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Floor Debate
May 21, 2007

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SENATOR LANGEMEIER PRESIDING []

SENATOR LANGEMEIER: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for this, the eighty-fourth day of the One Hundredth Legislature, First Session. Our chaplain for today is Senator Carlson. Would you please rise. []

SENATOR CARLSON: (Prayer offered.) []

SENATOR LANGEMEIER: Thank you. I call to order the eighty-fourth day of the One Hundredth Legislature, First Session. Senators, please record your presence. Mr. Clerk, please record. []

CLERK: I have a quorum present, Mr. President. []

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Are there any corrections for the Journal? []

CLERK: I have no corrections, Mr. President. []

SENATOR LANGEMEIER: Thank you. Are there any messages, reports, or announcements? []

CLERK: I have three separate confirmation reports from the Health and Human Services Committee. That's the only item I have at this time, Mr. President. (Legislative Journal pages 1697-1698.) []

SENATOR LANGEMEIER: Thank you. We'll now proceed to the first item on the agenda, legislative confirmation reports. []

CLERK: Mr. President, Business and Labor, chaired by Senator Cornett, reports on three appointments to the Boiler Safety Code Advisory Board. (Legislative Journal page 1653.) []

SENATOR LANGEMEIER: Senator Cornett, you are recognized to open on the committee report from the Business and Labor Committee. []

SENATOR CORNETT: Thank you, Mr. President, members of the body. The three

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individuals that we are confirming today are reappointments to the Boiler Safety Code Advisory Board. They are appointed by the Governor for four-year terms under Nebraska Revised Statute 48-739. The first reappointment is Robert Hill of Omaha. He has 35 years' experience in boiler repair and has been employed at C.G. Johnson Boiler Company since 1972. The second reappointment is Thomas Hix of Omaha. Mr. Hix is a professional engineer and holds a mechanical engineering degree from the University of Nebraska. He has been an employee of the Omaha Public Power District since 1974 and has held various positions throughout the years. Most recently, he serves as division manager of the production engineering and technical support division of OPPD. The third reappointment is William Yates who holds numerous titles, one of which is master steamfitter. Yates is a retired steamfitter and mechanical inspector. He has served in this capacity for more than 40 years. Most recently, he has served as the chief mechanical inspector for the city of Omaha from 1994 to 2001. All three of these candidates are well-qualified to serve and carry out numerous degrees and years of experience. I would ask for your support in confirming these three appointments. Thank you very much. []

SENATOR LANGEMEIER: Thank you, Senator Cornett. You have heard the opening on the confirmation report offered by the Business and Labor Committee. The floor is now open for discussion. Seeing no lights on, Senator Cornett, you're recognized to close on the confirmation report. She waives closing. The question before the body is, shall the confirmation report offered by the Business and Labor Committee be adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. []

CLERK: (Record vote, Legislative Journal page 1698.) 34 ayes, 0 nays, Mr. President, on the adoption of the confirmation report. []

SENATOR LANGEMEIER: The confirmation report is adopted. Mr. Clerk, General File, LB551A. [LB551A]

CLERK: LB551A by Senator Flood. (Read title.) [LB551A]

SENATOR LANGEMEIER: Senator Flood, you're recognized to open on LB551A. [LB551A]

SPEAKER FLOOD: Thank you, Mr. President, members. These A bills on the agenda this morning first up are just catching up to the bills as both have been advanced to Select File. LB551A is prepared for your review. As you will note, the impact on the state is predicted at \$2.016 million in '07-08 and \$2.142 million in '08-09. The fiscal note has been well-prepared by the Fiscal Office as they have spent a lot of time looking at the potential impact of the amendment adopted by Senator Avery that would hit us in '09-10 and '10-11. I'm sure we'll have continuing discussion on that subject as we make

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our way towards Select File for the underlying LB551. I would urge your adoption of LB551A. Thank you, Mr. President. [LB551A LB551]

SENATOR LANGEMEIER: Thank you, Senator Flood. You have heard the opening on LB551A. The floor is now open for discussion. Seeing no lights on, Senator Flood is recognized to close. He waives closing. The question before the body is, shall LB551A be adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB551A]

CLERK: 32 ayes, 0 nays, Mr. President, on LB551A. [LB551A]

SENATOR LANGEMEIER: LB551A does advance. Mr. Clerk, LB554A. [LB551A LB554A]

CLERK: Mr. President, LB554A by Senator Flood. (Read title.) [LB554A]

SENATOR LANGEMEIER: Senator Flood, you are recognized to open on LB554A. [LB554A]

SPEAKER FLOOD: Thank you, Mr. President, members. Another A bill catching up as LB554, my child custody bill, moved toward on Select File. I'm pleased to report that we actually have a net increase to the General Fund. We certainly don't have any expenditures. We save \$37,000 the first year. We save \$42,000 the second year, in part due to the provisions I have in the bill regarding fathers responsible for the reasonable and necessary costs of birth of their children. That also is going to be worked on in Select File. So I would just ask that you advance the underlying A bill as we plan to work on LB554 on Select File. Thank you, Mr. President. [LB554A LB554]

SENATOR LANGEMEIER: Thank you, Senator Flood. You have heard the opening on LB554A. The floor is now open for discussion. Seeing no lights on, Senator Flood, you're recognized to close. He waives closing. The question before the body, shall LB554A advance to E&R? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB554A]

CLERK: 35 ayes, 0 nays, Mr. President, on the advancement of LB554A. [LB554A]

SENATOR LANGEMEIER: LB554A does advance. (Visitors introduced.) We will stand at ease until further notice. The rolls that will be coming around is to celebrate Senator Kopplin's 68th birthday, which is Sunday, May 21. Happy birthday, Senator Kopplin. [LB554A]

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SPEAKER FLOOD: Members of the Legislature, we are now ready to proceed. Pursuant to the authority granted to the Speaker by making LB641 a Speaker's major proposal, following are the order of the amendments as we begin today on Select File. To LB641, we will begin first with ER8111, which are the E&R amendments to LB641. Second, we will take up AM1386 from Senator Raikes. The first amendment to AM1386 will be AM1398. The second amendment to AM1386 will be Senator Gay's AM1380. And the third amendment to AM1386 will be Senator Cornett's AM1408. The ordering just described is, of course, subject to change at my discretion. Additional amendments will be ordered at my discretion. I do have a handout that will explain the ordering of the amendments that will be delivered to you momentarily by one of the pages. Mr. Clerk, with that, please go to LB641 on Select File. [LB641]

CLERK: Senator McGill, I have Enrollment and Review amendments to LB641, first of all. (ER8111, Legislative Journal page 1565.) [LB641]

SPEAKER FLOOD: Senator McGill, for a motion. [LB641]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB641]

SPEAKER FLOOD: The question is, shall the E&R amendments be adopted to LB641? All those in favor say aye. All those opposed say nay. The ayes have it. The E&R amendments to LB641 are adopted. [LB641]

CLERK: Senator Raikes would move to amend with AM1386. (Legislative Journal page 1695.) [LB641]

SPEAKER FLOOD: Senator Raikes, you are recognized to open on AM1386. [LB641]

SENATOR RAIKES: Thank you, Mr. President, members of the Legislature. I'm going to use the first few comments here to remind you a little bit. I don't think I need to remind you too much about the topic but I do need to remind you about the procedure. This amendment is a white copy amendment but the base for the amendment is what we advanced off of General File, what is now on Select File. There is also for your use, for your convenience a page-and-line amendment--I don't have the number for you but it's just been filed--so that if you would like, you can use that as a way to see languagewise what changes have been made. I'll focus on...well, let me just finish a little bit procedurally. As many of you know, and not all of you could be involved in those sessions, but many of you know that we had sessions this past week following our General File discussion to receive expressions of concerns, interest, angst, whatever. And we have worked to come up with a response to those and we've done so on a couple of different occasions. And AM1386 represents where we believe we should be in terms of an amended version of what...of LB641 as it now is on Select File. So I'm going to take a little bit of time now to describe to you mostly in terms of what I think are

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the major changes in this LB641 proposal or this proposal for LB641 as compared to what was advanced off of General File. A couple of the most significant changes, one of them deals with governance. This has six election districts with three elected members in each district via limited voting. That is similar or the same as what was advanced on General File. The changes are that the payment for people serving in that position would be on a per diem basis of \$200 per day and the total salary or the total payment for a year would be capped at \$12,000. So we still got six election districts, three elected members by limited voting. There would be a per diem of \$200 per day for no more than \$12,000 per year. Probably the most significant change brought by this amendment as compared to what is now on Select File concerns funding. I won't go into great detail but you will remember what we advanced off General File involved a lower levy cap in the learning community as compared to other places in the state and some other changes regarding levy ability of the learning community and so on. What this does is goes back to the proposal where all school districts would have a levy cap of \$1.05 as school districts. There would be a 95-cent common general fund levy. That general fund levy, which is at the minimum levy rate level, would be available, would be the maximum levy that would be available to the learning community council as far as setting a general fund levy. Each school district could have a discretionary levy then of greater than, equal to eight cents. It would be ten cents unless the learning community council decided to levy a common special building fund. And the way the common special building fund would work is that the entire learning community would be levied to collect funds for building repairs and maintenance and that would be distributed back to the school districts in the learning community on the basis of number of students. There's also in this proposal up to a five-cent capital construction levy cap. This would be above the \$1.05 levy cap. It would be discretionary or optional for the learning community. And its purpose would be the following: it would provide a way that school districts in the learning community could jointly contribute financially to the construction of buildings that would be used by the entire learning community. These might include focus school buildings, which are buildings that would not have an attendance area other than the entire learning community. They could also be used to do building for learning centers. The procedure set forth in this amendment is that the learning community council, upon agreeing that this building proposal, and the building proposal would have to come from a school district. This is not something that's initiated at the learning community council level. So this is at the school district level. If they come to the learning community council with a proposal to have a focus school, then the options available to the learning community council, if that project is approved, the learning community council could levy the entire learning community on a one-time basis to collect enough money to cover half, up to half of the cost of that project. And of course, it would be capped not only by 50 percent of the project but also the levy could not be more than five cents. Again, the idea of this proposal--it's not a new one, it's been around--but the idea of this proposal is to provide a way that learning community school districts can share in the cost of facilities that would be used to educate all the students in the learning community. The project would have to be brought by a school district and

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once constructed, the building would be operated by the school district in which it is located. The funding for the building that is not provided by the learning community would have to be provided by that school district, say half, and that could be done through a bond levy, a bond issue within that school district. This also includes many of the formula changes that were in LB1024. This includes accountability for poverty and LEP. It also includes the needs stabilization factor that was put in LB1024. There is one addition of note to the formula and that is to include a provision to allow a needs adjustment for rapidly growing school districts. In effect, what this says is that right now you can't, even though you project an increased enrollment, you can't get the needs for that increased enrollment until it actually happens or happens plus a year. This would allow a school district to project the amount of their increased enrollment, have the needs reflect that increased enrollment, but with accountability. If in fact it's overstated as to how much growth actually occurs, then the school district would have to pay the money back. So those are some significant differences between what we now have on Select File and what is in this amendment. With this amendment, the proposal is for open enrollment in the learning community. In the following amendment we do some modifications dealing with the transportation and other provisions of open enrollment. We also have elementary learning centers. The elementary learning centers are a key part of the effort in this amendment to address the needs of at-risk elementary kids. The boundary, school district boundary issues are dealt with by having provisions such that school district boundaries are frozen once the learning community is established unless there is agreement between all affected districts that there would be a change. There is a provision in here as there has been... [LB641]

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SENATOR LANGEMEIER: One minute. [LB641]

SENATOR RAIKES: ...for out-of-state--or outstate I should say, other than just the learning community or the metro, rather--outstate learning communities. So those are the main themes that we continue on. There is, in the amendment that's upcoming there are the open enrollment and transportation revisions that I mentioned earlier plus some other technical revisions. So I hope that describes it to you. I've sent around a sheet which gives you a bullet point listing of what's in the amendment. If you do have any questions, I'd be happy to try to address them. Thank you. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Raikes. And as the Speaker has stated earlier, there are amendments coming. And as you have noticed, AM1398 is not up and available at this time. So instead of standing at ease until it is available, we are going to start on the queue and start letting people discuss AM1386 until it is available. We have a number of lights on. They are: Schimek, Lathrop, Ashford, Chambers, White, and others. Senator Schimek, you are recognized. [LB641]

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SENATOR SCHIMEK: Yes, thank you, Mr. President and members. I would like to have a little bit of conversation with Senator Raikes if I might. [LB641]

SENATOR LANGEMEIER: Senator Raikes, would you yield to a question? [LB641]

SENATOR RAIKES: Yes. [LB641]

SENATOR SCHIMEK: Senator Raikes, I have about three amendments that are up at Bill Drafters. Bill Drafters weren't in yesterday when I was doing this. So I just wanted to ask you, at some point, let's assume that AM1386 is adopted. At some point, will there be a chance for other amendments to be considered? Because I have one that's a technical amendment that involves whether it should be the Commissioner of Education or election commissioners or Secretary of State, some things like that, just technical kind of amendments. There will be an opportunity to consider some of those kinds of issues? [LB641]

SENATOR RAIKES: Certainly. That's up to the Speaker with a major proposal. What my understanding is, the Speaker intends to allow those sorts of amendments to come up. [LB641]

SENATOR SCHIMEK: Okay. And then the second amendment that I have takes the, let's see, it's on page 72, and it takes the idea of other learning communities being established statewide out of the bill entirely. Not that I'm opposed to that necessarily but I don't think there's enough detail in there for this to work. And I'm thinking that if we're going to do that, we probably need to work on the language in that section of the bill, too. And then the third amendment has to do with--excuse me a minute, I have to find my place--has to do with the...hang on, I'm sorry. Well, anyway, it's on page 92, has to do with the limited voting provision and it would take that out of the bill. What are the chances of any or all of those being considered at some point? [LB641]

SENATOR RAIKES: You know, I think those are all topics that will certainly receive discussion. And pending that discussion, I certainly think there's a possibility that amendments could be considered. But that's just my view. [LB641]

SENATOR SCHIMEK: Well, thank you, Senator Raikes. And I appreciate that. You know, we all struggled with trying to get the bill, the amendment read over the weekend and trying to construct some, hopefully constructive types of amendments to be considered. And I'm guessing that eventually in some way or another we're going to get to all of these. And this is going to take a good, long while. Would you agree with that? [LB641]

SENATOR RAIKES: I would agree with that. But I would also agree that this is an extremely important subject area and the Speaker, I think, has been very generous in

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allotting time so that we can have a complete discussion. But I do believe that's what we will have. [LB641]

SENATOR SCHIMEK: Thank you, Senator Raikes. Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Schimek. Senator Lathrop, you are recognized. [LB641]

SENATOR LATHROP: Good morning, Mr. President and colleagues. We are beginning, of course, our work on LB641 on Select File and I think it's important as we begin that process to recognize that the work on LB641 is not, and the need for LB641, which I recognize, is not an indictment of the work of the teachers, the school boards, or the superintendents in the metro school district. In fact, they've each in their own districts done a fantastic job educating our children. LB641 is intended to help us coordinate the efforts of the different school districts. I also think it's important to begin the discussion today by recognizing that we can't do nothing. Doing nothing today, not passing LB641 with whatever changes we work out today is not an option. I've been persuaded by this in a conversation I've had with Senator White, who has expressed the consequences of doing nothing. And I'm going to yield the balance of my time to Senator White to allow him to share with us his thoughts on the consequences of doing nothing today. Thank you. [LB641]

SENATOR LANGEMEIER: Senator White, 3, 50. [LB641]

SENATOR WHITE: Thank you, Mr. President. To my fellow legislators, I talk to you right now as a man who literally spent his life in the court system. Doing nothing means that this problem will be pushed over to the courts. And I tell you that will be not only a political failure of our responsibility as elected representatives who are charged with making policy but also a moral failure. Given what the history of LB1024 is, given what it does, I am comfortable that the courts will find it unconstitutional. I am comfortable that the courts will therefore have a basis to solve the problem. Lest anyone think that the courts do a good job of this, check what happened to Kansas City, not only to their schools, not only to their tax structure, but to their social structure as well. The courts are not equipped to handle these problems. But we currently stand literally looking at a law that creates de jure segregation; that means segregation by law. If that law stands because we fail to act today, the courts are not limited to solving the problem within OPS. In fact, I doubt it could be solved that way. They can and very well may fold any and all of the school districts in the metro area into their solution; not ours, their solution. It is our job to find a compromise and a solution that works. Those who have articulated to me, members of this body, that nothing may be the best result do not know the court systems. I think Senator Lathrop will assure you that what will come out of the court systems will necessarily be inferior to what we can achieve today. But we can only achieve that if we recognize that we must do something. Thank you. [LB641]

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SENATOR LANGEMEIER: Thank you, Senator White and Senator Lathrop. Wishing to speak, we have Ashford, Chambers, White, Kopplin, Erdman, and ten others. Senator Ashford, you're recognized. [LB641]

SENATOR ASHFORD: Thank you, Mr. President. I would also second what Senator Lathrop has said. This is not an effort to condemn anyone. The 11 school districts that exist in Douglas and Sarpy Counties do an excellent job with what they have to educate children and they do it successfully. I'd like to just mention a couple of things. First of all, I want to thank Senator Raikes and Senator Kopplin, the Chair and Vice Chair of the Education Committee. I came into this with just cursory knowledge and I've learned a great deal. And I'm thankful to both of them and all the members of the Education Committee who have become my friends and colleagues and I admire them, each and every one of them. I just would like to talk about three things that are important to me in this bill. And I'm going to illustrate one of them with an example. And I guess it is an example from my experience dealing with people who live in north Omaha and who have a hard time finding jobs. If we have a young woman who lives in north Omaha who tries to find a job, eventually finds a job in La Vista, let's say, to work at PayPal. This lady has two children, five and seven years old. They live in poverty, have lived in poverty. They go to the learning resource center. The learning resource center is not an educational institution. It does not have teachers. It's a resource center, it's a networking facility, as Senator Lathrop says. The lady, young lady goes in there and says, I want to work at PayPal but I want my children near me, I want them to go to school near where I work. Hopefully the resource center will be able to coordinate and network the ability for that child to attend a grade school in La Vista, for example. The mom takes those children to La Vista and drops them off, goes to work at PayPal, picks them up and brings them home, and her transportation is paid. That's a tremendous benefit for a child, children in poverty and for a mother who's trying to find work throughout the metropolitan community. It gets to the essence of this bill. We are one metropolitan area. Job opportunities and educational opportunities exist throughout the 11 districts. We are blessed beyond compare with that kind of situation. The second thing that I'd like to talk about very quickly are focus schools. And Senator Raikes talked about the financing of focus schools. And it provides that if the learning council, community council decides that there ought to be a focus group, let's say downtown, to teach a particular topic, children can come from all over the two-county area to go to school in this focus school. Diversity will be guaranteed and they will be taught in an environment that is specifically designed to educate children in a particular area, whether it's education or technology or construction management, whatever it is, and there will be diversity. And the cost of that building is shared by everyone in the two-county area because the benefits of that child being educated in a center of excellence goes far beyond any boundary of any school district. Thirdly, I'd like to just touch on mediation. I'm not faulting, or none of us are faulting the disputes that have occurred between the school districts in Douglas and Sarpy County over the last several years. They existed

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when I was here before. But they are costly disputes, they are costly disputes. And one of the key measures of this legislation is to provide for mediation so that when we have these disputes between school districts and we have these disputes between students and teachers or parents and teachers, that lawyers are not, legal proceedings are not necessary, hopefully, because the mediation centers will help resolve, these people resolve their conflicts. That is, alone, \$22 million to \$25 million in the last two years in legal fees that could... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR ASHFORD: ...have gone to educating children. Hopefully the mediation provision will help. Lastly, and I just would say this. We came up with a structure of how to work this elementary learning center. To me, the power is in the 11 districts. How they work together to make this work will determine how it does work. The reason there is an independent governing board is because we want to leave the districts to do their work, to do their work as they're doing now and to work together through interlocal agreements and the other mechanisms provided for in this bill, to provide learning opportunities for children with a learning gap. And we provide assessments in LB653. So for the first time, we can know how children are doing across the two-county area. Lastly, Mr. President, thank you for this opportunity to work. This Legislature gave me the opportunity to work with these people in the Education Committee. I'm blessed for that experience and I urge the adoption of AM1386 and advancement of LB641. Thank you. [LB641 LB653]

SENATOR LANGEMEIER: Thank you, Senator Ashford. Senator Chambers, you're recognized. [LB641]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'm going to support this bill if it's in the proper form by the time we get through amending it. I disagree with Senator White and all others who say that LB1024 would be struck down by the courts. It does not mandate any segregation. It does not mention race. What it does is allow management and control of education on the part of those in a community where their children attend school. What Brown v. Board of Education spoke against was segregated facilities. LB1024 does not talk about facilities or student attendance. It talks about giving control and management of education to people in the areas where they live. So if LB1024 winds up in court, I think that it will be sustained. The reason I will look favorably with LB641 is that it places emphasis on education for the elementary school children. This is the area of the education system in OPS where the segregation is worse. And I have an article I'm going to hand around as we proceed which points out that the racial split continues to exist in OPS and grows worse and LB1024 is not in effect. Senator White and nobody else has condemned the segregation that exists right now due to OPS policies, attendance zones and so forth. There will be some local control possible under LB641 with the governance provision. There will be adequate

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funding made available to areas which currently are left in the lurch by OPS. There are certain categories of students whose presence results in weighted state aid. That aid comes into OPS without strings attached or without being earmarked so it does not go into the school buildings where the children attend whose presence brings that money. I'm very concerned about the achievement gap that people have just now started to admit exist. When I argued it down through the years, OPS strenuously denied it and said every child is getting a fair and equitable education. Now even the World-Herald, they have a columnist who recognized and spoke the other day about the fact that on the California Achievement Test the children that I'm concerned about, minority children, poor white children are scoring around the 23 percentile on the California Achievement Test in math, reading, and language. This is unconscionable, it is criminal, and people can stand on this floor and talk about how great OPS has been and what a wonderful system they have. But it has steadily worsened and created greater problems for the children who need the most help. OPS has strenuously and steadfastly been opposed to evening out the teachers who have experience. You need experienced teachers with new teachers, not just because they have the experience but they can provide mentoring, they can provide guidance, and everybody recognizes the importance of experience. The first few years that teachers are on the job is a finding your way process, a finding your way time. And if experience means nothing, why does it happen not just in Nebraska but throughout the country that the teachers with the most experience are in the suburbs, in the white schools, and those with the least experience are in the schools where the poor children, the nonwhite children go? So for everything that we who advocate for these disadvantaged children will speak for... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR CHAMBERS: ...we're told by those who run the system, that's not important. But they make sure that all of those things go to the children they feel they owe something to. I do not believe that those who created these problems will solve them so I will strenuously oppose any plan that turns over the control of the schools and the governance of the learning community to the teachers, the administrators, the superintendents, school board members, and in short, the clique which created the problem. Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Senator White, you're recognized. [LB641]

SENATOR WHITE: Thank you, Mr. President. I agree with Senator Chambers on so much that I first would like to review what we do agree with. First of all, the challenges faced by the students in the eastern half of Omaha are overwhelming. They are challenges that are not uniformly shared across the city or across our counties. Earlier in this session, Senator Chambers and I exchanged the discussion of lead poisoning. Back in the 1970s, Creighton University Medical Center did a study on the impact of

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lead poisoning on children in the eastern end of the city. They documented declines in learning ability. They documented social and behavioral problems. They documented the likelihood of additional violence because of that. And yet, for two decades more we continued to have one of the only--in fact, the only--lead smelter in downtown Omaha left in the United States except Alaska and it was in the downtown of a metropolitan area. And then for ten years more we did nothing as it poisoned our children in the eastern end of the city. And now we are reaping what we have sown. And that is not the only poison. We have systematically ignored the effects of racism. We have systematically ignored the effects of drug addiction and alcoholism and the devastation that it has reaped on the children in that part of the city and our community. Only lately have the small towns seen a taste through the methamphetamine plague that we have dealt with in our part of the community from crack cocaine on. We have ignored these children. They have been without voices and that is unconscionable. And we are seeing the results of that in the tests. We are seeing the results of that in the dropout rate. We are seeing the results of that in our prisons. And we will deal with these problems one way or another. We can ignore them here, we can ignore trying to rescue these children, we can say it's a problem of families, it's a problem of morals, and then we will pay for it in our prison systems, in our social systems, in our drug addiction treatment programs. Or we can accept the fact that we have absolutely abandoned people who needed us and the cost will be borne. And we can stand up this time and put in place policies and procedures to deal with the impact of all of these plagues before they become another generation of prisoners, another generation of drug addicts, another generation of hopelessly unemployed. It's your choice. The cost must be borne. Now Senator Chambers and I deeply disagree on what LB1024 did. Senator Chambers, in legislative history, said his community has been abandoned, he's sick of it, he wants to bring it inside so at least they have a shot. I deeply believe, because of the times I grew up in, that my community, the white community, the prosperous community is diminished hugely when we are separated from the African-American community, from the Latino community, from those who are poor. Brown v. Board of Education was not just about protecting African-Americans. It was about protecting American society, that we are going to be healthier, stronger, better, more intelligent if we are integrated. And I would tell Senator Chambers, the loss is not just for the African-American community if they are separated, it is for the entire community. We cannot be separated. I will never support anything that separates the rich from the poor, the minority from the majority, ever. Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator White. Senator Kopplin, followed by Erdman. [LB641]

SENATOR KOPPLIN: Thank you, Mr. President, colleagues. I don't believe I heard any of us on the Education Committee or the people I have worked with from last spring on disagree with a need to do something for the poor kids, not only in Omaha but all over, for those that have language difficulties, those that live in poverty. I don't think that

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disagreement was ever there. We've gone through many disagreements on how to make it work. I think we can solve those things. We're on the verge of doing something fantastic for children. It needs to be considered a statewide problem. Aspects of what we do today, tomorrow need to be able to work elsewhere. But I'm going to go back to something I said on the opening of LB641. And that is that we have to understand what this language says. I think we passed some things in LB1024 last year that nobody really understood. Some would argue that it's perfectly constitutional, some would argue that it's not. We need to avoid those kind of arguments so bear with me if I come back now and then to what's really important in this bill, and that's what's going to happen to children. And I don't see Senator Ashford so, Mr. Speaker, may I ask Senator Raikes a question, please? [LB641]

SENATOR LANGEMEIER: Senator Raikes, would you yield to a question from Senator Kopplin? [LB641]

SENATOR RAIKES: Yes. [LB641]

SENATOR KOPPLIN: One of the things that I want to make sure that we all understand are these learning boards. We can argue a long time whether it should be appointed or elected and so on and that doesn't really matter so much. What's more important is what they do. Now we've heard it said many times that these boards have nothing to do with the day-to-day operations of the 11 districts involved. But there are achievement subcouncils within that 18-member board. Just what is the function of the subcouncils? [LB641]

SENATOR RAIKES: Two main things, Senator. One is that they would be responsible for operation of the learning centers, which are the main educational arms for dealing with achievement issues with at-risk elementary kids. The second thing is connected to that. Under the formula revision in LB1024, we included the, in order to get poverty or LEP funding, the school district needs to provide a plan for how they're going to use that funding and then needs to come back after the year is up and show that that's in fact how the money was used. The subcouncils would be involved in that process. They, with the broader learning community council, would review and approve the plans submitted by the school districts for LEP and poverty funding. So those are two key issues that they deal with. [LB641]

SENATOR KOPPLIN: Okay. Going back to... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR KOPPLIN: Going back to the operation of the learning centers, that could indeed have an effect on the daily operations of the schools though, could it not? [LB641]

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SENATOR RAIKES: It could, Senator, but I think the intent is to use these centers to supplement what is done within the school day. They would focus more on before school, after school, supplementary programs beyond the school year, and those sorts of programs. They would also operate on a parallel to the early childhood grants in that they could be collaborative efforts with other community agencies. [LB641]

SENATOR KOPPLIN: Okay, but one other quick question. Each of these subcouncils would deal with their district only. Is that correct? [LB641]

SENATOR LANGEMEIER: Time. [LB641]

SENATOR KOPPLIN: Thank you. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Kopplin. Senator Erdman, followed by Pirsch. [LB641]

SENATOR ERDMAN: Mr. President, I would yield my time to Senator Raikes. [LB641]

SENATOR LANGEMEIER: Senator Raikes. [LB641]

SENATOR RAIKES: Thank you, Senator Erdman, Mr. President, members of the Legislature. Senator Kopplin, if you would yield, we could maybe continue the conversation because I think it was an important one. [LB641]

SENATOR LANGEMEIER: Senator Kopplin, would you yield? [LB641]

SENATOR KOPPLIN: Thank you, yes. [LB641]

SENATOR RAIKES: You were asking right before time ended about the learning centers and how they operated. I'll ask you to repeat your question. [LB641]

SENATOR KOPPLIN: Well, I was...the last question I asked, there are six districts and they have a subcouncil formed of three members. As an entire council, they do make decisions. But I was wondering about the subcouncils. Are they dealing with just the district from which they were elected? [LB641]

SENATOR RAIKES: Yes, in their activities as a subcouncil. As you mentioned, the members that are a part of the subcouncil are also members of the broader council so whatever decisions are attributed to the broader council, the subcouncil would, as individual members, would be members of that broader council. But their specific authority, if you will, or dealings as a subcouncil are with those elementary schools located in that election district. [LB641]

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SENATOR KOPPLIN: And they will have to have some way to tie these different subcouncils together. So is there an overriding administrator for this council? [LB641]

SENATOR RAIKES: Senator, it would be...I think what you're getting at is that they are tied together by all being members of the learning community coordinating council. So is your question would there be an administrative unit or an administrator for the learning community council? That's a question to you... [LB641]

SENATOR KOPPLIN: Yes, I was just wondering how this was all going to be tied together. [LB641]

SENATOR RAIKES: My feeling is that there would need to be either a person on the learning community council or a designated employee or executive director or something that would serve that role. [LB641]

SENATOR KOPPLIN: Okay, thank you. [LB641]

SENATOR RAIKES: Okay, thank you, Senator Kopplin. To continue, I'll mention a couple things that I didn't make clear in my earlier comments. Again, this amendment, a big difference between what we're doing here and what is on Select File as a result of our General File discussion is funding. In this proposal, all school districts are at \$1.05 levy cap. There is a 95-cent common general fund levy. There is a discretionary levy of at least eight cents for each individual school district. So again, I want to emphasize from a funding standpoint that the authority to fund a school district remains with that local school board. There is no school district now in the metro area that levies less than 95 cents. So a 95-cent general fund levy is not restrictive in that sense. But yet there is the opportunity for each school district to levy above that 95 cents. And whatever they levy above that 95 cents would be on their district only. It would only apply to their taxpayers. So you might have one school district in the learning community that decided they wanted to levy 95 cents plus 5 cents so the levy on their school district members would be \$1.00. There might be another one that would do 7 cents so their... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR RAIKES: ...levy would be \$1.02. So I want to make it clear that we understand that. We do propose in here as far as funding the learning community activities that there be a state appropriation to the learning community to accomplish that. That funding would be used for whatever administrative expenses, given the conversation I just had with Senator Kopplin, whatever administrative expenses are required and also to fund the programs that are offered through the learning centers. So that's the funding mechanism in addition to the opportunity for the learning community to share as a community in the cost of building buildings that would serve interdistrict

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students. Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Raikes and Senator Erdman. Senator Pirsch, you are recognized. [LB641]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. I will yield the balance of my time to Senator Pahls. [LB641]

SENATOR LANGEMEIER: Senator Pahls, you are recognized with 4, 15 counting. [LB641]

SENATOR PAHLS: Thank you, Mr. President, members of the body. I know this is going to be a long discussion throughout the day, perhaps even into tomorrow. There are just a couple issues that I would like to bring up and I've been listening to some of the discussion that we've already had. I just want to make it clear, I support the public schools. My children did go to the public schools. I still have one in Millard North. One thing I've heard in our past discussion which I think is a little bit interesting today is schools need more money. But then when we were talking about property tax, I heard people stand up on the floor and say the schools aren't spending it correctly. So I have sort of a mixed feeling there. Also I heard Senator Chambers indicate that the monies were not going into the schools that deserved that money. That may be right. That's why earlier when I talked about we needed to have an audit of a school or a profile, that would be one of the indicators that we would look for. So you're going to hear me talking about that later on. Some of the concerns I have is a lot of people thought since this bill overwhelmingly moved to Select that everybody was sort of on board. I think we are on board with the majority of it. But the problem is the board with some of us. And the way it is a super priority, the Speaker really has announced, talking now to some of the people who are watching us on TV, because a number of my constituents have said, well, I don't know why you guys do not do this, this, and this. Well, when it's a super priority, the Speaker really has a lot of control of what is going on. Another thing that concerns me, because I've heard at least one member on the floor today say if it doesn't go this way, he will fight this bill. And also what concerns me, after reading this in the paper, if the metro school plan shifts to an appointed board, Senator Raikes said this will probably sink the deal. Senator Raikes can pull this bill any time. So there are constraints on us and I don't know if the senator has that in mind. But I'm just, that's a concern of mine. So for the people out there, we are really trying to make this work but sometimes we are in a box, to some degree. Not saying it's wrong because this is part of the process and it happens in other bills, not just in this particular bill. Another thing that concerns me is Senator Kopplin. I know he has a resolution. He wants to have a study on the school finance. And the concern that I have is not because we're going to have a study, but it is the concern about the number of people who signed on to that bill. And we're talking about a mixed bag...or on his resolution. In this bill, it's hard to sort of grasp this because, just to give you an idea for those that...we get packages like this,

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three or four of us have just gotten recently, so for us to really understand, at least for me, it is causing some concern. I do have some ideas on local control because that seems to be, we want to make sure what happens in the elementary school, primarily right now. I think there are other avenues of going about that, that to be honest with you, the school boards and the superintendents probably would not be totally in agreement with it but it's my perception, having been in a building. You have that control at that local level. Of course there would be parameters on that. [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR PAHLS: Another thing that I have a little bit of concern about is the pay issue because this has been brought to my attention by a number of people. In fact, they have even been jesting with me that, okay Pahls, I know what you want, you're looking to find yourself a job. Which I am not, I like what I'm doing. But I see it's \$200 a day per diem with a max of \$12,000. So that means 60 days at the max that somebody probably could work. My concern is, are we hiring staff? Is that what we're doing? Are we hiring staff to take a look at what's going on into the schools? Are we, do we have board members? I just think that we need more clarification on that. I do have another idea of providing oversight, which I will talk to in my next time up. But I do think that we need to be talking. One of the things that was discussed last year that we weren't doing... [LB641]

SENATOR LANGEMEIER: Time. [LB641]

SENATOR PAHLS: Thank you. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Pahls and Senator Pirsch. (Visitors introduced.) Continuing discussion on AM1386, we have Janssen, Gay, Dubas, Johnson, Pahls, and 13 others. Senator Janssen, you are recognized. [LB641]

SENATOR JANSSEN: Thank you, Senator Langemeier. Sorry, I was visiting out in the aisle. I would like to ask Senator Raikes a couple of questions, if he would respond. [LB641]

SENATOR LANGEMEIER: Senator Raikes, would you yield to a question? [LB641]

SENATOR RAIKES: Yes. [LB641]

SENATOR JANSSEN: Senator Raikes, as you recall, I supported LB1024 and I certainly would like to support this bill because I think it does the right thing. But I do have a few concerns if you would answer them for me. Will the rest of the state's schools look at a smaller amount of state aid even though the learning community has the resources that they are not using? What I'm talking about is if they're down under a

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dollar a ways. Could you answer that for me, reflect on that if you would, please?
[LB641]

SENATOR RAIKES: Let me try, Senator. State aid, as you know, is the result of a needs calculation and a local resource base which is affected not only by the needs calculation but valuation in the district and those sort of things. So you know, what might happen to a district from one year to the next in terms of their equalization aid is hard to predict until you know those sorts of things. I think your question though highlights, what are we doing here with the needs calculation? And I mentioned a couple of things. One of them, in the needs calculation this proposal would involve including a needs provision for rapidly growing school districts so that those school districts can get money up front for growth that they know they are going to experience. Your question is, well, is there enough done in revision of the formula, the needs calculation in particular, such that districts that are not in learning communities, which may be, you know, we're trying to propose that you could have learning communities anywhere in the state. But school districts that are not in learning communities, what happens there? We do have an allowance in this formula--a weighting, an allowance--for school districts that are in a learning community. That does, in effect, move some money toward the school districts that are in the learning community. The reason for doing that is that I believe we are making important organizational strides by organizing school districts in learning communities. So I would like to, I think it's good policy to make it an advantage financially, as well as other ways, for school districts to be in such a community. What we did in LB1024 though is that we expanded the pot of aid...yeah, the total money available to supply state aid so that when you move it around, in that particular case the elementary weighting allowance was a big factor. When you move the money around, no school district in the state is left worse off than they would be had you not included that elementary weighting. With the learning community allowance, there would be a small negative adjustment, if you will, for some school districts outstate that you need to be aware of. And we will, in fact, provide you a listing of the impacts on all the... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR RAIKES: ...school districts so that you can see exactly what we're talking about there. But the sum and substance is we're changing the needs calculation to reward slightly, a small amount, schools that are in a learning community and that money is moved from school districts that are not to school districts that are. I think the total amount, if I'm not mistaken, statewide is something on the order of \$3 million and that would be on a base of about \$800 million. [LB641]

SENATOR JANSSEN: Okay, thank you. Thank you, Senator Raikes. Now could a county that, like a county I represent which is Dodge County, could they form a learning community within that county? Is that possible? [LB641]

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SENATOR RAIKES: Yes. There are provisions in this proposal. You have to have at least three school districts or all the school districts in one county. And I think if it's standard cost group, I think... [LB641]

SENATOR LANGEMEIER: Time. [LB641]

SENATOR RAIKES: ...there has to be a... [LB641]

SENATOR LANGEMEIER: Time. [LB641]

SENATOR JANSSEN: Thank you. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Janssen. Senator Gay, you are recognized. [LB641]

SENATOR GAY: Thank you, Mr. President. Earlier on General File, I rose and said we need to keep this focused on a statewide program or statewide initiative that...and I still believe that as we move to Select File. We're now going to discuss pretty much all the merits of this bill. Earlier when Senator White said he's comfortable with his view that the courts would decide that, I don't like making decisions that way. And I've been involved in things for a long time where, you know what, sometimes it is contrary. You need to make a decision you feel is best, not have that hanging over your head what a court is going to do. So as we discuss this debate, I wanted to get that out there. I'm going to make a decision on the bill and the amendments and all the merits of this bill based on what we think is right as a body, not what some editorial writer writes or court's pressures. I think we need to fit this thing in this proposal, how would it work in your community, in your district? Because if we don't do that, I think we're doing an injustice for the whole state. I do support some of the things in this bill. There are some good things although I have a hesitancy on many more things in the bill. I handed out for you two pieces I wanted you to look at. One is the 21st Century Community Learning Centers, which is ironic today. Downstairs on the first floor we have a group that is discussing, this is being done throughout the state right now. So over your lunch hour if you get a minute, you go downstairs and ask them some questions. I was amazed this morning, I walk in and here it is. So this is where I got this information, quite honestly. So I'd check this out a little bit. The second sheet, where it says services available in the Omaha metro area, is research we've done on programs that already exist that we're implementing in a new legislative form. These are programs done again by nonprofits in coordination and conjunction with school districts. I would look at a program that merges the two together. So we're going to have many discussions on what's in the bill and I'm going to have plenty of questions on that, like you all do, and many of those will be answered today. I wanted to rise quickly and say I do want to work and get something we can all be proud of and pass. If I get up and I sound critical, I'm not critical to the ultimate goal of what we're trying to do, is connect poverty kids to a quality education to

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give them a better life. No one in this body is opposed to that. The one thing I worry about, are we putting all this burden on the education to solve all the poverty problems? Is that education's sole...can they do that? I don't think just education can do that. I think there's a lot of other things that go into these problems that we need to continue to address. And as the years go on, I don't...I know you're all wanting to do that and look into those other issues. But I don't think education alone can solve all these problems. So as we look into that. I would like to ask if Senator Raikes would yield to a question, please. [LB641]

SENATOR LANGEMEIER: Senator Raikes, would you yield to a question from Senator Gay? [LB641]

SENATOR RAIKES: Yes. [LB641]

SENATOR GAY: Thank you, Senator Raikes. Senator Raikes, I was looking downstairs when I was looking at the information. Is some of your program based off the Lincoln learning community centers? How did you come up with your program? [LB641]

SENATOR RAIKES: This was something that we worked on long and hard in the committee. I think any of the committee members will verify that for you. There was some discussion of learning centers in Lincoln. I think, if I'm not mistaken, it's a little bit different phenomena than what we're talking about here. Those are federally funded centers, not those that would be part of a learning community effort. [LB641]

SENATOR GAY: And Senator Raikes, when I was look at this... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR GAY: ...what we've been discussing--and I'll hand this out to the body, I'll make a copy and get this handed out--but this, to me, is a program I think we should look into a little more. This doesn't involve a whole lot of new...maybe we need to allocate some dollars to a program that already exists and is working well. And I don't know if it's working well, don't get me wrong. But I'm going to hand this out and I'd like to have you look at it. But it talks about their initiatives are to improve student learning and youth development, strengthen and support families, strengthen and engage neighborhoods. But they basically are pulling all this together through collaboration, integration, and lifelong learning programs that already exist. So I would say if we could scale this down, scale it down and let's get people involved, working together, and let's promote some trust and some cooperation in this program. I would think there's some good merits to this bill. And if we take the time, if it takes three days or four days or however long we have scheduled to work this out, I think we could come to some kind of consensus and... [LB641]

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SENATOR LANGEMEIER: Time. [LB641]

SENATOR GAY: Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Gay. Those wishing to speak, we have Dubas, Johnson, Pahls, Fischer, Wightman, Heidemann, and others. Senator Dubas, you're recognized. [LB641]

SENATOR DUBAS: Thank you, Mr. President, members of the body. As a new member to this legislative body and new to this issue, I am going to be spending a great deal of my time reading and listening and just trying to bring myself up to speed on this very, very important issue. So I will be listening to the debate. But right now I feel like I'm kind of being hit by water from a fire hose. There's so many things coming from so many different directions and so many amendments and it's just hard to keep up with everything. But I do know that whatever we do, we need to keep the children in mind. And I'm sure that's what the Education Committee and everybody else has done. It's all about a quality education for our children. And I want to be sure that the resources that we're going to expend go towards that goal of educating children. And while I understand the importance of governance and having people in charge to make sure these things are being carried out, you know, I want to make sure that we aren't weighting this equation too heavily in that direction. I still am struggling with visualizing the organizational component of this concept. And I think it's been asked for in the past but I know I would appreciate a visual form of the organizational structure of this bill. We in this legislative body and on this floor very often talk about economic development. And I truly believe that the best investment that we can make in our state as far as economic development goes towards educating our children. It's the key to growing our economy, to addressing poverty, to addressing integration, and all of our socioeconomic challenges. So I'll always, always advocate for the education of all of our children as the foundation of this state. I do have a question for Senator Raikes, if he would yield. [LB641]

SENATOR LANGEMEIER: Senator Raikes, would you yield to a question from Senator Dubas? [LB641]

SENATOR RAIKES: Yes. [LB641]

SENATOR DUBAS: Thank you, Senator Raikes. I appreciate Senator Janssen's question. It was very similar to the one I had. And how this will impact the state aid of districts across the state is going to be a very important part of my decision-making process. You did allude to the fact that we would be getting that information. And I guess my question is, how soon will we be getting that information? [LB641]

SENATOR RAIKES: Soon? (Laugh) The department, who's been extraordinarily

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cooperative always in working with us on school finance issues, is doing their best to come up with that information now. And as soon as they have it, we'll get it to you. While I have the opportunity, I'll remind you that one of the provisions of LB1024 which would remain in effect is the needs stabilization. This is a particularly important provision, I think, for those rural school districts that are experiencing declining enrollments. This provides a way to break the downslide in needs because of student drops and provides a way for the funding to remain at least long enough for the adjustments to take place. So even though there is a small shift the way it's proposed right now toward school districts that are in a learning community, there is a substantial and important element in this proposal to provide additional support, financial support for rural school districts that are experiencing declining enrollments. [LB641]

SENATOR DUBAS: Thank you very much, Senator Raikes. That information will be very important to me and I'll appreciate getting it as soon as possible. Because I think this bill has been looked at as the Omaha school bill and I'm not quite sure that districts across the state are realizing that it will have an impact on them. And I feel it's my duty to let my district know how it could impact either positively or negatively. So as soon as I can get that information, I'd appreciate it. [LB641]

SENATOR RAIKES: Okay. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Dubas. Senator Johnson, you're recognized. [LB641]

SENATOR JOHNSON: Mr. President and members of the body, I think Senator Dubas touched on one of the things that I wanted to speak about this morning. But I want to look at it in a different way. Let's not be so concerned about our own local school district, whether it is in an adjoining county to Douglas County or outstate and my area, your area. Let's look at what is good for the state of Nebraska. Why did Omaha come out with the one city, one school plan? Was it arrogance? Was it a power grab? Well, I must confess that I thought that that was the case. But as I look at it now over a period of time, I think what it was, was their recognition that they had a problem and that they were looking out to the rest of us for help. I don't think that we can fail them when they do reach out their hand because it is as equally important in Kearney, Nebraska, as it is in Omaha. The effects of what happened in Omaha just are more immediate but they eventually affect us all. One of the things that Senator Jim Jensen casually mentioned to me last year but plays an important part in this, because sometimes we think of the demographic changes of only occurring in outstate Nebraska. But what Jim said last year stuck with me. And what it was is this, is that there are no longer any very big sites for industrial expansion in Douglas County. It is becoming full. So if we are going to have expansion in this area, it's not going to be in Omaha. It's going to be in the surrounding counties. It looks now like it will go to the south. In other words, the suburban areas of Omaha--and I have three grandchildren at Westside and I could

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come here and have just a Westside attitude as to the solution. We cannot afford to have that kind of solution. Eventually central Omaha will become, as they say, rotten to the core if we continue the way we are. The lead story in the Sunday World-Herald two weeks ago clearly pointed this out to us and we have to do something. There are many good examples around the United States where nothing was done and now the whole state suffers. I might not be very smart because one of the things that I did is I asked to be on the Education Committee. And I knew that this was coming. But you know, I remember an old saying that said great challenges, great opportunities. And this is a great opportunity and we have to look at it that way. Now someone made a reference to the fact that education isn't the only answer. But I would suggest that there is no answer without education. Many of you know that I'm kind of a pragmatist in getting the job done. What I see is that AM1386 to LB641 is the workable solution for these decades ahead. And I believe that we should move in this direction. Thank you very much, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Johnson. (Doctor of the day introduced.) Returning now to discussion on AM1386, wishing to speak we have Pahls, Fischer, Wightman, Heidemann, Friend, and others. Senator Pahls, you're recognized. [LB641]

SENATOR PAHLS: Mr. President, members of the body, again I'm listening to some of the discussion. And I agree with Senator Johnson. He made a comment that Omaha has needs and we need to take a look at those. Last year I was very critical of the Omaha school system at times because as I reviewed some of the aspects of their school, I questioned some of that. So that's the reason why I think we ought to take a look at their needs. It's been proven recently that they do have needs. And what we as a body did probably 10 or 15 years ago, we caused all the school systems to sort of look inwardly, looking out for only themselves because it's the way the formula was set up. So in other words, for me to survive I probably had to be concerned about me. Now I hear there's an us or a we. I think we have moved to that part, which I think is great. There is no way, certain parts of this bill, that I could even come close to disagreeing with, period. After 30-some years dealing with education, you have to...I assume it would be just like Senator White said. He has been an attorney for a long time and he's really involved in that. Well, so am I in this area. So my intent is not to mess around with any child. My intent is to find the best way possible to meet their needs. And as we have indicated, money is one of those reasons. But we have to make sure the school systems are accountable for that. And I don't think they would argue with that. Again, I think we forced in the past each one to look just for themselves. We have them talking together, which is one of the things we wanted, to find out the needs and to be willing to share, not only resources but to share, I'm saying the students. Prime example, my son wanted to go to Omaha North, which was quite a ways from my house. And I said, well, if you can find a way, that's okay. So the young men and women, I think they would like to have the opportunity to go to different schools, especially if a school has something

