have a council member residing within the district boundaries. The members are appointed by the school board to serve 2 year terms and are not allowed to be school administrators employed by the district. Such members of the council would not be paid, nor would they be on the achievement subcouncils. Clarification is also provided to state that the appointed members take office at the same time as the elected members, except that appointments to fill vacancies take office immediately upon taking the oath of office.

Section 79-2117 would be amended to clarify that the voting council members make up the achievement subcouncils.

Section 32-604 would be amended to clarify that elective offices do not include the appointed positions on a learning community coordinating council for the purpose of the prohibition on dual office holding.

Section 79-2102.01 would be amended by shifting the responsibility for convening the first meeting of an initial learning community coordinating council from the Commissioner of Education to the Secretary of State. The Secretary of State would schedule and host the first meeting in January following the election and at least one meeting each month in February and March. The Secretary of State would preside until the council adopts bylaws and elects officers. The Secretary of State would serve as a facilitator through March.

The coordinating council duties in § 79-2104 would be amended by adding approval to the requirement to develop reorganization plans and by recognizing that approval and disapproval of poverty and limited English proficiency plans must be through the achievement subcouncils. The requirement to pay for mediation services would become optional.

A new section would require each learning community to have an advisory committee of the superintendents of member districts. The committee would meet at least 4 times per year to:

1. Review issues related to open enrollment and proposals for focus programs, focus schools, magnet schools, and pathways;

2. Provide recommendations for improving academic achievement across the learning community; and
3. Provide input to the coordinating council on other issues as requested.

Boundaries

Section 79-1028 would be amended by excluding expenditures to pay another school district for the transfer of land from the budget limitations.

Section 79-2107 would be amended to allow boundary changes for districts which will be required to be in a learning community prior to the establishment of the learning community if there is agreement between the school boards of all affected districts.

Finance

Section 13-508 would be amended by requiring learning communities to file their budgets with their member school districts on or before September 1 and by removing the requirement for such school districts to file their budgets with the learning community.

Section 79-1073 would be amended by changing the distribution of the common levy proceeds for the first three years of a learning community. During such time, the property tax receipts would be divided proportionally based on the greater of:

1. Formula Need – (State Aid + Other Actual Receipts); or
2. [State Aid for Year Prior to LC + (GF Levy x Valuation)] – State Aid

Thereafter, the proceeds would be divided proportionally based on:

Formula Need – (State Aid + Other Actual Receipts)

The deadline for the coordinating council to certify the amounts to be distributed would be moved from October 1 to September 1. The restriction is removed against distributing the proceeds in excess of the school district's tax request.

Section 79-2111 would be amended by narrowing the funding for capital projects to elementary learning centers and focus schools and focus programs. Projects that would otherwise attract a more economically and culturally diverse student body would not be eligible for funding from the learning community.

Diversity Plan

Section 79-2118 would be amended by clarifying that educational opportunities provided in the diversity plan would be provided pursuant to the open enrollment provisions and the focus school, focus program, magnet school, and pathway provisions. A deadline for the initial plan of December 31 of the first year of the learning community would be added. The goal of the diversity plan would be transferred from § 79-2110. Reporting requirements from § 79-2110 were combined with reporting requirements in § 79-2118 and clarified to require a report in each even-numbered year.

Transportation

Section 79-611 would be amended by clarifying that the transportation requirements for students participating in learning community open enrollment apply to students who reside in the learning community and that the transportation is provided by the school district the student attends. A limitation is also added so that open enrollment students contributing to the socioeconomic diversity

would only be provided transportation if they live more than 1 mile from the school to which they transferred. The definition of contributing to socioeconomic diversity was transferred to § 79-2110.

Focus Schools, Focus Programs, and Magnet Schools

The definitions of focus schools, focus programs, magnet schools, and pathways in § 79-769 would be aligned. Focus schools, focus programs, and magnet schools could be included in pathways pursuant to a diversity plan. Pathways would be elementary, middle, and high school focus programs, focus schools, and magnet schools with coordinated curricula based on specific learning goals or teaching techniques. Currently, magnet pathway means the location of magnet schools.

Focus schools, focus programs, and magnet schools would all be required to have a unique curriculum with specific learning goals or teaching techniques and an enrollment designed so that the socioeconomic diversity would reflect the socioeconomic diversity of the students of the learning community as a whole as nearly as possible. Focus schools and focus programs would not be allowed to have an attendance area. Focus programs could be part-time programs or be located in a building with other educational programs. Magnet schools would have an attendance area with a portion of the capacity reserved for transfer students who contribute to socioeconomic diversity.

Currently, focus programs do not have the enrollment design requirements and the ability to be a part-time program is not specified. The curriculum requirement is not currently specified for focus schools and focus schools are not currently restricted from having other public school programs. Magnet schools also do not currently have the curriculum requirement, but a definition of magnet programs that would be deleted requires the magnet programs to offer coordinated elementary, middle, and high school programs and services that are unique and have specific learning goals.

A new requirement would state that if more than one member school district is involved in a focus program, focus school or magnet school, one district would have to be designated as the primary school district, which would be legally, financially, and academically responsible.

Open Enrollment

Section 79-2110 would be amended by removing duplicative language and transferring provisions regarding diversity plan requirements to § 79-2118. The definition of students who contribute to socioeconomic diversity would be transferred from § 79-611. Provisions for continuing enrollment and continuing within a pathway would be moved within the section and harmonized with other changes in the proposal.