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that they desire. I've also listened to, in the past Senator Chambers had some concerns about how the school system, we're treating parents and teachers. I said to him, I just can't believe it. And then recently he shared some information that he had recorded with a child. And I read that. I said, is this really true? And of course, I do believe Senator Chambers. That's one reason why early on I said let's put an ombudsman in this bill, hoping that would meet some of his needs or the needs, I should say, of the students. Well, I can tell you right now, every superintendent out there did not care for that idea. So the things I stand up for, it's not just because we are in agreement. I'm sure on many issues they are in disagreement with me because I always have had, like I said in the past, trouble with bureaucracy. It's just been one of my things. I think the leaner, the better off you are. One question that I have, and a little later one we'll get in more detail of the bill but I think some of these general things we need to discuss. This again is a major change of the, right now the metropolitan area and possibly throughout the state. I'm curious how much research has gone into this. How many other groups of people--and they may have been involved, I don't know. Have we had extended discussions with--I know the superintendents have been involved, but have we throughout other...I mean, have we talked to people like Senator Avery? [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR PAHLS: Have we talked to retired school administrators, who probably have some ideas now that they are no longer working for a school district? When you work for a school district, you should honor them because they are the ones who are employing you, but after you leave...have they come to those individuals? I'm just really curious and I'll ask this question, since my time is...other than a small handful of people, who have been involved in this? It is amazing, when we're asking people to make a major decision...that I right now think has been sort of put together by a very small group of people. Could be wrong and hopefully Senator Raikes would correct me on that if my perception needs to be improved. Thank you. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Pahls. Senator Fischer, you're recognized. [LB641]

SENATOR FISCHER: Thank you, Mr. President and members of the body. In listening to the debate and in visiting with many of you on the floor this morning, there is no question in my mind that everyone here wants to do what's right for the students in this state and in the metro area, and they want to do what's best for those students. That's not the question. The question is the details of the proposals. And if Senator Raikes would yield to a question, I'd like to get into at least one of those. [LB641]

SENATOR LANGEMEIER: Senator Raikes, would you yield to a question from Senator Fischer? [LB641]

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SENATOR RAIKES: Yes. [LB641]

SENATOR FISCHER: Senator Raikes, in the proposal we've gone from a salary for the members of the learning community council to a per diem. Current statute in the state of Nebraska does not allow for a salary to be paid to school board members. I would assume that that would mean a per diem cannot be paid to school board members. I support that. How is the learning community council different from a school board that we're looking at paying those folks a per diem now? [LB641]

SENATOR RAIKES: Senator, it's a good question. The learning community council does not operate any schools. They don't...they don't have charge of developing any curriculum for the in-school day. They don't deal with all the regulations of operating a school that a school district does. So it is a different entity. Now in answer to your other comment, I think it is clear in statute that we do not pay school board members in Nebraska and to include a per diem payment up to a maximum for learning community council members would not conflict with that, in my opinion. [LB641]

SENATOR FISCHER: Do you feel that that's spelled out clearly in the amendment that you've presented? [LB641]

SENATOR RAIKES: I do. But certainly if someone has a different opinion I'd be happy to consider it. [LB641]

SENATOR FISCHER: Okay. Thank you, Senator Raikes. Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Fischer. Senator Wightman, you're recognized. [LB641]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the Legislature. As outstate senators, I suppose we have a lot different perspective on this, whether it be AM1386 or LB641, than those people who are the most closely involved. Obviously, the overall fiscal impact on the state of Nebraska is a major concern to the outstate senators. And then I suppose the second thing that would be a consideration of those beyond the Omaha and Lincoln, and perhaps the Lincoln area would be included with the outstate, is whether this is going to be a model. My opinion is that if it's a model that could be patterned by outstate communities or probably even Lincoln, it would require a great deal of refinement and change probably from AM1386 and LB641. So I'm certainly not going to get too hung up on whether or not this is serving as a model for outstate, because I think it would have to be totally changed to be applicable to my area. And I could see Dawson County particularly, perhaps Buffalo County as well, being maybe ten years down the road looking at this as a model. We have some of the same problems that the city of Omaha has, particularly in Lexington. We can call them

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problems or opportunities. But I do think the Education Committee are working with people within their area, as well as those outstate. Obviously, the local funding is going to involve the particular community that's being affected, which would be the two counties of Sarpy and Douglas. I do have some questions with regard to the subcommittees serving under this 16-member board, or 18-member board. I'd address the first one to Senator Raikes, if he would answer. [LB641]

SENATOR LANGEMEIER: Senator Raikes, would you yield to a question from Senator Wightman? [LB641]

SENATOR RAIKES: Yes. [LB641]

SENATOR WIGHTMAN: Senator Raikes, with regard to the subcommittees that act, and that would be, as I understand it, the three members serving from each of the six districts to be determined. Is that correct, that only the...those three members would be members of that subcommittee? [LB641]

SENATOR RAIKES: Subcouncil, yes, Senator. [LB641]

SENATOR WIGHTMAN: Or subcouncil. [LB641]

SENATOR RAIKES: Yes. [LB641]

SENATOR WIGHTMAN: And they would meet, obviously, once a year, because you provide in the act that they would have at least one day that they would have hearings, public hearings. Is that correct? [LB641]

SENATOR RAIKES: I believe that is correct, Senator. I'll have to refresh my memory. [LB641]

SENATOR WIGHTMAN: But they could meet, obviously, more often than that. So we aren't involving any more people at this point. The \$12,000 maximum and the \$200 a day would only involve those six...or three members from that particular election community. Is that correct? [LB641]

SENATOR RAIKES: Right, each election district. There would be 18 in total that would be subject to those per diem and salary cap provisions. [LB641]

SENATOR WIGHTMAN: And I've looked at the fiscal note and the last fiscal note I have, dated the 16th, and AM1386 apparently carries a May 17 date, so I assume either there's a later one out that I haven't seen yet or we don't know for sure what it will be. Is that correct? [LB641]

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SENATOR RAIKES: That is correct, Senator, and I hope I made it clear that we are changing the funding provisions considerably in this amendment compared to what is... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR RAIKES: ...what was in AM1258. [LB641]

SENATOR WIGHTMAN: Thank you, Senator Raikes. I have one question I'd like to ask Senator Adams. I may need some additional time on this. [LB641]

SENATOR LANGEMEIER: Senator Adams, would you yield to a question from Senator Wightman? [LB641]

SENATOR ADAMS: Yes, I will. [LB641]

SENATOR WIGHTMAN: Senator Adams, I've talked to you about the fact that I'm concerned over how we comply with the open meeting law with regard to the subcouncils, and I have visited with you separately on that. Is that correct? [LB641]

SENATOR ADAMS: That's correct. [LB641]

SENATOR WIGHTMAN: And you visited with legal counsel for the committee, I think. [LB641]

SENATOR ADAMS: I've tried. [LB641]

SENATOR WIGHTMAN: One of my concerns, and I think you're still trying to answer that, is that a phone call between any of the two members of that subcouncil might very well constitute a violation of the open meeting law and to have a meeting over coffee may very well violate in that a quorum would be present. And you're still...your indication was that you didn't think maybe it would be a violation, but you're still trying to get answers to that? [LB641]

SENATOR ADAMS: We...there's no question but what the subcouncils would... [LB641]

SENATOR LANGEMEIER: Time. [LB641]

SENATOR ADAMS: ...would be... [LB641]

SENATOR WIGHTMAN: Thank you, Mr. President. I'll finish up my questioning later. [LB641]

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SENATOR LANGEMEIER: Thank you, Senator Wightman. Senator Heidemann, you're recognized. [LB641]

SENATOR HEIDEMANN: Thank you, Mr. President and fellow members. I'm going to be brief. I just got some funding questions and trying to get things straight in my head and maybe try to help a few other people out, try to understand it. I do appreciate all the efforts that's being put in here. I do want to put that into the record. And I will say that I've been working with Senator Raikes and he's been very accommodating, trying to explain things with me and trying to understand my concerns. So I thank him for that. If Senator Raikes would yield to a couple questions, I would appreciate it. [LB641]

SENATOR LANGEMEIER: Senator Raikes, would you yield to a question? [LB641]

SENATOR RAIKES: Yes. [LB641]

SENATOR HEIDEMANN: Senator, the learning community funds...it's going to be a state appropriations. That's going to be how much? [LB641]

SENATOR RAIKES: One million dollars per year is what we have proposed. [LB641]

SENATOR HEIDEMANN: And with that, they'll use that for administration, learning centers, teacher supplements, transportation, and pilot projects. That's correct? [LB641]

SENATOR RAIKES: Right. It would be, yes, all of those things. [LB641]

SENATOR HEIDEMANN: Can you do that with \$1 million? [LB641]

SENATOR RAIKES: Well, there will be certainly some startup, and I think it's a very good question, is exactly how much you can do. There will be some administrative requirements, but certainly you want to have funding available to support programs within the learning centers. One of the hopes, at least, in fact proposals by the committee, is that those learning centers can leverage whatever funding they do have with other funding available in the community, and a model that may be illustrative of that would be what we do in early childhood funding. We have collaborative grant programs whereby the state would provide grant funding and can be...has to be matched, has to be matched by collaborative groups within the community. So a learning center, for example, may well decide to support an after-school program or other enhancement program for kids in cooperation with or in collaboration with another group or entity within the community. [LB641]

SENATOR HEIDEMANN: Under the Adams amendment that we seen on General File there was going to be considerably more money put into the learning community but coming from other funding sources. Is that correct? [LB641]

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SENATOR RAIKES: That's right, yes. In particular, there was going to be a 5-cent levy on the property in the metro area learning community, which would amount to something on the order of \$20 million. [LB641]

SENATOR HEIDEMANN: Okay, so you're taking it away from the property taxpayers in the learning communities and replacing that with not as much money but money from state appropriations or General Fund. [LB641]

SENATOR RAIKES: Yes, but keep in mind, as I know you remember, in that proposal there was five cents of levy authority for the learning community, but that five cents was, in essence, state money because the levy lid...or the levy limit was dropped within the learning community. [LB641]

SENATOR HEIDEMANN: That is correct. So this, for the time being, is going to be a little bit more cost-effective for the General Fund. Where do you see it ending up down the road, say in five or six years, costs? The appropriations starting out at \$1 million, where do you see it ending up at? [LB641]

SENATOR RAIKES: Well, Senator, it's a good question. There... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR RAIKES: There are effects sort of going both ways. The idea of a common levy within a learning community whereby you have a sharing of high valuation and low valuation districts actually does, I'll say, free up state aid money for the state. So you may view that additional state aid money that is available as funding that could be made available for learning community operations. I will tell you that I am hopeful, at least, that the learning centers, the learning community council will be successful in getting leveraging money from the community in the metro area to help support some of these programs. [LB641]

SENATOR HEIDEMANN: I believe I know where you're going. Thank you, Senator Raikes. Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Heidemann. Senator Friend, followed by Dierks. Senator Friend, you're recognized. [LB641]

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature. I'm not even going to go into the recent history. I mean it's all been covered ad nauseam. I am going to go into some history, though, and it relates to the year 2000. Mayor Rudolph Giuliani, New York City Mayor Rudolph Giuliani, vehemently condemned the New York City Public School system. In the spring of 2000 he came in and said, this system

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should be dismantled, wiped out, recreated because of their failures. He proposed school vouchers, \$12 million worth. And of course his proposal sparked an obvious vehement debate with the chancellor of the New York City schools. And in his proposals and in his ideas, it wasn't just a politician up on a stump freaking out. It was citations from Milwaukee, citations from mostly Milwaukee but other places that what Mayor Giuliani thought showed data and information that would prove to folks, prove to people throughout the city of New York that there was marked success stories from around the nation that would promote this type of idea, or that would help him promote this type of idea. But the reason he was not successful, or at least one of the reasons was because of the lack of data. It wasn't just Milwaukee with some success stories. Milwaukee has failure stories too postvoucher, 15 or 16 years after the fact. It was the lack of information, the lack of data that put people like Giuliani and others who try to promote those type of things at a disadvantage. Last year was a remarkable year for this school choice mentality; I think 28 states that actually considered bills to either expand tax credit programs, create them, or to go out and try to find pointed vouchers, specific vouchers, for special needs or whatever the case might be. We're not talking about voucher programs here, I realize that, but here's the thing. We're talking about something just as innovative that we're trying to create here, more innovative. Everybody is out there talking about the voucher programs. This has not been done. It has not been done. And if this...and here's my point to the whole thing. If a coordinating council that's created out of the aftermath of what we've done here, if that can provide the kind of quantifiable data that would indicate either student success or student failure, then we've won, for lack of a better way to describe it in such a short period of time. We've won. This will win, if we can do that, if that coordinating council can show us the results that vouchers, that Rudy Giuliani didn't have any information on. Rudy got his tail kicked on this issue because he didn't have the information he needed. If, on the other hand,... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR FRIEND: ...that this coordinating council provides unidentified paper trails, worthless, pointed...worthless points of measurement, and it can't communicate what it needs to communicate and all they're doing is collecting per diems, then we've lost. The same thing will happen to us and we'll be back...we won't be back here, but ten years from now there's going to be another group of senators in here fixing what we've done. I don't think we're going to have to run into that. I'm looking at amendments right now that drive efficiency, that are just as creative as AM1386, LB641, that drive efficiencies and help us drive for that quantifiable data. That's what I'm looking for. In my general support of what we're trying to accomplish here, I think we're going to be able to get there, members of the Legislature, at least I hope we can. Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Friend. For the members' information,

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AM1398 is up and viewable. And, Senator Dierks, you're recognized, and then we'll go to the amendment. [LB641]

SENATOR DIERKS: Thank you, Mr. President. Members of the Legislature, I need to ask Senator Raikes a question, I believe. [LB641]

SENATOR LANGEMEIER: Senator Raikes, would you yield to a question from Senator Dierks? [LB641]

SENATOR RAIKES: Yes, Senator. [LB641]

SENATOR DIERKS: On the handout sheet, Senator Raikes, where you call for the learning communities establishment, when I first read this my first thought was a unified school district, which we have in place today. And you mentioned something about this nonmetro community learning...learning communities. What does it mean when it says all districts in at least one county? And then what does it mean all are sparse or very sparse or 2,000 students, and then it says, or 10,000 students? I need some explanation of what those three terms are. [LB641]

SENATOR RAIKES: Okay, Senator, let me try on that. First off, you are certainly correct in drawing a parallel between what's being proposed here and unified systems or unified districts. To some extent, unified systems go further in the direction of a common levy than is gone here. The unified systems, as you know, have a common General Fund levy across the entire unified system, and I think that we have unified systems that involve as many as five separate school districts. That organizational structure is different than this one, but it does have some commonality with it. The other provisions you were talking about, we have from the beginning intended this as an organizational structure that would be available statewide. Well, obviously, circumstances are not the same in all places in the state, so the question comes, how do you change the requirements or the...yes, the requirements for creating a learning community, depending upon where you are in the state? That is the reason for the provisions you talk about. If...and I think, if I remember, if it's all school districts headquartered in a single county, then I think it has to be at least 2,000 students. If it's...if they're not all school districts headquartered in a single county then there have to be at least three school districts and has to be 10,000 students. If the school districts involved are sparse or very sparse, then for I think obvious reasons the number of students required is reduced, and I think it's maybe 500 or 1,000. [LB641]

SENATOR DIERKS: I think it says 2,000. [LB641]

SENATOR RAIKES: There's no requirement, actually,... [LB641]

SENATOR DIERKS: Oh, I see. [LB641]

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SENATOR RAIKES: ...Senator, for those. [LB641]

SENATOR DIERKS: Okay. And I noticed in the body of the language of your amendment that there's still reference to Class I schools. That would be almost unnecessary, wouldn't it? [LB641]

SENATOR RAIKES: Senator, this amends current statute, which does have language in it about Class I schools, and certainly, depending upon what the Legislature would adopt, there could be Class I schools...school districts. [LB641]

SENATOR DIERKS: Thank you very much. I, too, am interested in the amendment that deals with the rural part of the state. I think it's important for all of us here, who have those kind of districts in our district,... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR DIERKS: ...that we are able to see that information. How about just a little observation, Senator Raikes? What would happen if we were to take all property taxes that are spent on education and remove them from the tax rolls and let all education systems come to the state, to the Legislature, for their General Fund dollars, each school system itself? Is that a possibility? Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Dierks. Mr. Clerk, for a motion. [LB641]

CLERK: Mr. President, Senator Raikes would move to amend his amendment with AM1398. (Legislative Journal page 1699.) [LB641]

SENATOR LANGEMEIER: Senator Raikes, you are recognized to open on AM1398. [LB641]

SENATOR RAIKES: Okay. Thank you, Mr. President, members of the Legislature. This is AM1398. I appreciate your patience. This has been a Bill Drafting job and they've completed it. There are diversity and technical amendments included here. The first...well, among...there's some drafting corrections, there's a change a little bit to the TEEOSA provisions, there's some changes involving the coordinating council, change regarding the planning requirement for the learning communities' start, and also some changes regarding poverty and LEP plans, in addition to the diversity plan. I won't take you through each of the drafting corrections but they are, in fact, corrections. They're meant to clarify or change mistakes that crept up. The TEEOSA change is to make the minimum levy two cents below the maximum levy for the learning community. That is to provide some flexibility. Right now the minimum levy is 95 cents, and also the maximum levy would be 95 cents, so this would say if the minimum...if the maximum levy for the

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learning community is 95 cents then the minimum levy where the threshold begins for a penalty would be 2 cents below that. Another thing that's done in that is to...we had some changes in the cost growth factor in the state aid formula. We got some information that that was going to be costly in terms of reductions, actually money savings to the state but costly to some school districts, so we removed that. There is clarification regarding the coordinating council that there's not a primary election of the council members. And then there are a number of provisions regarding diversity and the open enrollment program. These are ones that I have worked on with Senator White and I'm going to yield him some time to describe those changes for you. [LB641]

SENATOR LANGEMEIER: Senator White, 7, 25. [LB641]

SENATOR WHITE: Thank you, Mr. President. With regard to the changes on diversity and integration, as many of you know, I was deeply concerned that this bill, as initially drafted, would make it difficult or impossible for Omaha Public Schools, and indeed any other school district with significant minority populations, to try to achieve both racial and economic diversity within their district. I wish to state unequivocally, because of Senator Raikes's courtesy and willingness to work hard, and we worked late into the night Friday, those problems have all been addressed in this amendment. If this amendment passes, I will tell all of you that I have no objection to this bill on the grounds of it will promote segregation or it will prohibit school districts from effectively integrating or achieving socioeconomic diversity within the district. Accordingly, I strongly urge your support for this amendment. It respects a first maxim of medical sciences--first, do no harm. This bill becomes, in my opinion then, with regard to diversity and integration, a strong positive. And I thank you for your attention. I return the rest of the time to Senator Raikes. [LB641]

SENATOR LANGEMEIER: Senator Raikes, 6 minutes. [LB641]

SENATOR RAIKES: Thank you, Senator White. I'll just run down through quickly the changes that are made regarding diversity. We remove provisions for fee-based transportation. There's mention that magnet schools would have attendance areas but would reserve capacity and could be the schools in a magnet pathway. The learning community would adopt, approve, and implement a diversity plan, which would include open enrollment and could include focus schools, focus programs, magnet schools, magnet programs, and magnet pathways. The goal of the plan would be to achieve the same balance as the learning community as a whole in every school building. The open enrollment selection would be based first on socioeconomic diversity measured against the learning community as a whole, with extra capacity available to remaining applicants. And I think an important point here is that if there is space available in a building and there is a student in poverty that would like to move to that building, that student would be allowed, given that the socioeconomic diversity goals are met. If there is extra capacity, that student would be provide free transportation to attend in that

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building. There's also a change that districts could be in more than one attendance area for each grade range. Students would be allowed to attend a building in their district of residence. School districts would accept and decide on applications for open enrollment, and also that there would be a hardship exception to the limitation on the number of transfers. So again, a big part of this proposal is open enrollment and providing an opportunity for students to move throughout the learning community area to take care...take advantage of whatever educational opportunities they would like to, and transportation is a key part of seeing that that goal is met. So these changes are important. I urge your support of this amendment. Thank you. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Raikes. You have now heard the opening on AM1398. We will continue with the lights that were on previously. We have Senator Engel, Hudkins, Wallman, Erdman, Kopplin, and others. Senator Engel, you're recognized. [LB641]

SENATOR ENGEL: Mr. President, members of the body, I appreciate the new amendment. It sounds like they did work late, very late Saturday night...Friday night, rather, to improve everything here. But I do want to comment about a couple things I talked about a couple weeks ago, or a week ago, whenever it was, but as far as I do agree with Senator Chambers that as far as the...in the different school districts they...I do believe that if we have the proper administrators and assign the teachers that should be assigned to these areas instead of assign them to the suburbs, put them in these problem schools, I think they can change things around, especially with this learning community where you're going to have the counseling and you're going to have the...try to get them, families, involved, and etcetera, etcetera. I think that's very, very important also. But as I referred to a week ago as far as Sioux City, Iowa, which is across the river from me, where they had a problem school over there, kind of the same situation, not quite as severe, that they got the right principal in there and she hired and fired teachers. She got the right teachers in there, but the administration gave her the authority to do that, and I think that's what you're going to need in this particular area, in these particular portions of...well, particularly Omaha right now, or any other area of the state. I think you're going to have to give the administrators and the teachers the authority to do their job, and you're going to have to take away...and also perhaps you need more people in the classroom in order if you're going to maintain order so the teacher itself doesn't have to do that. She can do...she or he can do what they're hired to do, is teach the children. So I think this can be turned around and that's one great big step right there, is allowing that to happen. I think in the past, from what I've heard and understand, that the teachers are assigned to the suburban areas and they're not...they're evidently given their choice where to teach, and I think that has to cease. As far as I'm concerned, if they want to teach, find those dedicated teachers that that's what they really want to do is teach, and put them in these areas where it is a challenge for them, it's a challenge for the students. And, of course, the end result is these students will get a good education and lift them up for helping them throughout life. I do

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have a question for Senator Raikes as far... [LB641]

SENATOR LANGEMEIER: Senator Raikes, would you yield to a question? [LB641]

SENATOR ENGEL: If he's...I could turn around and ask him this, I guess. But is there going to be one common levy across all the learning communities, or is that going to be separate levies? [LB641]

SENATOR RAIKES: Each school district could have a separate...could, and likely would, have a separate levy. There would be a common part of it, but there would be a discretionary part of it as well, which could, and likely would, vary between the districts. [LB641]

SENATOR ENGEL: The reason I brought that up, I thought that if you wanted to equalize everything, let's equalize it. Let's have one common levy; everybody has the same levy and the money is distributed where it needs to be distributed. But that isn't in the makings right now, right? [LB641]

SENATOR RAIKES: Well, actually, that's the mechanism that's used in the unified systems that Senator Dierks referred to. This one is a more gradual, a less aggressive approach to a common General Fund levy than that. [LB641]

SENATOR ENGEL: Okay. Thank you very much. Again, I just thought I'd bring that up because it just sounds like a way to solve some of these problems. But I'm going to listen very carefully about...as far as all of the different discussions on this. I think I know something has to be done because I know how it got started a couple years ago by one school district and now we got to solve it. So I think if we're going to solve it we should get it done this session because if we don't, I don't think anything you do in a special session or in the hereafter will solve it if they can't get together and do it during this particular session. So like Senator Flood, our Speaker, said, no matter how long it takes,... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR ENGEL: ...we're going to do it. So with that, I'll return the rest of my time to the Chair. Thank you. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Engel. Senator Hudkins, you're recognized. [LB641]

SENATOR HUDKINS: Thank you, Mr. President and members. Senator Raikes, I would like to ask you a few questions, if I may. [LB641]

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SENATOR LANGEMEIER: Senator Raikes, will you yield to questions? [LB641]

SENATOR RAIKES: Yes. [LB641]

SENATOR HUDKINS: We heard that there is now going to be a cap on the amount that is paid to a learning community...a learning council member of \$12,000 plus expenses. Now can you tell me what expenses that they might have? [LB641]

SENATOR RAIKES: Senator, I assume that it would be expenses like a person might have in attending or being a member of the Legislature. There may be travel expenses to meetings, that sort of things. [LB641]

SENATOR HUDKINS: All right. Do the members of these councils then receive any other benefits: insurance, a staff, (inaudible)? [LB641]

SENATOR RAIKES: My understanding is no. [LB641]

SENATOR HUDKINS: No. And what pool of money will the funds for the learning committee members' per diems and expenses come from? [LB641]

SENATOR RAIKES: The way we have it proposed here, Senator, is that that would be from funding provided by the state to the learning community. It would not come out of the budget, so to speak, of member school districts. [LB641]

SENATOR HUDKINS: All right. Thank you. And then another question concerning the summer school student unit. I would like to have you explain that a little more, including the answers to these three questions: What impact on a school's state aid will this have? Have there been any computer runs done to evaluate how this amendment or any other amendments would impact state aid to schools? And are there schools currently providing summer school that will now receive funding for this that weren't receiving it before? [LB641]

SENATOR RAIKES: Let me start with the last one first. I know that there are some school districts that are providing summer school and I think the answer to your question is, yes, they would in fact receive a needs calculation for that effort. The...three is too many for remembering. Give me the second one again. [LB641]

SENATOR HUDKINS: What impact on state aid will this mean? [LB641]

SENATOR RAIKES: Okay, that one...this one is different than the, I think I remember the first one now, too--have there been calculations done. And actually not because this...it's somewhat of a guess as to how many school districts might participate in offering summer school. So typically, in trying to do model runs, we shy away from just

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making guesses. But the mechanism in this is such that including this factor in the needs calculation does not take money away from schools that don't offer summer school programs. So it is, in fact, an addition. And if some folks were, for example, were concerned about, well, gosh, if we have a weighting or a needs component for summer school, that means every school district in the state that doesn't offer summer school programs would end up with less needs as a result of that, and that isn't the case. [LB641]

SENATOR HUDKINS: All right. And then also explain to me the limited English plan. Do we know how much the creation, monitoring, and evaluation of this plan, how much will that actually cost a school district? [LB641]

SENATOR RAIKES: If you're talking about actually forming the plan to be submitted at the time the request is made for the funding,... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR RAIKES: I'm sure that will vary with the school district and depending on the complexity of the plan. You'd have, of course, a number of school districts that probably wouldn't have a plan because they don't happen to serve any limited English proficiency students. But the ones that do, depending on how many they have and what their needs are, it probably could be fairly extensive, except that you would hope that most of that work has already been done because those school districts are now serving those students. And probably they would start...the starting point for the plan would be, well, let's put in the plan what we're now doing to serve those students. [LB641]

SENATOR HUDKINS: So if a school does not have an English limited population then they would not have to do this. [LB641]

SENATOR RAIKES: Right. [LB641]

SENATOR HUDKINS: Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Hudkins. Senator Wallman, you are recognized. [LB641]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. I, too, feel, with Senator White, Senator Chambers, something has to be done. Let's be real careful. If we have the learning council, I think we have to have a head of a learning council, like a czar or a president, whatever you want to call them, because otherwise, like big school boards or other, elevator boards, if you don't have a strong president or somebody that leads you, like a chair, you're not going anywhere too fast. And education and elementary, I think one of the downfalls were that we did not have

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adequate supervision with the principals to help out the teachers. And like I said, my brother taught in north Omaha and that's where he started, but he left because of pay. So pay is an issue for teachers. If we increase pay to challenged elementary schools, I think you'll find that pretty soon you will find qualified, young teachers who have some experience. So all this could be crafted in there, in this learning governance committee, and I'm looking forward to see where this is all going. And if Senator Chambers is here, I'll give him some of my time. Thank you. [LB641]

SENATOR LANGEMEIER: Senator Chambers, 3, 40. [LB641]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Wallman. I was in my office when I heard Senator Wallman wrapping up his comments and he had said he'd give me a minute or two if he had it left, so I had to scurry right up here. Members of the Legislature, I have not had a great deal to say on this bill at any point, and until I really see a need, I'm going to be observing a posture of watchful waiting. The discussion so far has been productive and I think this bill ought to advance before the day is over. There has to be a governing structure independent of the administration and the people who have created the problems that brought us here. It was OPS specifically which said it had to take over suburban school buildings, children, and get the property base, property tax base, to do whatever it was they claim they wanted to do. At that time, the superintendents in the suburban areas were pointing to the deficiencies and defects in OPS. Now they have managed to all clump together. The problem I see with the superintendents is that they're arrogant. They have reached the point where they don't think anybody has the right to ask them a question about anything. They are territorial and somehow believe that they control everything relative to education, including the Legislature. It appears to me that the Legislature is going to show some independence and try to get hold of this many-faceted problem and reduce it down to its basic element, which to me is having quality education available in every building, in every school district, wherever located. With all of the ramifying and radiating issues, it all still comes back to one thing. When a child leaves the third grade, I want the child to read, do math, have language skills proficiency, and know about all of the other subjects that are offered... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR CHAMBERS: ...what a child leaving the third grade should know. We can get mystical, we can get complicated. Our eyes will be deflected from the prize. The Governor has gotten involved, other outsiders have gotten involved, and it's clear they have a political agenda. They're flexing their muscles. They're threatening this and threatening that and threatening the other. But the real responsibility of ensuring that a fair, equitable, and quality education is available to every child in the public school system is ours. And I will support the public school system because that's where most people's children will go, so I'm not going to support vouchers, charter schools, or

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private schools. They can never accommodate the majority of the children who have to attend schools, so I have to try, to the extent that I can, to keep strong that instrumentality which is to service the vast majority of the children in this society. Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Chambers and Senator Wallman. Senator Erdman, you're recognized. [LB641]

SENATOR ERDMAN: Mr. President, can I yield some of that time that...can I have some of that time Senator Engel yielded back to you? [LB641]

SENATOR LANGEMEIER: I will use the time as I see fit, so your request is denied. Senator Erdman, you're recognized. [LB641]

SENATOR ERDMAN: Fair enough. I'll ask for somebody else's time later. Mr. President, here's the level of understanding that I'm at. I'm about the 1-foot level, and I think where we probably need to be before we get done with this debate is that 35,000-foot mark so that we can understand the application of this law. I've got six amendments filed. None of them, I believe, are substantial. They're technical. In fact, I have one observation here. In AM1398, if you go to page 12 it says, "On or before of each year." There's no date there. That's in Section 40 (sic) of the new amendment. In Section 41 of the AM1386, that's also lacking. But if you read the back, it reinstates that date in the section that's struck from AM1386. So even if this amendment gets adopted, there are still things that we need to make sure that we're doing right. One of the things that I don't want to have happen is I don't want this bill to advance today unless it's ready. There's the perception that, well, we've all agreed, let's move on. We can agree on the concept, but we need to make sure that the details reflect the language that is there. So if you care to review the floor amendments that I've offered, and I'll share them with Senator Raikes and Senator Adams and others, there is no date specific in which a parent or guardian of a member district learning community can apply to transfer into that district for a focus school, focus program, or magnet school. I don't even know if that's a good public policy decision, but we have no date there. I read the amendment over the weekend, and then we have a 20-page amendment that came up and I'm frantically going through it as well. I think it has to be thought through. Why is it that a guy from western Nebraska offers amendments to this bill? Well, let me alleviate some of your concerns. One, I care about what's in the statute, and so I believe that if we're going to do this we should do it right. I don't probably have the level of concern that Senator Chambers does on all issues, but I'm trying to grasp what we're doing here. The reason why rural senators are going to be involved in this discussion is because this bill is going to affect us. Every school district in the state will have to have a poverty plan if they have a poverty need. Every school district in the state is going to have a limited English proficiency plan if they have that need. Every district is going to have that. We've been at the 7:30 meetings in the morning across the hall to have those

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discussions because we recognize that, while LB658 deals with Class I's and which most metro senators don't have, this bill affects all of us. We are all state senators. This bill sets public policy for the state. So I'm going to continue to go through. I'm going to offer ideas. Senator Ashford has some ideas that I'm interested in regarding making the learning communities coordinate with the planning commission and whether or not that should be an appropriate responsibility of this oversight of school boards, and I think that ties in with his learning...his elementary learning centers. I want to hear more about that. Because as somebody who practices in the professional world of real estate and planning as an appraiser, I'm not convinced that that's an appropriate vehicle to insert them into. I think if they're interested I think that's a great place. I think we have to be focused on the results of educating these young people. There are a number of factors that Senator Ashford, Senator White, Senator Chambers have pointed out this morning that deal with more than simply getting them in the doors. It deals with all that that they bring with them when they come in the doors, whether it's the community that they live in, specifically, the little blocks or...not communities as far as a town, but the communities within the municipalities. Those are the issues that I don't understand. Recognizing that I'm not from Omaha, I spent some time up there this weekend. Had an enjoyable time at the zoo and that was fun. Driving through Omaha you don't see what Senator Ashford and others see on a daily basis. I want to learn that some more. The General File debate was... [LB641 LB658]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR ERDMAN: ...we need to do something; let's keep this vehicle alive to do that on Select File. I'm not interested in doing that in a short time frame. We have seven legislative days to do this, six legislative days if you count the day that we have to layover the bill...the bill has to layover, excuse me. Let's take our time. Let's do it right. Let's make sure that we've crossed the T's and dotted the I's, but then let's get to the policy decision that...whether it's Senator Gay's proposal or other ideas that gives us a demarcation between the ideas, and let's have that debate, but let's not rush this to judgment. And I'll be visiting with Senator Raikes and others on the Education Committee about connecting some of those dots and then when we get to that level I hope we can have the philosophical debate of whether this is the appropriate procedure and mechanism. Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Erdman. Senator Kopplin, you're recognized, followed by Janssen. [LB641]

SENATOR KOPPLIN: Thank you, Mr. President, members of the body. May I ask Senator Raikes a question or two, please? [LB641]

SENATOR LANGEMEIER: Senator Raikes, would you yield to a question from Senator Kopplin? [LB641]

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SENATOR RAIKES: Yes. [LB641]

SENATOR KOPPLIN: Senator Raikes, I'm going through AM1398 and I just...I want to make sure of one thing or two here on the diversity plan. There is still in place that a building that is at capacity is at capacity. Is that correct? [LB641]

SENATOR RAIKES: That is correct, Senator. [LB641]

SENATOR KOPPLIN: Okay. Thank you. The other thing I had a question on was really on the growth formula and the state aid. We've talked a lot about making sure that the schools that are losing population have sufficient dollars, but with the growth, the way it reads, you don't start collecting that until after 25 students, which is as much as a \$150,000 loss for some district. Is there any way we can adjust that? [LB641]

SENATOR RAIKES: Certainly we could, Senator. That's sort of patterned after what we do in terms of student growth on the budget side of the calculations, and that was the model we used. That's sort of a time-honored, or time-dishonored, as the case may be. It's been there a long time. That's the way it was done. And presumably the rationale is that, well, look, a school district is a large and complex enough organization that 25 students can be accommodated within...without making a special adjustment, but once you get above and beyond that then it's appropriate to make an adjustment. [LB641]

SENATOR KOPPLIN: But actually, this could affect any district in the state that has any growth at all that they didn't count on; that if we removed it so that they could collect on that first student, there's lots of districts that would be able to collect if they misfigured their initial estimate. Would that be correct? [LB641]

SENATOR RAIKES: Well, it would, Senator. I would just remind you, as I know you know, that in terms of looking backward for corrections in needs and so on, there's also...there's already, I think, provision to do that. This particular provision would not necessarily relate to unexpected student growth. It would relate to expected student growth. So, for example, if you had a Bennington District that had experienced a 15 or 20 percent year-to-year growth and had every reason to expect that to continue, then they could use this provision to get that needs calculation up front rather than waiting until it already happened and being paid, more or less, in arrears. [LB641]

SENATOR KOPPLIN: Yeah, I understand that, but sometimes you just can't count on everything. And I would like to look at that 25 students. I have another question that I'll ask Senator Raikes, because I don't see Senator Ashford, but has to do with actually page 89 of the AM1386, which really describes the meat of this program which I want to keep commenting about, because it talks about what we can do for children but also what we can do for parents of poverty students and all of that, but it is specifically just

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public school children. But if they're using private funds, are not there poverty students in private schools or home schools or parochial schools that may wish to use the learning centers? [LB641]

SENATOR RAIKES: Well, Senator, I think our specification in here is that it is for public school students and I think your point is that there are a number of programs in the communities currently that deal with...are provided for students regardless of whether they're public school students or private school students. I would just argue with you that our main impetus in the Legislature... [LB641]

SENATOR KOPPLIN: Well,.. [LB641]

SENATOR RAIKES: ...is to deal with public school students if we stick... [LB641]

SENATOR KOPPLIN: ...we don't really have an argument, Senator Raikes. It's just that since there's a lot of private money... [LB641]

SENATOR LANGEMEIER: Time. [LB641]

SENATOR KOPPLIN: ...that could go into the learning centers...did you say time? [LB641]

SENATOR LANGEMEIER: Time. [LB641]

SENATOR KOPPLIN: Thank you. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Kopplin. Senator Janssen, you're recognized. [LB641]

SENATOR JANSSEN: Thank you, Senator Langemeier, members of the Legislature. You know, it...the further along we go here the more confused I get, but in my opinion, any finances should come from within that community if their resources are there and they're not up against a lid. Now the way I understand this, the maximum levy will be at 95 cents, or if I'm wrong, someone certainly tell me that. I have a spreadsheet on some of the schools within my district and it looks like in the out years they are going to be...some are going to be gainers, some are going to be losers, and I just can't quite understand that. But I'm going to listen to the debate and hopefully by the end of the day or by the end of tomorrow we may have a good understanding. I think the discussion has been great. I'm going to continue to listen. And, Senator Erdman, I would give the rest of my time to Senator Kopplin, because I believe he needs a little more time to continue his debate there. Thank you. [LB641]

SENATOR ERDMAN PRESIDING [LB641]

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SENATOR ERDMAN: Senator Kopplin, you have 3 minutes and 40 seconds. [LB641]

SENATOR KOPPLIN: Thank you, Senator Janssen. Again, could I continue with Senator Raikes? [LB641]

SENATOR ERDMAN: Senator Raikes, would you yield to questions from Senator Kopplin? [LB641]

SENATOR RAIKES: Yes. [LB641]

SENATOR KOPPLIN: Okay. Back to the public school issue, which I do agree with you that we're using public funds, therefore, it's public schools only. But when I think of the areas that we're serving and we're expecting to have a lot of private funds go into that, are we not going to mix up things, or is it dead set this is public? [LB641]

SENATOR RAIKES: Well, I guess in that connection, Senator, I would tell you the language here now calls for it to be public. There is one perhaps related issue that we do expect learning centers to provide data information to public schools on activities within the learning center. Typically, the private schools, parochial schools have not participated in that system. But is there a, you know, an absolutely ironclad reason that you couldn't do this or something else? I probably couldn't answer. [LB641]

SENATOR KOPPLIN: Well, there are some things in here which I don't disagree with, but it has, for instance, care for children while parents are expanding their own English abilities, which means a homeschool parent may be just as need as somebody else in that area, so why could they not do it even though their children are not in public school, is my point. And I'm not going to dwell on them. I just read it as public and I heard others speak of just public, and I'm thinking but there's so many other things in here that don't affect just public kids and that's why I brought it up. So... [LB641]

SENATOR RAIKES: Okay. [LB641]

SENATOR KOPPLIN: ...thank you. [LB641]

SENATOR LANGEMEIER PRESIDING [LB641]

SENATOR LANGEMEIER: Thank you, Senator Kopplin and Senator Janssen. Senator Schimek, you're recognized. [LB641]

SENATOR SCHIMEK: Thank you, Mr. President and members. I stand this time to say to the Education Committee I think you've just done a superhuman job here this year. Just trying to deal with all the amendments over the weekend was a herculean task and

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I know that you've had triple, quadruple that amount during the entire year. But I would like to agree with Senator Erdman when he talked previously about the need to spend some time on this issue. I agree, we need to get this bill in shape from a technical standpoint before we actually move it on to General File or to Final Reading, and I think that if we spend a lot of time on it today doing that and maybe even part of the time tomorrow so that we really have a chance to look at all these amendments, I think we will save ourselves some time in the long run and may not have to bring this back from Final Reading. I would like to ask Senator Raikes a couple of technical questions, if I could. [LB641]

SENATOR LANGEMEIER: Senator Raikes, would you yield to a question? [LB641]

SENATOR RAIKES: Yes. [LB641]

SENATOR SCHIMEK: Yes, Senator Raikes, this is...I don't know how much of this is in the new amendment or not, because the new amendment we just saw a little while ago, but I did hear some mention of a provision that there would only be primary election...or there would not be primary elections when we elect these individuals to the learning community council. Is that right? [LB641]

SENATOR RAIKES: That is correct. [LB641]

SENATOR SCHIMEK: Well, there are other places in the bill where we talk about nomination and I...part of my technical amendment is to take care of that kind of thing. The other...the second question I would have, when we talk about the establishment of the new learning community, who should certify that? Now we have in the amendment, AM1386 I believe, that the Secretary of State should do that, but I would wonder if that should not be the secretary of Education...or the Commissioner, I mean, of Education, instead of the Secretary of State. If you're going to certify a learning community, seems to me that should be the Commissioner and that it's the Secretary of State who should certify the election districts perhaps. [LB641]

SENATOR RAIKES: I can't give you a strong argument either way on that. [LB641]

SENATOR SCHIMEK: Well, who certifies new school districts? [LB641]

SENATOR RAIKES: Well,... [LB641]

SENATOR SCHIMEK: Senator Raikes,... [LB641]

SENATOR RAIKES: The reorganization committee would approve the plan, so in some sense the reorganization...the "reorg" committee and the State Board of Education I think would be the people or the entity involved in that. [LB641]

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SENATOR SCHIMEK: Well, that's why it seems to me more appropriate that the Commissioner of Education would certify the new learning community. What does the Secretary of State have to do with that? The Secretary of State has to do with election law and should certify those districts, once they're drawn. Anyway, that's a question I raise. You don't... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR SCHIMEK: ...necessarily have to answer it right now. Is there any provision for a "no" answer if schools decide they want to form a learning community? Can they just automatically do it? Is that...or is there any process they have to go through? [LB641]

SENATOR RAIKES: There is a process. There has to be...there is a reorganization process that has to be gone through to check to make sure that all of the requirements are satisfied and that sort of thing. [LB641]

SENATOR SCHIMEK: Okay. And I don't know where...I'll talk to you later then where that is in the bill. And then finally, and I'm not going to get to all my questions, but if you have over 10,000 students in the district you can form a learning community if those districts come to... [LB641]

SENATOR LANGEMEIER: Time. [LB641]

SENATOR SCHIMEK: ...to agreement, right? [LB641]

SENATOR LANGEMEIER: Time. Thank you, Senator Schimek. Senator Ashford, you're recognized, followed by Senator Howard. [LB641]

SENATOR ASHFORD: Thank you, Mr. President, and I just want to follow up briefly on Senator Kopplin's questions regarding children who may be in a homeschool environment or in a parochial school environment or private school environment. I think at least my intent in the development of the learning center part of this was to have these centers not be classrooms, and I know that's been said, but just to reiterate it. They're not classrooms. They're not teaching facilities, There are no certified teachers in the building...they are...or in the facility. They are resource centers for poverty children. That's their function. And there are numbers of programs throughout the community that are available to children of poverty and those programs should be available to children in poverty whether they attend a public school, whether they're homeschooled, or a parochial school or a private school. So I do have a little amendment drafted we can deal with at some time in the future, but I would agree with Senator Kopplin that...and I can't recall, and Senator Raikes indicated to me, he didn't think that was in the bill

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before. I can't remember. But I do...what we want to do is serve these children. If there's a summer school program at Westside, for example, for learning literacy and there's a child that goes to Sacred Heart Grade School or to Guadalupe or whatever it is and that program is available through the resource center and Westside makes those programs available to all students, there's absolutely no reason I can think of on Earth why those children shouldn't be able to go through that. What we're trying to do is lift these children up no matter whether they are attending a private, parochial, are homeschooled, or public school. With that intent, Mr. President, I would give the rest of my time maybe to Senator Kopplin, or ask him a question. Is that okay, Senator Kopplin? [LB641]

SENATOR LANGEMEIER: Senator Kopplin, would you yield to a question? [LB641]

SENATOR KOPPLIN: Yes. [LB641]

SENATOR ASHFORD: Senator Kopplin, is what I said generally what you were getting at? I wasn't listening to every comment you made, but... [LB641]

SENATOR KOPPLIN: Definitely. I only brought it up because there are many programs that we have listed that don't necessarily affect just the children. They are services that would help poverty people and I think that's where we should be going. [LB641]

SENATOR ASHFORD: Right. Thank you. And I'd give the balance of my time to Senator Synowiecki. [LB641]

SENATOR LANGEMEIER: Senator Synowiecki, 2 minutes. [LB641]

SENATOR SYNOWIECKI: Thank you, Senator Ashford. Appreciate that. Thank you, Senator Kopplin, for bringing this issue. I agree with Senator Ashford entirely and that's what I was preparing to speak on, is that if you look at the services that these learning centers are going to bring to students, it's not entirely or solely academic driven, not at all. I mean, you're talking about computer labs. You're talking about English classes for parents. You're talking about health services. You're talking about childcare for children of parents working on their own literacy, nutritional services, mental health services, distribution of clothing and school supplies. This goes on now and, as Senator Gay was indicating, it goes on in our communities now. It's mostly driven...all these services are mostly driven by nonprofit community-based organizations within the southeast and northeast Omaha communities, and these services are provided for students and they're not asked where they go to school. They're not asked if they go to a private school or a public school. They're... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR SYNOWIECKI: If they can demonstrate that they need the service, whether

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it be through the reduced or free lunch program, the venue of their school is not even asked. It's just to...it's to meet the demonstrated needs of the students and uplift the students regardless of whether they are a public student in a public school system or private in a private school system. And one thing that might be unique to the Omaha area, and Senator Ashford touched on this, in southeast Omaha, northeast Omaha, there are mission-driven private schools that kind of rub against what you think of your traditional private school. You've got a lot of mission-based schools where the parents...where the kids that go to the school, in large part, are free or reduced lunch and, for the most part, the parents may not pay a tuition for their students to go there and it's taken up by the parishes that surround that individual school. So you're talking about kids that, indeed, would fit the parameters of the child that we're talking about that we want to target... [LB641]

SENATOR LANGEMEIER: Time. [LB641]

SENATOR SYNOWIECKI: Thank you. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Synowiecki and Senator Ashford. Senator Howard, you're recognized. [LB641]

SENATOR HOWARD: Thank you, Mr. President and members. I'd like to take a moment before I begin to thank Senator Raikes for his willingness to look at the integration plan that is in place in Omaha and to stay and to work on that issue until the eleventh hour before debate began. That was a critical sticking point for me last year, and to have that move forward and to have that plan respected, I deeply thank him for the work that he's doing on that. As they always say, the devil is in the details. I have had concerns about the separateness of the learning center facilities for as long as they were conceptually presented by Senator Ashford, and he and I have had a number of discussions regarding this. As I understand it, from talking with him and as a member of the Education Committee, these facilities will be standalone facilities and it's envisioned there would be two of them. They would not be operated by the schools, but rather by members of the learning community itself, when in fact there will be 18...it's proposed there would be 18 members of the learning community, 2 separately operating learning centers staffed by 3 each, which with my math does not equal the 18 individuals, which presents the question of how will all of those individuals be engaged in terms of this learning facility. But my greater question is...my bigger concern really is these learning centers are intended to provide resources to parents, and Senator Ashford has been very clear in saying these will not be classroom facilities. This is intended to offer referrals, as I understand it, offer referrals to parents for services, not to provide services. I question why this cannot be provided in the school setting itself rather than to build buildings or to open centers that will require these parents to go to another facility, separate from the schools themselves, to get this resource information. Will school districts be required to provide the funds for the new buildings? In looking at the math

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that we've been presented with, in looking at the nickel that would be offered as levy funding for these facilities, this could amount to \$50, a \$50 cost per homeowner on a house valued at \$100,000, which would come very close to wiping out the property tax relief that's been offered this year by the Revenue Committee. I'm very concerned about that. I think we need some more information on that. We need to have some real clarification on what this is going to cost the homeowner, the taxpayer regarding these two separate standalone buildings. I appreciate the concern that's been raised on this floor. I think we have a lot of work yet to do. I'd leave you with the thought that I think services should really be provided closest to where the child is. This would work for the child and for the child's parents. And I know that Senator Raikes has toured Liberty School. Many of these services that are proposed are being offered in this school setting itself. I appreciate that Senator Raikes was so willing to come into the school and to look at what is in place right now. I would propose that we could provide those resources and those referrals and that information within the schools themselves, rather than fund standing...standalone,... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR HOWARD: ...separate facilities. Thank you. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Howard. Senator Pahls, you're recognized. [LB641]

SENATOR PAHLS: Mr. President, members of the body, again I'm listening to some of the conversations, and I know we have two things floating here, but I'm trying to figure out...we do have a lack of trust. I'm trying to figure out how we can get that trust back, because I think Senator Chambers has some major issues. And I know what we're dealing with now, with the council, I think that's one of the major issues of this bill and that's why I asked earlier if really much research had been done. Now I know some of these things, I'm talking and that's as far as it's going to go, but I'm trying to prove a point that a major board is not necessarily the answer. Now you may need a board to do some things, but to get so involved to be actually staff members, as I see it...because they're getting paid to go into some of those areas. Now here's another example. It happens in a number of cities. They have actual councils at the building level. Those building levels, they are decision...they have some decision-making parts of their job. They can make a difference. It's at the building level. They are elected. The parents would be elected by fellow parents, teachers elect theirs, and then you have the administration. They sit down, they establish goals, they look at achievement, etcetera. That would be a much simpler way to go. Now here's another thing. It seems like we need some oversight. I'm just curious if anybody ever thought about, well, let's have an oversight committee that sunsets. Let's say that we have two members from the Exec Board, appointed by the Exec Board; two members appointed by the Governor; two members appointed by the Commissioner of Education. And they sit down and they, for

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a very short period of time, they are the oversight to make sure that whatever we see...say needs to be done is done. That's doable. That's why I'm saying have we talked...maybe they have and I don't know anything about it. That's the part that concerns me. We're making this big jump and do we really need to do that. I see this bill as very, very important for, right now, for the metropolitan area and also throughout the state if we can get some of these things cleaned up. Again, I heard Senator Chambers say that he's very concerned about the individual buildings. That's why you've heard me say this at least three or four times earlier. That's why you describe that building. All the information we need to know about buildings and what happens in that building is there. We have it, all the way to the amount of money that's spent at each grade level, the textbooks, the achievement, the testing. It's there. We have that. We just have to make that transparent, make that available so people can take a look at what's going on in their individual school to find out again why one school happens to be obtaining more funds than another. Probably, I would say it's very legitimately, but that way we could get away from some of these rumors. One thing I need to, since we are talking a little bit about the plan, integration plan, is I do need to commend Omaha, because I know this for a fact. A lot of people talk about things and they really don't have any facts other than "I feel." Well, here's an example. I knew of a family, their children went to Omaha North and a couple other schools up there. They lived in that area. Their house, I think it burned down or something, so then they transferred out to the western part at about 120th and Center. OPS picked those children up and took them to their schools, brought them back and forth every day. Now I'm sure that was a significant cost factor, but they didn't... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR PAHLS: ...you can see they were following what they believed in. I have a little bit of time I would like to give to Senator Harms, if he would... [LB641]

SENATOR LANGEMEIER: Senator Harms, would you yield? [LB641]

SENATOR HARMS: Yes. [LB641]

SENATOR PAHLS: Yes, Senator, would you... [LB641]

SENATOR HARMS: Yes, thank you very much. [LB641]

SENATOR LANGEMEIER: Forty seconds. [LB641]

SENATOR HARMS: I wonder if...yes, Mr. President? [LB641]

SENATOR LANGEMEIER: Forty seconds. Go ahead. [LB641]

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SENATOR HARMS: Okay. All right. Thank you. I don't quite have time in 40 seconds to probably get this done, but I would like to, maybe later on, when my time comes up, to spend a little time with Senator Raikes, talking a little bit about the organizational chart and how that all actually functions and works. It's still not clear in my own mind how this does work and does function, and I think it is critical for us to have a full understanding about where the authority lies, where the lines of communication lie, so we'll have a better understanding of this. So when my time comes up I will further pursue that. Thank you, Mr. President. And thank you, Senator Pahls. [LB641]

SENATOR LANGEMEIER: Thank you, Senator. Thank you, Senator Harms and Senator Pahls. Senator Carlson, you're recognized. [LB641]

SENATOR CARLSON: Mr. President and members of the Legislature, I'm going to go off on a different path a little bit, in listening...after listening to many of the remarks that were made this morning. But several days ago we were encouraged by Senator Adams to think outside the box. The Education Committee asked us to do that and...but time constraints make it somewhat difficult, with all the discussion that's taken place in the last several days and we get a new amendment put in front of us. And I don't see anyone that I'd like to address a question to, so I'll just talk. I see the biggest problem in the learning community is substandard achievement in certain OPS schools, most prevalent in elementary schools, and I think that two big problems in education in Nebraska involve teacher pay and tenure. We can't pay good teachers like we would like, and we can't get rid of underachieving teachers very easily. Now I'm going to share an innovative idea, that as we go forward and this bill passes and the learning council becomes a reality, what about the possibility of paying teachers more to teach in disadvantaged schools, as identified by the learning council? And here's an outside-of-the-box, novel idea. Let's pay them \$12,000 a year more. But what the teacher gives up for the higher pay is tenure. And this idea could be the same for the principals of those schools and it would be comparable to what happens in competitive athletics and head coaches. They don't have tenure in their positions. They're judged by their performance, and sometimes it's pretty harsh. But this might be worth a five-year pilot study to see whether or not the achievement changes and whether or not there would be teachers to step forward and take the challenge, and I think there could be. And with that, I will stop my comments this time. I would have some comments and some questions on the organizational chart as we get into discussion on that. Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Carlson. (Visitors introduced.) Returning to discussion, Senator Wightman, you're recognized. [LB641]

SENATOR WIGHTMAN: Question. [LB641]

SENATOR LANGEMEIER: The question has been called. Do I see five hands? I do see

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five hands. The question before the body is, shall debate cease on AM1398? All those in favor vote yea; all those opposed vote nay. Senator Wightman, for what purpose do you rise? [LB641]

SENATOR WIGHTMAN: I'd ask for a call of the house. [LB641]

SENATOR LANGEMEIER: There has been a request to put the house under call. The question is, shall the house go under call? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB641]

CLERK: 25 ayes, 4 nays, Mr. President, to place the house under call. [LB641]

SENATOR LANGEMEIER: The house is under call. Senators, please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senators Pedersen, Hudkins, Nelson, Rogert, Chambers, McDonald, Preister, Pankonin, please return to the Chamber. The house is under call. Senator Preister, would you please return to the Chamber. The house is under call. All members are present or accounted for. Senator Wightman, how do you wish to proceed? [LB641]

SENATOR WIGHTMAN: Roll call vote in regular order. [LB641]

SENATOR LANGEMEIER: There has been a request for a roll call vote in regular order. The question is, shall debate cease on AM1398? Mr. Clerk, please call the roll. [LB641]

CLERK: (Roll call vote taken, Legislative Journal pages 1699-1700.) 24 ayes, 23 nays to cease debate. [LB641]

SENATOR LANGEMEIER: The motion to cease debate does not pass. We return now to discussion on...Mr. Clerk, items for the record. With that, I raise the call. [LB641]

CLERK: Mr. President, some items: A new resolution, LR213 by Senator Pirsch, will be laid over; explanation of vote, Senator Christensen (re LB339, LB578, LB588, LB674, LB305). Enrollment and Review reports LB653 to Select File with E&R amendments attached. (Legislative Journal pages 1700-1701.) [LR213 LB339 LB578 LB588 LB674 LB305 LB653]

Priority motion: Senator Schimek would move to recess until 1:30 p.m. []

SENATOR LANGEMEIER: You have heard the motion to recess until 1:30 p.m. All those in favor say aye. All those opposed say nay. We are at recess. []

RECESS []

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SENATOR LANGEMEIER PRESIDING []

SENATOR LANGEMEIER: Good afternoon, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber, for the afternoon session is about reconvene. Senators, please return to the Chamber and record your presence. Mr. Clerk, please record. []

CLERK: I have a quorum present, Mr. President. []

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Do you have any announcements for the record, or...? []

CLERK: I do, Mr. President. Enrollment and Review reports LB551A and LB554A to Select File. And I have a confirmation report from the Judiciary Committee. That's all that I have, Mr. President. (Legislative Journal pages 1701-1702.) [LB551A LB554A]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. We return now to discussion on AM1398 to AM1386 to LB641. We had a number of lights on before the failure on the calling of the question. We will return to that list. Wishing to speak we have Burling, White, Harms, Erdman, Synowiecki, Kopplin. Senator Burling, you're recognized...and others. [LB641]

SENATOR BURLING: Thank you, Mr. President, members of the body. This is my seventh year in the Legislature, and I'm not aware of one single issue that has taken so much time of a committee and resulted in so many meetings as the Omaha metro education issue. Maybe the water issue is a close second. But the committee received a multitude of ideas on how to solve the problems that were brought to us by the metro education community. All ideas on the committee were seriously considered, and the floor discussion we've had on general debate...on General File debate and Select File debate so far have certainly indicated to all of us the number of proposed solutions out there. And as a member of the committee, I really appreciated the input of the members on the committee from the two-county area. That was most valuable. And I hope that I as an outstate senator, looking at the situation from a different vantage point, also was able to present a different perspective that was valuable. I empathize with my colleagues from outstate who didn't have the benefit of four months of debate on this issue in trying to make a decision this week based on a few days of information and not much time to digest it. There's a great deal of information on the committee, just like there's a great deal of disagreement in the public sector, great deal of disagreement on the committee on which way to go here. All the committee members had good ideas, worked well together, and we were charged with bringing a solution to the floor, which we did. That was then amended on General File, and we have amendments before us again. I wanted to say that this process that we went through on this issue is the best

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example I've seen since I've been here of intense committee debate and still maintain a high level of respect between committee members. We had that. I think we did good work. Proud to be a part of that committee. The issue is now before you for your discussion. And I think as some have said before today, we need to take our time and get this where most of us are comfortable with it. I thank you. Mr. President, I would give Senator Raikes the rest of my time if he would so desire. [LB641]

SENATOR LANGEMEIER: Senator Raikes, 2 minutes. [LB641]

SENATOR RAIKES: Thank you, Mr. President and members. Thank you, Senator Burling. That gives me an opportunity...Senator Burling's comments give me an opportunity to express my appreciation to the committee for their work. He's exactly right, there were hours and hours of meetings, and they were intense, and the discussion was active, thoughtful, and certainly purposeful, in that I believe that every member of the committee is...was completely focused on trying to address this issue in the best fashion possible. We think we have a proposal now, with the AM1386 and the amendment to it, that should form the basis for proceeding forward. Again, I've appreciated the comments so far. [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR RAIKES: I think they've all been instructive, helpful, constructive as well. So I would urge your continued active participation, and certainly your support for this amendment and the one, AM1836, as well. Thank you. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Raikes and Senator Burling. Senator White, you're recognized. [LB641]

SENATOR WHITE: Thank you, Mr. President. Ladies and...members of the body, I would urge you to recognize that this amendment enables, in my case, my concern, OPS, to continue to abide by federal standards on which grants for magnet programs and other special programs are based, also allows them to meet diversity goals that enable them to qualify for private grant money. This is important, not only because of the opportunities for the children, but these amendments will allow it, inside of itself, to keep in compliance with the law. Whatever your feelings are about the underlying bill, I would urge you to pass these amendments, because they do improve the bill, they do improve OPS's ability to integrate inside of its borders. And therefore, I do urge your support for this. And at that time, I would yield the remainder of my time to Senator Raikes, if he wishes it. [LB641]

SENATOR LANGEMEIER: Senator Raikes, 4 minutes. [LB641]

SENATOR RAIKES: Thank you, Mr. President and members. I'll take this opportunity to,

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again, I think, review what is a critically important part of this amendment in terms of changing the direction or changing the provisions from where we are now, and that deals with funding. There are a number of significant and important issues that have come up this morning in that discussion. One of them certainly is that we are, with this amendment, keeping in place the LB1024 framework, in terms of needs calculation, TEEOSA aid. We are, in this amendment, making some changes to it. We are adding a learning community allowance, which we pointed out would shift funds from school districts that are not in learning communities to those that are. And I also will remind you that I mentioned that we are working on a printout to show the impact of that, and I will get you that just as quickly as I can. We also have included in this...again, remind you of the conversation that...or, the points that Senator Kopplin brought up. We have a provision in here which would allow extra needs calculation for school districts that are rapidly growing. In effect, what this would do would provide so that a school district that knows or is assured that they are going to be serving a substantially larger student population can in their needs calculation apply for funding so that that funding arrives, if you will, at the time the students do, instead of a year later. So that is another very important change. We do have a common operating levy in this proposal. Senator Dierks pointed out that in unified systems we do have a common levy. In fact, that is a more aggressive common levy than what we are proposing here. What we are proposing here is that there's a base of 95 cents against the valuation in the entire learning community that goes in a common pot. And then that common pot of property tax monies would be distributed amongst the school districts in proportion to their needs calculation in the aid formula. Each of those school districts would, in addition to that 95 cents, have a discretionary levy of at least 8 cents that would be for their district only, and would be applied only to the valuation... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR RAIKES: ...in their district, and would be for the use of that single school district only. There is then, in addition to that, a levy authority available to the learning community to share with school districts on providing buildings for interdistrict programs. It's important to keep in mind on all the funding that the school districts really are the drivers. They're the ones that are in charge. The learning community has overarching responsibilities regarding the common levy. They have specific focus in the area of elementary achievement. They also work as partners...or, as a partner with school districts in focus programs, focus schools, and also in an open enrollment program which would allow movement of students around the... [LB641]

SENATOR LANGEMEIER: Time. [LB641]

SENATOR RAIKES: Thank you. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Raikes and Senator White. Senator

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Harms, you're recognized, followed by Erdman. [LB641]

SENATOR HARMS: Thank you, Mr. President, colleagues. I wonder if Senator Raikes would yield for... [LB641]

SENATOR LANGEMEIER: Senator Raikes, would you yield to a question? [LB641]

SENATOR RAIKES: Yes. [LB641]

SENATOR HARMS: Senator Raikes, on page 89 of your amendment AM1386 where you talk about the literacy centers...actually, on page 90 is what I want to get to right quickly. Do you have that? [LB641]

SENATOR RAIKES: I do. [LB641]

SENATOR HARMS: Okay. On line 6 where we talk about information on other resources to assist participating families, what does that actually mean? And what are you going to...services are you going to provide to that family? [LB641]

SENATOR RAIKES: I think the idea, Senator, is to provide, in addition to programs that would directly help students, programs that would provide needed services to families of those students, to include interpreter services, for example, is one of those. Maybe you can ask me another question so I can be a little more specific. [LB641]

SENATOR HARMS: Well, okay. What I'm really interested in finding out--because there's a couple of things I want to talk about--first of all, having an experience in working with parents from low-income children in my own community, primarily on the Latino side, I have learned that just providing the service is not going to work, and what you have to have is a program that literally goes out and brings those families in, that...because just by the mere fact that they do not have the educational background nor the experience, they already are intimidated by the public schools and their system and their structure, and you've got to be able to have a way to interface for those folks. It just doesn't work. You can put it down on paper and you can have all the greatest things in the world you want to have happen, but you got to understand what the culture you're dealing with. And if you're dealing with multicultural...different cultures, which I'm sure you are in the city of Omaha, you've got more than just one problem. I have to deal just with the Latino maybe and Native American, but you have a...you may have 20 different languages being spoken, or 15 different languages being spoken in that school system, you've just multiplied your problem and issue. How are you going to handle that? [LB641]

SENATOR RAIKES: Senator, in fact, I think that...the very point you make is one that was significant, or was a driver for the committee on this. That is, in part...I mean, you

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mentioned intimidation with the school building. That was one of the reasons we suggested that the learning center did not have to be housed in a school building. [LB641]

SENATOR HARMS: Senator, excuse me for interrupting, but I would just tell you that you're going to have to have more than just a building. You got to have a program to put it in. You got to be able to reach out to the people. And I will tell you, if they're not Latino or they're not Native American or if they're not Afro-American, they are not going to...you're not going to draw them into that center. They got to...your center has to reflect the characteristics of the community. Now, I want to put that aside for a moment and let you think about that. I'd like to go to the organizational structure that you have, that you handed out. I'm really having difficulty with this. And I think I sit up front on this floor, and I think in the days that we were meeting across the hall, in order to understand what you want to accomplish, you have to understand the organizational structure. Now, I have read in the Omaha World-Herald and I have heard other people being critical of that. They can be critical all they want, but I'm here to tell you is that if you don't have that structure established, if you don't have the lines of authority established, you don't have the lines of communication established, you will have difficulty. [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR HARMS: And I'm telling you that now. You will have difficulty. This chart does not show that. This chart does not give me any idea of who has what authority, what lines of communication. You've got arrows, but you don't have the chart set up the way it has. In fact, if what you have here...you've got all these boards...the way it's set here, you have all these boards that have authority over this 18-member learning community coordinating council. If that's true, you have more issues than what we think here. And so I'm going to come back to this, because I know I'm running out of time and I know that the Chair is going to tell me it's time to quit. I'll be back, and give you some time to think about that. But I want that a lot clearer, because I have some problems with this. And thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Harms. Senator Erdman, you're recognized. [LB641]

SENATOR ERDMAN: Mr. President, thank you. Members, I appreciate Senator White's comments greatly. I think it's important that we have the explanation of why this amendment is drafted the way that it is. I believe that we had the amendment for 40 minutes before the question was called. Are you in a hurry to go somewhere? I was told that this was all we needed to do the rest of the session. And if that's true, regardless of when that decision is made to move the bill, let's do it right. Let me point out a couple things that I think are also positives in AM1398. Those of you that attended the senators

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meetings with Senator Raikes and the Education Committee and others as they were drafting AM1386 as well as AM1398 asked some pretty good questions, and they were addressed. I thank Senator Raikes and the Education Committee for doing that. If you look on page 57 of AM1386, it requires every school district in the state to submit a poverty plan. One of the questions was asked, well, what if you don't meet the obligations? Do you still have to submit a plan? What if the definition of your district doesn't fall within this? Do you submit a plan that says, we don't have a plan? So what Senator Raikes and the Education Committee came up with is, in this amendment, AM1398, on page 19, number 3, it adds the clarifier that you have to meet the formula that was proposed. That makes sense. Why would you require somebody to report something if they didn't have anything to report? That was asked at the meeting, and here it is answered. Further, if you go on to number 4 on page 19 of this amendment, it talks about the maximum limited English proficiency allowance being greater than zero dollars. Again, that ties back to a district that has that obligation under a previous reporting requirement, so that you're truly targeting the accountability, as I understand it, to the schools that are getting the money. You're not just making some district go out and file paperwork for the sake of filing paperwork. And so for Senator Raikes and the Education Committee, who I think have worked very tirelessly, I think they've done an exceptional job of trying to wade through all these issues. They haven't answered all of the questions, because maybe some of their answers are no. That very well could be. A couple observations that I have regarding the drafting of this. And I'm understanding that there may be a technical amendment that will address this, as well, but I want to make sure that this is on the record. AM1398 strikes Sections 39 and 41 of AM1386, but then it replaces those two sections with duplicative sections of Section 40 and Section 42. One of the Section 40 that's in AM1386 deals with the boundaries issues in Sarpy and Douglas Counties. I think that's somewhat important to everybody. The amendment before us in Section 40 deals with the learning community council and their authority. One of those sections needs to be Section 39. Those are technical things that I'm understanding will be worked out, and we've alerted the Bill Drafters to make sure that we're not replacing the section of law that deals with boundaries with a section that's going to deal with the learning community's authority, that they will come in line. Section 42 of AM1386 deals with the elementary learning centers and the levies that can be...the property taxes that can be levied for that purpose. Section 42 in AM1398 deals with the authority of the learning community council for option enrollment, which is what Senator White spoke of. One of those sections needs to be Section 41. Those are the things that we'll need to have as technical amendments, and it's my understanding they're being worked on. But even with the adoption of AM1398, as I pointed out earlier, you still have to correct that date. And the Education Committee staff and Senator Raikes are aware of those things, and they're working on them. If you haven't had a chance to read these amendments, I hope you will. I've read the 90-some page,... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

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SENATOR ERDMAN: ...95-page amendment that is AM1386. I have yet to read all of Senator Gay's amendment. But for those of you that are most directly affected by this in the short term, I hope that you'll be a part of this discussion. I'm a part of this discussion because it's going to affect me, either directly, as I've pointed out some of these reporting requirements, or indirectly into the future when somebody else gets the idea to expand this to some other part of the state. And if we're not going to expand it to some other part of the state, then we need to probably take out the language that allows a learning community to be established somewhere else in the state, which I believe is actually what's being attempted, not directly, but indirectly, by setting the bar so high no one else will attain it. If this is a viable model for Omaha and this is a tool that can be used in their cases, then we have to think seriously about the application in other areas, whether it's Lincoln, Grand Island, North Platte, or even some of the sparse areas that a lot of us in rural Nebraska represent. Obviously, the cost of this is going to have to be worked out, as well. And I hope that through this discussion we can arrive at a conclusion. [LB641]

SENATOR LANGEMEIER: Time. [LB641]

SENATOR ERDMAN: And I believe that it is appropriate for us to spend the necessary time to find those. Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Erdman. (Visitors introduced.) Returning to discussion on AM1398, we have those wishing to speak, we have Synowiecki, Kopplin, Ashford, Loudon, Pirsch, Wallman, and many others. Senator Synowiecki, you're recognized. [LB641]

SENATOR SYNOWIECKI: Thank you, Senator Langemeier. I think I will ask, I believe, Senator White, would you yield? [LB641]

SENATOR LANGEMEIER: Senator White, would you yield to a question? [LB641]

SENATOR SYNOWIECKI: If he's not around, Senator Raikes, would you yield? [LB641]

SENATOR LANGEMEIER: Senator Raikes, would you yield to a question? [LB641]

SENATOR RAIKES: Yes. [LB641]

SENATOR SYNOWIECKI: It's my understanding, Senator Raikes, that--and Senator White spoke to this a bit--that this amendment, AM1398, I think, is the committee's response to what was in the initial version, the 5 percent rule, or the rule whereby schools had to reserve capacity up to 5 percent for kids coming in that might improve the diversity makeup of each individual school building. [LB641]

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SENATOR RAIKES: Actually, that change was in AM1386, not the amendment to the amendment, but the one to LB641. [LB641]

SENATOR SYNOWIECKI: Senator, the...and Senator White spoke to this, is that the Omaha Public Schools, in their integration efforts, had increasingly become, and I think what essentially the bottom line that brought us here, became landlocked, in that they were unable to continue efforts at integration. Within their boundaries, we had an ever increasing and sometimes dramatically increasing minority population and a diminishing majority population, and therefore the school district was unable to attain any level of integration, because of that landlocked factor. Now, the 5 percent reservation on the first part of this bill kind of spoke to that, in terms of mandating to these individual school buildings that we want integration, we want diversity in our schools, and we want it to reflect the broader community. Is that what we're seeking? [LB641]

SENATOR RAIKES: Yes. In my opinion, yes. [LB641]

SENATOR SYNOWIECKI: Okay. My concern was, is that we had to have some kind of overreaching authority. We can't allow any particular school district, whether that's in the east or the west, to artificially indicate that they're at capacity. And the amendment, AM1398, of particular concern...maybe not concern, but I'd like to have a further definition of what we're speaking about here in the...what the intent is with some of this new language. I'll point to page 12, and it speaks to the learning community coordinating council and their duties and particularly as it relates to diversity. And in subsection (b) on page 12, to facilitate the open enrollment provisions of this subsection, it goes on that, to establish a maximum capacity for each school building under such district's control, and the new language is here: pursuant to procedures and criteria established by the learning community coordinating council. Is it the intent, Senator Raikes, that this learning community coordinating council assume some sort of overriding veto power over individual school districts as it relates to their school buildings and what we are speaking of relative to the capacity? [LB641]

SENATOR RAIKES: Senator, I would describe it in this fashion. And others who know better, I guess, should chime in. This is a way to ensure that there is a uniform procedure throughout the learning community for determining capacity of school buildings, so that if there is in fact a building that is full, it is noted thereof, the learning community council knows about it. So in terms of transferring students into that building, it's full with students from that attendance area, so that can't happen. But if a building isn't full and there is space available,... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR RAIKES: ...then the impetus of the amendment AM1398 would be to say

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that there's a two-step criteria for allowing open enrollment, or students from moving anywhere in the learning community to that building. The first test would be if they enhance the socioeconomic diversity of that building, in other words, they move the percentage of free and reduced students more nearly to that of the entire learning community, which in the Omaha instance is about 35 percent. The second would be in terms of any spaces available after that, that there would be a preference given and transportation provided for students who are poverty students. [LB641]

SENATOR SYNOWIECKI: My concern is for these dramatically increasing school districts,... [LB641]

SENATOR LANGEMEIER: Time. Thank you, Senator Synowiecki. Senator Kopplin, you're recognized. [LB641]

SENATOR KOPPLIN: Thank you, Mr. President, members of the body. I guess I'll deviate from what I was going to talk about a little bit, because Senator Synowiecki brought up a very important function of this. And I need to say how I am interpreting this language, because if I'm wrong, I need to be told so. What people are agreeing to, and 100 percent in agreement, if there's space, kids go where they want. But there has to be a way that the learning council can say, here's how you determine whether there is space. It's the same for all school buildings. You look at it, and it's not just a willy-nilly approach where somebody says, oh, I'm full, I can't take any more. It is a definite way to say, this building is...it has reached capacity, at least temporarily, because things change. If it has reached that capacity, then there isn't room to move other kids in until space is allotted. But it's not wide-open and people being able to say, we're full, we're not taking anybody. Are you disagreeing with me, Senator Synowiecki? Oh, may I speak to Senator Synowiecki? [LB641]

SENATOR LANGEMEIER: Senator Synowiecki, would you yield to a question? [LB641]

SENATOR SYNOWIECKI: Senator Kopplin. [LB641]

SENATOR KOPPLIN: Is that what you have in mind? Are you just saying straight open? [LB641]

SENATOR SYNOWIECKI: I...well, I agree with everything you said, except that when we run into situations where we have these particular school buildings that are perpetually full because of the expanding community that surrounds them, those schools will never arrive at a diversity pattern that is reflective of the broader community,... [LB641]

SENATOR KOPPLIN: Well, where I would... [LB641]

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SENATOR SYNOWIECKI: ...because they're perpetually at capacity. [LB641]

SENATOR KOPPLIN: Yeah, but here's where they might not be. When you have these communities that are always at capacity, they are building new buildings, and once a new building is built, there is all kinds of space that can be filled up. It's not...a community that is growing is going to continue to grow. They are going to outgrow their buildings themselves, and they will build a new one, at which point, if they are doing the job right, they build it with lots more space than they need, so therefore, space does open up. That's the point I'm trying to get to. [LB641]

SENATOR SYNOWIECKI: Well, and from what I understand, Senator Kopplin--and you know a heck of a lot more about this area than I do--but a lot of those brand-new schools that are, like, built within...like schools being built for next school year, for example, from what I'm told, because of the dramatic expansion in them communities, particularly out in western Douglas County and into Sarpy County, that those school districts are almost immediately full, the first day of class. [LB641]

SENATOR KOPPLIN: That would not be great planning on the superintendant's part. You have to plan a building so that it's got growing space, because while it's growing and filling up, you're already starting plans for another building somewhere else. It's a perpetual thing. And it's...that's the way it is in the suburbs. You're continually building buildings. [LB641]

SENATOR SYNOWIECKI: And I'm talking about voluntary integration here. I think the Omaha Public Schools has demonstrated, on the secondary level--and I'll agree with Senator Chambers, not on the elementary level--but on the secondary level, they have demonstrated an ability to anchor kids from other parts of town to come to a school because of what's offered at that school. And if we can expand the geographic base of the integration plan,... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR SYNOWIECKI: ...and have everyone working in good faith, I think we could ultimately arrive at a school system that's reflective of the broader community. But my only concern is, is these growing communities that will be at 100 percent capacity almost immediately upon the building of the actual school building. [LB641]

SENATOR KOPPLIN: Well, I think you said the word "in good faith," and that's the way I treat it. I haven't found anybody that is saying we're not going to accept anybody. That just isn't the way I have heard things. And I believe that with the way buildings grow, there will always be space. I can use my own school districts. Gretna, for instance, they're going to open up a new elementary building this fall; they already are...have land purchased, and so on, for the next elementary building. So as soon as that's full, you've

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got another spot, and then you've got space in both of them. Now, I think that's...
[LB641]

SENATOR LANGEMEIER: Time. [LB641]

SENATOR KOPPLIN: ...how this would work. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Kopplin. Mr. Clerk, for an announcement. [LB641]

CLERK: Mr. President, I have communication from the Governor. (Read re LB88, LB274, LB317, LB318, LB319, LB320, LB322, LB323, LB373, LB629, LB629A.) A second communication. (Read re LB321.) I might indicate to the membership that copies will be available and distributed to your mailboxes. That's all that I had, Mr. President. (Legislative Journal pages 1702-1708.) [LB88 LB274 LB317 LB318 LB319 LB320 LB322 LB323 LB373 LB629 LB629A LB321]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. We return now to discussion on AM1398. Those wishing to speak, we have Ashford, Louden, Pirsch, Wallman, Pahls, Schimek, Dierks, Harms, Carlson, Friend, and others. Senator Ashford, you are recognized. [LB641]

SENATOR ASHFORD: Thanks, Mr. President. I...listening to a number of comments, Senator Harms, Senator Howard, others, about the learning centers and about why we're doing this, I...you know, lest we forget, we're here today...this bill is primarily here, and I think Senator Kopplin has said it on a couple of occasions, there is no school district, no school superintendent that does not want to help with this learning gap. And I think that's absolutely right. The reason we're here is because of the learning gap. It's because...and it is a significant gap. It is weighting our community down. It exists in the poorer parts of our city, but it also exists in other parts. I mean, when you have an incarceration rate amongst blacks at 146 per 10,000, versus 16 per 10,000 amongst whites; and a child poverty rate of 60 percent amongst blacks, you know, essentially versus a 9 percent for whites, these are significant issues. The whole idea that...the central...and every time we have a failure in...not of the school districts or not of the superintendents, but a failure of somehow matching up that child, and especially in intense poverty...we're talking about somewhere around 35,000 children in the two-county area that are free and reduced lunch. But then if we drill down in the numbers and look at about the 9,000 children who live in public housing or Section 8 housing in Douglas County and start building the model that way, that's where a great deal of this problem exists. I don't...we're not...I do not believe we're forming another layer of bureaucracy, I do not believe that we are creating an unnecessary agency, nor do I think we are creating some sort of unnecessary building. But what we are doing, hopefully, is by making an investment in reducing the learning gap through

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assessments at the early ages and by tracking every student so we will know when they change schools, we will know when they are truant, we will know when they are not working up to speed, we will know when there are problems in their homes to a certain degree, and we can intervene and we can provide some sort of help. Senator Stuthman said it very well. The problem we have with many of these young children is they're living in one-parent families or families with no parents, and as a result, they don't have the ability to make the choices that our families, my family, most...and all of our families here, certainly, are able to make and give to their children. So...and the cost of that is significant. I think we...I know this is a big bill, and I know we talk about all the governance and all these things. We really are talking about, for the most part, the problem of around somewhere between 20,000, 25,000, 15,000, whatever the number is, of children that are in extreme poverty, that are not graduating from school, that need the help of outside resources, that need the help of summer school. And...but there's another issue, and that's an issue of trust. It is not that these people in north Omaha, the black kids in north Omaha, or the Hispanic kids...and John Harms made a great comment about trust. It's not that the school boards or the school districts have made a mistake because they're not trusted. This is a cultural phenomenon. And if we just...we've got to get over worrying about this as a turf battle over who controls this thing. We know the problem exists. We are going to rely on the school districts and the school boards to provide the resources for most of these programs, whether it's in the summer, whether it's after-school programs. The reason we need community involvement and the reason this board is set up the way it is, is because the problems that we're dealing with in the poverty areas are problems in the community. What we're... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR ASHFORD: ...trying to do here, I think, for the first time ever, I think, is to tie together the problems that are exhibited in education in school, tie those together with resources that are already available in the community to help those children learn. That's the idea behind this. It's not taking anything away from OPS or Westside or Millard. And that debate that's been going on for the last two weeks has been counterproductive. It's nobody's fault, but we need to focus on the children, because that's where the problem is. And I know we're all trying to do that. I know we're all trying to do that. But we aren't building a monolith here, we're not building a Taj Mahal; we're dealing with what is clearly out there in our community, and we needed a community involvement to get there. It is extraordinary. I believe it's extraordinary, and it takes extraordinary solutions. Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Ashford. Senator Louden, you're recognized. [LB641]

SENATOR LOUDEN: Thank you, Mr. President and members of the body. As I've

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listened to the discussion today on all of this, I guess the adage that comes to mind is that the difference between a good idea and a brainstorm is the degree of implementation. And that gets me around to this learning community. And I was wondering if Senator Raikes would yield for question, if he would, please? [LB641]

SENATOR LANGEMEIER: Senator Raikes, would you yield to a question? I don't believe he is within the Chamber at this time. [LB641]

SENATOR LOUDEN: Well, Senator Raikes is gone. Well, I'm concerned, like Senator Harms is, on the flow chart here, when you have it. My understanding is, is that the school boards would be the ones that would have the authority over curriculum and how they operate their schools and most anything that school boards would operate with. What I'm wondering is, wherein then does this learning community come in? Are they the ones that would be the ones that would work with the focus schools and some of the diversity and poverty reorganizations, and they'd have to...some of the learning centers and the community input? And then I see he's got listed on here deconcentration of afford housing, whatever that is. And I'm wondering how come we're getting involved into the housing part of it, what that has to do with it. So as I look at this flow chart, I'm wondering, when push comes to shove, actually who does have the authority? And if we're trying to build a learning community that has the authority over school districts, then are you telling me we have a "difunctional" school district or school organization in Omaha? Some of the senators have pointed out what the problems are. If the problems have been identified, then that's half the battle. It looks like, to me, that the school district that's in place should be able to react to them. Instead, we're coming out here with another layer of an organization or bureaucracy that, as I can see, hasn't really been defined as what authority they have. So somewhere along the line, I would hope that somebody could point out to me that...who has the final authority on this thing, and what are we trying to do. Sure, a learning community is something that...kind of a pie in the sky idea that would work in various areas. But nonetheless, you still would have to set them up so that somebody has the ultimate authority. And that's my question, is, who does have the ultimate authority here? If the Omaha school district, if some of the board members or some of the superintendents didn't want to do something, do they go to their...do they go to the Omaha school board? And who has the authority over that? One other thing that I looked at is these three-member achievement subcouncils. And of course, it says down here, they...everybody would vote for two candidates. And is that a statewide or a citywide election is how that is? Or would the whole city vote for two candidates? And I presume those candidates have to live in certain areas that they would represent. So that isn't as much of a concern, because I don't think it matters who the members are if they don't have any authority anyway. Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Louden. Senator Pirsch, you're recognized. [LB641]

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SENATOR PIRSCH: Thank you, Mr. President, members of the body. First, I would like to address a couple of statements that have gone on earlier today, the statements that would suggest that we are in a dire rush to get something passed through. I take extreme exception with that...with those comments. I think that this is profoundly...that this legislation is going to have a profound...or, is capable of having a profound change on the community, involves several different subissues. And what we do here today will be felt by people years and years and decades from now. And so I think we had better make sure, absent a compelling reason, some sort of justification for an awful rush through this, that we take a thorough look at what is the provisions of this bill. Operate in good faith, sure, we absolutely have to. I think that...I see that, though, in this body, and I think that that was reflected by that General File vote. But we were elected here by our...the constituents in our district to do a job here, and let's not abdicate that important task. And so I think, from the point in time in which that suggestion was made, that we ought to hurry this through. We've heard from a number of other speakers, and I'll tell you what, the comments that they have made have really raised good points in my mind. These are valid points that do require deliberation. And so I think it's really important that we not feel artificially...artificial type of constraints as to the amount of time that we can do this, as long as we're working progressively, addressing the issues that are of legitimate concern, and that is what I've heard today. And so, you know, this is, if not the most important bill, one of the most important bills of the session. And so I did want to make that...kind of preface my remarks with that, is, let's take our time, let's resolve to be...and dedicate ourselves to turning out a quality bill if we can. I don't believe there is a rush here. Senator Erdman had...has already kind of explained some of the technical errors that he's encountered. And where you're encountering those types of technical errors, you know, you want to be careful to make sure that conceptually we're all on the same page, as well, and have a firm understanding of how exactly this is going to flow. And so I thank Senator Harms for his concern about the exact nature, the interrelationships between different structures in this new paradigm. Another, I guess, facet that I'd like to address...and I think Senator Raikes is not here; he'd probably be the appropriate individual to address the issue of the structure of funding and finances and the sustainability of those over time, so I'll hold onto those questions until... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR PIRSCH: ...I speak again. I guess the important...well, I think I promised some time to Senator Adams, so I'll yield the balance of my time to Senator Adams. [LB641]

SENATOR LANGEMEIER: Senator Adams, 44 seconds. [LB641]

SENATOR ADAMS: Well, in 44 seconds--thank you, Senator Pirsch--I'd like to respond

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very quickly, if I could, to Senator Louden's questions as I remember them. The members of the subcouncils, their function is to administer the elementary resource centers. It is to help administer the poverty and the diversity plans for the whole learning community. Beyond that, every school district runs their own show. The purpose of having this governing body in the first place is, help to coordinate an entire communitywide educational effort. [LB641]

SENATOR LANGEMEIER: Time. [LB641]

SENATOR ADAMS: Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Adams and Senator Pirsch. Senator Pahls, you're recognized. [LB641]

SENATOR PAHLS: Mr. President, members of the body. Senator Burling, I'm just going to have you...just give you a couple seconds to think about this, because when you stood up earlier, you said an awful lot of proposals were presented to the committee, and I just want you to think a little bit about that, because I would like to just know some of those proposals. And like I say, I'll give you a little bit of time to get that situated. You know, I agree with Senator Howard. The amendment that we're talking about today, we just got it, so if we're talking about that or we seem to be stalling, it's not that we're against the amendment; we're trying to find out throughout this whole bill. So that's...and the same way with Senator Erdman. I think we're concerned that we're going to be making some important decisions, and we're trying to get all the information possible. I'd like to sort of address one of the things that Senator Ashford talked about. You know, it is good to stand up and say that we're for the children and all that. I don't think there's any one of us who are discussing this issue has anything but that on our mind. When we talk about early assessment, focus on children, on the families, again, I'm going to go back to the simple concept, look what happens at every building. Some of us think like this is something brand-new that we're talking about. I'm saying, focus on the building, find out what that profile of the building, and we have at least part of the issue resolved. One question I do have, if Senator Raikes...is he available? [LB641]

SENATOR LANGEMEIER: Senator Raikes, would you yield to a question? I do not believe he's in the Chamber. [LB641]

SENATOR PAHLS: Okay, well, I'll ask the question. On page 87, this is a little bit confusing to me. In line 18: The elementary learning center executive director may select, appoint, and compensate as he or she feels fit, within the amount provided by the learning community coordinating council, such assistants and employees as he or she seems necessary to discharge the responsibility under Sections 44 to 46 of this act. Such assistants and employees shall be subject to the control and supervision of the elementary learning center director. I'm getting...really getting confused here about the

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directors, those who run for the board, this 18-member board, or something similar to that. Do they end up being the directors, because we're going to compensate them up to \$12,000 a year? To me, there are a lot of unanswered questions. The concept of helping children, I believe that the 49 of us in this body want to make something happen. We just have some issues, and one of the primary issues I have is just taking a look at how this is all going to be organized. I was wondering if Senator Burling could...would yield. [LB641]

SENATOR LANGEMEIER: Senator Burling, would you yield to a question? [LB641]

SENATOR BURLING: Yes. [LB641]

SENATOR PAHLS: And Senator Burling, my idea is not to try to put people on the spot, but I'm still a little...I still have some concerns about all of these ideas that were tossed about. And I know a number of them were, because I know the committee has been working hard, but I'm with the perception that more research should have been done outside of committee. Could you just give me a few of the ideas that you may have talked about for this bill, or this...? [LB641]

SENATOR BURLING: Well, my goodness. Thank you, Senator Pahls. Hardly know where to start, there were so many. But we talked about, you know, along with governance, we talked about governance, we talked about diversity, we talked about what districts should be in and what districts should be out, county in, county out, all of those things, and many, many more things. I'd have to sit down and make a list. [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR BURLING: But there were a lot of ideas put forth to us, and we tried to work through every one of them, giving every one of those ideas credibility. [LB641]

SENATOR PAHLS: Okay, thank you. The point I...and I appreciate your response, Senator Burling. I think there are still ideas out there that we could be looking at trying to make this a better package. And I'm...because I keep hearing, we look at the individual child, we look at the building, we look at the community, and I think we have some of those in place, and they're called school systems, and we call them administrators, superintendents, board members. We ought to be holding them accountable, tell them what we want, what we deem as important, at least in our eyes and some other people with expertise, and we could be doing some of these same things now. Got to build that trust, is what I think, find a way of building trust with the individuals who are involved with our children. [LB641]

SENATOR LANGEMEIER: Time. [LB641]

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SENATOR PAHLS: Thank you. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Pahls. Senator Schimek, followed by Dierks. Senator Schimek, you're recognized. [LB641]

SENATOR SCHIMEK: Thank you, Mr. President and members. I apologize for not having had a chance to speak with Senator Raikes since the last time I had the mike, but Senator Raikes, I'd like to ask you a question or two about this amendment that we're on right now. And on page 20, on lines 10 through 12, where it talks about striking...well, let me...on page 72, after the striking word of "of," insert, the first Thursday after the first Tuesday in January at the next odd-numbered year following. Now, if you look at that language in the committee amendment, I think it refers to certifying the establishment of a new learning community. And I'm really confused about all these different dates in there. That first Tuesday in January of the next odd-numbered year following such certification, where would that put us with the Omaha district? [LB641]

SENATOR LANGEMEIER: Senator Raikes, would you yield to a question? [LB641]

SENATOR RAIKES: Yes. Senator, I think what that would suggest to me is that you...in January of, would it be 2009, the learning community would be certified to begin operations. Is that responsive to your question? [LB641]

SENATOR SCHIMEK: It would be certified for operation. But meanwhile, you've already had some other certification provisions, haven't you? I mean, how many certification processes are tied into this? [LB641]

SENATOR RAIKES: Well, you would have to establish the election districts if there's going to be an election prior to it, so there would be whatever certification is required for that. And then once you have elected members, you would begin the operation of the learning community council. [LB641]

SENATOR SCHIMEK: But isn't there also a certification before the Secretary of State certifies the districts? Any time a new learning committee...or, learning community district is applied for, isn't there a certification process right at the very beginning? [LB641]

SENATOR RAIKES: Certainly a process. There would be a "reorg" process that would need to be undertaken. [LB641]

SENATOR SCHIMEK: You know, I hate to ask you all these technical kinds of questions on the mike, because I've got quite a few of them. How can I get an answer and how can we maybe see how this process is going to work through the election and

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everything? Can...is your committee counsel available to work through some of this stuff? Or is a member of your committee available to answer some of my questions and help work through some of this stuff, or...? [LB641]

SENATOR RAIKES: I think the counsel, the committee counsel, is the person that would most likely be able to answer these questions, and I will meet with you and her to discuss those. [LB641]

SENATOR SCHIMEK: And I would like to do that just as soon as the amendment that I've had redrafted again comes down from the Bill Drafters, and then maybe we can talk about it. [LB641]

SENATOR RAIKES: Okay. [LB641]

SENATOR SCHIMEK: Thank you. [LB641]

SENATOR RAIKES: You bet. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Schimek. Senator Dierks, you're recognized. [LB641]

SENATOR DIERKS: Thank you, Mr. President, members of the Legislature. I wonder if I could address a question to Senator Adams, please? [LB641]

SENATOR LANGEMEIER: Senator Adams, would you yield to a question? [LB641]

SENATOR ADAMS: Yes. [LB641]

SENATOR DIERKS: Senator Adams, I need a little primer in some educational terms. [LB641]

SENATOR ADAMS: Okay. [LB641]

SENATOR DIERKS: I'm not too sure what a magnet school is. [LB641]

SENATOR ADAMS: You know what, if you...look at it in these terms, Senator--a magnet, it's going to attract students, going to attract students based on the programs that they offer. It may be a school that's unique in the programming that they offer. [LB641]

SENATOR DIERKS: Okay. And then what is a magnet pathway? Is that the way you get to these schools? [LB641]

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SENATOR ADAMS: That's the way you get there, through the various courses, different school levels that you'd travel to get to that school. [LB641]

SENATOR DIERKS: Okay, then what...how do you define focus schools? [LB641]

SENATOR ADAMS: I would define it the same way--focuses on math, focuses on engineering. And I may stand corrected on that, but I see them as virtually the same thing. [LB641]

SENATOR DIERKS: I guess I'm wondering why we need focus schools. Won't they kind of exaggerate the lack of diversity in some of the schools in the learning community, because of the lack of uniformity and quality? [LB641]

SENATOR ADAMS: You know, that's possible. But I think that what we do when we create focus or magnet schools, we create special opportunities, and the door is open for everybody to participate in those. And maybe the focus is on the humanities or the focus is on engineering, and it becomes literally that. It may be a magnet that draws a student out of an impoverished neighborhood and someplace else, to focus on the academics and the educational possibilities there. It's extra, over and above the regular high school curriculum. [LB641]

SENATOR DIERKS: Okay. Thank you. Thank you, Mr. President...thank you, Madam President. [LB641]

SENATOR McDONALD PRESIDING [LB641]

SENATOR McDONALD: Thank you, Senator Dierks. Senator Harms, you're next. [LB641]

SENATOR HARMS: Thank you, Madam President. I would like to yield my time to Senator Carlson. [LB641]

SENATOR McDONALD: Senator Carlson, will you yield to Senator Harms? [LB641]

SENATOR CARLSON: He's going to give me some of his time. [LB641]

SENATOR McDONALD: Oh, okay. [LB641]

SENATOR CARLSON: Okay. Madam President, thank you, and members of the Legislature. Now that...Senator Raikes, I think, is gone again, but I'm going to comment a little bit more on the organizational chart, because Senator Harms alluded to it earlier, and Senator Loudon had some questions and concerns about the organizational chart. And it looks to me, from what I've been able to digest out of this bill and the amendment,

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that the 18-member learning community coordinating council that is paid administratively is at the top and has the final say. And it would seem to me that under that coordinating council comes the 11 school boards that do their own thing, make plans for their districts, have a lot of decisions for their districts. And of course, under them would be their superintendents, and under the superintendents would be the principals, and under the principals would be the teachers. But if we look over here on the organizational chart, like approving focus schools and magnet pathways, these are tasks that the learning council is going to grapple with. And when they make a decision, I would guess it's not going to be a negotiation back through the school boards or the superintendents; it's going to be, a decision has been made and this needs to be carried out. That being the case, if that's the case, then it would seem to me like the learning community coordinating council is the highest authority in this structure. And I would be interested in response to that. Another thing I'd like to respond to would be to follow up a little bit on a question Senator Pahls asked. And so I will ask it, because maybe I'm interpreting it wrong. But one of these subcommittees of the coordinating council, if I've listened correctly...and he referred to page 87, in lines 18 through 24, the elementary center executive director. And I think I've heard discussion since we started that the individual that either runs or directs or oversees or manages these elementary learning centers might well be a member from this subcommittee. Now, if I'm wrong on that, then I'm wrong. But if this could be a member for the subcommittee that's elected by the population, how does that endorse or prepare or qualify them as an executive director of a learning center? So that's a question that I might have. Whatever time I have remaining I'll yield back to Senator Harms. And I thank him for giving me this time. [LB641]

SENATOR McDONALD: Senator Harms. [LB641]

SENATOR HARMS: Thank you very much, Madam President. I'm sorry that Senator Ashford is not here. I wanted to just correct one thing. I wanted to make sure that the body understands that I'm not opposing, you know, this entire program. I mean, all I'm asking for are some very basic questions to be answered, so I know in my own heart that we're moving in the right direction. And I don't think there is anyone in this body that does not want to provide a better program for our children. And when you are in the city of Omaha and you're number one in the nation in children living in poverty,... [LB641]

SENATOR McDONALD: One minute. [LB641]

SENATOR HARMS: Thank you, Madam President. That should get our attention. And we need to focus on this, we need to find that solution, and we need to close that gap. I agree with all of that. I think there are just some very basic, elementary questions that I have that I'd like to have answered, so that I am sure in my own mind that we have the right structure and that we are meeting what our needs are and that we have identified truly how we're going to correct these issues. And so thank you, Madam President, and

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I'll turn my light on. I'll be back. Thank you. [LB641]

SENATOR McDONALD: Thank you, Senator Harms. Senator Carlson, you are next. [LB641]

SENATOR CARLSON: Madam President and members of the Legislature, I will yield my time back to Senator Harms if he would like. [LB641]

SENATOR McDONALD: Senator Harms. [LB641]

SENATOR HARMS: Thank you, Madam President. Senator Adams, would you yield, please? [LB641]

SENATOR McDONALD: Senator Adams, would you yield to Senator Harms? [LB641]

SENATOR ADAMS: Yes. [LB641]

SENATOR HARMS: There's just a couple of things I'd like to ask, if I may, Senator Adams. On page 86, on Section 44, would you have that handy, on AM1386, amendment AM1386? [LB641]

SENATOR ADAMS: What was the page number? I'm sorry. [LB641]

SENATOR HARMS: Eighty-six. It's Section 44. [LB641]

SENATOR ADAMS: All right. I'm there. [LB641]

SENATOR HARMS: Okay. If you would look at lines 24, we talk about, the purpose of this learning center is for poverty, which we know is very critical to the city of Omaha, limited English skills, mobility. Surely there is going to be more than that in those learning centers. Isn't that correct? [LB641]