The open enrollment provisions would be delayed one year to allow the diversity plan to be developed pursuant to § 79-2118. The selection process would be clarified for capacity remaining after the initial open enrollment process to require selection on a random basis up to the remaining capacity. The provision restricting students who have been disqualified from a building based on conduct issues would apply to open enrollment generally, not just for filling the remaining capacity after the initial open enrollment process.

The provisions for determining if a student resides in an attendance area would be deleted to avoid conflicts with § 79-215.

Elementary Learning Centers

The provisions in § 79-2113 would be clarified by removing language regarding regions from an early version of the concept and by specifying that programs may be offered in school buildings.

Section 79-2115 would be amended by clarifying that transportation to elementary school functions would be for parents of participating elementary students who qualify for free or reduce-price lunches.

Qualifications to Form a Learning Community

Section 79-2102 would be amended to require at least 3 participating school districts to form a learning community. In addition, either:

1. All school districts in one or more counties are participating and either:
 - a. The districts are all in the sparse or very sparse cost grouping; or
 - b. The districts have a minimum combined total of at least 2,000 students; or
2. The districts have a minimum combined total of 10,000 students.

Currently, all districts in one or more counties must participate and there must be at least 2,000 students, unless districts are in the sparse or very sparse cost grouping.

Explanation of amendments, if any:

The committee amendments to LB 1154 add to the original provisions of the bill. The amendments limit the continuing student provisions for students enrolled in focus schools, focus programs, and magnet schools. Learning community member districts would be required to report truancy information to the coordinating council, and learning community state funding could be used for up to 6 social workers in the elementary learning centers. The amendments also include concepts from LB's 605, 1081, 1021, 1083, 1005, and 1158. From LB 605, property taxes authority for single district ESU's would be limited. From LB 1081, ESU's would be allowed additional budget authority. From LB 1021, an additional option would be allowed for some option enrollment students. From LB 1083, learning communities would share in the ESU core services and technology infrastructure funds. From LB 1005, a sibling preference would be added to the open enrollment provisions. From LB 1158, businesses could partner with learning communities or school districts to qualify for an additional \$5,000 in job training grants per job created.

Student Enrollment

Section 79-2110 would be amended to give a preference to siblings of students who will be enrolled as continuing students in the school building or program for the first school year for which enrollment is sought. The section would also be amended to prevent students who complete the grades offered at a focus program, focus school, or magnet school from being considered continuing students in the school district responsible for the program or school. Such students would be continuing students for the next grade level in a pathway. The sibling preference concept was contained in LB 1005.

Option Enrollment

Section 79-234 would be amended to allow an additional option under the enrollment option program if the new option would allow the student to either continue current enrollment in a school district or enroll in a school district in which the student was previously enrolled as a resident student. Students are generally only allowed to option once under the enrollment option program. The current exceptions are for students who relocate to a different resident school district, students in an option school district that merges with another district, and students in an option school district that is a Class I district. These changes are identical to the provisions of LB 1021.

Truancy

Section 79-201 would be amended to require learning community member school districts to report truancy information to the coordinating council by September 1 of each year. The truancy information would include:

1. Reports of § 79-201 violations made to the attendance officer pursuant to § 79-209;
2. The results of all investigations conducted pursuant to § 79-209, including the attendance record that is the subject of the investigation and a list of services rendered;
3. The district's policy on excessive absenteeism; and
4. Records of all notices served and reports filed pursuant to § 79-209 and the district's policy on habitual truancy.

Section 79-2104 would be amended to include such truancy reports in the information the learning community coordinating council would collect and analyze.

Social Workers

Sections 79-2115 and 79-1241.03 would be amended by allowing learning community coordinating councils to use state funds received pursuant to § 79-2103 for up to six social workers to provide services through the elementary learning centers.

Job Training

Section 81-1203 would be amended to allow a business to partner with a learning community or school district and a non-profit organization to develop a job training program to provide basic job and life skills training to individuals in high-poverty areas.

Section 81-1204 would be amended to allow such businesses to qualify for an additional \$5,000 in grant funds per job created.

Legislative Bill 1158 originally would have required the Board of Governors of the Metropolitan Community College Area to partner with and private, nonprofit organizations that serve high poverty areas in job training and job development.

Educational Service Unit & Learning Community Funding

Section 79-1241.03 would be amended by including learning communities in the formula for the distribution of ESU core services and technology infrastructure funds. The adjusted valuation for learning communities would be the adjusted valuation of the member school districts. The adjusted students for ESU's would include 50% of the fall membership of member school districts that will be members of a learning community and 100% of the fall membership for all other member school districts. The adjusted students for learning communities would include 50% of the fall membership of the learning community member school districts. The sparsity adjustment to the student numbers would also apply to learning communities.

The needs for learning communities would only include the student allocation, and would not include a distance education and telecommunications allowance, base allocation, or satellite office allocation. The 95% hold harmless would not apply to ESU's that have any member school districts that are members of a learning community or which have any member school districts option out of the ESU.

These provisions were included in LB 1083.

Section 13-519 would be amended by allowing ESU's to budget for an amount equal to 110% of need as defined in § 79-1241.03. These changes reflect LB 1081 as advanced by the Revenue Committee.

Single District Educational Service Units

Sections 77-3442 and section 79-1225 would be amended to eliminate the levy authority of any ESU with only one member school district beginning with fiscal year 2013-14. The language in § 79- 1202 requiring ESU's 18 and 19 to continue as single district ESU's would be deleted. These changes reflect LB 605 as advanced by the Revenue Committee.

Senator Ron Raikes, Chairperson