SENATOR ADAMS: Yes. [LB641]

SENATOR HARMS: Okay. I just wanted to identify the fact that if those are the only three skills we've got, we have a problem there. And I know that there's going to be a lot more that has to be addressed in that center, and I...could you maybe help us express...could you express what you think we've left out in this particular definition? [LB641]

SENATOR ADAMS: One of the things you may do, Senator, is turn to page 89, under Section 46. It expands a bit on some of the services that these resource centers would provide that are designed to help with literacy and beyond that. [LB641]

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SENATOR HARMS: Yeah, I understand that. And I had a question earlier in regard to the families, and that got me into this whole conversation about, the simple fact is that the staffing that we have that's going to go in those centers are going to have to reflect the children and the characteristics of that part of the community, or we're not going to be successful with that. So if you have a lot of Latino children in, there is definitely a different in the culture and the aspects compared to an Afro-American child coming in, even though they're both living in poverty. They're coming from different directions and different angles, and you have to understand the culture. And that's what I was getting after. So I understand that aspect of it. Okay, the other thing I wanted to ask you in regard to page 87, it talks about the executive director, that's line 1. [LB641]

SENATOR ADAMS: Yes. [LB641]

SENATOR HARMS: Could you clarify for me, is that executive director going to be chosen from within that council, or are we going on the outside and going to bring someone in who can actually address the issues? [LB641]

SENATOR ADAMS: I think it could work either way. Probably most likely come from the outside, in my personal opinion. [LB641]

SENATOR HARMS: Okay. That's the concern, I guess, that I really have, is that if that council is elected--and I've said this from the very beginning--the chances of us finding someone who has the right degrees, the right background, and the skills that are going to be necessary to lead that center forward will most likely not come from that center, because if it is, it's going to be a rare find for us. I mean, working with children who come from a poverty background takes some special skills and some special understanding and some special training. Don't you think that's correct? [LB641]

SENATOR ADAMS: Oh, I do. [LB641]

SENATOR HARMS: So the chances, then, of us finding someone in the election process is probably not going to be very good. [LB641]

SENATOR ADAMS: You know, and I think, and you would agree, that we could make that argument about any elected position. And...but I would agree with you. I think that the odds may be good of finding someone... [LB641]

SENATOR McDONALD: One minute. [LB641]

SENATOR ADAMS: ...for the elected officials to be able to find someone from within that neighborhood and that community. [LB641]

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SENATOR HARMS: Well, I thank you very much, Senator Adams. And Madam President, thank you. [LB641]

SENATOR McDONALD: Thank you, Senator Harms. Senator Chambers, you're next. Do I see Senator Chambers? If not, Senator Kopplin. Senator Kopplin, you are next. Senator Friend? Senator Kopplin waives. Senator Friend? Senator Erdman? Senator White? Senator White, you are next. Senator Mines? [LB641]

SENATOR MINES: I yield my time to Senator White. (Laughter) [LB641]

SENATOR McDONALD: Senator White is here. Just a moment. [LB641]

SENATOR MINES: Before I do, Madam President,...thank you, let me withdraw that for just a moment. I was...that was a joke. I was then going to go to Senator Chambers, and on and on. (Laugh) Now he wants to talk, too. Senator Chambers, I will ask you a question. Would Senator Chambers yield, please? [LB641]

SENATOR McDONALD: Senator Chambers, will you yield to Senator Mines? [LB641]

SENATOR CHAMBERS: This is a pig in a poke, but yes, I will. [LB641]

SENATOR MINES: Thank you, Senator Chambers. As this body tries to move through the process and we try to understand how the learning community will...what the goals might be for diversity, for plans for poverty and reorganization, I can't grasp how that's going to happen--not mechanically, but how do we as a society encourage children and encourage those that live in poverty or diversity to attend other centers away from their neighborhoods, or how do we encourage children that are not affected by diversity to move to other education centers? How would you see that from a...just from a philosophical perspective? [LB641]

SENATOR CHAMBERS: Senator Mines, the first thing I think that needs to be established is belief in, faith in, trust in the people who are running the system. So before we talk about children moving and going other places, we have to bring things into their community, into the schools where they attend right now, to show the good faith. if nothing changes in the schools where they currently attend, there's nothing to make those parents feel that something is going to be better someplace else, because nothing has changed that they can see. [LB641]

SENATOR MINES: Exactly. [LB641]

SENATOR CHAMBERS: So in this instance, charity begins at home, meaning the neighborhood, and then spreads abroad. And that may be not much of an answer to you. [LB641]

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SENATOR MINES: No, it is. But it's an answer that's geographically challenged by this learning community. When you look at the outliers--Gretna, Bennington, DC West--to encourage a child from Gretna, Nebraska, to attend, let's just pick on South High School--we could pick on North, we could pick on any school that's east--that's more than a half-hour drive in a car. Now, you throw them on a bus for 45 minutes, I wonder if we'll really see much transition between schools with great distance between them. What do you think? [LB641]

SENATOR CHAMBERS: I don't think...you have not heard me and nobody else has heard me emphasize and lionize this notion of integration, because I'm always looking at the practicality of it. And what you're mentioning goes right to hitting the nail on the head. I don't envision a great movement of students from one part of the city to the other, in either direction. There might be some trickling, because various families may want that, but I don't see any wholesale integrating of any kind, especially at the elementary school level. And it's not that I'm against it. I don't... [LB641]

SENATOR MINES: I understand. Just geographic challenges... [LB641]

SENATOR CHAMBERS: ...see any practical way it can be. [LB641]

SENATOR MINES: ...lie before us. And don't you agree that parents of kids, given no other options, will choose to attend neighborhood schools and neighborhood learning centers? [LB641]

SENATOR CHAMBERS: I wanted my small children to attend school as close to home as possible,.. [LB641]

SENATOR MINES: Sure. [LB641]

SENATOR CHAMBERS: ...so if something came up, I could run there and be with them. And I think most people want their children to attend school close to home and that's why I keep emphasizing, put the quality education in every building. Then after we take care of the basics, then other people may... [LB641]

SENATOR McDONALD: One minute. [LB641]

SENATOR CHAMBERS: ...feel more comfortable saying, I will let my child go here or there. [LB641]

SENATOR MINES: I understand. Thank you, Senator Chambers. Thank you, Madam President. [LB641]

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SENATOR McDONALD: Thank you, Senator Mines. Thank you, Senator Chambers. Senator Langemeier. [LB641]

SENATOR LANGEMEIER: Mr. President, members of the body, the last time we went through a bill like this of this size that Senator Chambers didn't engage in, I think he said that, you'll get the opportunity that I can laugh at you into the future. And I think we're close to that point. This kind of reminds me of deja vu from the ending of the last session, as we rushed through a bill with this same creator of a bill that's back creating this one. I think...I'd like to ask Senator Chambers a question. [LB641]

SENATOR McDONALD: Senator Chambers, will you yield to Senator Langemeier? [LB641]

SENATOR CHAMBERS: Yes, I'll yield to his questions. [LB641]

SENATOR LANGEMEIER: I appreciate that. Thank you, Senator Chambers. Have you had the opportunity to read through AM1386 and the following amendment, AM1398? [LB641]

SENATOR CHAMBERS: No, I haven't. [LB641]

SENATOR LANGEMEIER: Okay. Then I have no further questions. [LB641]

SENATOR CHAMBERS: Okay. [LB641]

SENATOR LANGEMEIER: I guess my questions were going to be...since he had not read it...the floor amendments that Erdman, Senator Erdman, has offered, FA117, FA118, FA119, FA120, FA121, FA122, he thought were going to be technical-type in nature. And I've read them, and they look to be technical in nature; however, I have not gotten fully through AM1398, which, I have read AM1386. I would agree that they're technical. Any bill that comes out here that's got 21 amendments offered by a number of people, with technical amendments, and they're not offered as a filibuster, I think this bill should be sent back to committee. I appreciate what they've done, but when you have this many offerings...and most of them are technical. Some are, by far, not technical. Some are, I would deem, highly hostile. I don't see why a vote on this would be necessary today, let alone skip some of these amendments. I think it's crucial that we actually read them, we make good judgment. We're all here today because we rushed LB1024 through last year. And with that, I think we need to take a step back, take the time, read these, and do this right for the first time on a bill we've dealt with now for the second time. Thank you, Madam President. [LB641]

SENATOR McDONALD: Thank you, Senator Langemeier. Senator Carlson, followed by Erdman. [LB641]

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SENATOR CARLSON: Madam President, members of the Legislature, I simply want to make a statement concerning this issue, maybe for the record. And I'm very interested in supporting and moving forward on a bill that is going to provide better opportunities to get back to the number one objective for the Legislature in terms of education, and that is approving policy that encourages an opportunity for every student in Nebraska to be able to receive a quality education. Now, I'm making comment about these learning centers, the elementary learning centers, and I think that the only way that these can be successful is, when they're implemented, that the requirement or the desire on the part of students and families to utilize them is so overwhelming that we now have a budget problem. And if it's not that way, it's not worth the time that we're spending on it. And I simply bring this up because a lot of times we talk about good ideas and we talk about, this might work, and that might work. But if these elementary learning centers in fact, because of parental involvement that either bring or make sure that their children take advantage and attend them, that's what's going to make it successful, and if it does, and if there's just a flood...and we've been talking about water; I hope there's a flood of students to these learning centers, so that it creates such a problem as to how we're going to staff them and how we're going to carry out, that's the way it's going to be successful. I think that would be the case if it works. And if it works, it's going to involve more money. But if the more money helps bring better opportunities for students in Nebraska to receive a quality education, then it is worthwhile. Thank you, Madam President. [LB641]

SENATOR McDONALD: Thank you, Senator Carlson, and that was your third time on this amendment. Senator Erdman. [LB641]

SENATOR ERDMAN: Madam President, is Senator Ashford...I don't see him. [LB641]

SENATOR McDONALD: Senator... [LB641]

SENATOR ERDMAN: Go ahead. I don't think he's...there he is. Senator Ashford, would you yield to some questions so that I can understand what I believe is a part of the amendment that you may have some knowledge of? [LB641]

SENATOR McDONALD: Senator Ashford, would you yield to Senator Erdman's questions? [LB641]

SENATOR ASHFORD: Thanks for the credo, Senator. [LB641]

SENATOR ERDMAN: (Laugh) That's a big... [LB641]

SENATOR ASHFORD: Might is about as good as it gets with me. [LB641]

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SENATOR ERDMAN: That's a big assumption there, Senator, but I... [LB641]

SENATOR ASHFORD: Thank you for that, though. [LB641]

SENATOR ERDMAN: ...think you're due the respect. [LB641]

SENATOR ASHFORD: Thank you. [LB641]

SENATOR ERDMAN: There's language in AM1398 and then also in AM1386 that deals with the learning council assisting the planning commission. I know your background probably is the inspiration for some of this. I'm wondering--and maybe I'm wondering out loud, and I glad you're here--why this is in here and why this is an appropriate authority to be given to a board overseeing educational policy, when this can be a very specific and very complicated area of law or area of planning. So if you would respond to that. [LB641]

SENATOR ASHFORD: Thank you, Senator Erdman, and let me tell you why specifically it's there. The problem is the mobility of poverty students from school to school to school during the school year, which takes them out of their learning environment, puts them into a new learning environment. That's one of the motivators for this language. The problem...and for the most part, that kind of thing happens when a child...either a mother is evicted or their housing arrangements change, and they can be for a variety of reasons. That's one of the thoughts that we had. Secondly, because we have such a segregated community as far as race is concerned, the idea was, if this...the information that's gathered by the subdistricts and the council could be helpful to the city planning department, county planning department--Sarpy, Douglas County--in developing plans for affordable housing. And I think that's about as far as it goes. Certainly the learning community would not, in and of itself, develop those types of housing options, but it...knowing the information is helpful, I think, and because I think that's where the tie-in is, is the children not staying in the same home or moving, and then just the general segregation of housing, segregation of populations in north...black population in north Omaha has been a problem, and that was the reasoning behind it. [LB641]

SENATOR ERDMAN: And Senator Ashford, I appreciate that. I guess, give me an example of what the alternative would be. As I understand planning in my professional life and as I go out and look at zoning jurisdiction or zoning designations, we can change a designation in a certain area and say that this is now zoned multifamily residential. There's properties that are currently there that will be grandfathered in. That change doesn't happen overnight. You're talking about long-term, long-range plans. [LB641]

SENATOR ASHFORD: Correct. [LB641]

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SENATOR ERDMAN: Some of these plans would probably be for areas being developed in suburban areas. Is that... [LB641]

SENATOR ASHFORD: Yes. [LB641]

SENATOR ERDMAN: ...what you're talking about? And if that's the case, does it need to be in here? Aren't those people at the table now, or do you believe it needs to be coordinated with what is going on in this bill? [LB641]

SENATOR ASHFORD: It does need to be coordinated. In my opinion, Senator Erdman, working in housing for a number of years, in the affordable area, that there simply are not options available throughout the community for affordable housing, and whether it's Sarpy or Douglas, it just isn't, does not exist. For the most part, that is because... [LB641]

SENATOR McDONALD: One minute. [LB641]

SENATOR ASHFORD: ...those kinds of developments that are developed do not include affordable housing, for the most part, in their developments. And so I think it's important that the planning commissions start to think about those options, and this would be a good place to start to get those options circulating through those planning boards and planning commissions. Doesn't necessarily change zoning, but it may impact it. [LB641]

SENATOR ERDMAN: But if we're being proactive here, as you are with your elementary learning centers, and you're arguing that that's a proactive step in response to some of the issues, but also going forward to avoid maybe some of those issues that we're now seeing come to light, why wouldn't you make this the responsibility of all planning commissions, including the ones in Lincoln and Kearney and Grand Island? Because I think what you're arguing to me is that because of the poor planning, we've arrived at limited availability. This only applies to Sarpy and Douglas County. I want to understand where you're going, because if you're trying to solve a goal, I think you should try to actually solve it and not just put window dressing on the windows here. [LB641]

SENATOR ASHFORD: It is a statewide problem. [LB641]

SENATOR McDONALD: Time. And thank you, Senator Erdman, and that was your third time. Senator Heidemann. Senator Heidemann? [LB641]

SENATOR HEIDEMANN: Thank you, Madam President and fellow members. I was wondering if Senator Raikes would be available for a couple of questions. [LB641]

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SENATOR McDONALD: Senator Raikes, would you yield to Senator Heidemann's questions? [LB641]

SENATOR RAIKES: Yes. [LB641]

SENATOR HEIDEMANN: I'm still trying to get the state appropriation for the learning community funds straight in my head. We've put a million dollars in there presently for this? [LB641]

SENATOR RAIKES: I'm sorry. Say that again? [LB641]

SENATOR HEIDEMANN: We've put...you're figuring a cost of a million dollars for that right now; is that correct? [LB641]

SENATOR RAIKES: Yes, yeah. [LB641]

SENATOR HEIDEMANN: Okay. Now in future years, how much are we going to put in there? Are they going to come to us? Are we going to look at this and say they need this much money? How are we going to come to the point about how much money we're going to put into that state appropriation in future years? [LB641]

SENATOR RAIKES: Senator, my belief is that it would act much in the way...the same way as other appropriations that you deal with in the Appropriations Committee. There would be a request and we'd go from there. [LB641]

SENATOR HEIDEMANN: Who would give us that request? [LB641]

SENATOR RAIKES: The learning community council. [LB641]

SENATOR HEIDEMANN: Doesn't the Department of Education...won't this go through the Department of Education? Will they come to us and ask us for this? [LB641]

SENATOR RAIKES: I'll have to look a little bit more carefully at the language. I don't remember exactly what it says. Maybe you have it in front of you, so you could remind me. [LB641]

SENATOR HEIDEMANN: I actually...I don't. [LB641]

SENATOR RAIKES: Okay. [LB641]

SENATOR HEIDEMANN: I'm trying to... [LB641]

SENATOR RAIKES: I will try to get an answer for you on that. [LB641]

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SENATOR HEIDEMANN: Okay. I just was trying to get this straight in my head and probably into the record also, about how this is going to take place. I don't have any further questions at this time, but we'll look into this a little bit more, and if we do, we can chat again. Thank you. [LB641]

SENATOR McDONALD: Thank you, Senator Heidemann and Senator Raikes. Senator Ashford, followed by Senator Nelson. [LB641]

SENATOR ASHFORD: Thank you. I'm just going to...if I would give my...not my time, but I'd ask Senator Erdman, in his experience with zoning, and I know you have a great deal of experience in development areas, what should we do? From a standpoint of trying to encourage affordable housing across the state, what would you think would be a... [LB641]

SENATOR McDONALD: Senator Erdman. [LB641]

SENATOR ERDMAN: Thank you for that, Senator Ashford, as you have returned the favor that I did earlier. [LB641]

SENATOR ASHFORD: Yes. [LB641]

SENATOR ERDMAN: I guess you have to start with the question of what is affordable housing, Senator Ashford? Is it apartment complexes? Are they single-family residences? Are they...that's...you have to get into that level of scrutiny. In my area of the state, affordable housing is going to be different than your area of the state. The house I live in, I mean it's...it would pale in comparison to the example Senator Mines gives as far as what an average household...what an average house costs. So I'm wanting to understand what your goal is. I'm not convinced, and if you look at the time line here, the planning commission or the learning community coordinating council will have to work with the planning commission on or before July 1 of the year immediately following the effective date of the establishment of the learning community. By July 1 of '08, they're going to have to have a long-term plan in place to address this issue. I'm not only thinking about what your policy is, but the timing. I need to hear from you why you think that these folks who are going to be elected to this group to oversee school districts aren't going to have enough things to deal with that they need to have this, as well, and that this can't already be addressed through the appointments to the planning commissions, through the city planning departments, through the interested individuals that I know go to a lot of these planning commission meetings, that are interested in the planning issues. I guess I need to hear from you why this is essential or a linchpin for this learning community council to be a part of these discussions, specifically in statute, instead of being as every other citizen would be, an advisor when they show up to the town hall meetings that they have, and discussing these plans. [LB641]

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SENATOR ASHFORD: What I mean...thank you, Senator Erdman. What I mean by affordable housing is relative to the community. It depends upon income levels and programs. What I'm thinking specifically of, Senator Erdman, are the kinds of programs that are funded, for example, by NIFA, by the Nebraska Investment Finance Authority, which does significant work in this area. I'm talking about single-family, talking about multifamily, townhomes, mixed income kinds of developments, replacing low-income housing or project-based housing with mixed-income housing. It is a statewide issue, and it does need to be handled statewide, and quite frankly, NIFA...to be honest with you, NIFA might be the best agency to undertake such a study. There is a study going on in Omaha, conducted by the Omaha Chamber of Commerce regarding a design or redesign of certain older sections of the city, and I think NIFA is involved in that. I mean, I'd be happy to sit down and think about a better way to maybe approach this issue. It is part of the overall problem, having access to affordable housing, and also the ability...the other key part here, and this is a...I appreciate your questions about this, because it's something I think about a lot, is the example of someone in poverty that wants to go work out in La Vista or at PayPal or one these places, and there are no options for affordable housing or very few options for affordable. To them, affordable housing would be some sort of... [LB641]

SENATOR McDONALD: One minute. [LB641]

SENATOR ASHFORD: ...subsidized housing. It is a big chore for the learning community coordinating council to do such a plan, or even for the planning commissions to do such a plan. But somewhere in this bill I think we need some, at least some intent language or direction to the cities involved, that they start looking at affordable housing as a part of the overall solution to education, because if we're going to integrate the schools in Omaha over time, we're going to have to have further options. And I'd be happy to...love to work with you on trying to find some language that might be better suited to get at the problem. Thank you. [LB641]

SENATOR McDONALD: Thank you, Senator Ashford. Thank you, Senator Erdman. Senator Nelson, followed by Senator Pirsch. [LB641]

SENATOR NELSON: Thank you, Madam Chairman, members of the body. Is Senator Raikes on the floor for a few questions? [LB641]

SENATOR McDONALD: Senator Raikes, would you yield to Senator Harms's (sic) questions? [LB641]

SENATOR NELSON: Oh, he is here. [LB641]

SENATOR RAIKES: Yes,... [LB641]

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SENATOR NELSON: Senator, thank you. [LB641]

SENATOR RAIKES: ...even Senator Nelson's. (Laugh) [LB641]

SENATOR NELSON: Occasionally I hear references to accountability, going back to LB1024. Could you just briefly outline what the problems were...what types of problems were seen with accountability from the various districts, and how this learning community council would resolve those, in your estimation? [LB641]

SENATOR RAIKES: Okay, Senator, and I don't know that I would describe it necessarily as problems with accountability, in the sense of that it's clear evidence that there was money not being handled correctly or any...I don't know of anything like that. But what I think was the issue and was the concern is that when you, through the aid formula, provide a school district funding to serve poverty students or English language learner students, under the current formula and the way it has been, that's sort of the end of the story. The money is there, we're assuming it goes for those kinds of programs, but there's no real evidence that that's what happens. With LB1024 there was an explicit provision put in that you apply for poverty funding as a school district, you can specify the amount you want, and once you do that, you proceed with your plan, go through the year. At the end of the year, it's your require...you are required to account that you did, in fact, use the money the way you had planned. In...now that was a part of LB1024. In this proposal, the learning community council becomes involved in that, because the learning community subcouncil is involved in approving poverty and LEP funding for the school districts that are located in that election district. Under LB1024 it was simply the Department of Education that did the accountability. In this proposal, the local subcouncil of the learning community is involved. So in a sense, the accountability is brought to a more local level in this proposal than what it was under LB1024. [LB641]

SENATOR NELSON: So under this proposal the school board from a particular district will submit a plan as to what they need and the funding that they need, and is this what you're talking about as far as then the subcouncil saying yea or nay in approval of that? And even if they do that, then is there further accountability as far as it's being used as the plan provided? [LB641]

SENATOR RAIKES: Yes, there is. Two points: One, statutorily it's spelled out what particular issues need to be addressed in the submission of that poverty plan when it's submitted, and that's what would be passed on by the learning community subcouncil. And then at the end of the year, there would be an accounting of how the money that was received for poverty was actually spent, to show that it was spent in a manner consistent with the plan presented. [LB641]

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SENATOR NELSON: All right, thank you. One other question about the provision for the executive administrator, I guess, if that was the term of the... [LB641]

SENATOR McDONALD: One minute. [LB641]

SENATOR NELSON: ...learning center. We're talking about at least three learning centers--you know, one in north Omaha, one in south, and perhaps one other location. Now there would be an executive director for each one of those, rather than over all three? Is that your understanding? [LB641]

SENATOR RAIKES: This is my understanding, and the requirement is one per...no more than 25 elementary schools that serve students that are at least 35 percent poverty or free and reduced lunch students. [LB641]

SENATOR NELSON: All right, thank you. If I have any time left, I will give that to Senator Erdman. [LB641]

SENATOR McDONALD: Fifteen seconds. [LB641]

SENATOR ERDMAN: (Laugh) Thank you, Senator Nelson. Have wonderful day. [LB641]

SENATOR McDONALD: Thank you, Senator Erdman. Thank you, Senator Nelson. Senator Pirsch. [LB641]

SENATOR PIRSCH: Thank you very much, Madam President, members of the body. And I thought I was bad when I yielded 40 seconds there to Senator Adams. But I would extend that same courtesy to my good fellow Senator Erdman, if he would like to make some more comments or ask some more questions. [LB641]

SENATOR McDONALD: Senator Erdman, would you yield? [LB641]

SENATOR ERDMAN: Do I have 44 seconds, Madam President, or do I have... [LB641]

SENATOR McDONALD: 1 minute and 33 seconds...4 minutes--I'm sorry--33 seconds. [LB641]

SENATOR ERDMAN: You're very generous, Senator Pirsch. Senator Ashford, I appreciate your comments, and I'm trying to think through this strategically, not just from the standpoint of, there's a problem, let's solve it. I candidly think that the more that you put on the backs of this council, at some point it's going to break. What I don't want to have happen is that we put--and you're welcome to engage in this dialogue, Senator Ashford, as a question--but I don't want to have a situation where we try to solve all of

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the problems at once. I would think that it would be measured to say we know these issues are there. Those are the causes. You're pointing out the causes that have arrived at the situations that you see in certain parts of Omaha. I don't think you can solve those in the short term, but what I'm hopeful is, is that you can give me the rationale about why these people, again, need to be statutorily obligated to assist in doing this type of planning. I need to hear that from you, because I think, candidly, this bill becomes better if this amendment or if this section is not in here and you allow them the opportunity to work through the issues we've given them and then come back maybe, after time, and figure out where this needs to be fully placed, and whether or not NIFA, which does the low-interest loans and the first home buyer programs--a lot of those things--is the appropriate mechanism. Planning is a part of this, but I will tell you from my experience, it's not the availability of the property, it's the availability of the resources to afford it, and so it's a two-edged sword. You need to have the home, but you also have to be able to afford it. This, you're just talking about creating the plans, zoningwise, to do it, and you're more than welcome to respond. [LB641]

SENATOR McDONALD: Senator Ashford. [LB641]

SENATOR ASHFORD: Thank you. How much time do I have? [LB641]

SENATOR McDONALD: Two minutes and forty-two seconds. [LB641]

SENATOR ASHFORD: I thought it was just a (inaudible) time. Thank you, Senator Erdman. Actually, Senator Erdman, I think this is a good discussion, and I would feel very comfortable in approaching NIFA or assigning NIFA...I think NIFA really is the agency that has the background, the data across the state to address issues like this in a way that could be helpful to the Legislature in the future, to determine whether or not there's a statewide policy change that needs to occur, or some sort of a direction that we need to give to communities, not just in Omaha, but in other communities in the state. There are, I think, 80-some housing authorities across the state of Nebraska, and there are small housing authorities and larger ones, and they have everything from a four-plex to 4,000 units in Omaha. So it's...I would be very happy, and even to the point of suggesting we look at it over the summer with NIFA, Senator Erdman, to see if there's some sort of way to handle this. I'm not wedded to the idea of it being in this bill, Senator Erdman, but I do think that...and it certainly is not a linchpin of the bill, but it is part of the...as you say, part of the problem and it needs a solution. So I'd give your time back, but I think NIFA, my experience in working this area for ten years or so, would be the appropriate agency to deal with some of these questions. [LB641]

SENATOR ERDMAN: And Senator Ashford, you have NIFA, you have your AD housing authorities, you have a number of groups out there. What so far we've been talking about are finding solutions to the symptoms, and we haven't really found a cure. You're talking about trying... [LB641]

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SENATOR McDONALD: One minute. [LB641]

SENATOR ERDMAN: ...to find...what I believe you're telling us is a cure--moving folks into these communities where they would live, where they would re-create the community to have the balance that you would want to have. I think this is problematic from the standpoint of, all the other responsibilities that...we only know that there's one learning community that's going to be established--it's going to be the one in Douglas and Sarpy County. This is item 15 of all the things that they're supposed to do immediately upon the organization. I'm just concerned that you continue to put things in the list that takes away from what we believe we're solving, and that is the coordination, the educational opportunities, those immediate things that need to be addressed, and then these are things that need to have some thought and analysis done with the appropriate people at the table, not just picking the learning community council as the obvious choice and saying, congratulations, you drew the straw. That's my concern with this process, and we can continue to discuss it, whether it's on this amendment or off the mike or whatever. But I have a concern using this mechanism... [LB641]

SENATOR McDONALD: Time. [LB641]

SENATOR ERDMAN: ...to try to accomplish it. Thank you, Madam President. [LB641]

SENATOR McDONALD: (Visitors introduced.) Seeing no more lights on, Senator Raikes, you're recognized to close on your amendment, AM1398, to AM1386. Senator Raikes. [LB641]

SENATOR RAIKES: Thank you, Madam President, members of the Legislature. Again, thank you for the discussion. I think there are a number of very good points that have been raised and a lot of information shared. I much appreciate that. This amendment, again to remind you, deals with some technical corrections and also some changes in the language regarding diversity and open enrollment. I would urge your support. Thank you. [LB641]

SENATOR McDONALD: Thank you, Senator Raikes. You've heard the closing on the amendment. The question is, shall AM1398 be adopted? All those in favor vote aye; all opposed vote nay. Record, Mr. Clerk. [LB641]

CLERK: 33 ayes, 0 nays, Madam President, on the adoption of Senator Raikes's amendment. [LB641]

SENATOR McDONALD: The amendment has been adopted. [LB641]

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SPEAKER FLOOD: Before we move to the next amendment, Mr. Clerk, are there items for the record? [LB641]

CLERK: Just one item, Mr. President. New A bill, LB653A. It's by Senator Raikes. (Read title for the first time.) (Legislative Journal, page 1708.) That's all that I had, Mr. President. [LB641 LB653A]

SPEAKER FLOOD: Senator Avery, would you please come to the front. Senator Avery? I am making a change to the ordering of amendments, pursuant to several discussions with members of the Legislature. Instead of going to AM1380, which was offered by Senator Gay, we shall instead now at this time go to AM1401, offered by Senator Avery. Following AM1401, we shall then proceed to AM1408, offered by Senator Cornett. Mr. Clerk. [LB641]

CLERK: Senator Avery would move to amend Senator Raikes's amendment with AM1401. (Legislative Journal pages 1708-1710.) [LB641]

SPEAKER FLOOD: Senator Avery, you're recognized to open on AM1401. [LB641]

SENATOR AVERY: Thank you, Mr. President. AM1401 is an amendment that would address the governance issue which, as most of you know, is the one aspect of LB641 that has caused the most difficulty. What it does is it changes the makeup of these learning community coordinating councils, the subcouncils. You would continue to have 18 members, but 6 of those members would be appointed from the school boards, the 11 school boards. The other 12 members would be elected. You would have two elected per district or per subcouncil. The manner in which the elected members would be voted on would be a form of limited voting, where one...each voter would be able to vote for one person, but two would be elected. I have circulated a document that will explain how this kind of voting works. It is entitled, "Hypothetical Example of How Limited Voting Might Work," and what this does, it illustrates how that when you have limited voting and you increase the difference between the number of seats and the number of votes, then you increase the opportunities for a minority group to gain representation. So in the original bill, I believe it's two votes for three positions; in this amendment it would be one vote for two positions. The other member of each subcouncil would be representatives of the 11 school districts. This gives the school districts an opportunity to participate in the governance structure. This has been one of the biggest issues that has caused us to get stuck and not experience a whole lot of movement. This is in the spirit of compromise, giving the school districts an opportunity to have a member on each of these subcouncils, giving them a role with a vote. I do not address anything other than the manner in which these subcouncils would be constructed and how they would be elected. The amendment addresses how vacancies would be dealt with. Essentially, any vacancies that would occur would be filled by the

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11 school districts getting together and selecting persons to fill those vacancies. This seems to be a compromise that everybody can live with. It's not wholly satisfactory to everybody, but as I've said many times on this floor, that's the nature of compromise. Not everybody is happy, but nobody is completely unhappy. I urge you to advance AM1401 or to attach it to AM1386, so we can move forward to discuss other aspects of LB641 that other people want to talk about. Thank you, Mr. President. [LB641]

SENATOR AGUILAR PRESIDING

SENATOR AGUILAR: Thank you, Senator Avery. Those wishing to speak are Senator Ashford, Senator Gay, Adams, Flood, and Pahls. Senator Ashford, you are recognized. [LB641]

SENATOR ASHFORD: Well, thank you, Mr. President. I don't have a whole lot to say, other than to thank Senator Avery for his efforts in this matter. I think this is a concept that the...ideas that we've been talking about in the committee for several weeks, about how to bring the schools more directly into the process. Senator Avery, with his background in political science, has offered this amendment to us. I think it's well thought out. It gets us to a conclusion of the governance issue...get back to talking about some of the issues in Sarpy County and maybe some of the other learning gap issues that we may want to discuss. So I applaud Senator Avery and urge the adoption of AM1401. [LB641]

SENATOR AGUILAR: Thank you, Senator Ashford. Senator Gay, you are next and you are recognized. [LB641]

SENATOR GAY: Thank you, Mr. President. I rise in support of this...we would call it compromise, because that's what it is. We've handed out a sheet here for you that pretty much would give you just an indication. This is nothing that would be...this map would be nothing that's in stone, but just so you can get a visual of how this would happen is, if you divided into six districts, what Senator Avery's compromise is, is it allows for what I wanted, would be some school board representation on this board. You'd have two elected people and one school board member appointed. The school board members in those subdistricts would caucus and choose one representative to speak for school boards in their districts. So if you take...look at D4, let's say--it has Bennington and OPS in there, a little bit of Elkhorn, as well. Whoever those representatives are in there, they'd caucus and pick one of their representatives to serve on the board. The other two would be in an election. So the districts would be drawn up according to population and election law, basically. So this is a compromise, like I say. I think you should ask questions and find out what's happening. I think when you look at this, if a subdistrict, let's say it's D1, would be one of these subdistricts that Senator Raikes talks about, and we have time to work on these and understand this. This only deals with the governance issue. But let's say the D1 subdistrict decides

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they're going to open the learning center there. Those three people are in charge of the learning center--two elected and one appointed, is the way I understand this. So they would then work to help run that. They also...they would report to the learning community coordinating council executive board and still need approval from the board to open the schools and do what they want to do in that subdistrict, is the way I understand this. So there is representation. Down in our area, if I lived down in D3, my representatives would be able to hear what's happening on the executive board. I'd have three members representing constituents, and they would decide, you know, does this make any sense? No money is spent unless the executive board decides to appropriate the funds. So there is representation here. I'll be honest. Was this as much as I wanted? I'd like all school board members, but I think there's some merit to the elective process that we're looking at, and that's what Senator Avery has discussed with me, and that is compromise. There's some good and some bad. I think that people would be represented in the suburban districts, and you would focus on your own subdistrict, but yet you'd have overall say in what's going on in the learning community council. So with the common levy and all that, you'd still have, under this case, it would be 18 members. They'd still be looking at how those dollars would be spent in each subdistrict. So it's kind of one group watching the other a little bit, and as we discuss this a little more, we look forward to any questions that may arise. Thank you, Mr. President. [LB641]

SENATOR AGUILAR: Thank you, Senator Gay. Senator Adams, you're next, followed by Senator Flood. [LB641]

SENATOR ADAMS: Thank you, Mr. President, members of the body. When Senator Avery first brought this compromise to my attention, I must admit my parochialism and my personal interest in what we passed on General File caused me to take a cynical view of this. I've changed my mind. When we created the learning community coordinating council, it is my opinion that we had at least three things in mind for that governing body. One, we had to have some way of coordinating 11 school districts, some of the largest school districts in the state. We had to have a way of coordinating them, and I personally...I believed we needed an overarching structure. I didn't think we could continue with business as usual. Secondly, there needed to be some local control. I said it the other day on General File--I'm going to say it again: Many of our schools in Nebraska, we take a great deal of pride in the success they have, because of the local control, the commitment of the neighborhoods and the families to a school district, knowing who your school board members are, knowing who you can talk to when things aren't going well. Pretty tough to do that in a district the size of these, and particularly of Omaha. I felt that we needed the 18 districts so that we could have that local control, or excuse me, the 18 members in the 6 districts. Minority representation--if we would have just said, choose one school board member from every school board and that's going to be the coordinating council, I ask you, how much minority representation would be on that coordinating council? Now someone can say, well, it doesn't matter what structure

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we put together, there's never any guarantee that minorities will be represented. I agree. But we can improve the probability and we have to. The language in the bill right now creates that 18-member coordinating council, 3 from each district, 6 districts, meeting the standards of the Voting Rights Act, the Equal Protection Clause in the way that they would be drawn, using limited voting so that you improve the probability of minorities being elected to this coordinating council. This will do the same. This will do the same. It's compromise--you all know that. I tell you what: If I've learning nothing else about being in the Legislature in the last few months, it's the marvel of how things can happen when you compromise. But I will tell you, for me personally, when it comes to governance, I don't think we can compromise any more. To compromise any more, in my opinion, will destroy the very things we have been after in our attempt to coordinate, to create some local control, and to make sure that we have diversity of representation on that board. I don't believe there's any more compromise in the area of governance. I hope you'll vote in favor of this amendment, because this bill is loaded with good things, and not that this discussion hasn't been important, but honestly, I think it's time that we move on to the other portions of this bill that are probably--not probably--that are... [LB641]

SENATOR AGUILAR: One minute. [LB641]

SENATOR ADAMS: ...more important than governance. Thank you, Mr. President. [LB641]

SENATOR AGUILAR: Thank you, Senator Adams. Senator Flood, you are next and recognized. [LB641]

SPEAKER FLOOD: Thank you, Mr. President and members. I haven't spoken yet today, in part because I wanted to watch the Omaha area senators discuss the school system that they love and that they represent. I have a lot of respect for the senators in here that have given of their own time, both rural and urban, to understand the problems that the metro area confronts daily with regard to poverty, with regard to truancy, with regard to English language learners. We have those similar problems across the state, in pockets. What I'm very proud of is that the Legislature has done its job today, and we have seen movement from one side to another and from one side to another, to meet in the middle. This is an opportunity for us to get past the governance issue, look at the rest of the bill, and move something to Final Reading. I understand there's more work to be done. I understand there's issues about financing and Sarpy County boundaries and certificated teachers and on and on and on. But what we have here is movement. And I want to thank Senator Chambers and Senator Raikes, because trust me--and I've told Senator Raikes--he could frustrate somebody in a coma. (Laughter) He's tough to move. But he's watched this process unfold, and I think he's listening, he's reading about it. He's listening to what people have come to the Legislature and said, and they're willing to go down this route. We can't love this to death on the floor today. We

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need to adopt it. We need to move on. We have issues like funding, Sarpy County boundaries, tentacle amendments to get to, and I think the work of the Legislature will be seen very positively by our citizens, because we are celebrating a compromise, and that's what we're sent here to do. Not to compromise our principles, but to move where possible, when possible. Thank you, Mr. President. [LB641]

SENATOR AGUILAR: Thank you, Senator Flood. Those waiting to speak are Senators Pahls, Erdman, Schimek, and Howard. Senator Pahls, you are recognized. [LB641]

SENATOR PAHLS: Thank you, Mr. President, members of the body. I too do not want to do business as usual. I want to hold the superintendents and the Board of Education members to task. I want them to be doing their job. I want to make sure we make Omaha Public Schools whole again. I want us to make sure that we provide the monies that they need. But I thought I would just give you a little bit of a rundown in the Omaha area. There are 72 school board members in these 11 different school districts. I did poll and get the results from about 49 members, so I just want to describe some of these people, these people who really are interested in helping the children. I mean, sometimes I think I'm hearing it on the floor. And notice the makeup: 26 men...of the 49 that I did out of the 72, 26 men, 23 women, 45 Caucasian, 3 black, 1 Hispanic, and average 9 years of service. Just their education--they have 23 bachelor's, 14 have bachelor's plus, 7 have 2 years of college, 5 have no degrees. And these really unique people out there that we're talking about, they're retired teachers, they own businesses, we have some attorneys, we have a police officer, we have physicians, we have homemakers and parents, we have managers, we have executive directors, we even have a former principal, and we have secretaries. Now these same people who are making some of these very important decisions for us are church members, volunteer firemen, band boosters, PTA members, and they have an endless list of community involvement, of areas that they are involved in the community. And another thing I just wanted...in the Omaha school system, which there are 12 school board members--and I think this is relatively unique--10 women, 2 men, 2 African-American, and 1 Hispanic. So when you take a look at some of these numbers, it is a little surprising. I truly believe that these individuals are trying to make things work. If they haven't in the past, let's hold them to task. I see the governing structure just one part--not trying to dismantle it. I think we need to take a look at that, because we do have an awful lot of people who have been working to make schools better, and now I think we're providing them more and more direction. If I could have Senator Avery yield. [LB641]

SENATOR AGUILAR: Senator Avery, would you yield to a question? [LB641]

SENATOR AVERY: I will. [LB641]

SENATOR PAHLS: Senator, I'm reading the sheet that you handed out, this example of how limited voting might work. I'm just curious--I'm just going to read a couple, and then

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maybe you could help me. Towards the bottom of the page you say, the main conclusion is that the odds of a minority candidate winning a seat are much greater with a limited voting, and then you go on to say, without limited voting the majority of the 62.5 percent whites might go to the white candidate, making it very difficult for a minority candidate to win a seat. And then a little up, about in the middle of the page, would you just explain your example that you...so I would have a better understanding of it? [LB641]

SENATOR AVERY: Well, what you're looking at here is a model, a hypothetical model, of how... [LB641]

SENATOR AGUILAR: One minute. [LB641]

SENATOR AVERY: ...a limited voting formula might work. That last sentence you pointed out here--that's without limited voting. If you didn't have limited voting, then the 62.5 percent white voters would probably all vote in white candidates. But if you have limited voting, where the...you only get one vote but you're electing two positions, the chances are very good that you will empower, in this example, that 25 percent of the electorate that is black, because if they put up one candidate, they've got a good chance that they're going to get that candidate elected, because let's say you put up three white candidates, and they're going to get their vote from the 62.5 percent of the constituency that is white, and they'll split those votes. Maybe one of those will get elected, but you're almost certain that you're going to get a minority candidate elected. [LB641]

SENATOR PAHLS: Okay, so that goes along with the second paragraph; is that basically...am I... [LB641]

SENATOR AVERY: Yes. This is all just hypothetical. [LB641]

SENATOR PAHLS: Right. I understand that. [LB641]

SENATOR AVERY: The key thing is...let's say you're talking about north Omaha. [LB641]

SENATOR AGUILAR: Time. [LB641]

SENATOR AVERY: Thank you, Mr. President. [LB641]

SENATOR PAHLS: Thank you. Thank you. [LB641]

SENATOR AGUILAR: Thank you, Senator Avery and Senator Pahls. Senator Erdman, you are next and recognized. [LB641]

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SENATOR ERDMAN: Mr. President, members of the Legislature, I visited with Senator Avery about this, and it's just probably something, the voice in the wilderness, that probably needs to point this out: Under this amendment, the representatives would be...12 of them would be directly elected by the voters in the 6 districts that are there; the other 6 would be appointed by the individual school districts when they caucus or however they set this process out. If you look at the map that Senator Gay passed out, you'll notice that except for the Omaha School District, every school district is a Class III. In Section 79-520, Class III school board members, except the secretary, shall not accept or receive compensation for their services in discharging the duties of his or her office. So if this amendment gets adopted, we'll probably need a technical amendment to come along behind in this section of law, 79-520, and put an exception or clarify that exception, that it's the secretary or a member of a learning community council, so that way it's clear that if these individuals are going to serve, and it's the intent of the Legislature that they receive \$200 per diem for their official duties that they're discharging, and the only reason that they got elected to that position is because they are a school board member, I think logically you have to assume or apply that to this statute. So we'll probably have to address that in a technical amendment. I've shared that with Senator Avery. It appears, just on initial read, that this is getting closer to where the body wants to be. I think the key point of all of this is, is regardless of how the folks are elected, that they are elected, that those people have direct accountability to somebody, whether it's the voters directly in their districts of the learning community coordinating council or directly to the people that they're representing, either to the school boards or ultimately to the people who elected them to that school board. So I think that is a positive for the accountability to the voters and to the people that will be in this community, because they'll be levying taxes and other things. But I just wanted to rise and point that technical issue out. I'll give this to Senator Avery for his record, but you can't amend this amendment, so this amendment would get adopted, and then at some point later, I believe Senator Raikes is working on a number of technical amendments. This possibly could be rolled into that. Thank you, Mr. President. [LB641]

SENATOR AGUILAR: Thank you, Senator Erdman. Senator Schimek, you are next and recognized. [LB641]

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. I'll be brief. I've had concerns all along about the limited voting provision, because to me it seemed anti-democratic, in the sense that individuals would be voting for one or two people out of three--actually two people out of three--and they wouldn't be voting for the third person who was going to represent them. But having said that and having thought a great deal about it over the weekend and had discussions with people, I think maybe that it is workable and that it will produce a result that we want, and the result that we want, of course, is to have representation from all segments of the community. I think Senator Avery's idea is good, because I think it brings in the experience of the existing

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school boards. My only concern is, I don't know that we can predict what the results of this limited voting will be. Part of it depends on how the districts are drawn, whether the black community, for instance, is put all into one district, or whether it's split into two districts. The same could be said true with the south Omaha area and the Hispanic districts. But I really, truly would like to see representation, good representation from both of those communities. The added bonus is--and I don't know exactly when we'd be having these others appointed, if you will, by the existing school boards--the added bonus is you could try to balance for different ethnic groups, once the elections had been held. Maybe I should ask Senator Avery a question, if I might, Mr. Chairman...Mr. President. [LB641]

SENATOR AGUILAR: Senator Avery, would you yield, please? [LB641]

SENATOR AVERY: I will. [LB641]

SENATOR SCHIMEK: Senator Avery, I've been working on some other things and haven't actually looked at the language of your amendment at this point. What's the date for doing this appointment or election, however you want to term it? [LB641]

SENATOR AVERY: I've lost the page of my amendment, but I believe it is January 1, the first Thursday after the first Tuesday of January. So it's not January 1. [LB641]

SENATOR SCHIMEK: Okay, so that would be after the general election, after the other 12 members are chosen? [LB641]

SENATOR AVERY: And before primaries. It's the first Thursday after the first Tuesday in January of the next odd-numbered year. Is that sufficiently confusing? [LB641]

SENATOR SCHIMEK: I've got to think this through, because I thought that the elections were going to take place in the even-numbered year, right? [LB641]

SENATOR AVERY: I think what this is, is that yes, you would have...the elections would take place prior to this, but this is... [LB641]

SENATOR SCHIMEK: In the even-numbered... [LB641]

SENATOR AVERY: ...specifically for the appointments. [LB641]

SENATOR SCHIMEK: And that would be, then, the following January, following that general election? [LB641]

SENATOR AVERY: Right. [LB641]

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SENATOR SCHIMEK: Okay, about the time that they are supposed to meet as a coordinating council, right? [LB641]

SENATOR AVERY: I think so. [LB641]

SENATOR SCHIMEK: Okay. I'll have to check those dates. But I... [LB641]

SENATOR AVERY: The Bill Drafting Office thought this was important language to have in here, to make it clear when that transition would take place. These are elected board members who will be appointed to these subcouncils. [LB641]

SENATOR AGUILAR: One minute. [LB641]

SENATOR SCHIMEK: Correct, but that coordinating council will be meeting for the first time about that time, and I'm just thinking, would there be any benefit in having those chosen a little bit earlier? But I'm going to check the dates on both, as to when the first council is actually...comes into being, when they take office. [LB641]

SENATOR AVERY: And I will consult with committee staff, too, to find out... [LB641]

SENATOR SCHIMEK: Okay. Thank you very much. [LB641]

SENATOR AVERY: ...and get you a little bit more on that. Thank you. [LB641]

SENATOR AGUILAR: Thank you, Senator Avery and Senator Schimek. Senator Howard, you are next and recognized. [LB641]

SENATOR HOWARD: Thank you, Mr. President and members. If Senator Avery would be willing to yield to a question or two. [LB641]

SENATOR AGUILAR: Senator Avery, would you yield to a question? [LB641]

SENATOR AVERY: I will. [LB641]

SENATOR HOWARD: Thank you. In looking at the map that you have drawn here, which is for the learning community coordinating council executive board, this is... [LB641]

SENATOR AVERY: It's not my map, Senator Howard. [LB641]

SENATOR HOWARD: This is what...Senator Schimek is pointing this out. It's actually Senator Gay's map. But I think my question will still apply. What if a school board does not have a member living in an electoral district, and let me give you an example of

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what I'm wondering, and what I'd like clarification on. District 3 has Bellevue, Omaha Public Schools, La Vista--Papillion-La Vista--and South Sarpy. For example, what if South Sarpy had no board member living within the district. Would south Sarpy County then have no representation at the caucus to select a school board representative on the learning community council? [LB641]

SENATOR AVERY: The way the amendment reads is that all the board members--I think there are 72 of them--in all 11 schools districts would caucus, would meet and select--note I use the word "select," not elect, but select, however they wish to do that--select 6 members to represent them on each of the 6 learning subcouncils. [LB641]

SENATOR HOWARD: So they wouldn't have to live in those subdistricts? [LB641]

SENATOR AVERY: No. [LB641]

SENATOR HOWARD: All right. Well, that's... [LB641]

SENATOR AVERY: Now that's an issue that has come up in some off-mike discussions. It is my belief that since they're already elected to the school boards, that we don't run into any difficulties with the Voting Rights Act, because the school boards, as elected members representing their districts, will meet as a group and then select 6 members from among the whole 72 to represent them on these districts. [LB641]

SENATOR HOWARD: I know there was some confusion over that. I had been under the assumption that they would have to reside in those particular districts, but... [LB641]

SENATOR AVERY: That's not the way the amendment reads, and these districts that you see here, that Senator Gay provided with us, those are not...these are just...this is how it might look. Nobody has decided those district boundaries. [LB641]

SENATOR HOWARD: I'm sure you're correct. [LB641]

SENATOR AVERY: This was to give us something to work with visually. [LB641]

SENATOR HOWARD: I'm sure you're correct in that, in that Fremont is not in Douglas County. These... [LB641]

SENATOR AVERY: Well, that part of Fremont is. (Laugh) [LB641]

SENATOR HOWARD: (Laugh) If these individuals...the 18 people that we will have serving this function, they will all be paid a salary or a per diem? [LB641]

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SENATOR AVERY: That I do not address in this amendment. There is no language in this amendment addressing the funding or the pay issue. But in the amendment that I am seeking to amend, I believe there is language that would provide for \$200 per diem, not to exceed \$12,000 per year. [LB641]

SENATOR HOWARD: That's my understanding, also. My question is whether this would also apply to the school board members. [LB641]

SENATOR AVERY: Yes. But it only would apply to the school board members in their performance of their duties on the coordinating council. So it would be...they wouldn't be paid...being paid for their work as school board members, but for their work on the coordinating councils. [LB641]

SENATOR HOWARD: So then there's a possibility, if you look at this in terms of a maximum amount available of \$12,000, this could amount to \$216,000 per year for these individuals, for this per diem. [LB641]

SENATOR AVERY: As a practical matter, unless you had a learning center... [LB641]

SENATOR AGUILAR: One minute. [LB641]

SENATOR AVERY: ...in your district, you probably would not have that much work to qualify for the \$12,000 cap. You probably may be qualified for only about \$2,000. [LB641]

SENATOR HOWARD: Well, I'd like to believe that's correct; however, I would be skeptical, and I would prefer to look at the possible cost, rather than to assume that this will be less expensive. The last question I'd like to ask you is, this will call for a special election; am I correct in that? [LB641]

SENATOR AVERY: No, not for the...what's going to happen, in November, the preceding year, there will be an election for the 2 members, the 2 elected members of each district, and then after that, the 11 school districts will convene and appoint their 6 members. They would all take office the first Thursday of the... [LB641]

SENATOR AGUILAR: Time. [LB641]

SENATOR AVERY: ...whatever the language is, in January. [LB641]

SENATOR HOWARD: Thank you, Mr. President. Thank you. [LB641]

SENATOR AGUILAR: Thank you, Senator Howard and Senator Avery. Those wishing to speak are Senators Chambers, Janssen, Gay, and Pirsch. Senator Chambers, you

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are recognized. [LB641]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I'm speaking for the record. I think the Legislature is closer at this point than it ever has been, in all of the decades that I've been in this Legislature, to taking some concerted action to deal with very serious educational problems in a comprehensive manner. During all the years that I've been here, I've railed against the segregated schools in Omaha, the deficient education, the achievement gap, the unavailability of adequate textbooks, supplies, teachers with experience--everything in the nature of problems that can beset a school system where innocent children are compelled to attend and be cheated. It was only within the last few months that these superintendents started saying they will talk about the achievement gap. There was even an article in the World-Herald where some of them said it's very embarrassing to admit that that gap exists, but if they acknowledged it, the Legislature might be willing to give them more money. So it wasn't to overcome the achievement gap, because by so doing you treat the children fairly, but they might get more money. Being a person who is results-oriented, whatever their motivation for doing the right thing makes me no difference, as long as a part of that motivation does not include harming children. We have to focus through all of the fog, the smoke, the arguments, the attempts by the Governor, OPS, and their minions on the floor to derail what we're trying to do, and keep our eye on the fact that it boils down to doing what is fair and just for these children. That's all. It's as simple as that--a fair education for children. Let the superintendents continue to have their turf fights, let them continue having those urinating contests--and they're called something a little more vulgar than that--but we, as members of the Legislature, should seize this moment, make the most of this opportunity. There will never be this much momentum again to bring about a change of this kind, and I think we should make the most of it, and I intend to do all that I can to see that we achieve that purpose. Thank you, Mr. President. [LB641]

SENATOR AGUILAR: Thank you, Senator Chambers. Senator Janssen, you are next and recognized. [LB641]

SENATOR JANSSEN: Thank you, Senator Aguilar, members of the Legislature. Looking at the map that Senator Gay has passed out, I see that some of my legislative district is within the learning community in D6, that portion of the Fremont district that comes down into Douglas County. Senator Gay, could I ask you a couple questions? [LB641]

SENATOR AGUILAR: Senator Gay, would you yield to a question? [LB641]

SENATOR GAY: Yes, I would. [LB641]

SENATOR JANSSEN: Senator Gay, does this mean that Arlington School District, which is not in my legislative district, but Fremont certainly is, does that mean that we

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are going to be part of a learning community also? [LB641]

SENATOR GAY: Senator Janssen, the way I understand it, in the learning community, no. This...if I could just, very quickly...Fremont and Arlington are...they do have...their school districts come into Douglas County, but under the learning community, no, you wouldn't be at all in this, the way the bill is written now. So...but that is...Fremont schools come into Douglas County. [LB641]

SENATOR JANSSEN: That's correct. [LB641]

SENATOR GAY: That is. [LB641]

SENATOR JANSSEN: That's correct. They also go into...not into Sarpy County, but Saunders County also. Now...you know, and there's no continuity in the Fremont district with Saunders County. There is a small portion of that district that does go into Saunders County. But I am concerned when I see this, and I'm glad we got that on the record that that would not affect the Fremont Public Schools; am I correct? [LB641]

SENATOR GAY: Yes, you are. [LB641]

SENATOR JANSSEN: All right. Thank you, Senator Gay, and I will give you the rest of my time. [LB641]

SENATOR AGUILAR: Senator Gay, you have 3 minutes and 14 seconds. [LB641]

SENATOR GAY: Thank you, Senator Janssen. Thank you, Mr. President. Again, for clarification let me explain how we did this. This map is correct as far as Fremont, and it's the Fremont with one E, not two. But it is correct, in Arlington they do come into Douglas County. You're going to...just as...you look in D6 where Gretna goes into Douglas County, and Millard comes into Sarpy County. That's the way these school district boundaries are drawn. There's no rhyme or reason, and that's where we got to some of these points. But...and you also see Douglas...OPS comes into Sarpy, as well, in northern Bellevue. So the districts are correct. This is just a guideline of what we wanted to talk about, and when we're looking at this whole thing, I just wanted a visual. When you're putting this thing together on Monday morning, early in the morning, you know, you get some things like this. But the map is correct; it's just...again, it's a visual. These lines could be changed and will need to be changed. How we do that we're working on right now, I assume. But you'd want to get...this is based just on population. Now I assume we'd have to base it...that to me seems simple enough for discussion purposes. But yeah, under...although, I would go back, too, if it's good legislation it could be applicable for other school districts, but in this case, what we're talking about in the learning community, we're talking about now, Fremont and Arlington would not be involved in those discussions or involved in this coordinating council. They wouldn't get

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any...they wouldn't have any membership, they wouldn't be involved. So for the record, we have that. But I did want to just clarify very quickly--do not look at this map and think that this is it. This map would have to be adjusted and changed and worked out. So when we're looking at this, you look at the OPS school district, there's an opportunity where they'd have nine members on this board. They could very well have nine members on the board, because they could go a D1, D2, D4, and you know, actually they could probably pick up one in D3. [LB641]

SENATOR AGUILAR: One minute. [LB641]

SENATOR GAY: So this is what we're working on, and this is the way things are developing as we go, and we're looking to reach a consensus here, so that's kind of where we're at on this. And any other questions, Senator Avery can work on, and we can work this out. But as you have more questions, I just wanted to clarify for the record that's how this map was put together, through MAPA, which is an agency that kind of collaborates with Nebraska and Iowa counties and cities. So they did a very good job and we appreciate them putting this together. So that's how we got to this map. Mr. President, I'm going to shut my light off, too. I just wanted to clarify that. Thank you, Senator Janssen. [LB641]

SENATOR AGUILAR: Thank you, Senator Gay. Senator Pirsch, you are next and recognized. [LB641]

SENATOR PIRSCH: Thank you, Mr. President and members of the body. I wonder if Senator Gay would answer a question or two. [LB641]

SENATOR AGUILAR: Senator Gay, would you yield? [LB641]

SENATOR GAY: Yes, I would. [LB641]

SENATOR PIRSCH: Senator Gay, now you've distributed this map that just shows a hypothetical division of the two-county learning community divided into the six subdistricts, and as I understood that this was...did you draw the lines? [LB641]

SENATOR GAY: No, I didn't, Senator Pirsch. Under my proposal, the amendment, we withdrew, though, what we did. We took the total population and we asked for the map based on total population. So if you look at the 586,000, we just tried to get as close a population figure as we could, so you'd have some idea how this could even work, if we decided to go this route. [LB641]

SENATOR PIRSCH: So in other words, the total population of Douglas County/Sarpy County put together is 586,000; is that correct? [LB641]

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SENATOR GAY: As a...yeah, this is taking the last census data, and... [LB641]

SENATOR PIRSCH: And I don't know if you're...if you've had a chance to look at that part of the bill, but is the method in which the two-county learning community is divided into subdistricts, is that divided...it looks like from your example or the example provided here that there's not equal amounts of population; is that correct? [LB641]

SENATOR GAY: Per district? [LB641]

SENATOR PIRSCH: Yes. For example, D1 is...the first district is 100,000. The second district has 106,000, and so that's on...it goes up to...District 6 has almost 114,000 on the high side, and District 4 in this example is 82,000. Is that what the map is... [LB641]

SENATOR GAY: Right. This is trying to just take a...closest we could get without drawing the lines. This is just a GIS, like an overlay, you put down on a map. That's about as close as you can get. They can get closer, but with the constraint of time we had... [LB641]

SENATOR PIRSCH: Um-hum. [LB641]

SENATOR GAY: ...obviously...this was worked on late Friday through a phone call and this morning. So... [LB641]

SENATOR PIRSCH: Sure. [LB641]

SENATOR GAY: ...I'm working under the same circumstances you are. [LB641]

SENATOR PIRSCH: You bet. My question to you is, as envisioned by the amendment and the bill, does this...does it...what is the method by which the learning community is divided up into six subdistricts? Is it per capita, meaning there should be an equal population base, or as near as equal as possible in each of the six districts? Or is it based upon the number of, say, students in the six districts? Do you know how that is...how the bill expresses itself in that regard? [LB641]

SENATOR GAY: Senator Pirsch, not to evade the question, but I think Senator Avery should discuss that on his amendment, of how that is. I'm reading it as well, but I assume it would be based on population. In order to achieve a good one to one--one person, one vote--I assume it would have to be based on population, so... [LB641]

SENATOR PIRSCH: Well, I appreciate your answer, and I will ask Senator Avery, then, if he'll yield to a question in that regard. [LB641]

SENATOR AGUILAR: Senator Avery, would you yield? [LB641]

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SENATOR AVERY: I will. [LB641]

SENATOR PIRSCH: Thank you, Senator Avery. I wonder if you might be able to answer that question, which is with respect to the method by which the two-county learning community would be divided up into subdistricts. [LB641]

SENATOR AGUILAR: One minute. [LB641]

SENATOR PIRSCH: Is that based on overall population of each district, or is that some other factor, such as number of students within the district? [LB641]

SENATOR AVERY: No, it would have to be based on population, and I believe the Secretary of State has the responsibility initially for constructing such a learning community with districts. They would be based on roughly proportionate population in each district, and that would be about 100,000 people per district. [LB641]

SENATOR PIRSCH: Okay. Well, thank you very much for the answer to that question. I guess with the handout there was some question that arose to my mind, given the disparity. But this is, as Senator Gay pointed out, merely an example and was not put forward for that purpose. So thanks for explaining that. Thank you. [LB641]

SENATOR AGUILAR: Thank you, Senator Pirsch. Senator Nelson, you are next and recognized. [LB641]

SENATOR NELSON: Thank you, Mr. President, members of the body. I would like to address a question to Senator Avery, if he will yield. [LB641]

SENATOR AGUILAR: Senator Avery, would you yield, please? [LB641]

SENATOR AVERY: I will. [LB641]

SENATOR NELSON: Senator Avery, I'm looking at page 3 of your amendment, starting with line 18. I run into a stumbling block with the way that's worded there. Let me ask you, for the record, is it your intent here that there will be one school member appointed from each subdistrict or each election district? [LB641]

SENATOR AVERY: No. The Secretary of State will hold a meeting of all the school board members in the 11 school districts in the learning community, and they will select 6 from among their own ranks to serve on each of the 6 learning subcouncils or the coordinating councils. [LB641]

SENATOR NELSON: So there could conceivably be a district that is left out altogether,

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(inaudible)? [LB641]

SENATOR AVERY: Yes, it is, and it's conceivable that you could have more than one representative from the same district. [LB641]

SENATOR NELSON: So how many school board members are there, 72, something like that? [LB641]

SENATOR AVERY: I think it's 72. [LB641]

SENATOR NELSON: I don't know how that stacks up as divided among the various districts. Is there an average number on each school board, or have you... [LB641]

SENATOR AVERY: It's my understanding that the OPS board is the largest with 12 members. And I don't know what the smallest one is; six? But there are some that are as small as six or seven members. [LB641]

SENATOR NELSON: But the process then would be, there would just be a general meeting and nominations, regardless of where those particular school board members...what school board or what school district they represented, and the school board members who received the majority vote, or the top six vote-getters would be the ones that would serve then? [LB641]

SENATOR AVERY: We don't specify how they do it. It could be that they would caucus. Perhaps...you could have a north Omaha caucus, you could have a south Omaha caucus, a central Omaha caucus, and a west Omaha caucus. I don't know how they would decide to do that, but I thought it was important that we give them a lot of freedom to conduct this under the supervision of the Secretary of State, according to how they think best. [LB641]

SENATOR NELSON: You would just leave it up to the Secretary of State, as far as how the election was conducted, and there would be no specifications, I guess, or requirements that of those appointed board members, one come from D1, one from D2, one from D3, if I understand you correctly? [LB641]

SENATOR AVERY: It would be a...you would have one member that would be appointed to each of the 6 coordinating subcouncils, and they would be selected from the 72 members of the 11 school boards. [LB641]

SENATOR NELSON: So that a... [LB641]

SENATOR AVERY: And how they go about that would be up to them, and that they would do it under the supervision of the Secretary of State, who would convene the

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meeting and supervise it. This would be the only time the Secretary of State would be involved. I believe that under LB641, after that, the Secretary of State is not the person that would supervise this. [LB641]

SENATOR NELSON: But if I understand you correctly, conceivably a school board member from one of the school boards in D6 might be appointed to represent the interests of D1? [LB641]

SENATOR AGUILAR: One minute. [LB641]

SENATOR AVERY: Are you...when you say D6, D1, what are you referring to? [LB641]

SENATOR NELSON: Well, I'm referring to the map, the... [LB641]

SENATOR AVERY: That map is fictitious. [LB641]

SENATOR NELSON: Well, of course it is. Of course it is. [LB641]

SENATOR AVERY: Tim...Senator Gay... [LB641]

SENATOR NELSON: But we have to arrive at six districts here, and whether this...I mean, one way or another the lines might be completely withdrawn. But my point still is, are we saying that there might not be anyone elected from that area designated as D1, and... [LB641]

SENATOR AVERY: No, there wouldn't be any...there would be no requirement that the people who are selected by the 11 school districts represent any particular part of the learning community, except that they would be assigned to, appointed to a specific district--6 members only. [LB641]

SENATOR NELSON: Well, it would seem to me, if we're going to elect 12 from the 6 districts, that at least there should be some continuity and that the school board members... [LB641]

SENATOR AGUILAR: Time. [LB641]

SENATOR NELSON: Thank you very much. [LB641]

SENATOR AGUILAR: Senator Avery, there are no other lights on. You are recognized to close. [LB641]

SENATOR AVERY: Thank you, Mr. President. I think we're all aware that the debate on this issue had reached an impasse, and we were not making headway, and we were

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hung up on the governance issue. I believe that AM1401 offers us a reasonable compromise. It allows the school boards the opportunity to participate in the governance of the learning community, but it also preserves and it even enhances the participation in this governance structure by the communities, in those six districts. I believe this is a reasonable compromise. I would hope that all of you would agree and that we can attach this to AM1386 and move on to the next stage of the debate. Thank you, Mr. President. [LB641]

SENATOR AGUILAR: Thank you, Senator Avery. You've heard the closing on AM1401. All those in favor of the amendment vote aye; those opposed vote nay. Have you all voted that care to? Record, Mr. Clerk. [LB641]

CLERK: 29 ayes, 2 nays, Mr. President, to adopt Senator Avery's amendment. [LB641]

SENATOR AGUILAR: The amendment is adopted. Items, Mr. Clerk? [LB641]

CLERK: Mr. President, Appropriations Committee will meet at 4:30 in Room 1003, their normal room--4:30 still, Senator? Okay. [LB641]

SPEAKER FLOOD PRESIDING

SPEAKER FLOOD: Senator Cornett, would you please come to the front? Mr. Clerk, pursuant to the authority I have as the Speaker in making this the Speaker's major proposal, instead of going to AM1408, we will now proceed to AM1426, offered by Senator Cornett. [LB641]

CLERK: Senator Cornett and others offer AM1426, Mr. President. (Legislative Journal page 1711.) [LB641]

SPEAKER FLOOD: Senator Cornett, you're recognized to open on AM1426. [LB641]

SENATOR CORNETT: Thank you, Mr. President and members of the body. Sarpy County has had for some time--25 years--in law to have school boundaries grow as our community grows. AM1426 does that job of allowing cities and schools to grow together as annexation occurs. Sarpy County is the fastest-growing county in the state. Bellevue, Papillion, Gretna all need room to grow since they are expanding at such a rapid rate. Because of this growth, the amount of new development is up. Many home builders have started developing and plan on continuing to develop if the city and school district grow together. Developers in Sarpy County are reluctant to continue development in the city and school if they cannot grow together. I have talked with developers and real estate agents who have stated that this is a big concern for home buyers. Pages are currently handing out a letter from the mayor of Papillion, James Blinn, who discusses that very issue. All cities in Nebraska except Douglas County have the ability for schools

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to grow with the city. By this amendment, school districts in Sarpy County would be required to a ten-year payment of taxes paid to the school district, relinquishing the annex area as growth occurs. This will allow the school district to build and pay for capital construction, if needed, when annexation occurs. The Bellevue/Offutt community is a very unique district. With a large amount of federally owned land, Offutt Air Force Base has \$300 million annual impact aid, or annual impact in the state. The Bellevue Public Schools are not able to utilize most of the property in its district, in the impact aid formula. Bellevue Public Schools has worked over the last 30 years and will continue to look forward in order to grow and meet the demands of their students. Papillion and Gretna school districts continue to show tremendous housing growth rates. This amendment would help them, also. There has been a lot of discussion on this issue, and I have worked with the Sarpy County senators, and I would like to thank Senators Kopplin, Gay, and Pankonin, and Langemeier. I have also...have included Senator Raikes and Speaker Flood in trying to find a credible and equitable solution for all districts in Sarpy County. I would appreciate the support of this amendment and will be happy to answer any questions. Thank you. [LB641]

SENATOR AGUILAR PRESIDING

SENATOR AGUILAR: Thank you, Senator Cornett. Those waiting to speak are Senators Gay, White, Pankonin, Flood, and Raikes. Senator Gay, you are recognized. [LB641]

SENATOR GAY: Thank you, Mr. President. I rise in support of the amendment. One thing Senator Cornett had mentioned, in a fast-growing county or school district, it's important that schools be built and developers know where they're going. As we look at Papillion...and you have that letter, and I'd encourage you to read through it. This, I think, is a compromise that I would support, and I'm between a little bit of a rock and a hard place here, but my school district has been very good to work with, and there's been some give and take, back and forth, just like everything else in this bill. This has been...I think with the...when a district transferred, that they get ten times the amount of the taxes over those years, it's not like you're just coming in and taking the property from them. You're allowing the city to grow or the school district to grow where they are growing. And a smaller district that maybe isn't growing as much would be compensated, so it's not just a taking. At my request there had been a boundary agreements, which we've had. There's a disagreement on boundaries. As you can see, boundaries are different everywhere you look, and these things, how they come about is...I don't know. I've never been in one of those, why don't we decide, here's our school district boundary is going, until now. So I'm learning as we go. But we have a disagreement on certain parts of our county, and this allows current boundaries that are there in the counties to be solved, yet allow the quicker-growing communities to grow, as well. So I think this takes care of those and takes care of the opportunity for development. If you look at a Bellevue or a Papillion, where they're quickly growing and

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need to continue to expand, the development that is built today or wants to be developed five, ten years down the road, they are looking very closely at where they're putting this, and I think the...when they decide that, if they don't know and there's...and we have some kind of, it may change, it may not, they're not as apt to even think about the development in the county. And we're getting to that point where we need some assurances that this is where we're going, and when the city decides to extend their extraterritorial jurisdiction out there, that that developer knows that hey, I will be in--whether it's Bellevue, Papillion, South Sarpy--wherever that may be, it doesn't prevent anyone from not developing in a less quick-growing area. So somebody could still go develop in the South Sarpy District--no problem at all, and as cities continue to grow down in Springfield or other areas, they could grow, as well. So this, I think, is a fair agreement, and I urge you to support it. Thank you, Mr. President. [LB641]

SENATOR AGUILAR: Thank you, Senator Gay. Senator White, you are next and recognized. [LB641]

SENATOR WHITE: Thank you, Mr. President. Will Senator Cornett yield to some questions, please? [LB641]

SENATOR AGUILAR: Senator Cornett, would you yield to a question? [LB641]

SENATOR CORNETT: Yes. [LB641]

SENATOR WHITE: Under the principle of the law as articulated in this amendment, would it be possible, for example, for Gretna then to expand by expanding their zoning jurisdiction into Millard and take over part of their property and tax base? [LB641]

SENATOR CORNETT: You can't cross county lines. [LB641]

SENATOR WHITE: Oh, I thought...all right. And so in other words,... [LB641]

SENATOR CORNETT: For annexation. [LB641]

SENATOR WHITE: For annexation. [LB641]

SENATOR CORNETT: Yes. [LB641]

SENATOR WHITE: How about other districts? Could they within it, for example, could Papillion-La Vista grab portions of Ralston or other areas? [LB641]

SENATOR CORNETT: Not Ralston. That's crossing the county line again. [LB641]

SENATOR WHITE: Okay, how about the parts that are not? There are parts... [LB641]

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SENATOR CORNETT: Yes. [LB641]

SENATOR WHITE: Then they could grab it? [LB641]

SENATOR CORNETT: Yes. [LB641]

SENATOR WHITE: Do you think that...was this solution agreed to by South Sarpy?
[LB641]

SENATOR CORNETT: We have tried since the beginning of the session, and actually over the interim, to reach some agreement, and I can either do this on my time or your time, explain some of the unintended consequences of LB1024 to Sarpy County. So...
[LB641]

SENATOR WHITE: No, I mean... [LB641]

SENATOR CORNETT: ...yes, we have tried to work an agreement, and yes, they are still trying to work an agreement. [LB641]

SENATOR WHITE: Does South Sarpy agree to the division, as proposed in this amendment? [LB641]

SENATOR CORNETT: They do not. [LB641]

SENATOR WHITE: Thank you. I would yield the rest of my time to Senator Pankonin.
[LB641]

SENATOR AGUILAR: Senator Pankonin, you have 3 minutes and 35 seconds. [LB641]

SENATOR PANKONIN: Thank you, Mr. President, members of the body. I want to spend a few minutes at this time, and probably some additional minutes, to talk against this amendment, AM1426. Yes, the South Sarpy schools are a major part of my legislative district portion of the Sarpy County, and by the way, that's formerly known as Springfield-Platteview for many of you. But my commitment goes so much further than just geographic territory. My legislative part of Sarpy County is surprisingly rural, with a small town, Springfield, many farms and acreages, and several lake developments along the Platte River. The personal relationships run deep for me. Springfield is just six miles north of my hometown of Louisville, so I've known many families because this area is a neighboring community--from school events, athletics, church functions, Sarpy County Fair in Springfield. When I walked those areas door to door last fall, I knew so many people, as many as I knew in my hometown of Louisville, and had similar electoral results in those areas. Reason number two is, my family's farm equipment

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dealership has done business with Sarpy County farmers for over 100 years, and now we serve the acreages and sell lawn mowers to folks in these areas and these towns. In many cases I personally know three generations of families from this area, and I've known South Sarpy school board members, teachers, coaches, and, most importantly, students all of my life. They have a quality school, and they are dismayed that their district's boundaries are the ones up for grabs in this amendment. The patrons of this district realize that if this amendment is passed as part of the education bill, it most likely will be a slow death of this district, as assessed value and territory is lost in every direction over the next 20, 30 years. Now the good citizens of South Sarpy District realize they might need to make arrangements on some territory, but they want a fair chance for mutual agreements, not a forced system that is presented in this amendment. Our colleague, Senator Kopplin, represents parts of all Sarpy school districts and knows the past history of Sarpy boundary disputes and also what the future may hold, and hopefully he will add his perspective at the unintended consequences of this amendment. I might run short of time, and I think I've got my light on for additional time so that I can continue. But as you have heard, I have a personal stake in this issue. [LB641]

SENATOR AGUILAR: One minute. [LB641]

SENATOR PANKONIN: My South Sarpy neighbors, friends, and customers are all affected, but eventually their children will suffer if South Sarpy implodes. But why should my fellow senators be interested in this issue? As has been said, we are setting precedent here today and this week. As other areas develop--and it could be Lincoln becoming the next metropolitan school district, could be other communities down the road--this amendment protects the home county boundaries--in this case, Douglas County--and opens up the boundaries in the very next counties. Is this what we want in the long term? Plus, what's fair here? The Bellevue District hires Walt Radcliffe, enrolls the Legislature for their personal land grab of South Sarpy, and why do we have to appease them for this move? In conclusion, I please ask for you to vote against AM1408 (sic). South Sarpy does not have a paid lobbyist. [LB641]

SENATOR AGUILAR: Time. You may continue on your own time now, Senator Pankonin. [LB641]

SENATOR PANKONIN: South Sarpy does not have a paid lobbyist. All they have to protect them is 25 of us who vote no or who do not vote on this amendment. It would mean that the little folks have a win and are then able to negotiate with their neighbors without this gun against their heads. Thank you for your consideration and help. I would like to give the rest of my time to Senator Pahls. [LB641]

SENATOR AGUILAR: Senator Pahls, you have 4 minutes and 35 seconds. [LB641]

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SENATOR PAHLS: Thank you, Senator Pankonin. I would like to ask Senator Kopplin to yield. [LB641]

SENATOR AGUILAR: Senator Kopplin, would you yield for a question? [LB641]

SENATOR KOPPLIN: Yes, I will. [LB641]

SENATOR PAHLS: Senator, a little bit earlier Senator White made a comment about Millard, and that this could be an issue (inaudible). And I woke up--I was again asleep at the wheel here, and I would hope the rest of the people who represent (inaudible) are listening to this, because we need to find this answer, because I know parts of Millard go into Sarpy County. And would you just educate me, what this could mean for Millard? [LB641]

SENATOR KOPPLIN: Well, in the last annexation that La Vista made, where they annexed Cabela's, they did take a little slice of the Millard School District with it. That now gives them a mile jurisdiction which they can annex or move as...if they annex a little further west, they take more of Millard's property. The same can be true, Senator Pahls, as Gretna grows. If that annex Tiburon and then Cinnamon Acres, they're poised to where they could also assume some of Millard Public Schools' property. [LB641]

SENATOR PAHLS: Okay, and you do see where Millard...they're really growing out that area, and they're building new elementaries, and I think you...possibly a new high school. You're saying that could be at risk? [LB641]

SENATOR KOPPLIN: Well, it would be in the area. [LB641]

SENATOR PAHLS: Okay, okay. Thank you. I appreciate your patience, because I really wasn't up to speed on this. I do...those of you who serve the military, I do hope you understand that this is an issue that we ought to be on top of, because it not only affects a number of other school districts in Sarpy County, it affects the Millard District, and it seems like we did some of these battles last year. Thank you. [LB641]

SENATOR AGUILAR: Thank you, Senator Pahls and Senator Kopplin. Senator Flood, you are next and you are recognized, and you will be followed by Senator Raikes. [LB641]

SPEAKER FLOOD: Thank you, Mr. President and members. And to be quite honest, I'm only involved in this because as Speaker, I'm trying to find ways to bring sides, two sides together, and what was frustrating about this entire discussion on boundaries is that three weeks ago, two weeks ago, the discussion was, well, 36th Street is going to be the boundary. Well, Bellevue never agreed to that; South Sarpy apparently had. And then Bellevue comes back and they say 60th Street. And at that point I said, now wait a

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minute. We have to step back. We can't be drawing streets' boundaries, or we'll be doing it across the entire state of Nebraska. Senator Carlson will have Holdrege come to him and say, well, we just need two more miles to the south. Would you draw that as our line? And I'll have Battle Creek come to me and say, you know what? We want 49th Street, West Norfolk--that should be our line. That's not the way to draw boundaries. So we went back to the table, we sat down. In fact, Senator Pankonin has worked tirelessly for South Sarpy. Where did this language come from, this idea (inaudible) of Bellevue or a city of that size in Sarpy County expands, so does the school district? That language came from...that language was proposed by South Sarpy, and then the offer was withdrawn. By the time I (inaudible) to go back to the other side and say, would you accept this, and they did, the folks at South Sarpy said no, we don't want to do that. Now in all fairness to South Sarpy, their board never voted on that--not one of them. Their superintendent and their school board president had talked, but their board had never voted on it. But that's where the original idea came from. I don't want to give you the impression that the South Sarpy school board had ever come to the table. But it seemed like a good compromise. As Bellevue would grow its city limits, so too would its school district and no more. Plus, ten years of taxes would be paid to the school district losing the ground. Now if there's another idea out there that is fair, that settles this issue, I'm all ears. I think everybody in this Legislature should be all ears, because I think Senator Kopplin from the very start has said, we need to find a way to settle the boundaries in Sarpy County, and I think it is unconstitutional to do something that just picks a street and says, you're going to do it. My preference would be that South Sarpy and Bellevue would sit down and sign an agreement, that Papillion and South Sarpy would sign an agreement. That would be the best resolution, and that, in fact, is what Senator Kopplin, I think, has been working to bring people to the table on. He has been working to try and find an agreement where two sides sign a document outside of the Legislature and walk away. That, unfortunately, hasn't happened, and that has brought us to this point. But I think the point here is that we all want to see the Sarpy County boundaries settled, so that we don't have to do this, because I guarantee, either side--Bellevue, South Sarpy, Papillion--they will be back, year after year after year. And this seems like a reasonable remedy at this time. So I'm going to vote for AM1426 to AM1386, but in the event there's another idea...and I'd be interested to hear what Senator Kopplin has to say. He's lived there, he knows. He represents an area in Sarpy County. This is certainly open for debate, and I'm interested in hearing all solutions. Thank you, Mr. President. [LB641]

SENATOR AGUILAR: Thank you, Senator Flood. Senator Raikes, you are next and you are recognized. [LB641]

SENATOR RAIKES: Thank you, Mr. President and members of the Legislature. I too support this amendment but much like Senator Flood I would certainly hope that there could be a resolution, and I know that a number of people, Senator Kopplin, Senator Cornett, Senator Pankonin, Senator Gay, have all worked hard trying to come up with a

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resolution. A little bit of history. Before LB1024, the practice in Sarpy County was actually more aggressive than what is proposed here, that the school district, the transfer between school districts, took place at platting. Now, under this proposal, it wouldn't take place until there was actual annexation. So to some extent there is a historical precedent for this but certainly this is a change from what we had most recently adopted as a policy, and I certainly believe when Senator Pankonin says it's an unwelcome change for the folks in South Sarpy, and that's an excellent school district, they do an excellent job, and I think there's all sorts of things to commend them. I would tell you that in terms of state policy, there are a couple points to keep in mind. One is, in this particular case you would be moving valuation from a nonequalized district to an equalized district. I think that is a solid policy on which to operate, so that part of it I do agree with. The other thing I will mention to you that all along in our discussion of the learning community is the hope, the belief, and the plan that school district boundaries would become less important over time--not unimportant but less important. That there would be more of a cooperative attitude, cooperative operations between schools districts so that certainly there are district boundaries and there are the distinct differences within those districts, but there is a common effort within the entire learning community to address educational needs. So I certainly respect the fact that there are those that disagree with this, but I do think it's important that a resolution come, and this is, at least at the moment, the best I know of in that regard, so I do support it. Thank you. [LB641]

SENATOR AGUILAR: Thank you, Senator Raikes. Those waiting to speak are Senators Kopplin, Mines, Carlson, Cornett, Howard, Gay, Burling, Pankonin, and Pahls. Senator Kopplin, you are recognized. [LB641]

SENATOR KOPPLIN: Thank you, Mr. President and members of the body. When I became a superintendent a long time ago, I had a friend in Papillion, Paul Basler, some of you may have heard of him, he was superintendent at Bellevue. He says, Gail, you're going to have good times and you're going to have bad times but I'm going to give you some advice: When things get really hot, find a conference and get out of town for awhile. Now, if I was smart, I would go down to my office because I represent a portion of every school district in Sarpy County. And things always seem so simple, but they're not. I'm going to do what is right because there's more important things than serving in this body--honesty, integrity, those types of things. And I'm going to live up to that and I'm just going to tell you what I think, and whatever happens down the road I don't care. It's been stated that we have to find a solution to the boundaries. I would remind you that LB1024 found a solution to all boundaries in Douglas and Sarpy County. They were frozen, period. We all agreed to that. I didn't but I was soundly defeated on the floor last year, but that was the agreement. Now it's, but we didn't mean it for Sarpy County. So we're going to go right back and say, cities can grow as their boundaries grow. We split Omaha into three parts for bringing that up. It isn't just Bellevue and South Sarpy, because Papillion can take South Sarpy, including Westmont Elementary School which

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is South Sarpy. With the plans that the mayor of Papillion has, he will soon take Gretna property. Gretna will soon be a Class I and all it takes is one annexation. They can take South Sarpy property. And with a little creativity in annexation, they can take Millard property. La Vista, as I've already said, is part of the Papillion district. They can already take Millard property. This isn't a simple little thing of letting cities grow. I think we have to let the cities grow. I don't know what the school districts have to do with it, but what I tried to do early on, and I have an amendment here saying school districts ought to be able to sit down and talk about where those boundaries should be, just as Douglas County is. But we're not doing that; we're setting boundaries in Sarpy County. And that's the same thing we went through last year and said no; no more of that; Omaha, you are three districts, the rest of your boundaries are frozen. So how did we get to this point? I don't know. The idea that these developers will not build unless it's in a specific district, I can point to you around Harrison Woods where Gretna is surrounded on three sides by Millard. It filled up immediately. The kids go to Gretna; they think it's great. I can show you Lakeview properties, which is South Sarpy, surrounded by Gretna. It's full. If you build it, they will come. Thank you. [LB641]

SENATOR AGUILAR Thank you, Senator Kopplin. Senator Mines, you are next and recognized. [LB641]

SENATOR MINES: Thank you, Mr. President. Senator Kopplin, you stole my entire five minutes and thank you for that. That's...with due respect to the introducer, that's what this feels like, is a land grab. And we did say no last year, and, oh no. And I understand that drafting and making legislation is the old proverbial just like watching Polish sausage being made. Senator Karpisek would recognize that you grind up small barnyard animals and take off their pelts, and you don't want to watch that necessarily. That's what this...this is part of that Polish sausage. This doesn't belong in this legislation. I agree, you should have...you should allow school districts to devise the plan whereby their boundaries are set. Had Senator Pankonin not had a map, I wouldn't know where the cities are in Sarpy County in comparison to their districts. And Senator Kopplin, you're exactly right: Gretna isn't a threat right now, but Papillion...Papillion is on it's way to pick up Millard, Senator Pahls. It doesn't take much imagination to see that that will happen. And, oh, by the way, OPS: Bellevue is on it's way north or would have the authority to do so. It may not be the intention of this legislation. They would have the authority to do that. I think it's an uncomfortable bill for many of the districts in Sarpy County and I would oppose AM1426. Thank you, Mr. President. [LB641]

SENATOR AGUILAR: Thank you, Senator Mines. Senator Carlson, you are next, followed by Senator Cornett. [LB641]

SENATOR CARLSON: Mr. President and members of the Legislature, I would like to direct a question to Senator Cornett if I might. [LB641]

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SENATOR AGUILAR: Senator Cornett, would you yield for a question? [LB641]

SENATOR CORNETT: Yes. [LB641]

SENATOR CARLSON: Senator Cornett, on this amount of ten times the annual tax revenue, how was that figure arrived at, do you know? [LB641]

SENATOR CORNETT: That would be based on the property tax valuation at the, I believe the time of annexation. [LB641]

SENATOR CARLSON: Yeah, I realize that, but there had to be a decision, do you multiply that by five or six or ten or whatever. Do you know how...? [LB641]

SENATOR CORNETT: Yes, actually I do. That came as part of an agreement that Speaker Flood had reached with South Sarpy last week, and then they withdrew on that agreement. [LB641]

SENATOR CARLSON: Okay. [LB641]

SENATOR CORNETT: That's where the ten years came from. That was the agreement they brought to us. [LB641]

SENATOR CARLSON: Okay, thank you. Mr. President, I would like to direct a question to Senator Pankonin if I might. [LB641]

SENATOR AGUILAR: Senator Pankonin, would you yield to a question? [LB641]

SENATOR PANKONIN: Yes, I would. [LB641]

SENATOR CARLSON: Senator Pankonin, in listening to you speak on this amendment, is price a factor? [LB641]

SENATOR PANKONIN: Well, Tom, it could be...Senator Carlson, it could be. I think the big thing for South Sarpy is if this amendment or something like it goes into effect, that they will have little...you know, it won't be a fair negotiation because they will have a gun to their head. And I think they're willing to talk to the other districts about some geographic areas that might work better for them to serve, but also they want to be careful that they don't give up too much so that they don't have a viable district. And the South Sarpy area is going to grow over time; it's just going to be slower. Part of that is just for a lot of reasons but part of that is because that's the desire of that district that is mainly rural and small-town in nature, like many of your areas. [LB641]

SENATOR CARLSON: Is this figure, if there were to be further negotiations, is that a

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negotiable figure? Senator Pankonin? [LB641]

SENATOR PANKONIN: You know, I really can't answer that. [LB641]

SENATOR CARLSON: Okay. And here I am from a district far removed from Omaha, but certainly all of us have a right to stand up and speak and ask questions and give thoughts. I guess I would look at that and thing that's not a very fair exchange. If I had some farmland that cash rent yielded me \$100,000 a year income, and somebody wants my land, decides we'll make you a good deal, we're going to give you ten times what you make a year on that land. Well, that's going to cut my income in half because if I invest that money at 5 percent, I'm going to make \$50,000 a year on it instead of \$100,000, so I think...I asked the question whether price is a factor or not, but it seemed to me like the fairer price is 20 times rather than 10 times. Thank you, Mr. President. [LB641]

SPEAKER FLOOD PRESIDING [LB641]

SPEAKER FLOOD: Thank you, Senator Carlson. Following the disposition of AM1426 to AM1386, the next two amendments under consideration shall be in this order: AM1400, offered by Senator Raikes; and AM1419, offered by Senator Raikes. Senator Cornett, you are recognized. [LB641]

SENATOR CORNETT: Thank you, Mr. Speaker and members of the body. To let everyone know, we are going to withdraw this amendment for redrafting because we inadvertently did not include Omaha when we talked about the boundaries that were already established or the schools that were already in existence. But before I withdraw this, there's a couple of points that I want to make that I spoke about earlier that were the inadvertent consequences of LB1024. I don't know if anyone in the body has had a chance to read the letter from Mayor Blinn, and we have similar correspondence from the mayor of Bellevue. This is just one section. During the three-year period prior to passage of LB1024, Papillion approved \$653,171,431 worth of new residential and commercial development. Over 1.5 million square feet of commercial development was approved after 3,000-plus new residential lots were approved and under construction along the Highway 370 corridor. Virtually every time a developer came into the city to discuss a development in the last four years, they clearly indicated their development was contingent upon homeowners being given the opportunity to attend Papillion schools. LB1024, with its freezing of boundaries, has seriously impacted this growth in Sarpy County. Since LB1024 was passed, the one, lone, sole subdivision that has been approved is located in the northern part of our community--an area where homes are assured to attend the Papillion-La Vista school district. No new housing projects have been approved since the boundaries have been frozen under LB1024. And this is not anything against the South Sarpy school district deliberately...I mean, being...I don't know how to say anything other there than spiteful. But part of the reason the

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developers do not wish to develop in South Sarpy is a little school that was closed called La Platte. They don't know how economically viable the South Sarpy School District is. South Sarpy closed La Platte school because they said it was not economically feasible. It was too small and isolated. They couldn't get a principal to drive ten miles to be a principal at the school. This left 110 children without a school to attend. Bellevue has already absorbed the majority of those children because South Sarpy couldn't keep its school open. Thank you very much, and I withdraw AM1426 at this time for redrafting. [LB641]

SENATOR AGUILAR PRESIDING [LB641]

SENATOR AGUILAR: AM1426 is withdrawn. Mr. Clerk. [LB641]

CLERK: Mr. President, Senator Raikes would move to amend with AM1400. (Legislative Journal page 1711.) [LB641]

SENATOR AGUILAR: Senator Raikes, you are recognized to open on AM1400. [LB641]

SENATOR RAIKES: Thank you, Mr. President and members. With this amendment I am proposing that you remove from the funding formula in this bill the student growth factor. My reasons for that are the following. First off, there is a fiscal note involved of at least \$2 million. We have uncertainty as to exactly what that amount is, and I will certainly accept the blame for that. We simply have not gotten the fiscal analysis that we need in order to be sure exactly what that amount is. But the way it is incorporated in this formula, it would lead to an additional fiscal note on the bill, and like I say, that would be at least \$2 million. Another more technical note is that there are some complications regarding the inclusion of student growth in the formula as we now do it. You may remember that early in the session we did a change in the formula to correct what we perceived to be a misuse of student growth in one element of the formula. We don't have that completely corrected yet. So I guess what I'm proposing to you in that regard, I would prefer to address the need for including student growth in a comprehensive manner and consider what would be the best way to do that. We will have another opportunity, of course, to address this issue, and I'm just suggesting that we do take that opportunity. I'm speaking of next session. I will tell you at the same time that I do believe the concept that the committee considered here is a valid concept and one that we certainly should consider in another opportunity to address. That is that if you have school districts that are rapidly growing, they must serve students. They need to have the funding available at the time those students arrive so that they can do the job they need to do. But again I am recommending to you at this time that we don't include this particular provision in the formula. So I would be happy to address any questions you might have on this and ask for your support. Thank you. [LB641]

SENATOR AGUILAR: Thank you, Senator Raikes. Those wishing to speak are

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Senators Burling, Pankonin, Janssen, Langemeier, Friend, and Kopplin. Senator Burling, you are recognized. Senator Burling waives his opportunity. Senator Pankonin. Senator Pankonin waives his opportunity. Senator Janssen. Janssen waives. Senator Langemeier. [LB641]

SENATOR LANGEMEIER: Mr. President and members of the body, I had actually turned my light on for the last amendment, so...but I waited this long, I think I might just speak. Would Senator Raikes yield to a couple questions? [LB641]

SENATOR AGUILAR: Senator Raikes, would you yield, please? [LB641]

SENATOR RAIKES: Yes. [LB641]

SENATOR LANGEMEIER: In the spirit of withdrawing amendments, are we going to vote on AM1400? [LB641]

SENATOR RAIKES: That's my hope, Senator. [LB641]

SENATOR LANGEMEIER: And you are hoping it's successful, I take it. Ah. AM1400, was that a bill in committee? [LB641]

SENATOR RAIKES: No, it wasn't. It was a...well, let me back up on that. We had... [LB641]

SENATOR LANGEMEIER: Did it have a hearing? Let's go to that route. [LB641]

SENATOR RAIKES: I'm sorry. [LB641]

SENATOR LANGEMEIER: Did it have a hearing? [LB641]

SENATOR RAIKES: We did have a hearing on this. We had...I can't remember, I think maybe LB649 or LB699 or some such number, a bill that would do a fairly comprehensive revision to the needs calculation in the state aid formula, and this was part of that. [LB641 LB649]

SENATOR LANGEMEIER: Thank you. Do you have an idea what the fiscal note will be on...? [LB641]

SENATOR RAIKES: Well, again, I am somewhat uncertain and that's part of the reason for my lack of enthusiasm for moving forward with it. But it's at least \$2 million and perhaps \$3 million. [LB641]

SENATOR LANGEMEIER: So with your lack of enthusiasm and a \$2 million fiscal note,

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are you sure you don't want to withdraw it? [LB641]

SENATOR RAIKES: Well, actually the amendment would withdraw...or would eliminate that provision from the formula, the funding formula, in this bill. So, in effect, we...if this amendment is successful, and I should have made that clear, if this amendment is successful, that fiscal impact would be eliminated. [LB641]

SENATOR LANGEMEIER: That's what I was hoping to get you to say. Thank you, Mr. President. [LB641]

SENATOR RAIKES: Thank you, Senator Langemeier. Senator Kopplin, you are next and recognized. [LB641]

SENATOR KOPPLIN: Thank you, Mr. President, members of the body. May I speak with Senator Raikes, please? [LB641]

SENATOR AGUILAR: Senator Raikes, would you yield for a question? [LB641]

SENATOR RAIKES: Yes. [LB641]

SENATOR KOPPLIN: So you are taking out any reference to communities...or school districts that are in a growth period? Is that what this amendment does? [LB641]

SENATOR RAIKES: Any reference to...this would take out the provision that we talked about earlier, Senator, that would match with the budget side on the needs calculation about 25 or more students. Yes, you are correct. [LB641]

SENATOR KOPPLIN: So maybe I'm still confused. So what incentive is there for growing communities if we don't put money in for growth? [LB641]

SENATOR RAIKES: Well, I would certainly agree with you that there is a legitimate issue raised with growing communities. This would take us...this would take us to where we are now, I guess, in LB1024. I do, as I mentioned earlier, I do think that this is something we need to address. My preference would be to address it next session rather than now. [LB641]

SENATOR KOPPLIN: Thank you. You know, I heard that a lot last year: We're going to fix it next year. And here we are again. Just a few moments ago, Senator Raikes, I heard you say you supported unfreezing Sarpy County boundaries, and now you're saying, well, we'll take care of growth districts later. Now. The time is now to either deal with this or kill the thing gently. Now, I wasn't going to get upset today, but I am. I agreed perfectly that we should work for central Omaha and do what is right for those kids, but I didn't say you could pound Sarpy County to a pulp to get it done. Take away

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the growth factor and you've got no protections for growing schools at all. Take away the boundary protections and you've got a whole big mess in Sarpy County. I don't know whether to sing the national anthem and all that kind of stuff and let the fat lady sing or just give up, but I'm not going to do it. You've got me riled now and I'm on my way. We either fix this, this year, or forget it. Don't give me this stuff about we're going to do it next year. I heard that. In fact, my comments last year when that was stated was, yes, but I bought a used car once that way too. And that's true today too. We can't fix it next year; we have to fix it this year. And Sarpy County school districts, growing school districts, boundaries have to be protected and funding has to be protected. We're not just one big source for a common levy. Thank you. [LB641]

SENATOR AGUILAR: Thank you, Senator Kopplin. Senator Gay, you are next and recognized. [LB641]

SENATOR GAY: Thank you, Mr. President. I agree with Senator Kopplin. This...if you have a growing community, as many of our school districts are, we need a growth factor because things are going to change. I don't quite understand it. We're working on this bill now and now we're going to change the growth factor, doesn't allow for growth, boundary thing is just a kind of who knows where that's going. I can't just make this up as we go along. I mean, we compromised on this, this, and this. And if we don't have a growth factor in here, I don't understand how a growing county, even though we're lowering their levy, allowing this, the way I understand it, more authority for the learning community. But what about our own districts that are growing? So if Papillion-La Vista, which is growing tremendously, Gretna, Bellevue, all these others, I think we need this growth factor and I don't quite understand this. So if Senator Raikes would yield to a question. [LB641]

SENATOR AGUILAR: Senator Raikes, would you yield? [LB641]

SENATOR RAIKES: Yes. [LB641]

SENATOR GAY: Senator, when you are talking about a growth...can you explain again on the growth factor? [LB641]

SENATOR RAIKES: Okay, I'll do my best. Right now with the formula, a school district reports student numbers and its needs are calculated according to the student numbers. What the growth factor that's in there now that I'm proposing to remove would do is the following. If you are a district and you are planning a growth of more than 25 students...I believe 25 is the cutoff number...then you would be able to indicate in the needs calculation how much you expected to grow in the year for which aid is being certified. You would...your needs would be calculated according to that number. If the number turns out to be incorrect, if it turns out, for example, that you overestimated your student growth, then after a year you would have to pay whatever extra that you got back. But

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you would get money up front at the time you are experiencing the services required by the students. You do get the money now. I mean, the needs calculation that's made now, it's just made a year later. [LB641]

SENATOR GAY: Okay. And why the boundary issue is important and the amendment was pulled, when you are platting growth, you could have 600, 800, 1,000, 2,000 homes at a time being platted, and you don't know if it's coming or going, whether it's going to be approved, or whatever. So I've got a little problem. If a developer is going to come in and we have open areas and we're going to now create a new sanitary and improvement district and we're...which many are created, and the lots are empty. They're just guesstimating what the amount of new kids that are coming. We've got a school down at Walnut Creek that is overflowing, and we're changing our boundaries constantly. So if we make a bad estimate in Papillion-La Vista, or La Vista for this matter, or anywhere, you've got to go back, you make your estimate. And if we're wrong, it could be 500, it could be 1,500. Probably not that quick, but one or two years down the road you don't know how quick these are going to fill in if the economy changes. How do you adjust for that? We (inaudible.) [LB641]

SENATOR RAIKES: There is an adjustment now, Senator. There is a "respin." It's called a calculation, a recalculation of aid at the end of the certification year to correct student numbers. So, for example, if you had...well, I think the way it is now, if the fall membership is different from the... [LB641]

SENATOR AGUILAR: One minute. [LB641]

SENATOR RAIKES: ...average daily membership, then the number is corrected at the end of the year. So that sort of a phenomena is already in place. We fund school districts or calculate needs for school districts, as you know, by the number of students served. So that is a driver, and we need to make...we need to base the needs calculation on a number of students that's reported and accurate. [LB641]

SENATOR GAY: Okay. Thank you, Senator Raikes. And when you say the statement, "as you know, the"...you know, I don't know all these formulas, I don't know all these factors, quite honestly. I'll be the first to admit that. I've been here, what have we got, 80, whatever day we're at...I don't know all those things and that's why some of this really bothers...it just concerns me when we're making these changes and we can't get boundary agreements done and all this. I don't know what the cost growth factor is. I do know though that you could have an SID one day with 500, and the next year it could be 1,500. [LB641]

SENATOR AGUILAR: Time. [LB641]

SENATOR GAY: Thank you, Mr. President . [LB641]

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SENATOR AGUILAR: Senator Pahls, you are next and recognized. [LB641]

SENATOR PAHLS: Thank you, Mr. President and members of the body. Believe it or not, I did have several questions but I've lost some of my clips so I don't have the information available. But I do want to thank Senator Kopplin because I think what you're doing is you're alerting us that fast and furious, are we moving. I hear \$2 million here; we're going to do this. And you know what it is? It's just money. That's the problem I feel with the rush that we're going through on this amendment, this bill. And I apologize. I had my paperclip here but with all of the pieces of information that are tossed to us it seems like on a regular basis, just so I am speaking out to the people who are watching, that's how you confuse the issue. You keep throwing stuff at us and we haven't had enough time to dissect, to understand the information that is being presented. That's why sometimes things happen and we wonder why. That's the irritating thing with me right now. I'm not quite as irritated as Senator Kopplin but I do appreciate that enthusiasm, that questioning, because I still say we talk about it but then all of the sudden the answer is, well, I think, or I don't have the...yes, you're right. I guess we do need to think about that. We're just talking about dollars and we're talking about doing things for children. I do see some conflicting ideas here. I'm just...I have to say one more thing to Senator Kopplin. I am glad you want to do a study or someone wants to do a study on some of these formulas. I know that there is...it's just amazing, like the other day, and I said we have sparse. Pretty soon the money will be sparse. Again, I apologize for losing my paperclip. Thank you. [LB641]

SENATOR AGUILAR: Thank you, Senator Pahls. Senator Raikes, there are no other lights on. You are recognized to close. [LB641]

SENATOR RAIKES: Thank you Mr. President and members of the Legislature. A number of comments that certainly are on point. Again, this proposal would eliminate the provision that would provide extra needs calculation for student growth. I do think it's a factor that we need to consider in our continuing examination of aid, state aid to schools, but I think at this time there is a lot of uncertainty about it, and so I would prefer that we take another opportunity to do this instead. I would urge you to support this amendment. Thank you. [LB641]

SENATOR AGUILAR: Thank you, Senator Raikes. You've heard the closing on AM1400. All those in favor vote aye; those opposed vote nay. Have you all voted that care to? Senator Raikes, for what purpose do you rise? [LB641]

SENATOR RAIKES: Mr. President, I would ask for a call of the house, please. [LB641]

SENATOR AGUILAR: There has been a request for a call of the house. Shall the house go under call? Record, Mr. Clerk. [LB641]

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CLERK: 21 ayes, 0 nays, Mr. President, to place the house under call. [LB641]

SENATOR AGUILAR: The house is under call. All unexcused senators please report to the Chamber and check in. The house is under call. All unauthorized personnel leave the floor. Senator Cornett, the house is under call. Senator Preister, would you check in? Senator Engel, Senator Nelson, Senator Nantkes, Senator Wightman, and Senator Synowiecki, the house is under call. Senator Synowiecki, would you please check in? Senator Nelson, the house is under call. Senator Raikes, all members are present. How do you wish to proceed? [LB641]

SENATOR RAIKES: Roll call, please. [LB641]

SENATOR AGUILAR: Mr. Clerk, call the roll. [LB641]

CLERK: (Roll call vote taken, Legislative Journal pages 1711-1712.) 25 ayes, 8 nays, Mr. President, on the amendment. [LB641]

SENATOR AGUILAR: The amendment is adopted. Please raise the call. I raise the call. [LB641]

CLERK: Mr. President, the next amendment. Senator Raikes, AM1419. (Legislative Journal page 1712.) [LB641]

SENATOR AGUILAR: Senator Raikes, you are recognized to open on AM1419. [LB641]

SENATOR RAIKES: Thank you, Mr. President and members. This also takes a funding provision out of the proposal. This eliminates the learning community weighting factor. This would shift money within the pot of funding in the needs calculation toward school districts that are in a learning community. My reasoning for this, this would take us back to the LB1024 funding formula which is now in law and is something that we've had some time to digest, although it has not actually gone into effect. The difficulty with this sort of a provision is that we are shifting money within the pool of aid without increasing the size of the pot. So you do have winners and losers. My feeling is that we're probably...or we are better not to do that, so I am suggesting to you that we eliminate the weighting for the learning community. Its impact is nothing on the total fiscal impact but it does shift money within the formula to the tune of about \$3.6 million. I do this somewhat reluctantly because it has been my intention all along to make it an advantage for school districts to be a part of a learning community. There still is some advantage to it. There will be a state appropriation to support the learning community council and its activities so that there is an advantage from that. But this particular advantage from the weightings I believe we are better off to leave out. So with that I will be happy to try to address your questions and concerns. I do urge support. Thank you.

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[LB641]

SENATOR AGUILAR: Senator Raikes, there are no lights on. You are recognized to close. [LB641]

SENATOR RAIKES: Okay, I will do that. Again, I hope that I've not blown anything past anyone. This is an allowance, a weighting within the formula. This shifts money between schools, so again I think I would prefer that we don't include this as a part of the mechanism. So again, thank you. I urge your support. [LB641]

SENATOR AGUILAR: You've heard the closing on AM1419. All those in favor vote aye; all those opposed vote nay. Have you all voted that care to? Record, Mr. Clerk. [LB641]

CLERK: 31 ayes, 0 nays, Mr. President, on the adoption of Senator Raikes's amendment. [LB641]

SENATOR AGUILAR: The amendment is adopted. Mr. Clerk, you are recognized. [LB641]

CLERK: Mr. President, I have a communication from the Governor. (Read re LB198, Legislative Journal pages 1713-1714.) [LB198]

SENATOR AGUILAR: I recognize the Speaker for an announcement. [LB641]

SPEAKER FLOOD: Thank you, Mr. President and members. The next amendment that we will take up this afternoon and evening will be AM1413 offered by Senator Ashford. [LB641]

SENATOR AGUILAR: Senator Ashford, you are recognized to open on AM1413. (Legislative Journal page 1714.) [LB641]

SENATOR ASHFORD: Thank you, Mr. President and members. There was, earlier in the day we had a brief conversation, Senator Synowiecki and myself, and Senator Kopplin raised the issue of whether or not the learning centers could be accessed by parents of other than public school children, students. And all this amendment does is make it clear that all elementary-age children who reside in the learning community can access...or elementary-age children may access the learning community resource centers, and that would be the extent of the amendment, Mr. President. [LB641]

SENATOR AGUILAR: Thank you, Senator Ashford. Senator Synowiecki, your light is on next. [LB641]

SENATOR SYNOWIECKI: Thank you, Senator Aguilar, members. I just want to thank

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Senator Synowiecki for bringing the amendment. Appreciate it. I think that these learning community centers are a focal point for the community. They are a community-based center; they ought to serve all kids within a community that have a demonstrated need for these services regardless of whether they go to school. I support Senator Ashford's amendment. I appreciated him bringing it forward. Thank you. [LB641]

SENATOR LANGEMEIER PRESIDING []

SENATOR LANGEMEIER: Thank you, Senator Synowiecki. Senator Raikes, you are recognized. [LB641]

SENATOR RAIKES: Thank you, Mr. President and members. I too support this amendment. This was an issue raised by Senator Kopplin and I think he made a good point with it so I support the amendment. Thank you. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Raikes. Senator Nelson, you are recognized. [LB641]

SENATOR NELSON: Thank you, Mr. President and members of the body. I too rise in support of this. I simply would echo what Senator Synowiecki says, but I really appreciate the amendment that Senator Ashford brings forward. Thank you. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Nelson. Senator Carlson, you are recognized. [LB641]

SENATOR CARLSON: Mr. President and members of the Legislature, I also stand in support of AM1413, and as I had spoken this morning, I hope the result of this is that there is such a flood of students that want to take advantage of this that we are dealing with the problem of how to handle them all, because the end result of that will be better education for our students. Thank you. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Carlson. Seeing no other lights on, Senator Ashford, you are recognized to close. Senator Ashford waives closing. The question before the body is, shall AM1413 be adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB641]

CLERK: 32 ayes, 0 nays, Mr. President, on adoption of Senator Ashford's amendment. [LB641]

SENATOR LANGEMEIER: AM1413 is adopted. Mr. Clerk. Speaker Flood, you are recognized for an announcement. [LB641]

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SPEAKER FLOOD: Thank you, Mr. President. The next amendment we will be taking under consideration is AM1404 offered by Senator Schimek. [LB641]

SENATOR LANGEMEIER: Thank you, Speaker Flood. Mr. Clerk. [LB641]

CLERK: Mr. President, Senator Schimek would move to amend Senator Raikes's amendment with AM1404. (Legislative Journal page 1714.) [LB641]

SENATOR LANGEMEIER: Senator Schimek, you are recognized to open on AM1404. [LB641]

SENATOR SCHIMEK: Thank you, Mr. President and members. This is coming up on awfully short notice so give me a second to catch my breath here. This is an amendment that essentially does away with the statewide implication of the learning community. One of the things that I would like to see, I would like to see us wait and come back and do that another year if we're going to do it. And I think that we need to see how it works, frankly, before we extend it statewide. The changes are in...this was amended to AM1386 and it takes out lines 17 through 27 on page 72; lines 1 through 8 on page 73; and then on page 75 it takes out beginning with "and" in line 10 through "communities" in line 12. So it's a pretty simple amendment. It just takes out the learning community on a statewide basis and leaves it just for the metropolitan area. I think that we may need to do some things to tweak this if we're going to leave it on a statewide basis, and I would like for us to have some time to do that later. But it's your call. I'm offering it as an option. Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Schimek. You have heard the opening on AM1404. The floor is now open for discussion. There are no lights on. Senator Schimek, you are recognized to close on AM1404. Senator Schimek waives closing. You have heard the closing. The question before the body is, shall AM1404 be adopted to AM1386? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Senator Schimek, for what purpose do you rise? [LB641]

SENATOR SCHIMEK: A call of the house, please. [LB641]

SENATOR LANGEMEIER: There has been a request to put the house under call. The question is, shall the house go under call? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB641]

CLERK: 30 ayes, 0 nays, Mr. President, to place the house under call. [LB641]

SENATOR LANGEMEIER: The house is under call. Senators, please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senators Engel, Erdman, Preister, Adams, Chambers, White,

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Pahls, Friend, Lathrop, and Synowiecki, please return to the Chamber. The house is under call. Senator Schimek, while we wait, how do you wish to proceed? [LB641]

SENATOR SCHIMEK: Call-in vote. [LB641]

SENATOR LANGEMEIER: Senator Schimek has authorized call-in votes when we get to that. All senators are present and accounted for. The question is, shall AM1404 be adopted? Senator Schimek has requested call-in votes. [LB641]

CLERK: Senator Ashford voting yes. Senator Aguilar voting no. Senator Mines voting no. Senator Heidemann voting no. Senator Engel voting no. Senator Fischer voting no. Senator Engel, did you vote no? I misrecorded you; I'm sorry. Senator Heidemann, did I do...? You want to vote no? Okay. I'm sorry. Senator Raikes voting...changing from yes to no. Senator Dubas voting no. Senator Gay voting no. Senator Janssen and Cornett voting no. Senator Wightman voting no. Senator Ashford changing from yes to no. Senator Adams voting no. Senator Pahls voting no. Senator Pirsch voting no. Senator Nelson voting no. Senator Howard voting no. [LB641]

SENATOR LANGEMEIER: Record, Mr. Clerk. [LB641]

CLERK: 10 ayes, 26 nays, Mr. President, on the amendment. [LB641]

SENATOR LANGEMEIER: AM1404 was not adopted. Mr. Clerk. With that I raise the call. [LB641]

CLERK: The next amendment, Mr. President, as ordered by the Speaker, is Senator Cornett, I have AM1408. [LB641]

SENATOR LANGEMEIER: Senator Cornett, you are recognized to open on AM1408. [LB641]

SENATOR CORNETT: Thank you, Mr. President. I withdraw that amendment. [LB641]

SENATOR LANGEMEIER: It is withdrawn. Mr. Clerk. [LB641]

CLERK: Mr. President, the next amendment, Senator Gay, AM1380. [LB641]

SENATOR LANGEMEIER: Senator Gay, you are recognized to open on AM1380. [LB641]

SENATOR GAY: Thank you, Mr. President. That amendment dealt with the governance, which we covered prior, so I would withdraw that amendment. [LB641]

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SENATOR LANGEMEIER: It is withdrawn. Mr. Clerk. We will stand at ease. Will the Speaker please come forward? Mr. Clerk, for a motion. [LB641]

CLERK: Mr. President, the next amendment for consideration, Senator Erdman, FA117, Senator. (Legislative Journal page 1714.) [LB641]

SENATOR LANGEMEIER: Senator Erdman, you are recognized to open on your amendment. [LB641]

SENATOR ERDMAN: Mr. President and members of the Legislature, FA117 is the language that Senator Ashford and I discussed prior. It deals with the additional responsibility that will be granted or required of the learning community council to develop long-range plans for deconcentration of affordable housing. In our previous conversation, Senator Ashford and I agreed that this was an issue but thought there might be a more appropriate way to address this. And my ultimate concern is obviously the fact that not only with AM1386, but also with AM1398 that was adopted, there is going to be a lot of responsibilities placed on the learning council in the metro area, and with that this may be one of the issues that may not be immediate but is important and is something that can be the subject of discussion that possibly would include a broader focus including entities such as the Nebraska Investment Finance Authority, other housing authorities across the state. It would strike the language, I believe with the amendment that was adopted, this was drafted to AM1386 but it would follow, it will strike that language from the learning community council, which says to assist the planning commissions with jurisdiction over territory within the learning community in developing and reviewing long-range plans for deconcentration of affordable housing and it will also strike Section 43, which is additional authority placed on planning commissions and city villages and counties. I believe this is agreeable to Senator Ashford. I would yield him...I would ask Senator Ashford if he would yield to a question so that I can confirm that. [LB641]

SENATOR LANGEMEIER: Senator Ashford, would you yield to a question? [LB641]

SENATOR ASHFORD: Yes. [LB641]

SENATOR ERDMAN: Senator Ashford, is it my understanding, and I will go off what we spoke earlier, that this is something that we can pursue at a later date and that you are generally in support of this amendment, given the fact that we will be looking for a more appropriate vehicle to accomplish this during the interim possibly? [LB641]

SENATOR ASHFORD: Yes. [LB641]

SENATOR ERDMAN: Okay. Thank you. Mr. President, I would encourage our adoption of FA117. [LB641]

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SENATOR LANGEMEIER: Thank you, Senator Erdman. You have heard the opening on FA117. The floor is now open for discussion. Senator Ashford, you are recognized. [LB641]

SENATOR ASHFORD: Thank you, Mr. President. I certainly appreciate Senator Erdman's persistence and laser-like focus on this issue, and in all sincerity this is a major issue for those of us who live in Omaha, and the issue of housing patterns has had a dramatic impact on creating a segregated environment in the north and south Omaha. It's something we need to work on. I appreciate Senator Erdman's offer to work with me on this issue. I, at this point, I do understand the reasoning that the housing issue is something that quite possibly this coordinating commission would have some difficulty getting to with all the other issues that they have. So in accepting this amendment, and I do, or agreeing to the amendment, I do underline the fact that this of critical importance and it's something that I hope to work on. And with Senator Erdman's interest in this, it would be helpful, as well, to have his help on this matter. With that, Mr. President, I would agree with Senator Erdman that we just go ahead and strike this amendment...strike this language. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Ashford. Senator Synowiecki, you are recognized. [LB641]

SENATOR SYNOWIECKI: Thank you, Senator Langemeier, members. And I appreciate Senator Ashford's remarks because, you know, I appreciate what your intent was in including this in the bill because, quite frankly, if the city of Omaha and the metropolitan area had a truly integrated housing pattern throughout the city--north, south, east, west--we wouldn't be here probably, discussing these issues that we are having to discuss relative to diversity, relative to integration in our schools. Unfortunately, the metropolitan area has a wholly segregated housing pattern, and while I can appreciate that Senator Erdman and Senator Ashford are going to, with Senator Erdman's amendment, remove this language, I hope the issue doesn't fade away, because what they call inclusionary zoning is a very important aspect to the long-term success of this underlying bill, that if we don't arrive at an inclusionary zoning pattern in the city of Omaha where integration and low-income housing and mixed-use housing and so forth, all the different zoning code affirmations that are given these areas, if that doesn't occur, you know, we're going to be in this problem in the long term. This is a...a lot of things we're trying to do here with this bill, I would consider short-term fixes. This part about changing patterns, housing patterns, and changing the way we do business in terms of development on the western hinges of the city are precisely what is needed to do...is exactly what we need to do in the long term. It's kind of a generational approach to this problem. It's going to take a generation to truly fix this problem. And I was hoping that with the inclusion of this as part of the scope of the learning community commission is that it would get the ball rolling on this so we can finally do something substantive in the

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area of inclusionary zoning and that we could get the city council and the county commissioners to look at this progressively in terms of housing patterns. I've seen this as a kind of an ignition to get the discussions going to where they should be so that we can truly have a generational fix to this so that can be a long-term fix, and the housing patterns that are entirely connected to the school system will become integrated to the point where we're not talking about anchor schools and so forth to take kids away from their neighborhoods, that all communities within the city of Omaha, all communities within the metropolitan area, they all are reflective of the broader community. That's the ultimate goal. And I thought with this language in the bill that would be the first chance for us to substantively look at this and have, for the first time, an organized, statutorily recognized body, being the learning commission, look at this thing and do something substantive for the first time. Thank you. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Synowiecki. Senator Ashford, you are recognized. [LB641]

SENATOR ASHFORD: Thank you, and I will be brief, but I appreciate Senator Synowiecki's comments, and I don't want to just use this platform to rail on about affordable housing, but Senator Synowiecki is absolutely correct. Much of the problem that we're facing today and we're dealing with today in education is the result of segregated housing patterns in the city for many generations, and it...those of us who have grown up in Omaha and lived in Omaha for a long time see it. There are many innovative ways to address it. Senator Erdman has mentioned several of them: mixed income housing, inclusion zoning, which means essentially is that when a developer develops land in the county or in the city, that they would be required to set aside a certain number of units in their development for affordable housing. This is done remarkably successfully across the country. Probably the best example I've seen is in Chicago where up and down the lake front, you know, million-dollar condominiums are right next to affordable housing units in the same building. We are behind the curve in this area in Omaha. It is a local issue, but as Senator Erdman suggests, it is a statewide issue as well, and we have millions and millions of dollars of assets in public housing across the state, and we have a vehicle in NIFA that can help us finance these types of developments and to sponsor or to incent developers to encourage them to be involved in affordable housing. Lincoln, quite frankly, has done a remarkable job in this area. Lincoln has really, in fact, has been cited by HUD on occasion as a star city in the HUD, doing HUD programs, because they have done mixed-income housing throughout the community in Lincoln. I've been to several of the developments that they have done and they really have done an excellent job in working with neighborhood groups, selling the idea of affordable housing to neighborhood groups and working with their city council to get these things, these kinds of developments going. So, Senator Synowiecki, it's not without some remorse slightly that we're taking it...I'm agreeing that this matter should go to some other venue but I do commit myself to continue to work on this topic and hopefully next year maybe we could have some legislation that would bring all of these

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assets together in a way that will address the problem of segregation of housing in our city. Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Ashford. Senator Gay, you are recognized. [LB641]

SENATOR GAY: Thank you, Mr. President. I do rise in support of the amendment Senator Erdman has put before us. Again, this goes back to...I don't know, we need to focus on education. This got a little bit beyond the scope of where I think this should go so I just wanted to rise and support it. Affordable housing. Those are commendable things but how do you involve the planning commission with the learning community and all the other things we're doing here? It is unnecessary and unneeded, so I appreciate the amendment and I'm going to support this amendment. Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Gay. Seeing no other lights on, Senator Erdman, you are recognized to close. [LB641]

SENATOR ERDMAN: Thank you, Mr. President and members of the Legislature. FA117 isn't designed to remove the issue. It's simply recognizing that the limitations that are going to be placed on the learning community council are going to be substantial. When they start off, the responsibilities that they're going to have to deal with the poverty plans, to deal with the limited English plans, to set up the elementary learning centers, all of those things have to be done essentially immediately upon their organization after they're elected. This provision would also have to be done almost simultaneously with all of those things. I'm not saying it's not important, and in fact Senator Ashford, I think, has pointed out very well we have NIFA, we have AD, housing administrations or housing authorities across the state, we have the Affordable Housing Trust Fund. You go through a number of different programs that are out there, and similar to my comments to Senator Synowiecki on LB542, instead of creating a new division or a new entity to go out and help do something that's being done already, let's coordinate those efforts and actually accomplish the goal. I see no fault in going down this path of actually doing some work in here. I think it's problematic to do it, first of all, in this time line, and second of all, given the additional responsibilities that this group is going to have once they get organized, I think this is important that if we're going to do, that we need to do it right. I would encourage your adoption of FA117. I thank Senator Ashford for his comments and look forward to working with him. Thank you, Mr. President. [LB641 LB542]

SENATOR LANGEMEIER: Thank you, Senator Erdman. You have now heard the closing on FA117. The question before the body is, shall FA117 be adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB641]

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CLERK: 27 ayes, 0 nays, Mr. President, on the adoption of Senator Erdman's amendment. [LB641]

SENATOR LANGEMEIER: FA117 is adopted. Mr. Clerk. [LB641]

CLERK: Senator Erdman would move to amend with FA118. (Legislative Journal page 1715.) [LB641]

SENATOR LANGEMEIER: Senator Erdman, you are recognized to open on AM118. [LB641]

SENATOR ERDMAN: Mr. President, thank you. FA118, I believe, is designed to be clarifying but it may not be as technical as I believe it is, and I'll briefly go through my rationale, and I believe this is an area specifically again that Senator Ashford is interested in. Right now, in the bill, as AM1386 would propose, each elementary learning center shall have at least one elementary learning center facility that is, (a) not in a building owned by a school district, and (b) located in an area with a high concentration of poverty within the region. Such facility may be owned or leased by the learning community or the use of facility may be donated to the learning community. Programs offered by the elementary learning center may be offered in such facility or in other facilities located within the elementary learning center region. As I read the language, we are essentially creating an obligation of the learning community council to have a facility but no obligation for them to actually use it. I understand Senator Ashford's point, and I think it's well-made, that there may be circumstances where the school district or the building is not the appropriate venue for an elementary learning center to be housed. Maybe it's a private building, maybe it's a nonprofit, maybe it's a church, maybe it's wherever the appropriate mechanism or location would be that the community that's going to be affected or that's going to take advantage of this opportunity would feel welcome in. I think that...I understand what that intent is. What I'm striking is essentially sub (a) on page 88, lines 23 and 24, which says, "not in a building owned by a school district and..." and so it would essentially take out that. It would still say that the learning center facility is located in an area with a high concentration of poverty within the region, but as you continue to read, again there is no obligation that the learning council, learning community council, has to use whatever facility they would have that's not a school district building. So this simply leaves it open, as the existing language does, for them to find an appropriate mechanism. Maybe there is a part of the community in Omaha, and Senator Ashford, I will yield you whatever remaining time that I have when I'm completed here, maybe there is a part of Omaha or in Sarpy County that actually feels that the school district is an appropriate vehicle or mechanism. There is no requirement then that they simply have to have another building to have another building. This would leave it open and still allow those areas where the school district was not an appropriate location to use another location, and it

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could be donated, it could be gifted, whatever. Those provisions still apply, but again in those areas where the school district is a welcoming place for that community, that there is no prohibition about the learning community council using that location. I think it's clarifying. I think of the intent of what Senator Ashford and the committee wants to accomplish is, as we have said before, Senator Harms even mentioned this earlier, sometimes that school building is not the most accommodating place to accomplish some of these things, even after hours. If that's the case, they'll still have the authority to go somewhere else. You still maintain that it has to be in an area of high concentration of poverty within the region. All of that stays the same. It just provides a little more flexibility. Senator Ashford, I don't know if this is acceptable to you. I hope I've explained it correctly, but if I haven't, feel free to share your insight as to how this may have unintended consequences. Senator Ashford may have the rest of my time, Mr. President. [LB641]

SENATOR AGUILAR PRESIDING [LB641]

SENATOR AGUILAR: Senator Ashford, you have 6 minutes and 38 seconds. [LB641]

SENATOR ASHFORD: Senator Erdman, let me do this. I think that I don't have an objection to the building being owned by a school district. I would strongly object to it being a classroom building. The idea here is that these parents, on many occasions there is a fear, if you will, of going to the classroom building where they may be having some difficulties, where they may not be learning. And rather than to create that conflict again or to put or to underline it, I do...I don't...if the school district has a building that the learning community council would like to use, I don't have a problem with that. I just feel strongly--I think the committee for the most part did, I can't speak for everybody--that it not be a classroom facility. For example, there is a facility at Westside that is next to or I believe attached to Westbrook Junior High that is a Boys Club facility that was part of that building or is part of that building now. It could very well be that they would...that a learning center could be located there. As long as it's not a classroom building, Senator, but I would not...so I'm not sure what language you want to use here, but I don't want to belabor this too long, but that would be my concern. I would yield the rest of my time back to Senator Erdman. [LB641]

SENATOR AGUILAR: Senator Erdman, you are recognized again. [LB641]

SENATOR ERDMAN: Thank you, Mr. President. Senator Ashford, let me read the language that's on page 88, line 27, starting with the word "programs" through the end of that section. It says, "programs offered by the elementary learning center may be offered in such facility or in other facilities located within the elementary learning center region." I would read the language to be completely permissive to do exactly what you said, and that is if the programs need to be offered somewhere else, because what the language we're striking is, is a prohibition that would require the learning community

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council to own a facility, not the school district. If you have a school district building that's there, you can use it. Maybe it's the Westside example. But if that's not welcoming or if that's not the appropriate location to house the elementary learning center, I think the language is clear that they can use any facility, not specifically the one at the school, and I think it provides that flexibility. My concern is, is that we don't build in a requirement that a district or a learning community council be required to have a building just to have a building. In the cases that you're talking about, there is a legitimate need. I think that's still addressed. What I don't want to run into is that in other areas where there may be more acceptance of an elementary learning center being housed with a school district building, that they are able to do that, as well, without the duplication of capital expenditures. I don't know if that's clarifying at all. I think what you've said is able to be done under here. If it wasn't I wouldn't be offering this amendment. I think it just provides the flexibility, and you may again respond if you choose. [LB641]

SENATOR AGUILAR: Senator Ashford, you have 3 minutes and 20 seconds. [LB641]

SENATOR ASHFORD: Let me just ask Senator Erdman if I might, if he would yield. [LB641]

SENATOR AGUILAR: Go ahead. [LB641]

SENATOR ERDMAN: I would. [LB641]

SENATOR ASHFORD: Senator Erdman, I can't remember whose time we're on, but... [LB641]

SENATOR ERDMAN: We're sharing it. [LB641]

SENATOR ASHFORD: Fine. Thanks. The learning community...and let me make sure...I know where you're...I think I see where you are reading, obviously; I do see where you're reading on page 88. But it's the learning community council that makes the determination of where these particular facilities would go. It is the sub...I believe, the sub board, that would make the determination where the learning community or where the learning resource center would go in a particular subdistrict. I believe that's correct, isn't it, Senator Erdman? I haven't read the whole paragraph. [LB641]

SENATOR ERDMAN: The achievement subcouncil, Senator,... [LB641]

SENATOR ASHFORD: The achievement subcouncil (inaudible)... [LB641]

SENATOR ERDMAN: ...they have the specific authority over those learning centers... [LB641]

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SENATOR ASHFORD: Right. [LB641]

SENATOR ERDMAN: ...within each region or district. [LB641]

SENATOR ASHFORD: Yeah, Senator, I don't have an objection to your amendment. I do though want to, just for the record, for some background on this, I think it's appropriate that this subgroup have that authority. They would make the determination and I think the message here is that they be very cautious of using a classroom facility because some of the concerns that were raised to the committee at various times during this process. But I will...I think I understand where you're going. [LB641]

SENATOR ERDMAN: And let me give the converse, Senator Ashford, just...and again it comes back to the achievement subcouncil, as I understand the bill that the committee has before us. Those three representatives will be the oversight board for this elementary learning center. In the places where a school district building would not be an appropriate location, there may be other areas where it would. And so just like we don't want to say in those folks in those districts that you have to use a school building, we also don't want to say in folks in other districts where they would use the school building and would be welcome, that they can't. It provides the flexibility for that subcouncil to analyze the best possible circumstance for those students and that community, and then to determine the appropriate location for that to happen. And again, the language on the top of page 89 allows ultimate flexibility that the programs could be offered essentially anywhere that they wanted to within that region. [LB641]

SENATOR AGUILAR: One minute. [LB641]

SENATOR ASHFORD: And I'm...you're asking me or (inaudible) finish. Yeah, that's fine with me, Senator, but I understand the flexibility and I think the...we have to have faith in these subcouncils, give them the authority to permit them to make the right choices, and if we do it for them that's probably not necessary. So I would agree with this amendment at this time. [LB641]

SENATOR ERDMAN: Thank you. [LB641]

SENATOR AGUILAR: Thank you, Senators Erdman and Ashford. Senator Ashford, your light is on next. [LB641]

SENATOR ASHFORD: Thank you, Mr. President. Nothing...I understand Senator Erdman's point and I think the point is well-taken that there may be subdistricts, councils, that would...or achievement subcouncils that would find a school facility as welcoming. I know in Ralston there is some discussion about the Ralston school, the superintendent wanting or thinking that that would be an appropriate place should

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Ralston qualify. So with that, Mr. President, I would agree with Senator Erdman's amendment. [LB641]

SENATOR AGUILAR: Thank you, Senator Ashford. Senator Nelson, you are next. You are recognized, followed by Senator Howard and Senator Pirsch. [LB641]

SENATOR NELSON: Thank you, Mr. President and members of the body. I appreciate Senator Erdman's bringing this amendment because I think it makes a great deal of sense. Some reference was made to Westside. They have the Westside Community Center, which is essentially a school building that's used for a lot of other purposes. But there is an example of where they could donate that to the learning community if they have space there for the learning center. It probably is not going to work in this case because I don't think that's located in a poverty area, but it's an example of what could happen in other districts. So I certainly rise in support of the amendment and I would yield the remainder of my time to Senator Pirsch if he cares to use it. Thank you, Mr. President. [LB641]

SENATOR AGUILAR: Senator Pirsch, you have 4 minutes and 17 seconds. [LB641]

SENATOR PIRSCH: Thank you, Mr. President and members of the body. I wonder if Senator Ashford would yield to a couple of questions? [LB641]

SENATOR AGUILAR: Senator Ashford, would you yield? [LB641]

SENATOR ASHFORD: Yes. [LB641]

SENATOR PIRSCH: Thank you very much, Senator. And I guess the concern in so drafting the amendment as you had I guess was based upon having these type of activities, the elementary learning center take place within a school district-owned building that had classrooms. Is that correct or is that...? [LB641]

SENATOR ASHFORD: That was the major concern, Senator Pirsch. I'm sorry. If I could answer, Senator Pirsch. That's the main concern that has been expressed to me by community people. But we'll just...with Senator Erdman's amendment we'll leave it up to the... [LB641]

SENATOR PIRSCH: Oh, very good. [LB641]

SENATOR ASHFORD: ...councils to make, achievement subcouncils to make that decision. [LB641]

SENATOR PIRSCH: Very good then. I don't have any other questions, I guess, at this point in time, Mr. President. I'll yield back to Senator Nelson if he would like the time, or

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if not, I'll yield it back to the Chair. [LB641]

SENATOR AGUILAR: Thank you, Senator Pirsch and Senator Nelson. Next up is Senator Howard, followed by Senator Pirsch again, and Senator Wallman. [LB641]

SENATOR HOWARD: Thank you, Mr. President and members. I stand in support of Senator Erdman's amendment, FA118, and this has been an issue I've been concerned about since we initially discussed this, and I'd like to thank Senator Ashford for his adaptability on this issue because I know that he had some definite feelings about this. But I would like to explain why I feel that this should be included in the educational site for children and I reflect back on when I was raising two small children and I was a young widow, and it would have been very difficult and very discouraging for me to have to go from my children's school to a separate stand-alone building to obtain resource services or information. And I can envision this and I can imagine this would be difficult for many families who had limited means and limited transportation, and frankly, limited time, and yet were still trying to do the best job they could for their children educationally. The second concern I had regarding this, is we had schools in Omaha, and often used the example of Liberty School, who are providing these services. And I would not want to discourage schools from offering this. I would not want to take a step backwards and put schools that do have these resources in place, to have those possibly removed and isolated from the school itself. I think that's critical that services be offered and be available to parents and children and not necessarily be stand-alone. I'm perfectly agreeable to allowing the learning community to make the decision based on best information available to them, given the location, the conditions, and the needs of that community and that school area. And the third factor which is very concerning to me would be the cost of these stand-alone facilities. What are we talking? When is a nickel levy that's available per property valuation? I referred to this earlier in that nickel soon mounts up to \$50 if you have a \$100,000 home. I think we need to be realistic about what we can afford. I'm certainly in support of providing these resources and providing this additional support to families. I think it's a wonderful idea but I think we also have to be realistic about how can we best utilize the facilities and the resources that we have for families. Thank you. [LB641]

SENATOR AGUILAR: Thank you, Senator Howard. Senator Pirsch, you are next. I do not see Senator Pirsch. He is coming. So waived. Senator Erdman, you are recognized to close. [LB641]

SENATOR ERDMAN: Mr. President, again this an amendment that I believe is valuable to this process. It retains the ability for an achievement subcouncil and specifically the learning community council to choose the appropriate facility to house their elementary learning facilities or learning centers. It would allow a district to choose a school district, it would allow the council to choose a school district building if they chose to, if they wanted to, but it doesn't require them to do that, and so it leaves the flexibility open as

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the existing language before us where the programs can be offered essentially in any facility within the elementary learning center region. Senator Ashford and others are supportive. I would encourage your adoption of FA118. [LB641]

SENATOR AGUILAR: Thank you, Senator Erdman. You've heard the closing on the amendment. The question is, shall the amendment be adopted? All those in favor vote aye; those opposed vote nay. Have you all voted that care to? Senator Erdman, for what purpose do you rise? [LB641]

SENATOR ERDMAN: My request is out of the order at the moment, it would appear, so we can proceed. [LB641]

SENATOR AGUILAR: Record, Mr. Clerk. [LB641]

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of the amendment. [LB641]

SENATOR AGUILAR: The amendment is adopted. [LB641]

CLERK: Senator Erdman would move to amend with FA119. [LB641]

SENATOR AGUILAR: Senator Erdman, you are recognized to open FA119. [LB641]

SENATOR ERDMAN: Mr. President, I would ask that that amendment be withdrawn. [LB641]

SENATOR AGUILAR: With no objections, so ordered. [LB641]

CLERK: Mr. President, Senator Erdman would move to amend with FA120. (Legislative Journal page 1715.) [LB641]

SENATOR AGUILAR: Senator Erdman, you are recognized to open on FA120. [LB641]

SENATOR ERDMAN: Thank you, Mr. President. FA120 is probably a preference. I think it's an appropriate option for us to consider. What it specifically deals with is the achievement coordinator, student achievement coordinator, that will be hired by the Department of Education, has certain responsibilities in which they must undertake in accomplishing the provisions of Section 33, specifically the new language. And again, this is new language that was added after the passage of LB1024 last session. It's in lines 12 through 14 of page 68. It states that in developing the plan, and again this is the student achievement plan, the coordinator may seek input from superintendents, principals, teachers, social workers, and other individuals with relevant expertise. What FA120 would accomplish is on line 12, after the word "coordinator," we would change the word "may" to "shall." So the coordinator shall seek input from the superintendents,

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principals, and teachers, and other individuals with relevant expertise. The word "social worker" would be removed from this line but it would be my full intent that in areas of the state where they are appropriate in developing this plan, that they would be under that area that says individuals with relevant expertise, and I'm specifically thinking of those areas in more of a metro part of the state. I know Senator Howard may have some opinions on this. But I think the key point is that if we're going to develop a plan in which our goal is to accomplish student achievement through the Department of Education, we want to make sure that that coordinator is out there understanding the issues, they're consulting with the people on the front lines. I would imagine that the individuals with other relevant expertise are school board members and parents, that they would have an opportunity to be at the table on this discussion as well, and I think that should be required. So the amendment would add the word "shall" or strike the word "may," and say that the coordinator shall seek input from those individuals. Again, it would also strike the word "social workers" but it would be my opinion that those individuals would already be covered with the additional language on line 14 that says individuals with relevant expertise. I would encourage your adoption of FA120. Thank you, Mr. President. [LB641]

SENATOR AGUILAR: Thank you, Senator Erdman. Those wishing to speak are Senator Howard. [LB641]

SENATOR HOWARD: Thank you, Mr. President and members. (Tape malfunction)...rising to oppose Senator Erdman withdrawing the social workers from this bill and this section of the amendment. I do appreciate his statement of intention that they be retained under individuals with other expertise. I think if we're going to get serious about working with families, in order to (inaudible) families work with children, we're going to have to have the services in place that can do that. Teachers are not trained to be social workers nor do they want the task and the responsibility to act and do the outreach work between the teachers and the family to better aid that child to be successful. I'll stand on this concern because I think in order for this to be a good bill, a bill that does what Senator Raikes and the Education Committee and this body, frankly, intend to do, we're going to have to have the right people in place to accomplish it. The social workers provide a critical element, critical support staff member. Right now we have social workers in place in some of the Omaha schools, Liberty School being one, again (inaudible) school, and the teachers have found that to be exceptionally valuable and have (inaudible). Also I've received correspondence from the superintendent of Grand Island Public Schools in which they have five social workers who said they wouldn't be without them. (Inaudible) really count on the social workers to be the conduit between the school to the parents to aid the child. This is a group endeavor...(RECORDER MALFUNCTION)...successful, we need good team members. And I would say that the social workers are critical members of this educational team. Thank you. [LB641]

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SENATOR AGUILAR: Thank you, Senator Howard. Senator Erdman, there are no other lights on. You are recognized to close. [LB641]

SENATOR ERDMAN: Mr. President, Senator Howard, I would draw your attention to page 58 of Section 24. And I think your point is well-taken. Specifically, what we're talking about with the amendment to FA120, which I ask you to go there, that's not where we're at. But specifically what we're talking about is not whether or not the students will have access to social workers and helping them to meet their needs but whether or not they specifically need to be addressed in this group of individuals who will be consulted. I would argue that in those places like Grand Island or in Omaha that you have stated, those social workers who are currently involved will be intimately involved in that discussion locally. On page 58, one of the requirements that we have in the bill is that for the approval or disapproval of a poverty plan for each member districts, students have to have access to social workers. So your point, I think, is well-put and it's actually found in Section 24. And that is that those students need access to those types of individuals in those areas where poverty, limited English proficiency is found. That is already addressed in the bill. Simply in my amendment we're saying that in coordinating this plan, that specifically we need superintendents, principals, teachers, and other individuals with relevant expertise. I'm not saying that we should exclude social workers at all. I'm saying that they're accounted for in another section. I would think that they know who they are, that they would be capable of being a part of this process and planning. And again, that we're changing the language from "may" to "shall" because otherwise if this amendment isn't adopted, we have no assurance that the coordinator of this plan will consult with these individuals. We would have every hope that they would. But if you read Section 33, every other requirement that the coordinator has is "shall." They shall develop a plan to improve educational attainment for students. They shall evaluate and coordinate existing resources. They shall...it says "shall" everywhere but here. I think this is probably as integral a part of that. We're not removing social workers, we're just not specifically naming them. And I think, from your examples that you have given us, they're going to be part of this discussion. I hope you'll support the amendment. I do think it's technical and I think it does improve this section of law that deals with what was once called the high-needs coordinator is now the student achievement coordinator. And Mr. President, with that, I would encourage the adoption of FA120. [LB641]

SENATOR AGUILAR: Thank you, Senator Erdman. You've heard the closing on FA120. The question is, shall the amendment be adopted? Those in favor vote aye; those opposed vote nay. Have you all voted that care to? Senator Erdman, for what reason do you rise? [LB641]

SENATOR ERDMAN: Mr. President, I would request a call of the house. [LB641]

SENATOR AGUILAR: The question is, shall the house go under call? Record, Mr.

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Clerk. [LB641]

CLERK: 14 ayes, 0 nays to place the house under call. [LB641]

SENATOR AGUILAR: The house is under call. Would all unexcused senators return to the Chamber and check in? The house is under call. All unauthorized persons please leave the floor. Senator Cornett, Senator Kruse, Senator Friend, the house is under call. Please report to the Chamber and check in. All members are present. How do you wish to proceed? [LB641]

SENATOR ERDMAN: Mr. President, I accept call-in votes, please. [LB641]

SENATOR AGUILAR: Mr. Clerk. [LB641]

CLERK: Senator Burling voting yes. Senator Carlson voting yes. Senator Synowiecki voting yes. Senator Fulton voting yes. Senator Stuthman voting yes. Senator Dierks voting yes. Senator Karpisek voting yes. Senator Cornett voting yes. Senator Janssen voting yes. Senator Dubas voting yes. Senator Harms voting yes. [LB641]

SENATOR AGUILAR: Record, Mr. Clerk. [LB641]

CLERK: 25 ayes, 0 nays, Mr. President, on the amendment. [LB641]

SENATOR AGUILAR: The amendment is adopted. Mr. Clerk? I do raise the call. [LB641]

CLERK: Mr. President, the next amendment, Senator Erdman, FA121. [LB641]

SENATOR AGUILAR: Senator Erdman, you are recognized to open on FA121. [LB641]

SENATOR ERDMAN: Mr. President, I would ask that FA121 be withdrawn, as well as FA122. FA121 will just be outright withdrawn. FA122, I believe, is being addressed in a technical amendment that Senator Raikes would offer. So I'd ask that both those amendments be withdrawn. [LB641]

SENATOR AGUILAR: With no objection, so ordered. [LB641]

CLERK: Mr. President, Senator White would move to amend with AM1433. (Legislative Journal page 1715.) [LB641]

SENATOR AGUILAR: Senator White, you are recognized to open on AM1433. [LB641]

SENATOR WHITE: Thank you, Mr. President. AM1433 is a technical amendment that

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makes it clear that the services provided by the learning center shall meet all normal regulatory standards with regard to regulations, including certification of teachers, safety provisions, and compliance with other state standards. This is to make clear that in setting up the learning centers we are not going to relax our other standards regarding the quality of education. The whole point of this bill is to enhance and improve the quality of education. This is to make it clear there are no loopholes. The services provided by the learning center shall comply with those standards. Accordingly, I'd ask the support of the body and I appreciate your consideration of this amendment. [LB641]

SENATOR AGUILAR: Thank you, Senator White. Senator Pirsch, you are recognized. [LB641]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. I wonder if Senator White would yield for a quick question. [LB641]

SENATOR AGUILAR: Senator White, would you yield to a couple questions? [LB641]

SENATOR WHITE: Certainly. [LB641]

SENATOR PIRSCH: Thank you. And looking, Senator White, at the types of services that are possible there at the elementary learning centers enumerated, are there, other than the teaching services, extended school hours, etcetera. Are there other types of services in particular that have you concerned about the quality? And if so, if you could enumerate those? [LB641]

SENATOR WHITE: No, generally this is more of a prophylactic measure to make sure that we are not creating loopholes to allow substandard services. (Laughter) Obviously we want...that's a legal term, Senator. Obviously we want certified teachers, that's essential. But we also want, for example, the services provided in buildings that meet fire code for schools. We want training for others if there are assistants, if there are speech, all those kind of standards should apply. [LB641]

SENATOR PIRSCH: Thank you very much. I'll yield. Thank you. [LB641]

SENATOR AGUILAR: Thank you, Senator Pirsch and Senator White. Senator Pahls, you are next and recognized. [LB641]

SENATOR PAHLS: Mr. President, members of the body, I thank Senator White for bringing this forward because I do think we need to be very careful about the individuals who will be working around children. And just one is like a background check, we are concerned about individuals who may be dealing with children. We need things such as that. So I...just the No Child Left Behind Act does require like paraprofessionals have certain training and their expectations are going to increase in the future. So I think this

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forces us to keep that in mind. And I thank you. [LB641]

SENATOR AGUILAR: Thank you, Senator Pahls. Senator Ashford, you are next and recognized. Senator Ashford waives his opportunity to speak. Senator White, you are recognized to close on your amendment. [LB641]

SENATOR WHITE: I thank the members of the body for their consideration and urge your support to this amendment. [LB641]

SENATOR AGUILAR: You have heard the closing on AM1433. The question is, shall the amendment be adopted? All those in favor vote aye; those opposed vote nay. Have you all voted that care to? Record, Mr. Clerk. [LB641]

CLERK: 25 ayes, 0 nays, Mr. President, on the amendment. [LB641]

SENATOR AGUILAR: The amendment is adopted. [LB641]

CLERK: Mr. President, the next amendment, Senator Schimek, AM1430. [LB641]

SENATOR AGUILAR: Senator Schimek, you are recognized to open on AM1430. [LB641]

CLERK: Senator Schimek would like to withdraw that amendment. [LB641]

SENATOR AGUILAR: So ordered. [LB641]

CLERK: Senator Raikes, I believe AM1394... [LB641]

SENATOR RAIKES: Withdraw, please. [LB641]

CLERK: Withdraw? Yes, sir. [LB641]

SENATOR AGUILAR: Mr. Clerk. [LB641]

CLERK: Mr. President, Senator Raikes would move to amend with AM1424. (Legislative Journal pages 1715-1716.) [LB641]

SENATOR AGUILAR: Senator Raikes, you are recognized to open on AM1424. [LB641]

SENATOR RAIKES: Thank you, Mr. President and members. This is an amendment that does a number of corrections, mostly of a technical nature, has to do with using election commissioners to certify the establishment of the learning community and its election districts, puts the Commissioner of Education or his or her designee in charge

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of a meeting of the newly elected council. And there are a number of other corrections involving the Commissioner of Education and some other changes regarding English proficiency plans and other aspects of the learning community. I urge your support. I'll try to answer questions if you have them. [LB641]

SENATOR AGUILAR: Thank you, Senator Raikes. There are no lights on. You are recognized to close. Senator Raikes waives closing. The question is, shall AM1424 be advanced? All those in favor vote aye; those opposed vote nay. Have you all voted that care to? Have you all voted that care to vote? Record, Mr. Clerk. [LB641]

CLERK: 25 ayes, 2 nays, Mr. President, on the adoption of Senator Raikes's amendment. [LB641]

SENATOR AGUILAR: The motion is adopted. We are back to AM1386 as amended. Senator Raikes. [LB641]

SENATOR RAIKES: Thank you, Mr. President and members. We've done a lot of work on this today. I thank all of you for your discussion and contributions. I think we have made significant improvements. I know that not everyone is pleased with exactly what the contents are but I believe overall it's a very good piece of work. And again, I thank you for your effort. I do urge you to support this amendment and then we'll go on to the bill as amended. Thank you. [LB641]

SENATOR AGUILAR: You've heard the closing on AM1386. The question is, shall the amendment be adopted? Excuse me. Senator Erdman, you are recognized. I'm sorry, Senator Erdman, we've already had the closing. So the question is, shall the amendment be adopted? All those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB641]

CLERK: 25 ayes, 2 nays, Mr. President, on the adoption of AM1386. [LB641]

SENATOR AGUILAR: The amendment is adopted. [LB641]

CLERK: Mr. President, I now have a series of amendments to the bill. Senator Kopplin, AM1251. (Legislative Journal page 1499.) [LB641]

SENATOR AGUILAR: Senator Kopplin, you are recognized to open on AM1251. [LB641]

SENATOR KOPPLIN: Thank you, Mr. Speaker, members of the body. This amendment does two rather simple things. It removes Sarpy County and it freezes the boundaries in Sarpy County. The inclusion of Sarpy County in this whole process began last year. And we talked about many ways...should part of the county be in, should part of the county

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be out? I always took the stance that, well, if you're going to do it you need to do it all and I stuck with that. But I put this amendment in to begin with just as a placeholder but it's not a placeholder with me anymore. I'm sure that it's not going to go anywhere but maybe it will. So I'm going to leave it up here and basically let people talk to it if they wish. And then we'll see about going to a vote with it. Thank you. [LB641]

SENATOR AGUILAR: Thank you, Senator Erdman...excuse me, Senator Kopplin. Senator Erdman, you are recognized. (Laugh) [LB641]

SENATOR ERDMAN: Senator Kopplin, my apologies. Mr. President, would Senator Raikes yield to a question? Is he available? [LB641]

SENATOR AGUILAR: Senator Raikes, would you yield to a question? [LB641]

SENATOR RAIKES: Yes. [LB641]

SENATOR ERDMAN: Senator Raikes, just quickly, I missed the opportunity to speak on AM1386 before it was adopted. So since this is such a simple amendment, as Senator Kopplin has outlined, and I'm going to go ahead and ask you a couple questions and I'm sure that this will be adopted with unanimous consent. Two of the issues that I thought we needed to address before AM1386 or LB641 goes to Final, one was that date of March 15. I didn't see that in the technical amendment. Is it your assurance that that date will be resolved by Bill Drafters before the bill gets printed on Final? And that was the March 15 date. I didn't catch that when I was looking at your last amendment that you offered us. [LB641]

SENATOR RAIKES: Senator, I will assure you and I will verify that we did have a conversation in which I told you that was going to be taken care of. So I will make sure that happens. [LB641]

SENATOR ERDMAN: Okay. The second question that I would have is that under the Avery amendment, and with the amendment that I withdrew that would have taken away the per diem of the commissioners or the coordinating members, essentially you could have Class III school board members being paid a per diem. And the section that I referenced to Senator Avery was that in current law there is an outright prohibition from members receiving any compensation. Have you looked to that to see if that needs to be addressed or can you assure me that that issue does not need to be addressed? Because I don't see that in any of the proposed amendments that are before us. [LB641]

SENATOR RAIKES: I'm informed, Senator, that it doesn't have to be addressed, that the language that is in this amendment takes precedence so that it would be the controlling language, if you will. It would probably be cleaner if it were but... [LB641]

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SENATOR ERDMAN: So it's unnecessary. It's appropriate as it is. It may be cleaner to have a technical amendment but it's not... [LB641]

SENATOR RAIKES: Yes, yes. [LB641]

SENATOR ERDMAN: ...there's no conflict. Even though the statutes conflict, it's understood how that will be handled in the event that a school board member becomes an appointee to the learning community council, that they're able to receive the per diem and the expenses even though...whatever I gave Senator Avery, the section of law says that Class III board members are prohibited from receiving those types of things because they'll be serving as a member of the council. Is that the rationale? [LB641]

SENATOR RAIKES: You are correct in that statement. [LB641]

SENATOR ERDMAN: Okay. And then back on the March 15, that has been addressed or will be addressed before that goes to Final or comes back from Final? [LB641]

SENATOR RAIKES: Will be, yes. [LB641]

SENATOR ERDMAN: Thank you, Senator Raikes. And just since we're on it, you're supporting Senator Kopplin's amendment, AM1251? [LB641]

SENATOR RAIKES: I am not, I am not. [LB641]

SENATOR ERDMAN: Oh, okay. Thank you. [LB641]

SENATOR AGUILAR: Thank you, Senator Erdman and Senator Raikes. Next to speak is Senator Cornett, followed by Senator Gay. Senator Cornett, you are recognized. [LB641]

SENATOR CORNETT: Thank you, Mr. President and members of the body. I've heard time and time again today that the learning community should pay for itself, that the western senators don't want to pay for the learning community. Sarpy County never asked to be part of the learning community. Sarpy residents, taxpayers, our constituents don't want to be part of the learning community. We're not saying that Douglas County doesn't have its issues. We're not saying OPS doesn't have problems that need to be addressed. We're saying that we shouldn't have to be included with their problems. I don't think that there is a senator in here that can say that they received...I received one now, e-mail in favor of us being included as a county. I've received e-mails from Gretna, Papillion, South Sarpy. Regardless of what our differences are inside the community and the county, those aside, there isn't a person in our county that has corresponded with us, other than one for myself, that wishes to be included. We understand that

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Senator Raikes and the education community looks at Bellevue, Sarpy County, Papillion as part of the metropolitan area. We have a distinct identity. We do not associate ourselves mentally as part of Omaha. We do not wish to be included. We will handle our own problems inside of our own county with our own constituents. Thank you very much. [LB641]

SENATOR AGUILAR: Thank you, Senator Cornett. Next to speak is Senator Gay. [LB641]

SENATOR GAY: Thank you, Mr. President. When we were looking at this issue earlier, I had always said let's look at a statewide proposal. All day I've been listening to two things going on. We're trying to fix it, trying to make it better. Then when we had our governance, I heard, well, we're not in this thing, are we? Well, no, you're not, so rest easy. But we are, Sarpy County is. And I guess I've got questions. I still don't...I want to work on the financing issue a little bit so I understand it. If I'm asked right now, how is this, how are we paying for this, I'm not so sure that I can explain this. So if Senator Raikes would yield to a few questions. [LB641]

SENATOR AGUILAR: Senator Raikes, would you yield to a couple questions? [LB641]

SENATOR RAIKES: Yes. [LB641]

SENATOR GAY: Senator Raikes, earlier you said you were going to hand out a sheet and maybe I didn't get it yet. But are you going to hand out a sheet about the winners and the losers in this proposal? [LB641]

SENATOR RAIKES: Senator, I probably am delinquent in not giving you something on the common levy. On the needs calculation and the aid formula, which was the main focus of our discussion on handouts, given the changes we made in that needs calculation it's basically the same as current statute would be in LB1024. [LB641]

SENATOR GAY: Okay. Well, help me explain this a little bit then. I'm going to use your chart you handed out. And just walk me through it. Because right now, Papillion-La Vista, we're at \$1.00 on our levy. We lower that to 95 cents. Then we have to have a special building levy of two cents that we have to assess. Then walk me through on the capital construction levy. Is that for, up to \$1.05 then, is that for the general fund and building funds of a learning center if we want to build a learning center in our area? [LB641]

SENATOR RAIKES: Senator, the way that would work, there could be a levy by the learning community council of up to 95 cents, no more than 95 cents. The individual school district could levy up to \$1.05, including 2 cents, up to 2 cents that may be levied by the learning community for a special building fund. To the extent that the learning

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community decided to levy a special building fund, that would simply be money collected by the learning community and returned to the school districts for the purpose of serving...of special building fund needs. Each school district would have its own discretion as to how much it wanted to levy above the 95 cent common levy, if that's what is done at the learning community council. So one district--Papillion, for example--might decide to levy an additional nickel for a total of \$1.00. Another one might levy a different amount, but that would be up to each individual school board. And the amount they would levy above the 95 cents would be applied only to the property within that school district and would be available for the use of that particular school district, not the entire learning community. You ask about the capital construction levy which would be up to 5 cents above the \$1.05, that could be viewed, I think most instructively, as a substitute for a bond levy. This would be for buildings that, again, serve interdistrict purposes. The way this would happen is that an individual school district would come to the learning community council... [LB641]

SENATOR AGUILAR: One minute. [LB641]

SENATOR RAIKES: ...with a proposal. I don't want to...please interrupt if I'm taking too much of your time. [LB641]

SENATOR GAY: All right, I hit my light again so go ahead. [LB641]

SENATOR RAIKES: An individual school district would come to the learning community council with a proposal for such a building. If the learning community council approved it, then they could provide up to half of the funding to build the building and that would be how that five cent levy would be used. If they decided not to approve it as a focus building but the individual district decided to go ahead with it anyway, they could do so in the way that they do it right now. [LB641]

SENATOR GAY: Okay. So right now under what we had, in the General Fund under TEEOSA funds are we offset if we lower our levy? We're going to make up some...that's why I wanted to see this sheet. Are we offset if we...we're lowering our levy, right? [LB641]

SENATOR RAIKES: When you say offset... [LB641]

SENATOR GAY: We lower the money, we lower our levy to 95 cents. It's at \$1.00, it's going to... [LB641]

SENATOR AGUILAR: Time. Senator Raikes, you may continue. [LB641]

SENATOR RAIKES: Okay, thank you, Mr. President and members. Senator Gay, if you yield, I'll continue the dialogue. [LB641]

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SENATOR GAY: It's your time. [LB641]

SENATOR AGUILAR: Senator Gay, will you yield? [LB641]

SENATOR GAY: Yes, I would. [LB641]

SENATOR RAIKES: So ask your question again, please. [LB641]

SENATOR GAY: Okay, the question is this. We're lowering it to 95 cents and we have the extra levying ability to go and build the communities. Are we getting some extra additional funding? When we lower our levy, we're going to lose revenues. If the levy is lowered, just our general operating to run the Papillion-La Vista school system. Would we, if we lower that down, we're going to lose revenue, wouldn't we? How is that made up? They got to go then to... [LB641]

SENATOR RAIKES: Okay, let me just go through the process. Let's assume that the learning community council establishes a common general fund levy of 95 cents. That would be levied against all the valuation in the entire learning community and that money collected from that would be distributed to the learning community school districts in proportion to their needs, the needs as calculated in the state aid formula. [LB641]

SENATOR GAY: So it's sent then back to them is what... [LB641]

SENATOR RAIKES: Yes, yes. It all goes back to them. And then in addition to whatever money each school district receives through that process, they could levy up to an additional ten cents, eight cents at least, but ten cents if the learning community decided not to levy a special building fund levy. That money would be added to the money they received through the common levy and that money would be collected on property in that school district and for the use of that school district. [LB641]

SENATOR GAY: Okay, then...well, we're on your time now but I hit my light. [LB641]

SENATOR RAIKES: Please, go ahead. [LB641]

SENATOR GAY: Okay. So back to then, so if they go, is pretty much we're going to get your money, give it back to you, and then you could go...they could then go another ten cents to get to the \$1.05. They're going to come then to the homeowners and say, well, we need this extra money to build. Or they're saying, well, let's say in a subdistrict they decided to build three learning centers somewhere else, not even in our county. We're then funding to build those learning centers as well, correct? So we, I guess we owe the money to the learning center... [LB641]

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SENATOR RAIKES: You would be, Senator, if in fact those buildings were to be used for interdistrict purposes to serve interdistrict students. So even though the building might not be in your district, it would be available for use by students from your district and every other district in the learning community. And in fact, there are provisions in the bill that require the student population of that building to come as closely as possible to match the socioeconomic diversity of the learning community. [LB641]

SENATOR GAY: Okay. So...well, I just see these being built a little different areas. If we build one in our area then and it's open and we're going to build a new...we need to build new schools, we're constantly building new schools because of the growth. So not only do we have to levy to build the new school and then the capacity and those issues I guess, but we're going to build our school. We're going to have to then levy our local just to build our own schools. I don't know if there is that much capacity in a growing district. And we'll discuss that, I guess, as we move on. But I just, the funding is just hard to get around. I'd like to see that sheet you were talking about. It would help me understand what we're doing. We've been...that was 9:00 this morning and we're all changing our amendments and trying to redraft amendments to fit into this thing. You know, I'd like to see that. It's just hard to make a decision and justify a decision when I don't even know what we're paying for. So that's the frustration factor, I guess. So I (inaudible)... [LB641]

SENATOR RAIKES: Well, Senator, I will try to assist in any way I can with that kind of information and provide whatever explanation I can. I will assure you that... [LB641]

SENATOR AGUILAR: One minute. [LB641]

SENATOR RAIKES: ...at least conceptually I have done the best I can to explain to you how it is intended to work. There is in fact a sharing of financial resources involved in this. As was mentioned earlier, it's not nearly as aggressive as what we currently do in the state in unified systems but there is a sharing. And one of the advantages of that is it provides a financial basis for citizens and taxpayers in the various districts feeling comfortable in educating students from other districts or sending their students into other districts to take advantage of educational opportunities because there is a sharing. It's not that we're paying for your students and we're getting nothing in return or vice versa. And that's really a big part of the driver for approaching it in this particular manner. [LB641]

SENATOR AGUILAR: Time. Senator Pankonin, you're next, followed by Senator Loudon, Gay, Pirsch, Kopplin, Heidemann, and Cornett. [LB641]

SENATOR PANKONIN: Mr. President and members of the body, I think it says something that five of the seven senators that represent part of Sarpy County, and I

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know Senator Langemeier is off the floor and Senator Cornett right now, but we're all going to vote for this because there isn't people in Sarpy County telling us they want to be in this learning community. The e-mails we've gotten, communication we're getting is we don't want to be in it. And I think, I really thank Senator Kopplin for bringing it because if this was such a great deal educationally or financially or for whatever reason, you think people would want to be in it. But they don't. So I appreciate him bringing it. If Senator Gay needs any more of my time he can have it, but I'm voting for this amendment. It's the best one I've seen all day. Thank you. [LB641]

SENATOR AGUILAR: Senator Gay, you have 4 minutes and 12 seconds. [LB641]

SENATOR GAY: Thank you, Senator Pankonin. I will use some of it. I'm for the amendment as well. But you know, I guess I'm looking at this whole deal is the financing. And I was talking to fiscal people over here and they couldn't quite even explain it. I think we're all still searching. And I know, Senator Raikes, you have this and in your...you understand how it's going and I don't...you know the school finance formula much better than anybody in here, I assume. I know you do. And you know, I'm new to this, trying to figure it out, how just school financing. If you understood that alone, you're doing quite well, I think, and I'm sure others that have been here longer. But the certain point is, I still feel that if we need to build schools right now, which we are building constantly. We've had two bond issues, another...we're growing and we're building other schools right now. I still don't see, we're throwing the money into the common construction levy or the capital construction levy to go build schools. And then it comes down when we want to build our own school, I think the burden is going to be on our local taxpayers to say, school board is going to have say, well, we've given the money to the learning center and here's where we're at. I can't see them building one of these learning centers in our area. Maybe I'm just naive, maybe I'm not. Maybe they could. But I think we're just trying to keep up with the existing schools and the growth we're getting now. It is unique and I think each person in the state has a unique situation if they want to look into this. We're being...it's like a shotgun marriage. We're being forced into this whole program. And time after time...we just lost on the allowance. We're losing on boundaries. We're forced to deal with boundary issues. Many of these things, we're being forced into making decisions that are just hard to live with. And all I'm asking is to understand the financing. Maybe I'm just not as sharp as everyone else in this place. But there's a certain point, I just don't see how we can continue to put money in a common levy, learning community levy and then still come out and come back and say to our homeowners, by the way, we need our own schools and we need to build a school. And if we build that school, I understand it has to...I don't completely understand how it needs to be socioeconomically set up for anyone to come in. And that's a good cause. I just don't see how it works in the real world a little bit. So with that, I'll think up some...I need some new questions. I want to know how this works three and five years down the road. But I'll yield. I'll get to speak a little later. Thank you, Mr. President. [LB641]

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SENATOR AGUILAR: Thank you, Senator Gay. Senator Louden, you are next and recognized. [LB641]

SENATOR LOUDEN: Thank you, Mr. President and members of the Legislature. As I think Senator Cornett brought up, some of the areas don't want in this and some of them do, whichever way it was going. What I've noticed with this bill as drafted, this AM1386, you've actually drafted most of the state of Nebraska out of the thing. There was some legislation on the books before that allowed learning communities to be built in some of the other sparse and very sparse areas. But the way this is drafted now, why, it's probably doubtful that they could ever be possibly built that way because they've got to have at least 2,000 students. Would Senator Raikes yield to questions, please? [LB641]

SENATOR AGUILAR: Senator Raikes, would you yield? [LB641]

SENATOR RAIKES: Yes. [LB641]

SENATOR LOUDEN: Senator Raikes, how come some of the language was stricken out of your amendment, this AM1386, where that would...local system, then the sparse and very sparse grouping would be allowed to form these learning communities. How come that language was stricken out of the statutes? [LB641]

SENATOR RAIKES: Senator, I don't think any of it was. This amendment is an amendment drafted to existing statute and all of that remains in existing statute. So for example, the provisions that a learning community can be formed, really I think all that's required for sparse or very sparse districts is three districts agreeing to it. For standard systems, all the districts in a single county or if there are three districts, as long as there are 10,000 students, if those are the provisions you're referring to. [LB641]

SENATOR LOUDEN: Well, in AM1386 on page 72 and 73, why, it was, most of that language was stricken. And then I think it goes on to say you've got to have 10,000 students or you've got to have three school districts and that sort of thing. And before that, you only had to have two school districts. So you've made the situation tougher on these more sparse-settled areas of the state of Nebraska to form something like this. So are you, you know, trying to pass legislation that would be detrimental to those areas if they're not allowed to form these learning communities than they were before? [LB641]

SENATOR RAIKES: No, not at all, Senator. In fact, you're looking on page 72? [LB641]

SENATOR LOUDEN: Yeah. [LB641]

SENATOR RAIKES: I think if you look toward the bottom of the page, some of that

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language would have been or is there, reinserted, if you just look a little bit below. So I think the sum and substance is there are no opportunities for the organization of learning communities in greater Nebraska that have been eliminated. They're all there, all the ones...I know you were instrumental last year in LB1024 and getting those put into statute and they all remain. [LB641]

SENATOR LOUDEN: Then it's been raised from two school districts to three school districts that you have to have in order to form a learning community, is that correct? [LB641]

SENATOR RAIKES: I'm thinking that we've always had three. Am I wrong? [LB641]

SENATOR LOUDEN: Well, on the stricken language it said included at least two school districts on the stricken language on the top of page 73. And that was put in last year in LB1024. [LB641]

SENATOR RAIKES: I'll have to look at that because my impression was that we had not reduced the opportunities for learning communities in areas other than the metro area. [LB641]

SENATOR AGUILAR: One minute. [LB641]

SENATOR LOUDEN: Then do you think then on page 72 and the top of page 73, that that should be probably reassessed before we advance this bill very much farther there to make sure that other areas of Nebraska are included? [LB641]

SENATOR RAIKES: Yes, that's certainly been our intention all along, Senator. [LB641]

SENATOR LOUDEN: Because I thought there are areas that learning communities would be of value, especially in your very sparse areas where you have a lot of long distance to cover. Also we have Native Americans, we have all kinds of people in different parts of the country, Latinos and so forth, that would benefit from something like this. And I would like to see something done to take care of this on there to make sure that those areas can be addressed rather than just make it an Omaha deal. Thank you, Mr. President. [LB641]

SENATOR AGUILAR: Thank you, Senator Louden and Senator Raikes. Next to speak is Senator Pirsch, followed by Kopplin, Heidemann, and Cornett. [LB641]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. And I would like to engage Senator Raikes in a few questions, some dialogue. [LB641]

SENATOR AGUILAR: Senator Raikes, would you yield to a few questions? [LB641]

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SENATOR RAIKES: Yes. [LB641]

SENATOR PIRSCH: And thank you very much, Senator Raikes. Just a statement, I do appreciate, you know, your voice is going to be very hoarse over the next couple of days (laugh) and I appreciate being very forthright and addressing all the questions and playing a vital role in that regard for the committee. I did also, since Senator Gay had brought up the question of finances, want to maybe address or ask a couple of questions, perhaps play a clarifying role for the body with respect to the...and tell me where I go wrong, Senator Raikes, as far as the funding or finance formula. But the current \$1.05 that is allowed to be levied by school districts under this plan would go down to...would be basically taken in at least two parts. Ninety-five cents under this plan would be levied by all the school districts and that money would go to the learning community and in turn would be redistributed to all of the school districts in the learning community pursuant to a funding formula. Is that correct? [LB641]

SENATOR RAIKES: That's correct. And the funding formula is the needs in the state aid formula. But you're right. [LB641]

SENATOR PIRSCH: Very good. And then with respect to, since the funding went from \$1.05 to all districts down to 95 for all districts, that isn't the only monies that flow to the districts, correct? [LB641]

SENATOR RAIKES: That's right. [LB641]

SENATOR PIRSCH: And the learning community then would have the ability then to levy a two cent levy upon all districts within this learning community. Is that correct as well? [LB641]

SENATOR RAIKES: That's true, up to two cents for the purpose of a special building fund. [LB641]

SENATOR PIRSCH: Okay. And to the extent that they do not choose to utilize that special building fund, then that would mean that there is now ten cents, the difference between the 95 cent levy and the \$1.05 previous levy, that would be free and available for each individual school district to use as it chooses as far as its needs. Is that correct? [LB641]

SENATOR RAIKES: It would be...yes. That would be for operating funds and special building funds. [LB641]

SENATOR PIRSCH: Okay. And to the extent that the learning community conversely decides that they did want to enact the full two cents, then that would leave then just

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eight cents for the school districts to utilize for whatever purpose they wanted to in their own respective school districts, correct? [LB641]

SENATOR RAIKES: That's right. It would leave eight cents for discretionary operating levy. But of course, each school district would receive proceeds from the two cent special building fund levy levied by the learning community. The learning community may opt, as you suggest, to levy that two cents for special building fund. But that money is directed in its entirety back to the districts on a per-student basis. [LB641]

SENATOR PIRSCH: You bet. And would that two cents then go for the special building fund be used to build both focus schools and elementary learning... [LB641]

SENATOR RAIKES: Actually, that would be for the purposes that school districts now typically use... [LB641]

SENATOR AGUILAR: One minute. [LB641]

SENATOR RAIKES: ...special building funds, which is a number of things, but especially building maintenance and repair. [LB641]

SENATOR PIRSCH: Okay. So that doesn't pertain to the focus schools or the construction of the focus schools or the elementary resource centers? [LB641]

SENATOR RAIKES: Right, right. [LB641]

SENATOR PIRSCH: Okay. And then on top of this \$1.05 structure then, which we've accounted for, there are other...are there other types of levies either done on a state or local level that are allowed for or permitted? [LB641]

SENATOR RAIKES: Well, the levy could only, of course, be done on a local level because it's a property tax levy. But the only one that's in addition to that would be up to a five cent capital construction levy, which basically would be a shared or matching arrangement between individual school districts and the entire learning community for the purpose of building interdistrict...buildings to serve interdistrict programs. [LB641]

SENATOR PIRSCH: And who would make the learning community make the determination for... [LB641]

SENATOR AGUILAR: Time. [LB641]

SENATOR PIRSCH: Thank you very much. [LB641]

SENATOR AGUILAR: Thank you, Senator Pirsch, Senator Raikes. Senator Kopplin,

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you are up and recognized. [LB641]

SENATOR KOPPLIN: Thank you, Mr. President, members of the body. This has not been one of my finest days. I'm not real successful in much of anything. I even managed to offend my friend Senator Cornett, for which I apologize profusely. The only possibly good thing I've had going so far is my friend Senator Erdman left me with a package of Poppycock Originals. (Laughter) Anyway, on this particular amendment, this amendment was filed clear back when we first started talking about it. The page numbers do not fit and we have checked and it can be corrected by E&R. So I'm going to leave it up here for a while yet and talk a little bit more about it. I think Senator Cornett spoke very eloquently about it. She can't find anybody that's really interested in Sarpy County for this. Certainly I'm having the same kinds of luck and feelings. People are concerned about the financing, they are concerned about the governance. And you know what? Aren't you concerned about those same things on this whole bill? You should be. But we'll continue with it. I am going to leave it up for a vote and hope that you will indeed give it some consideration. Thank you. [LB641]

SENATOR AGUILAR: Thank you, Senator Kopplin. Senator Heidemann, you are next, followed by Senators Cornett, Pirsch, and Wallman. Senator Heidemann, you are recognized. [LB641]

SENATOR HEIDEMANN: Thank you, Mr. President, fellow members. I just, I have some questions like some on funding. And I was wondering if Senator Raikes would yield to some questions. [LB641]

SENATOR AGUILAR: Senator Raikes, would you yield for questions? [LB641]

SENATOR RAIKES: Yes. [LB641]

SENATOR HEIDEMANN: I look at Section 46 of AM1386 that we adopted and I see all the wonderful things that we are going to try to accomplish. And I was wondering, first...I've got several questions. Are these people under some kind of spending restriction or lid? [LB641]

SENATOR RAIKES: Well, they don't have levy authority. Well, the learning community council does but the learning community council does not have levy authority to support these programs. This is by state appropriation. [LB641]

SENATOR HEIDEMANN: So how much can they grow their budget every year? [LB641]

SENATOR RAIKES: That would be an appropriation decision by the state. [LB641]

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SENATOR HEIDEMANN: Where can they get all...where can they access funds from, General Fund, which is state appropriations; contributions? Schools cannot contribute in to help fund this, is that correct? [LB641]

SENATOR RAIKES: I don't know that that is strictly correct, Senator. I know that in the case of the early childhood grant programs, that school districts often provide at least in-kind services as part of a match. [LB641]

SENATOR HEIDEMANN Okay. If you haven't read what we're all trying to accomplish here, and it's a great and wonderful thing, but I look at this and we're appropriating the first year, I think \$500,000; second year, \$1,000,000. Is that correct? [LB641]

SENATOR RAIKES: It's \$500,000 for the first year because it would just be a half a year, yes. [LB641]

SENATOR HEIDEMANN: But not only for students but for family. We're talking summer school, literacy centers, computer labs, mentors, service for transit students, transportation, English classes for parents and other family members, health services, mental health services, child care for children of parents working on their own literacy skills. And it goes on and on and on. If this all takes place, and I'm not saying this isn't fine and wonderful, you could look at costs down the road if we do this, if we appropriate money, foreseeing \$20 million to \$30 million a year to do what we want to do here. [LB641]

SENATOR RAIKES: Yeah, and that would be, I think, correct if the intent were for the learning community to use state money to simply buy all these services outright. But that's not the intent here. The learning community, the learning center is meant to be a coordinating agency much like the collaborative agencies that do the early childhood grant programs. They're to gather funding, to leverage funding however they can, provide services in conjunction with entities and organizations that are already in the community, and to some extent share with school districts' efforts, programs to serve these students. In some instances, you mentioned summer school, there is some funding within the aid formula to provide those kinds of services. But by and large, the learning centers are intended to be a coordinating agency to bring together not only state but other funding to provide these kinds of needs. [LB641]

SENATOR HEIDEMANN: When the Department of Ed is into the Appropriations Committee to ask for funding and when they talk about funding this, do you see this as a whole bunch of people coming in wanting a whole bunch of money to fund the things that we have listed in this bill? [LB641]

SENATOR RAIKES: I don't, because if you look at the way this is put together and the intent, I think that it's fairly clearly... [LB641]

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SENATOR LANGEMEIER: One minute. [LB641]

SENATOR RAIKES: ...offered. It is meant to be a coordinating effort. It is meant to bring these services to the community but through a combined, collaborative effort rather than just simply going and buying and paying for services directly. [LB641]

SENATOR HEIDEMANN: If you was doing a fiscal note in the out biennium and what kind of fiscal impact would you put on the out biennium because of everything that we're trying to fund to do here? [LB641]

SENATOR RAIKES: We proposed \$1 million per year to support this effort and that would be my answer to your question. [LB641]

SENATOR HEIDEMANN: So it's your intent from this time forward then that we probably wouldn't spend no more than \$1 million per year, not only in this biennium but the next biennium? [LB641]

SENATOR LANGEMEIER: Time. Thank you, Senator Heidemann. [LB641]

SENATOR HEIDEMANN: Thanks. (Laugh) [LB641]

SENATOR LANGEMEIER: Senator Cornett, you're recognized. [LB641]

SENATOR CORNETT: Thank you, Mr. President. Senator Raikes, would you yield to some questions? [LB641]

SENATOR RAIKES: Yes. [LB641]

SENATOR CORNETT: Senator Raikes, was Sarpy County included in the learning community because you felt that we had a problem with achievement gaps? [LB641]

SENATOR RAIKES: Senator, I think you expressed it earlier. Sarpy County is a part of the metro area community and that really, I think, was the main driving force for including it as a part of the learning community effort; that plus the things that go on in the learning community are going to impact Sarpy County. And this, I think, was expressed to me by other people. It's best, given that situation, for Sarpy County and the school districts in Sarpy County to be a part of those negotiations. [LB641]

SENATOR CORNETT: Senator Raikes, I beg to disagree with you, that we are best served by being part of this. Do you know where Bellevue listed on the federal watch list

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for No Child Left Behind? [LB641]

SENATOR RAIKES: I'm sorry, Senator, I didn't hear that question. [LB641]

SENATOR CORNETT: Do you know where Bellevue School District listed on the federal watch list for No Child Left Behind? [LB641]

SENATOR RAIKES: I don't. [LB641]

SENATOR CORNETT: We are the only district in the state that was not on the watch list. Do you know what our minority and poverty percents are? [LB641]

SENATOR RAIKES: I don't know exactly, but I do know that the Bellevue School District serves a number of free and reduced kids, and also I think a number of English language learners. [LB641]

SENATOR CORNETT: We have a 40 percent minority student population and we have a 30 percent poverty student population. And we do not have the learning gap that you're talking about. Do you know how many dropouts Gretna has had in the past two years? [LB641]

SENATOR RAIKES: I don't. [LB641]

SENATOR CORNETT: If I mentioned that they had one, would that surprise you? One dropout in high school in an entire school district. Papillion, have you seen any achievement gaps in their learning or their test scores? [LB641]

SENATOR RAIKES: I haven't examined their scores, Senator. And I would certainly agree with you that all of those are very good school districts. And certainly South Sarpy would be included, as well. [LB641]

SENATOR CORNETT: I haven't gotten there yet. [LB641]

SENATOR RAIKES: I would also remind you that part of the effort of this from the beginning was to provide enhanced educational opportunities for all students, not just students that might be described as experiencing achievement gap but rather even the very best students by expanding the opportunities they have available to them. [LB641]

SENATOR CORNETT: Senator Raikes, would it be fair to say that you need Sarpy County to make the learning community work but Sarpy County doesn't need you? [LB641]

SENATOR RAIKES: Well, I try not to make this personal. I would tell you that I think

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Sarpy County is a very strong contribution to both the metro area and to the learning community, if that answers your question. [LB641]

SENATOR CORNETT: Thank you. Would Senator Kopplin respond to some questions? [LB641]

SENATOR LANGEMEIER: Senator Kopplin, would you yield to a question? [LB641]

SENATOR KOPPLIN: Yes, I will. [LB641]

SENATOR CORNETT: And first of all before we take care of anything else, apology completely accepted. [LB641]

SENATOR KOPPLIN: Thank you. [LB641]

SENATOR CORNETT: Senator Kopplin, your amendment is different than mine in that it freezes boundaries in Sarpy County. But I just want everyone to understand and make sure that I'm correct in what your legislative intent is. The boundaries would be frozen as long as no agreement existed. Am I correct? Between school districts. [LB641]

SENATOR KOPPLIN: Correct. I believe firmly that school districts' boundaries should be able to change if they can indeed agree among themselves. [LB641]

SENATOR CORNETT: Thank you, Senator Kopplin. Including Sarpy County is kind of the turning point of this bill. We talk about learning gaps and achievement gaps. We speak about dropout rates. We reference poverty. We reference minorities. Sarpy County has these. Bellevue in particular has minority population. Again, I'll say we are 40 percent minority and we are 30 percent poverty and we are the only school not on the watch list. We are educating our students. Papillion is educating their students. [LB641]

SENATOR LANGEMEIER: Time. [LB641]

SENATOR CORNETT: Thank you. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Cornett. Wishing to speak, we have Pirsch, Wallman, Gay, Heidemann, and White. Senator Pirsch. [LB641]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. And continuing on, I wonder if Senator Raikes would yield to continue on our conversation that we had started last. [LB641]

SENATOR LANGEMEIER: Senator Raikes, would you yield to questions? [LB641]

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SENATOR RAIKES: Yes. [LB641]

SENATOR PIRSCH: Well, I appreciate that. It's like playing a game of Ping-Pong versus when you have three games going at once. So I appreciate that. We had left off, I believe, after having explained the \$1.05. And I guess my question I believe was, over and above that there was...you had indicated the special building fund levy was not for the focus schools or the elementary learning centers. And then we began to talk about the capital construction levy which would be a nickel over and above the \$1.05. And you were explaining to whom that tax would be applied and to what it would go to. [LB641]

SENATOR RAIKES: Yes. And Senator, that would be up to five cents that could be levied by the learning community for very restricted purposes in restricted situations. Number one, it could be levied if a proposal is brought to the learning community by a member school district for a proposal to build an interdistrict focus school. And the learning community would be authorized by this statute to provide no more than half the funding that would be required for such a building. So it would be a match program and it would be basically a capital construction levy. [LB641]

SENATOR PIRSCH: That would meet that need? Very good then. Would that also be, this nickel capital construction levy be the source of funding for the elementary learning centers then? [LB641]

SENATOR RAIKES: Yes, that's also a possibility if in fact there were a proposal to build a facility for that. [LB641]

SENATOR PIRSCH: Okay. And are those the two aspects then, the two general items of expenditure that the capital construction levy would be utilized by the learning community then? [LB641]

SENATOR RAIKES: That's correct. [LB641]

SENATOR PIRSCH: Okay. Are there any other taxes employed either on a local or a state level towards this bill? [LB641]

SENATOR RAIKES: Well, the only other one, Senator Pirsch, would be state funding. The bill calls for state funding to be provided to the learning community council for it to carry on its activities. [LB641]

SENATOR PIRSCH: Okay. And in this case, is that the one you're suggesting is the appropriate to the tune of \$1 million a year for now? [LB641]

SENATOR RAIKES: Right. [LB641]

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SENATOR PIRSCH: In a sense, we have only the half a year, \$500,000 for the first year appropriation. [LB641]

SENATOR RAIKES: Right. [LB641]

SENATOR PIRSCH: Okay. And over and above that, are there any other appropriations either on a state or local tax that's required or that this bill envisions? [LB641]

SENATOR RAIKES: I don't believe so. That's the plan. [LB641]

SENATOR PIRSCH: Okay. And I'll yield, I think Senator White had been desirous of...I'll yield the balance of my time to Senator White. Thank you. [LB641]

SENATOR LANGEMEIER: Senator White, a minute, 20. [LB641]

SENATOR WHITE: Thank you for your courtesy, Senator. I would have asked this question of Senator Cornett but as she's not available, would Senator Raikes yield for a question, please? [LB641]

SENATOR LANGEMEIER: Senator Raikes, would you yield to a question? [LB641]

SENATOR RAIKES: Yes. [LB641]

SENATOR WHITE: Senator, I'm deeply troubled by this motion. And perhaps Senator Kopplin can address it as well. Omaha Public Schools crosses into Sarpy, as does Millard. It will be impossible to function with a learning community that excludes Omaha Public Schools or a portion of it and also Millard. How can that be harmonized with the rest of the act? [LB641]

SENATOR RAIKES: Senator, it's a question I can't really address. It may well be that the proposal is for school districts headquartered in those counties. [LB641]

SENATOR WHITE: Now the part of the problem that we face is to get diversity among background, socioeconomic standards, and things like that. Do you believe that's reasonably possible if a big portion of what is, to all intents and purposes, one community is excluded? [LB641]

SENATOR RAIKES: I don't, Senator, and that's the reason that I don't support this amendment and also the reason that I believe this sort of amendment hurts the possibilities for all of the kids in terms of educational opportunities they might pursue in the entire metro area. [LB641]

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SENATOR WHITE: Now is the Millard Public Schools headquartered in Douglas County and therefore they would remain part of the learning community or is their headquarters in Sarpy County, and what would happen if they moved? [LB641]

SENATOR RAIKES: That's a good question. I think I can answer the first part. They are headquartered in Douglas County. [LB641]

SENATOR LANGEMEIER: Time. Thank you, Senator White and Senator Pirsch. Senator Wallman, you're recognized. [LB641]

SENATOR WALLMAN: Thank you, Mr. President. And I do enjoy the comments of some of the senators. And I'd like to ask Senator Kopplin a question, please. [LB641]

SENATOR LANGEMEIER: Senator Kopplin, would you yield to a question? [LB641]

SENATOR KOPPLIN: Yes, I will. [LB641]

SENATOR WALLMAN: Do you think the diversity in your population is the same as OPS? [LB641]

SENATOR KOPPLIN: Absolutely not. [LB641]

SENATOR WALLMAN: Do you think it's greater or less? [LB641]

SENATOR KOPPLIN: OPS has probably 50 percent free and reduced or so, Gretna has about 6 or 7. [LB641]

SENATOR WALLMAN: Thank you. I think we're talking about monies here and special ed--as we know, the Governor cut this budget--and mill levies, all this stuff. It's going to cost money somehow. But I think we fail to realize the infrastructure is there. We have a state school board, we have ESUs. We should hold them accountable to do their jobs. And I appreciate Senator Kopplin's motion. It's hard to know which way to vote on this but it's plain to see that there's not too much happiness here. And sometimes that's the way it is. You know, everybody is unhappy, things would get passed and sometimes that's good, sometimes it's not. But I think we should be really concerned how we let this problem grow. Not previous legislatures, this didn't happen in two years, three years, four years, five years. It just kept growing. And if we have an educational system with these kind of problems, I don't think the learning community is going to fix it. You know, we have another governance board, some more bureaucracy, and we have plenty of that now. They didn't fix it. So I have lots of trouble throwing sometimes good money after bad. So let's really think of what we're doing. And this really does bother me, how we try to fix problems in one day and it took years and years to get there. So you know, housing, income, all these things factor into what we should do. And for

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instance, inner-city Atlanta, everybody has to live there who works in the school district. Did that improve that city? Immediately. If you're a principal or superintendent and you live in your district, I guarantee you're going to make doggone sure that your houses are fixed up in your neighborhood, immediate neighborhood improvement. And this was almost 75 percent minority. So there's lots of good ideas out there. We have to look outside the box. And I hate to be a negative person, I'm a positive person. We've had inner-city youth on our farm from Omaha. And you want to tell about some good kids, these kids, they pick it up. You show interest in them, they'll show interest in you, whether it be sports or Boys Clubs, Girls Clubs, YMCAs. One of my good friends is a Big Brother. We have lots of institutions, we have to help those out and we have those places in inner cities. Let's use them. Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Wallman. Senator Gay, you're recognized. [LB641]

SENATOR GAY: Thank you, Mr. President. Earlier this morning I rose and pointed out a few of these community learning centers that are taking place throughout the state and was talking about the benefits of it; 21st Century Community Learning Centers grant program. I held up a sheet showing all the services available in the Omaha metropolitan area from mentoring to transportation, nutritional services, tutoring; many, many things that are out there. The reason I ask, I'm trying to understand the financing of this. And Senator Heidemann is addressing this, too. I think this is where he's going, is I've heard throughout the day that maybe there are a couple other people that might want to look into this learning community center or the whole idea. If we do this wrong now or we overfund it or we do whatever and we don't encourage these people to think long and hard about how we can use existing programs that are already out there through nonprofits, if you look at these lists there are many, many people out there willing to help with these issues. The idea on the financing is, you know, it's not all about money but, let's face it, a lot of things are about money in this world. But if you're asking, or I'm going to go home and I'm going to say to my residents and constituents, well, we passed this new great bill, it's going to solve a lot of these problems and there's some good things in it. There are some good things in it. But when it comes to funding it, I still got to...we still have to fund our local districts. And I have a real concern that when we come to build or we need to build new schools, which we do. Gretna, Bellevue, Papillion, Millard, you can use Millard. Let's get out of Sarpy County one minute and say Millard needs to do this or anywhere else needs to build a new school. You're asking those taxpayers to come in and fund more in a learning community center that may or may not be in their area. If we looked at something that didn't maybe levy as much financing...I'm trying to get to a number here, I don't know where it is. But we don't fund near as much because we, I'm not sure we know exactly what we are funding. Why would I want to fully fund something that we aren't really that comfortable with? Senator Wallman discussed it, too. We're having these debates and we're not really all that comfortable with it but yet we keep moving along with this bill. So when I'm looking at

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this, I want to promote the idea of working together in a learning community center, as Senator Ashford has talked. We've talked many times. I've been looking for information on this thing since February. We get it late and now here's what's happening. But if you fully fund this thing, what enticement is that for these people to say, hey, let's team up with the YMCA, the YWCA, all these other people that are on these sheets? What's the encouragement to team up with them if they're fully funded? You've got government taking the place of where I think nonprofit or other community people could step in and help out. So I think we've made some progress along the route but I still have these finance questions. And I guess right now, would Senator Raikes yield to a question? [LB641]

SENATOR LANGEMEIER: Senator Raikes, would you yield to a question? [LB641]

SENATOR RAIKES: Yes. [LB641]

SENATOR GAY: Senator, you just heard what I was saying. How did you come up with the figures of the five cents when the Education Committee was meeting? How did you come up with these figures? [LB641]

SENATOR RAIKES: Senator, basically each cent of levy authority in the learning community area, including both Douglas and Sarpy Counties, is about \$4 million, I believe. And so you sort of go from there and figuring that you might have one project every year or every two years or every three years. And only half of that would be paid for by that levy. So that would seem like actually an ample amount of money to get this sort of...to fund this sort of capital construction effort. [LB641]

SENATOR GAY: So if you had a five cent levy then, again go back to the five cents, that's \$20 million. But if I build a learning community center in a subdistrict, that school district is picking up half the bill. So let's say I'm building a \$30 million facility, \$15 million is coming from the learning center, \$15 million from the school district. Is that correct? [LB641]

SENATOR RAIKES: Right, up to \$15 million from the learning center. [LB641]

SENATOR GAY: Okay. So they do that but they need another school. Are there limits raised then that they can go...what they're going to do is come back to the taxpayers and say, by the way, not only have we decided, the learning community center as a whole decided, these three people decided they get this and they got that passed by the board, they want to build their learning community center. And then the school board, local school board says, well, by the way, we need to build the school on this street and this street down the road, we need to build two new schools. [LB641]

SENATOR LANGEMEIER: Time. [LB641]

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SENATOR GAY: Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Gay. Senator Heidemann, you're recognized. [LB641]

SENATOR HEIDEMANN: Thank you, Mr. President, fellow members. Is Senator Raikes available to yield? [LB641]

SENATOR LANGEMEIER: Senator Raikes, would you yield to a question? [LB641]

SENATOR RAIKES: Yes. [LB641]

SENATOR HEIDEMANN: I think right before we got cut off, you was going to answer the question about what your intent, this was going to cost down the road as far as state appropriations to fund this. Your answer would be? [LB641]

SENATOR RAIKES: A million dollars per year is what we one expect would be adequate to do what we see as the job before us here. [LB641]

SENATOR HEIDEMANN: And I will say everything that...and I understand what you're saying, that all we're doing is coordinating, they're going to go out and get this money other places. It makes me a little bit nervous. I would like to be a little bit more clear how much we are going to step up and put into this to help coordinate this. You would be agreeable to an amendment then in Section 37 that would say up to \$1 million? [LB641]

SENATOR RAIKES: Yeah. And like we talked, particularly if you allowed some inflationary or that sort of a growth in it, yes. [LB641]

SENATOR HEIDEMANN: Okay. I think we're going to draw an amendment up and drop it. It would put me a lot more at ease and hopefully a lot of other people. We will be able to get a little bit clearer picture of what this bill is going to cost, I believe, if we put that in there. And then we can go from there. Thank you. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Heidemann. Senator White, you're recognized. [LB641]

SENATOR WHITE: Thank you, Mr. President. I remain very concerned about this amendment. I don't think the bill is workable if Sarpy County is exempted. I also don't think it's fair. We either are going to try to work together to solve this, we are going to recognize that different communities have different strengths and weaknesses, that while Bellevue may have an increasing count of Hispanic students, the challenges that they face--many of whom are in the military--are distinct and different from the

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challenges people in north Omaha and other parts of the community. Once again I would urge all members, and Senator Kopplin too, that it is not just for the benefit of those in north Omaha that we would have one community. It is for the benefit of the children in the western part of the city who are not exposed to the real diversity that represents America. If you are going to have children who are successful in the cities of New York, Chicago, San Francisco, Los Angeles, they cannot grow up and be educated solely in a white enclave thinking that represents the world. It does not and it most certainly does not represent America. The efforts to cut each other out, to cut out may be driven by money, they may be driven by fear of outsiders, they may be driven by fear of loss of control or just fear of change. But what I can tell you is we cannot succeed with all of our children if we continue to draw these boundaries and separations. We need all of us to make this work. I ask the body to reject this amendment. Thank you. [LB641]

SENATOR LANGEMEIER: Thank you, Senator White. Senator Erdman, you're recognized. [LB641]

SENATOR ERDMAN: Mr. President, thank you. Senator Kopplin is aware of this but I thought I would point out the obvious. I believe there are 96 pages to the bill as it sits before us. Senator Kopplin's amendment begins to amend pages beginning with 106. The obvious is, is that if this amendment is adopted, I don't believe it does anything. I understand the concerns of the folks in Sarpy County. And I would offer to them, if they're sincere about this amendment they should have it redrafted, and maybe they are. But I don't want people to assume that the amendment does something that it doesn't. This was drafted to the original bill which has been amended. That section has been struck. And so I'm willing to stand corrected. But I think we need to be cautious about what we're doing. We've been cautious all day about what we put into this bill. We've thoughtfully gone through this. And with all due respect to my colleagues in Sarpy County, if they sincerely believe that they need an up or down vote on whether or not they should stay in the learning community, confirm that this amendment does that because I'm not convinced that it does. Senator Cornett was over here. I would yield you my time, Senator Cornett, if you would like it. [LB641]

SENATOR LANGEMEIER: Senator Cornett, 3, 40. [LB641]

SENATOR CORNETT: Thank you, Senator Erdman. Senator Kopplin and, I believe, his LA raised that very issue and we discussed it. And the answer that we received, it would be corrected on E&R when they engrossed it, they would correct to the correct sections. I yield the rest of the time back to Senator Erdman. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Cornett. Three, twenty, Senator Erdman. [LB641]

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SENATOR ERDMAN: And if it is as you say, I stand corrected. Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Erdman and Senator Cornett. Senator Ashford, you're recognized. He waives his opportunity. Senator Pirsch, you're recognized. [LB641]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. I think the introducing into the bill the concept of when you're looking at stability, when you're looking for sustainability of a program, I think it's always a wise measure to, especially where we have types of services allowed for but not a hard idea about the exact number of settings where they will be provided. We're kind of breaking new ground, chartering new territory. And that's not necessarily bad but when we do so in the context of sustainability and predictability, I think it's a good idea about introducing, as Senator Heidemann did, the concept of looking at a maximum spending limit on an annual basis, especially when we...during a period of time in which this is a new and novel concept where we can then take a look at what, how things are proceeding and exactly, we can have a chance to reassess. And so I think that's a good element and I'd urge people to support that. With respect to the particular amendment that we're looking at, AM1251, let's see if Senator White is present. Looks like Senator White is not here. With respect to the...going back then to the issue of the elementary learning centers, I wonder if Senator Ashford would yield to a question or two. [LB641]

SENATOR LANGEMEIER: Senator Ashford, would you yield to a question? [LB641]

SENATOR ASHFORD: Yes. [LB641]

SENATOR PIRSCH: Thank you, Senator Ashford. With respect to the elementary learning centers and looking at the text that would be in page 89 of the amendment, programs offered by the elementary learning centers: subsection (a) deals with summer school extended day programs and extended year programs; subsection (b), literacy centers; and subsection (c), computer labs. Could you just briefly kind of comment on (d), (e), and (f)? There's tutors for elementary students, the concept behind that, and mentors for elementary students. And then (f) deals with services for transient students, just kind of the general theory behind that. [LB641]

SENATOR ASHFORD: Yes, thank you, Senator Pirsch. Yes, all of the laundry list of services there are for the most part to be provided by sources outside of the elementary learning center, Senator Pirsch. The idea of these learning resource centers is to make available to students in poverty opportunities for learning. Public schools provide many of these services. As I mentioned a few days ago, there are millions of dollars from the private sector that will be utilized in developing additional programs, especially in (d), (e), and (f), when we're talking about mobility issues, tutoring, mentoring. Those

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programs for the most part are going to be...will be either provided by the public schools... [LB641]

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SPEAKER FLOOD: One minute. [LB641]

SENATOR ASHFORD: ...or they will be provided by programs that will result from what appears to be hundreds of millions of dollars in private money that will be allocated to these projects. So I think what we've got here in the learning centers is not an institution that's going to have a large budget. It is going to coordinate the activities of all sorts of other, you know, Senator Gay talks about all sorts of nonprofits that are out there already. The idea is, for the first time in my memory, is to connect the dots where these children are able to access, in a learning context, these services. So I don't see a large budget within the learning center except to have staff and to provide resources through sort of sending these kids out to the right place essentially, Senator. [LB641]

SPEAKER FLOOD: Time. [LB641]

SENATOR PIRSCH: Thank you very much. [LB641]

SPEAKER FLOOD: Senator Gay, you are recognized. [LB641]

SENATOR GAY: Thank you, Mr. President. Senator Ashford mentioned he doesn't see a large budget to do that. That's the point I'm getting at. And we had a conversation earlier, much earlier, about some of these concepts are good to get a, you know, independent for a child coming in. There's a certain point though where how much do we need? I have not seen the numbers that was promised this morning to show how it would affect my area. If you live in Millard, Westside, Omaha, anywhere, and you can answer that question, I'd like to see it because I just don't like voting on something where I don't even know the cost of what we're talking about, how we're going to move things around. Is there a point here where we look at the financing and we say, listen, we don't know exactly where we're going here. We got a good idea of maybe how this will work. Let's fund it, there's \$1 million coming from the state. Let's fund some of it but until we know exactly how it works, why would you fund it completely? Are we overfunding the thing is what I want to know. And then you fund it and you don't encourage what he just said, to go out and seek those other dollars to help fund the other programs. You don't encourage them to go have a sit-down with the Salvation Army or the YMCA, Boys & Girls Club. You don't encourage that if the government already has the money in hand or the ability to raise money. The learning community board can go raise \$20 million, or however much it is, \$20 million for sure, plus they're getting the other money, the \$2 million or the 2 cents, that's another \$8 million. They're raising all this money annually but the state is only putting in...well, they're getting it from

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somewhere and they're getting it from our district. Not your district, they'll be getting it out of my constituents. So there's a certain point, I need to know at least what we're talking about. And I wasn't here when they did the LB1024 and this was done on amendments and kind of the same process. Here we are today discussing this. There's a certain point where the uncomfortableness is really settling in here. At what point are we moving this down the road without getting some of these answers? And all I want to say is if we...back to the 95 cents on the shared common levy, I'd just like to know, if we do that, how much we're getting back. Because that shared levy is going to the learning community. The learning community then sends it back to my district. My district then has an ability, the way I understand it, to go levy another eight cents. Well, am I getting back something offset by lowering my levy from the learning community from a dollar down to 95 cents? Is that going to be made up then through state funds? So I guess if Senator Raikes would yield to a question, please. [LB641]

SPEAKER FLOOD: Senator Raikes, would you yield to a question from Senator Gay? [LB641]

SENATOR RAIKES: Yes. [LB641]

SENATOR GAY: Senator Raikes, that is a question. We lower from a dollar to 95 cents, it goes to the learning community, and then they levy it out accordingly to what we need. Do we get reimbursed for some of that extra money or do they have to go out and levy... [LB641]

SENATOR RAIKES: Senator, I'm not following you when we say you lower it from a dollar to 95. The school district levy would be constructed in the following manner. There would be 95 cents applied to all the valuation in the learning community. The money from that would be distributed to each school district on the basis of the needs calculation and the aid formula. Then each school district would have the authority, discretionary levy of up to ten cents, at least eight cents, to levy against their own, the valuation in their own district for their own use. They would still do all their own budgeting. [LB641]

SENATOR LANGEMEIER PRESIDING []

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR RAIKES: They would still do all their own hiring, curriculum, all those kinds of things. [LB641]

SENATOR GAY: Okay. Quickly then, you've been reading about Douglas County not assessing property as Sarpy County. They say they're making great strides. That's still the common levy. We went back and forth, it's in, it's out, it's in, it's out, now it's back in.

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Well, there's a certain point where we have a levy that we're doing every year in Sarpy County, have worked hard to do that. Douglas County says we're getting up to speed. They've been saying that for the last ten years, that we're bringing it up to speed, you're going to see this valuation increase. When you look at this common levy, you're going to run into problems like that where my constituents are saying, well, why are we doing this? So do you tell the assessor, well, lay off for a couple years so we catch up to Douglas County? Because I did get many e-mails stating the differences between look at my property compared to these others in Douglas County, how can this be fair. And I guess I throw that out there for...not to be, to mix it up more. I'm just trying to get questions answered, but that... [LB641]

SENATOR LANGEMEIER: Time. [LB641]

SENATOR GAY: Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Gay. Senator Cornett, you are recognized, followed by Johnson. [LB641]

SENATOR CORNETT: Thank you, Mr. President and members of the body. Senator White, in his remarks a few moments ago, said that this was about people being integrated, or people having exposure to different cultures, different ethnic backgrounds. We do not deny that this is important. We're saying that Sarpy County already has this. Again I will state the numbers of our diversity, or our numbers. We are 40 percent minority, we are 30 percent poverty rate. We do not have the same numbers as OPS, but we do have minorities. We do not want to be excluded or exclude anyone in our community. The people of Sarpy County simply want to maintain their own identity inside of their school districts. They do not, and have not from the beginning, wanted to be part of the learning community. The overall feeling is, while we have achieved a very low gap in learning, which we keep hearing about, that if we are included in this, that we will begin to see this gap increase. There are very real fears by the parents, by the educators, by the superintendents, by the taxpayers, that by being part of LB1024, we will see our education levels decrease. This is not about Sarpy County wanting to segregate minorities. This is not about what any senator from Sarpy County that I have spoke to feels that way. We want...simply want to educate Sarpy County students. That is what our taxpayers and that is what our constituents, our parents, our educators, and our students want. I'll yield my time to Senator Kopplin if he would like it. [LB641]

SENATOR LANGEMEIER: Senator Kopplin, 2, 50. Senator Kopplin waives the time. Senator Johnson, you are recognized. [LB641]

SENATOR JOHNSON: Mr. President, we're coming to the end of a long day regarding this. One of the things that struck me is how our conversation within the last hour here has reverted to where we were this morning. So I thought that I'd just get up and say

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what I said again this morning. Douglas County is changing. The demographics are changing. The suburban districts and suburban areas can do well for a while; they cannot continue to do well if we allow what is happening in north and central Omaha to grow and get worse. What will happen, my friends in the suburban communities, is that companies will recognize what was in the front page of the World-Herald two weeks ago, and they will not bring their large companies to the Omaha metro area. This will be a blinking red light to stop the economic growth of eastern Nebraska. We have to work together. This is a team effort. We cannot allow our suburban areas to do well at this time and forget their neighbors in the heart of Omaha. We have to improve the whole area. And I think it is time to remember that in front of "Senator" it says "State Senator." Thank you. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Johnson. Senator Cornett, your light is on; however, you have spoken three times. There are no other lights on. Senator Kopplin, you're recognized to close. [LB641]

SENATOR KOPPLIN: Thank you, Mr. Speaker, members of the body. I have no apologies about bringing this amendment up and taking it for good discussion. I'd like to, in my closing, just respond to a few things. I know Senator Johnson said we have got to work together. Keep that in mind for a moment, because not two hours ago, Senator Raikes stood up and said, I support doing Sarpy County boundaries different, no matter what we said last year. And Senator White spoke eloquently about the need for...that we care for everybody. And yet, I remind you of the vote on the language that took out the growth factor. You can't have it both ways. If you're truly concerned that we need to be working as a team, then we need to treat everybody in that learning community as a team. I'm not going to withdraw this. I'm going to ask you to vote on it. I know where I stand on the vote, but that's okay. It's time we press a button, yes or no, on Sarpy County. Thank you. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Kopplin. Senator Raikes, for what purpose do you rise? [LB641]

SENATOR RAIKES: Mr. President, I would ask the Chair to consider, this is, I believe, nearly identical to a bill that was killed in the Education Committee, so I believe the rules would require 30 votes for this to be adopted as an amendment. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Raikes. I've taken that under advisement and have reviewed that request. AM1251...however, the Chair is not ruling on its applicability to LB641; however, it does have the same resemblance, same wording, same sections as LB91, which was indefinitely postponed by the Education Committee on March 27. With that, it would require 30 votes, and that would be the ruling of the Chair. You have heard the closing on AM1251. The question before the body is, shall AM1251 be adopted to LB641? All those in favor vote yea; all those

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opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB641 LB91]

CLERK: 9 ayes, 15 nays, Mr. President, on the amendment. [LB641]

SENATOR LANGEMEIER: AM1251 is not adopted. Mr. Clerk. [LB641]

CLERK: Mr. President. Senator Kopplin, I now have AM1247, but I had a note you wanted to withdraw, Senator? [LB641]

SENATOR LANGEMEIER: It is withdrawn. [LB641]

CLERK: Senator Kopplin, a similar, I believe, note with respect to AM1293. Withdraw? Thank you. [LB641]

SENATOR LANGEMEIER: AM1293 is withdrawn. [LB641]

CLERK: Mr. President, the next amendment, Senator Schimek had AM1292. But I have a note, Senator, you wanted to withdraw AM1292. [LB641]

SENATOR LANGEMEIER: It is withdrawn, AM1292. [LB641]

CLERK: Senator Cornett, AM1284. I have a note that you wanted to withdraw, Senator. Is that right? Thank you. [LB641]

SENATOR LANGEMEIER: It is withdrawn. [LB641]

CLERK: Senator Erdman, AM1298, a similar note to withdraw, Senator. [LB641]

SENATOR ERDMAN: What? I'm just kidding. Yes, Mr. Clerk, that's correct. [LB641]

SENATOR LANGEMEIER: AM1298 is withdrawn. [LB641]

CLERK: Senator Cornett, AM1348, with a similar note to withdraw, Senator. Yes? Thanks. [LB641]

SENATOR LANGEMEIER: It is withdrawn, AM1348. [LB641]

CLERK: Senator Gay, AM1316. [LB641]

SENATOR GAY: Mr. President, I'd withdraw that amendment. [LB641]

SENATOR LANGEMEIER: AM1316 is withdrawn. [LB641]

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CLERK: Senator Cornett, AM1384, a similar note to withdraw, Senator. [LB641]

SENATOR LANGEMEIER: AM1384 is withdrawn. [LB641]

CLERK: Senator Erdman, FA123. [LB641]

SENATOR LANGEMEIER: Senator Erdman, you're recognized to open on FA123. [LB641]

SENATOR ERDMAN: Mr. President, I'd ask that amendment be filed below Senator Heidemann's amendment. [LB641]

SENATOR LANGEMEIER: So ordered. Mr. Clerk. [LB641]

CLERK: Mr. President, Senator Heidemann would move to amend with FA124. (Legislative Journal pages 1717-1718.) [LB641]

SENATOR LANGEMEIER: Senator Heidemann, you are recognized to open on FA124. [LB641]

SENATOR HEIDEMANN: Thank you, Mr. President, fellow members. There was some question as to exactly what this was going to cost. I think it was probably the intent of this bill that the first year was going to be \$1 million appropriations to help with coordination efforts in the learning community, and the second year of \$1 million. This amendment will state that...in Section 37, that we will appropriate up to \$1 million, and on top of that, for a growth factor, we're going to put in the allowable growth rate, which is 2.5 percent a year. With this amendment, we will know a little bit--have a little bit clearer picture, anyway; there are still some unknowns--but we have a lot clearer picture exactly what this is going to cost. And I am going to support LB641, and part of the reason will be if this amendment gets put on there, because it will make me feel a lot more at ease about what this bill is going to cost. And I hope it puts you a little bit more at ease, and I ask for your support on LB...FA124 to LB641. Thank you. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Heidemann. You have heard the opening on FA124 offered to LB641. The floor is now open for discussion. Senator Harms, you are recognized. [LB641]

SENATOR HARMS: Thank you, Mr. President, colleagues. I rise to support FA124. I think it's important for us to be able to put a ceiling on this, to determine just exactly what it's going to cost us. Senator Heidemann, would you yield to just one question, please? [LB641]

SENATOR LANGEMEIER: Senator Heidemann, would you yield to a question? [LB641]

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SENATOR HEIDEMANN: Yes. [LB641]

SENATOR HARMS: How did you come to the decision on the growth factor? Did you say that was 2.5? [LB641]

SENATOR HEIDEMANN: It was 2.5 percent. It allows the \$1 million to grow, and that's only right. It won't be a lot per year, but at least it will give them a little bit more money for inflation and other factors. [LB641]

SENATOR HARMS: Well, I was just checking on the criteria you used to use 2.5, versus 3.5 or 4. [LB641]

SENATOR HEIDEMANN: That is...2.5 percent is, right now, is the allowable growth rate, and that's the reason it's 2.5 percent. [LB641]

SENATOR HARMS: All right. Thank you very much, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Harms. Senator Pirsch, you are recognized. [LB641]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. If Senator Heidemann would yield to a question or two? [LB641]

SENATOR LANGEMEIER: Senator Heidemann, would you yield to a question? [LB641]

SENATOR HEIDEMANN: Yes. [LB641]

SENATOR PIRSCH: And with respect to this amount of money then, this up to \$1 million, would that...would the...currently, the bill envisions a per diem paid to members of the learning community, up to \$200 per day, up to a maximum of \$12,000 per year. Would that particular expenditure then be included in this \$1 million, or do you know, Senator Heidemann? [LB641]

SENATOR HEIDEMANN: I think you would be better off asking Senator Raikes that question. [LB641]

SENATOR PIRSCH: Very good. I wonder if Senator Raikes would yield to the question? [LB641]

SENATOR LANGEMEIER: Senator Raikes, would you yield to a question? [LB641]

SENATOR RAIKES: Yes. [LB641]

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SENATOR PIRSCH: And I'll put that question to you, then, Senator. Is...with respect to the per diem expense for the members of learning community board, which would be \$200 a day, up to a maximum of \$12,000 a year, would that fall in the \$1 million that...? [LB641]

SENATOR RAIKES: Yes. That's our expectation, yes. [LB641]

SENATOR PIRSCH: Okay. And so, roughly...and currently is it your understanding that all 18 members of the board would be eligible for the \$12,000...up to \$12,000 a year? [LB641]

SENATOR RAIKES: Yes, that's my understanding. That would be the maximum. I have no idea if all of them would be eligible to...or would put in enough days to reach that. But yes, they would all be eligible. [LB641]

SENATOR PIRSCH: Okay. What...and I take it...would staff be some...would the learning community board employ, in some manner, your best guess, some staff pursuant to this bill? [LB641]

SENATOR RAIKES: It certainly could. It certainly could. We haven't gone so far as to specify exactly what staff they might employ, but that would be a possibility. Or to share...to contract for administrative services, say, with an ESU would, again, be a possibility. [LB641]

SENATOR PIRSCH: Are there named staff position names in the bill, such as...I know previously, in earlier drafts, there was an ombudsman. [LB641]

SENATOR RAIKES: The ombudsman is gone. That is replaced with a mediation effort. There is an executive director of a learning center that's in the bill. [LB641]

SENATOR PIRSCH: Okay. And there's just one of those then, correct? [LB641]

SENATOR RAIKES: I think one for each. [LB641]

SENATOR PIRSCH: For each learning center? [LB641]

SENATOR RAIKES: Yes. And there could be 1 for each 25 elementary schools that serve students that are at least 35 percent free and reduced lunch. [LB641]

SENATOR PIRSCH: Right. Well, there would have to be 1 for every 25. There could be more, though, correct,... [LB641]

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SENATOR RAIKES: Right. [LB641]

SENATOR PIRSCH: ...for every 25 poverty schools as defined there? The...I guess my question is, the salaries of...the per diem...rather, the per diem expenses of the board alone would, near my...as near best I can quickly calculate it, be somewhere over \$200,000, if I'm calculating correctly. That would leave under \$800,000 for the balance of the... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR PIRSCH: ...of the board...I'm sorry, of the activities. And given that, though, you think that that is a realistic type of estimation for the first...for... [LB641]

SENATOR RAIKES: Senator, given what we hope will be an effort to collaborate with a number of other providers of services in the area, and with private funds, and, in fact, with the community learning centers, which are federally funded efforts, that Senator Gay mentioned, I think that will be a sufficient amount. [LB641]

SENATOR PIRSCH: What percentage of the elementary learning centers are...would qualify--or do we know at this point--for federal funding? [LB641]

SENATOR RAIKES: Well, the community learning center, I believe is what it's termed, is a federally funded program to provide services in communities. And I'm not exactly sure what their... [LB641]

SENATOR LANGEMEIER: Time. [LB641]

SENATOR PIRSCH: Thank you. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Pirsch. Senator Raikes, you are recognized. [LB641]

SENATOR RAIKES: Thank you, Mr. President and members. I do support this amendment, as Senator Heidemann has indicated. I do think that a big part of what we're proposing here is leveraging and collaboration with other funding sources and service providers. So this will certainly encourage that, but that is consistent with what we had intended. So again, I support the amendment. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Raikes. Senator Wightman, you're recognized. [LB641]

SENATOR WIGHTMAN: Thank you, Mr. President, colleagues. I'm certainly in support of this \$1 million. Quite frankly, I have a lot of problems with understanding how, down

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the road, that's very likely to support the learning community. But I think it is important that we limit the expenditures at this time. My fear in this whole thing is that the executive director's office is going to grow and may soon be like the Commissioner of Education's Office. I hope it's not that large, but it could be something that grows substantially. And at least this will put us in a position where they're going to have to come back to the Appropriations Committee and to the full Legislature. And if we don't put a limit like that on it, I think we could be seeing \$10 million in 5 or 6 years, and maybe a whole lot more than that. So in order to prohibit this growth, or at least discourage the growth of the bureaucracy that we all fear, I think this is an essential part of the picture. Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Wightman. Senator Gay, you're recognized. [LB641]

SENATOR GAY: Thank you, Mr. President. Senator Wightman just hit on something that hit me near and dear. We're going to limit the state's commitment to this thing, which I'm in favor of, but yet we're leaving it open-ended for other districts...not open-ended, but we're allowing...I'm going to bring an amendment coming to look at the financing for the people where this is going to be implemented. And I agree, this is a statewide thing. There are, I heard today, two or three other people want to look at this learning community. And if we got \$1 million and we're going to cap it at \$1 million and every year we got to come back for more money, then we better decide what we're going to do, because if you don't add more money to this thing later on, then if Grand Island wants to do this, or Columbus, or anyone else, they're going to have to go back to those local taxpayers and decide what to do. So we want to say, well, I'm all for it, but I want to limit what we pay on the General Fund. I mean, I want to limit it, too, and I'm going to vote to limit this, but I just want to make sure that...down the road here, I'm going to have an amendment that's going to tweak this, too, because we don't know where we're going here. We're going down this road. I'm not sure where the funding is all going, but that's an important thing. We want to limit what the state will provide, but there's no limits on what the local governing boards or the learning centers can charge. Well, there are some limits. I'll...but they're...I think they're too high. Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Gay. There are no other lights on. Senator Heidemann, you are recognized to close on FA124. [LB641]

SENATOR HEIDEMANN: Thank you, Mr. President, fellow members. As we've gone on with debate...and I think this has been a good day. If we didn't understand the bill...there might be still...it might not be the clearest picture, but it has got to be a whole lot clearer picture than what we had this morning. And if it isn't, then I urge you to continue to look into it. But I'm getting to feel more comfortable with LB641. We are getting a little closer to being able to identify what it's going to cost, and that's important for me. I will tell

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Senator Gay that if down the road it looks like there could be more learning communities started, it takes 25 votes to get more funding for this, 25 votes. So at the present time, I think we're committing the state appropriations for this at \$500,000 the first year, \$1 million for the second year. I think it's important that we identify that and indicate that. And I ask that you support FA124, and I also ask that you would support LB641. Thank you. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Heidemann. You have heard the closing on FA124. The question before the body is, shall FA124 be adopted to LB641? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB641]

CLERK: 43 ayes, 0 nays on the amendment. [LB641]

SENATOR LANGEMEIER: FA124 is adopted. Mr. Clerk. [LB641]

CLERK: Senator Erdman, FA123. (Legislative Journal page 1718.) [LB641]

SENATOR LANGEMEIER: Senator Erdman, you are recognized to open on FA123. [LB641]

SENATOR ERDMAN: Mr. President, thank you. Members of the Legislature, Senator Raikes is a man of his word, and in his dialog with Senator Louden he said that they didn't intend to change this, and so I'm assuming that we'll be good to go here. And I will yield time to Senator Raikes at the appropriate opportunity so that he can concur with that. I am somewhat being sarcastic. I think that this is a legitimate amendment. I think, based on the conversation between Senator Raikes and Senator Louden, it deserves consideration. What the amendment does is, if you look on page 72 of AM1386, which I'm sure all of you are quickly flipping to, it would restore the language for any other learning community which may be established to what the bill was as we adopted it on General File, because when the Adams amendment came out here, it included the existing language for learning communities; when AM1386 came before us, it changed this language significantly. The amendment that's before you, FA123, would simply restore the language as it was in the Adams amendment and as the law currently stands today in LB1024. The learning community could be established...excuse me, a learning community may also be established for one or more counties at the request of the school boards of all districts for which the principal office of the school district is located in the specified county or counties if such school districts have a minimum combined total of at least 2,000 students, except that districts in local systems that are in the sparse cost grouping or the very sparse cost grouping are described in Section 79-1007.02 need not have a minimum combined total of at least 2,000 students, but a learning community with fewer than 2,000 students shall include at least two school districts. Such request shall...excuse me, we'll stop there. The new language makes it a

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little bit harder, it adds that it has to be three school districts, raises the number of participating...excuse me, the school districts that are participating have a minimum combined total of 10,000 students. This amendment would simply restore the language to what it was. I understand that after Senator Raikes's dialog with Senator Louden, that there was some additional information that he gleaned. And I would yield that time to him. I sincerely think that if this amendment was appropriate on General File, given the fact that we didn't have any substantial debate on why this needed to be changed, that we should at least have the understanding of why. But I kind of like the original language. Mr. President, I would yield the remaining time to Senator Raikes so that he may respond to the amendment. [LB641]

SENATOR LANGEMEIER: Senator Raikes, 7 minutes, 20 seconds. [LB641]

SENATOR RAIKES: Thank you, Mr. President. Thank you, Senator Erdman. The change that's in here is to require three school districts to be involved in a learning community rather than just two. I think it is the case that the other provisions are much the same. And that's without the Erdman amendment. I think the Erdman amendment would make it possible for only two school districts to form a learning community. The discussions in the committee were that given the problems with governance and so on, it would be better if there were at least three. So that's what the committee did. In terms of there not being a minimum student count required for sparse and very sparse districts, that is in here now, I think. And also, if you've got all of the school districts in a single county, then the requirement is for only 2,000 students; if you have fewer than all the school districts in a single county, then the requirement is for 10,000 students. But even then, three school districts are required. So the main thing that we have required in this language is three school districts rather than just two. I think that is a good proposal, to have three rather than two. So for that reason, I don't support the amendment. I would prefer the language that's in there now. But I would yield whatever time is left to Senator Erdman. [LB641]

SENATOR LANGEMEIER: Senator Erdman, 5, 40. [LB641]

SENATOR ERDMAN: Thank you, Senator Raikes and members. I will again point out to you--and not withstanding Senator Raikes's arguments, which I think are valid--I will again point out to you that this language was good enough for us on General File. It was an amendment that was brought to us. It included this language. It was adopted. It is interesting that the committee has reconsidered their position on this area. But notwithstanding those concerns, I still think it's appropriate to look at this as a positive opportunity. I know that Senator Louden has an interest in this area. I drafted this amendment out of courtesy to him after his conversation with Senator Raikes. And with that, Mr. President, I would yield my remaining time to Senator Louden. [LB641]

SENATOR LANGEMEIER: Senator Louden, 5 minutes. [LB641]

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SENATOR LOUDEN: Thank you, Mr. President. As LB1024 was drafted last year, why, it was set up so that two school districts could form a learning community. Evidently it was a good idea last year, so I don't see what the difference is this year. If that's a problem, then I would want to know what the problem was. Why not draft legislation so you can have two school districts form a learning community? That's what...that's how it has been, so I...and it hasn't raised any problems so far. So what...the reason you come up with your three districts, my observation has been, is because in order to fund this learning council and have these councils. That doesn't necessarily have to have those in the learning community. As you go farther out west, when your distances are farther, you have your learning communities, and in order to find three school districts, you probably have to get all of northwest Nebraska into one school district. So really, forming it with two, it could be possible to form them with two. I don't see any point in making it tougher for the more sparsely areas of the state to be...make it so that it's harder for them to form up school districts. I think we have to be careful on how we do this. We've walked over the Class I districts already. Nothing much has been done for them. And consequently, when we come to this part, then you make it a little bit tougher so that these smaller school districts out in the western part of Nebraska have a problem to form up learning communities. There probably are some schools in the middle of the state of Nebraska that would be willing to work with this if they didn't have such a difficult time forming up. So with that, I certainly support Senator Erdman's amendment. And I think it was in the legislation before, it's been in statutes already, so I see no point in taking it out just because they thought it would be a problem forming up a learning community. I don't think it will be. I think that can be addressed, and there's other ways to address it. We have to do these laws so that they are acceptable to all of Nebraska, not just our large metropolitan school districts and area. So with that, I would certainly support FA123. Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Louden. You have heard the opening on FA123 offered to LB641. The floor is now open for discussion. There are a number of lights on. Senator Louden, McDonald, Harms, Wallman, and Stuthman. Senator Louden, you are recognized. [LB641]

SENATOR LOUDEN: As I mentioned before on the opening there--I had my light on so that I could speak on the subject--I think we have to look back and see what we've done with the school systems in Nebraska and what we've done with some of the laws. Whenever we pass legislation, do we actually look to see if it's going to affect everyone equally? And when we come up with some of these ideas, there's times that I don't think we have been treating everybody equally in the state of Nebraska. We have school systems that were doing quite well when...I think Senator Cornett mentioned how well Bellevue was doing with their schools and with their no students left behind and that sort of thing. You can do the same thing for areas in our part of the state, the Class I's and some of the Class VI districts. I think Hay Springs up there was one of the schools that

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hasn't had any dropouts in their senior class for several years, from freshman to senior, they've all graduated. And that was one of the few schools that had done that. There are other schools across the state of Nebraska that need protection. So whenever we pass legislation, I think we have to be very careful to make sure that we're doing something that's going to help everyone, not just where we're concerned about one of the metropolitan areas or several of the metropolitan areas. This is something that we've never really addressed before, I think, whenever we've done school laws over the years. And I think I've been mixed up with school laws for probably 40 or 50 years, it seems like, but that's all I've ever known. Thirty years on a school board, and we were fighting with Class I's and consolidation back in the sixties, and they're still doing the same thing today. We're right now, at the present time, since we've had LB126, we have kids that are talking about going 40 miles to school on a regular basis. Now, some of you drive about that far to come to the Legislature every day, so how would you like to drive that trip four times a day to take your child to school and back and then go back and pick them up that evening? So you have to think about the distance that's involved there. So I think if we're going to have learning communities, we need to have some that can be formed up in our sparsely settled areas of the state, so that they can be of value, so that things can be done for them. We have needs also in those areas--not only our Native Americans, Mexican-Americans that are in the area, and sometimes some of the local people have needs. Our ESU units work quite well out there and are always kept quite busy. So with that, again, as I say, I would support FA123. Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Louden. Senator McDonald, you're recognized. [LB641]

SENATOR McDONALD: Mr. President and members of the body, I also support this amendment, and the reason that I do, Grand Island Northwest and Grand Island Senior High have always wanted to do some form of a learning community, but they've not been able to convince Wood River and Doniphan that they need to be a part of that, because the size and the number of kids in their schools haven't led them to believe they need to be a part of it. And so if we have to have three schools, they're not able to take care of their boundary conflicts. And I think we have the same situation with Columbus, Columbus Lakeview. We have Adams Central and Hastings, which also have the same issues. And if we don't allow two schools, then we have not solved the problem in other parts of the state. So I think we need to be open-minded in this, and if it solves the problem in Omaha, possibly would solve a problem in the rest of the state. So I think that we need to allow two schools to be able to be part of a learning community, because it takes some of the issues away from them. Thank you. [LB641]

SENATOR LANGEMEIER: Thank you, Senator McDonald. Senator Harms, you're recognized. [LB641]

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SENATOR HARMS: Thank you, Mr. President, colleagues. I rise to support FA123. I think it's extremely important. I've said on more than one occasion on this floor that I think a learning community probably, in the future, will be the only thing that actually will save some of our schools in rural America. And I think it's vitally important that we provide them the same options. Let's just look at western Nebraska, for example. Scottsbluff and Gering, two schools, would be a great learning community. Mitchell and Morrill, same thing; Chadron and Rushville, same thing; Alliance and Hemingford, the same thing. If you add the third school, it makes it almost impossible for that to occur. So I think it's extremely important that we give rural America the same options that we're giving urban America, and I support this very strongly. Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Harms. Senator Wallman, you're recognized. [LB641]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. I, too, support this amendment by Senator Erdman, and I thank him for bringing this forth. I think if we have something good for Omaha, we also have something good for rural America. Southeast Nebraska is also losing population, as most counties are if you get outside of Lancaster, Douglas, Sarpy, some of those. So if this helps us at all in any way, I think it would be good. And thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Wallman. Senator Stuthman, you're recognized. [LB641]

SENATOR STUTHMAN: Thank you, Mr. President, members of the Legislature. I haven't spoke on this issue at all today, but I've been trying to figure out how...if this bill is passed, how can we benefit in rural Nebraska, in the community? When we had the three school districts, I said there's no way in the world that our community could benefit by it, because we have the Columbus and the Columbus Lakeview districts in there. We had several more districts in the past, but that was taken care of by legislation several years ago. And I really think with this two school districts in the floor amendment of Senator Erdman's, I think it's workable. I think in the future it's something that we'll be looking at, and I hate to close the door on communities when there is something that possibly could work for areas. I think this is something that we got to take a serious look at, and I think we're going in the right direction. Thank you. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Stuthman. Senator Aguilar, you're recognized. [LB641]

SENATOR AGUILAR: Thank you, Mr. President and members. I'm going to rise in support of this amendment for right now. Senator Raikes is having a conversation, trying to determine whether or not this would actually work for the Grand Island, Grand

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Island Northwest situation. For all the same reasons that Senator McDonald alluded to, it's exactly what we've been looking for. And I've been working with the Education Committee constantly, asking them to either put in some language where there was flexibility to where our...the rest of the state could utilize this learning community, or, you know, give us some other opportunity, such as incentivizing some of the other districts that aren't interested in joining the learning community to do so. That hasn't happened yet. And so until I hear something better, I'm going to support FA123. Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Aguilar. Senator Raikes, you're recognized. [LB641]

SENATOR RAIKES: Thank you, Mr. President and members. I'm still working on the language, and I'll do my best here to make it clear as to what it was before versus what it is now. But I think a key factor is that before, it did require all school districts headquartered in the county. You had to have all of them in order to form a learning community. What we did in the case of Hall County, for example, is allowed for the formation of a learning community with all school districts headquartered in the county if there were 2,000 or more students. But we expanded that to include three school districts, fewer than all of them, fewer than all the districts, as long as there were three, and 10,000 students. So our intent here was to make it less restrictive rather than more, as far as forming a learning community. So with that, that's the reason we made the change. And I do support sticking with the language as it is in there now. Thank you. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Raikes. Senator Pahls, you're recognized. [LB641]

SENATOR PAHLS: Thank you, Mr. President, members of the body. I know it may be a little bit differently, but when I left Kansas in 1968, guess what, they were finalizing their unifying of the school districts, in '68. So for all these years, the towns, they did...they shared a common levy, some of them kept their schools, some of them merged with others. I'm saying, that was in '68 was the end of that. It sort of is amazing, a state right next to our border was doing some of those things that long ago. And the interesting thing about it is, as time went on, some of these smaller towns, they said, it's time maybe we should not have all these high schools, and after all these years, my high school that I went to was...they were combined. But we're talking about almost 30, close to 40 years later. So some of the unique things we're talking about today actually were instigated, you know, a number of years ago. That's a surprising thing. And just for a little...I will yield some of my time to you, Senator. But just for a little bit of entertaining here, Senator Kopplin, the...I think your town, they're called the Gretna Dragons? Am I right? Well, my...when I went to high school, we were called the Dragons also, so we have something in common here. I would like to yield the rest of my time to Senator

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Erdman. [LB641]

SENATOR LANGEMEIER: Senator Erdman, 3, 30. [LB641]

SENATOR ERDMAN: Thank you, Senator Pahls. Let me read you the language, just so that we're all clear what this new language does. And I will highlight the word that is the same. This is the old language: A learning community may also be established for one or more counties at the request of the school boards of all school districts for which the principal office of the school district is located. Here's the new language: A learning community may also be established at the request of at least three school districts if all school districts for which the principal office of the school district is located. It still requires all school districts to be a part of the process. All you're changing under Senator Raikes's proposal is how many school districts can apply for the opportunity for all of them to be required to be a part of it if you're going to do it. So with all due respect to him, I think we're all misreading this, at least from perception. The reality is, is that the word "all" is in both his amendment and the original language. So you're requiring all school districts in that county, in the one or more specified county or counties, if they're going to participate. You're still requiring them all. I think that's problematic under the new...under the rereading this. If the intent, as I've heard from Senator McDonald and others...and I think this is appropriate. I'll give you another example. Scottsbluff and Gering have 4,000 kids between the two of them. Who are they going to drag in to do this? And if they're going to do it, under the language, whether it's new or old language, then they have to drag in Mitchell, Morrill, Minatare, all the other school districts, to do it, as well. If the idea is, is that this is so great for the urban area, and you have certain pockets of the state that are more urbanized than others, why not let them have the same opportunity? I don't know. But there is no difference between the obligation of school districts under the Raikes language that's in AM1386 and mine, unfortunately. The way that I read it originally was that I thought it was more flexible. And I think it's less flexible than Senator Raikes would have you believe. It requires all school districts to be a part of the process. So in the area of Hall County, your Doniphans, your Wood Rivers, and others, they would all still have to be a part of it, but three of them could apply instead of just the two, under my amendment. I think it needs to be worked out. Maybe this isn't the time, maybe this isn't the place, maybe this is problematic enough where we just move on. But I do think if you come back to the argument that we've had from Senator Adams and others... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR ERDMAN: ...that this is visionary--Senator Raikes was about that last year--that this is a great opportunity for us to be able to maximize on efficiencies, to meet the needs across school district boundaries, that we shouldn't have these arbitrary boundaries dividing districts and the opportunities up, then why can't we make it work? Scottsbluff tried to pass a bond issue, \$19 million. It failed 37 percent to 62 percent.

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Gering is going to try. And what you're forcing them to do--and they may have other options, other unification and other ideas--but what you're going to force those districts to do is build kingdoms in competition with one another, instead of coordination. Huh, sounds like what's happening in the metro area. If we can fix it, I think we should try it. And if it's good enough for the metro area, I think we should figure out a way to make it applicable across the state, as we intended to do and did do under LB1024. Thank you, Mr. President. Thank you, Senator Pahls. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Erdman and Senator Pahls. Senator Erdman, your light is next. Senator Erdman waives his time. Senator Wightman, you're recognized. [LB641]

SENATOR WIGHTMAN: Thank you, Mr. President, fellow members. I didn't intend to speak on this, but as I have listened to the people who have talked about Grand Island, Hastings, Columbus, I think those are three good examples of towns that have an outlying district right adjacent, contiguous to the town itself. I think it does need to be extended to include two communities and not be limited to three or more. I don't think it applies very much in Dawson County. We have three towns that by western Nebraska standards are of some size, so we don't have as many of the small communities. We vary from about 3,500 to 10,000 in those three communities. If we were going to do anything, it probably would be with all three, or more likely, be with everybody in the county. But it does seem to me that we should be inclusive rather than exclusive, and it seems to me that if we exclude two school districts joining, that we have excluded a major portion of the outstate population and education that might be able to take advantage of the learning communities. So I do stand in support of FA123. Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Wightman. Senator Janssen, you are recognized. [LB641]

SENATOR JANSSEN: Thank you, Senator Langemeier, members of the Legislature. Senator Raikes, could I ask you a few questions, please? [LB641]

SENATOR LANGEMEIER: Senator Raikes, would you yield to questions? [LB641]

SENATOR RAIKES: Yes. [LB641]

SENATOR JANSSEN: The way we stand right now with what we've got, could a county form a learning community? Let me just take the county I represent, Dodge County. We have five schools in that county. Could that form a learning community? [LB641]

SENATOR RAIKES: Senator, yes, they could, either under the old language or the language proposed by Senator Erdman, either way. [LB641]

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SENATOR JANSSEN: So it would be under either one? They could do it now, the way the bill is drafted now? Could they...and let me ask you one other question. Could they go outside of that county and draw another school district that was not in Dodge County, but say it was in Burt County, but in close proximity to those other schools? [LB641]

SENATOR RAIKES: Right, they could cross county lines. [LB641]

SENATOR JANSSEN: Okay. [LB641]

SENATOR RAIKES: And forming...you could have...in fact, I can just tell you quickly that it might be helpful, the original provisions for outstate, I'll call it, other than the metro area, were all districts in one or more counties, plus 2,000 students. Okay? Then the second option was all districts in one or more counties, and sparse or very sparse. But in either case, the requirement was, it had to be all the districts headquartered in a given county. They could go into another county, as well. What we did is changed it, in this language, so that rather than all districts in a county, it has to be at least three. Well, in some instances where you have only two districts headquartered in a county, that would be more restrictive. In instances where you have four or five school districts headquartered in a county, it would be less restrictive. And what we also added that deals particularly with the Grand Island Northwest situation is, if you have three districts in a county but not all the districts in the county, then the requirement would be, instead of 2,000 students, 10,000 students. [LB641]

SENATOR JANSSEN: All right. Let me ask you another question. Now, in...say you had all these schools in one county, and there was one school in another county that wanted to come into that. Could just one come in, or would that whole other county have to come in? [LB641]

SENATOR RAIKES: No, as long...my interpretation of that would be, as long as you had all the school districts in one county,... [LB641]

SENATOR JANSSEN: All right. [LB641]

SENATOR RAIKES: ...then you could add a school district from an adjoining county as part of that same... [LB641]

SENATOR JANSSEN: So you could pick and choose who you... [LB641]

SENATOR RAIKES: Right. [LB641]

SENATOR JANSSEN: ...wanted to let in there. Is that correct? [LB641]

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SENATOR RAIKES: Right. [LB641]

SENATOR JANSSEN: Okay. Thank you, Senator Raikes. And I hope that answered a few questions for some other people. Thank you. I give the rest of my time back to the Chair. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Janssen. Senator Erdman, you're recognized. [LB641]

SENATOR ERDMAN: Mr. President, thank you. Thank you, Mr. Speaker. Let me give you a scenario, members, about how the new language actually is further a problem for certain communities. Say you had a county that only had two school districts. Say it was in their best interest to do this. Now, the principal office...let me give you an example that I'm familiar with. The principal office of the school districts in Morrill County are Bayard and Bridgeport. They would be precluded from pursuing this opportunity, assuming they met the definition of sparse or very sparse. So here you have a scenario where the goal is that all counties have to apply, but now you've set the bar so high...obviously, if you have one county school district, one school district in that county, you have no need for this. If you have two school districts in a county and they think...and again, I'm not saying these opportunities are going to materialize, whether they're in Columbus or Grand Island or Scottsbluff or Morrill County. I'm not saying these opportunities will be there. But if you're going to say that this is such a wonderful idea for the metro area, you'll preclude those counties such as Morrill from ever using this act. It may be in their best interest to do this. They may have every intention of being more effective, and there may not be other options for them, and they're not entitled to this opportunity, because now it has to be three school districts making the request. And all of the school districts, if Bayard and Bridgeport would decide to do this, all of the school districts would be in agreement. Who are they going to get to file as a third school district? They going to get Leyton to file as a third school district? Well, then you've got to bring in Sidney and you've got to bring in Creek Valley and you've got to bring in all those other school districts that are in Cheyenne County, because then it's all those school districts, as well. I'll go back to what I said earlier: I don't believe that it was ever the intent that anyone else would ever use this section of law. And maybe I'm wrong, and maybe the fact that we're trying to make it so difficult or we haven't thought through it is the fact that we have tunnel vision and thought, oh, no one else will ever use it; we want to do this, for whatever reason, and here we stand. Here's an idea that may work, and I'm still working on the language: A learning community may also be established for one or more counties at the request of the participating school boards of which the principal office of the school is located in one or more specified county or counties and have a minimum combined total of 2,000 students, except that districts and local systems that are in sparse cost grouping or very sparse cost groupings described in this section need not have a minimum combined total of at least 2,000, but a learning community with fewer than 2,000 students shall include at least two school

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districts. That seems to accomplish the goal to me. I may offer you that amendment, depending upon what happens here, and we'll see what happens. But I'll take you back. If you believe that this works in that metro area, why not let it work elsewhere? We've heard that there's an interest, but there's not the opportunity. I think if we have the opportunity, we should try to take advantage of that. And again, you have to accept the idea that this is the right thing for Omaha, therefore it should be the right thing elsewhere. Right? Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Erdman. There are no other lights on. Senator Erdman, you're recognized to close on FA123. [LB641]

SENATOR ERDMAN: I will. Thank you, Mr. President. If Senator Raikes would yield to a question, I can get a sense of where we're at, see if he may even accept this idea. [LB641]

SENATOR LANGEMEIER: Senator Raikes, would you yield to a question? [LB641]

SENATOR RAIKES: Yes. [LB641]

SENATOR ERDMAN: Senator Raikes, is it your contention that this should be an option for school districts outside of the metro area, the learning community idea? [LB641]

SENATOR RAIKES: Yes. Yes, very definitely. [LB641]

SENATOR ERDMAN: Okay. All right. If that is the case, would it be acceptable to offer this language? And I'll read it to you as I've got it. I haven't written it down. I'll read it to you here, and then I'll take you feedback. I know this is a little tenuous. But: A learning community may also be established for one or more counties at the request of the participating school boards of which the principal office of the school district is located in one or more specified county or counties if such school districts have a minimum combined total of at least 2,000 students, except that districts and local systems that are in sparse cost grouping or the very sparse cost grouping need not have a minimum combined total of at least 2,000 students. That language, to me, would say that if you believe it's a good idea and that those districts that would apply for this opportunity to the commissioner, I believe, would be entitled for that, without the requirement that all of the districts in the county join in. And as I gave the example earlier, Morrill County could never use this the way that it's written. Would that language about saying that if the participating school boards in which the principal office was located in those counties? In other words, if you had the Grand Island Northwest, the Grand Island High School, their principal offices are located in that county, they can meet the other requirements, if those participating schools would apply, would that be acceptable? [LB641]

SENATOR RAIKES: So are you suggesting with that...you're just...you're eliminating the

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requirement that all the school districts headquartered in a given county, and basically just saying any school districts, presumably more than one,... [LB641]

SENATOR ERDMAN: Plural. Plural. [LB641]

SENATOR RAIKES: ...in a county that...? [LB641]

SENATOR ERDMAN: Right. [LB641]

SENATOR RAIKES: So really, the...what you're after is to allow a two-district learning community to be formed? [LB641]

SENATOR ERDMAN: Two, three, four, five. But under your language, you would never form one in some counties, because the example I gave with Morrill County, you've got Bayard and Bridgeport, which have talked about doing something together in the past, but to get to the three school boards to make the request under your language in this amendment, they'd have to bring in a district from a neighboring county and then bring in all of those school districts in that county, as well, just to get to the three to make the request. If your goal is that people would use this,... [LB641]

SENATOR RAIKES: Yeah, I don't think the intention--and I may not be reading the language as carefully as you are--I don't think the intention would be that if you had two school districts in one county and they were looking for a third and they went into another county to get the third, that they would then have to get all the school districts in that second county, as well. As long as they have three, they would qualify. [LB641]

SENATOR ERDMAN: Well, I would read the language, Senator Raikes, that says it's at least three school boards if all school districts for which the principal office is located in one or more specified counties. So you would have to have all...you would be required to have all of those school districts in the neighboring county, as well, because that's where one of the three would be making the application from. And the language doesn't differentiate between whether or not one comes from one and two come from the other. It says, all school districts from either county or counties. So it would be all in both or all in one, and if you can't get to all of them in one, then you'd probably never get to them if you brought the second one in. I think the language is somewhat tenuous. I'm trying to see if there's a way to work this out. And maybe there's not. Maybe the body wants to go home, and maybe you don't even want this amendment. I'm trying to work through this. [LB641]

SENATOR RAIKES: I would...yeah, I would certainly agree to language that made it clear that if you had two school districts... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

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SENATOR RAIKES: ...headquartered in one county, they needed to get a third school district from an adjoining county, that those three then would be sufficient to form the learning community; you wouldn't have to get the rest of the school districts in, if any, in the adjoining county, if that's the question you're posing. [LB641]

SENATOR ERDMAN: But you're still arguing that it has to be three? Because in the example that I gave you, maybe you could do a countywide learning community and only have two school districts in that county. [LB641]

SENATOR RAIKES: Well, the original language would have... [LB641]

SENATOR ERDMAN: Allowed that. [LB641]

SENATOR RAIKES: ...allowed, exactly, that. [LB641]

SENATOR ERDMAN: But now, with your language, we can't do that. [LB641]

SENATOR RAIKES: If you had a county that had only two school districts, then it would have allowed that, yes. [LB641]

SENATOR ERDMAN: And with my amendment, they would be allowed to do that. [LB641]

SENATOR RAIKES: Um-hum. [LB641]

SENATOR ERDMAN: But under your language that you've adopted in AM1386,... [LB641]

SENATOR RAIKES: We have at least three. [LB641]

SENATOR ERDMAN: Right. [LB641]

SENATOR RAIKES: Yeah. Yeah. I would prefer three, just because I think it's...the governance is a little bit more feasible, from what I can gather. But, you know, I'll leave that to others. [LB641]

SENATOR LANGEMEIER: Time. [LB641]

SENATOR ERDMAN: Mr. President, I ask for a call of the house. [LB641]

SENATOR LANGEMEIER: There has been a request for a call of the house. All those in favor of the house going under call vote yea; all those opposed vote nay. Record, Mr.

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Clerk. [LB641]

ASSISTANT CLERK: 27 ayes, 0 nays to go under call, Mr. President. [LB641]

SENATOR LANGEMEIER: The house is under call. Senators, please report...return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senators Heidemann, Janssen, Cornett, White, Adams, Chambers, please return to the Chamber. The house is under call. Senator Erdman, as we wait for the arrival of the senators, how do you wish to proceed? [LB641]

SENATOR ERDMAN: I'd take a machine vote, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you. Senator Heidemann, would you please check in. Senator Chambers, the house is under call. Please return and record your presence. All senators are present or accounted for. There has been a request for a machine vote. The question is, shall FA123 be adopted to LB641? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB641]

ASSISTANT CLERK: 25 ayes, 9 nays, Mr. President, on the adoption of the Erdman amendment. [LB641]

SENATOR LANGEMEIER: FA123 is adopted. Mr. Clerk. With that, I raise the call. [LB641]

ASSISTANT CLERK: Mr. President, the next amendment is offered by Senator Gay, FA125. (Legislative Journal page 1718.) [LB641]

SENATOR LANGEMEIER: Senator Gay, you are recognized to open on FA125. [LB641]

SENATOR GAY: Thank you, Mr. President. What this amendment would do would be to, a little bit, walk before you run, is the way I would describe it. We talk about...I talked again about the levy, that if you're in a learning community with the building fund at 5 cents, you'd be at \$1.10 if all the levies are...the way I understood it, if all the levies were taken into account. A 5 cent building levy would be \$20 million that the learning community could have to spend to build out and build the learning centers. The way I understand it, that's not the operating cost to run the centers. Now, the purpose of this...I wanted to have a discussion that if we don't know what we're doing yet with these funds, can we go and lower that from five cents to two cents and to come back later if this works and we have some success, come back before this body and ask that again it's working and we need three cents. Maybe it's five cents, I don't know. The discussion that I want to have occur here...and maybe...and I just want to talk about, because if this is good for the metro areas, it should be good for your area, as well. And do you need

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the five cents? Do you need the two cents? It says, shall levy up to five cents. So it doesn't mean they need to levy five cents under the existing law, I'll tell you that right now. Mine would just cap it that you can only go to two cents. That's \$8 million. If you go build the funds or do anything with these learning community centers, the centers, you'd have \$8 million, plus whatever the district...the way I understood this, and maybe I'm not understanding, whatever the district would put in, they'd put in 50 percent, if that's what the subdistrict asked for. So you could have a \$16 million facility very quickly. Each year they could do this. So you go eight, eight, eight; pretty soon, you've got three or four learning community centers. So this amendment is to...it relieves a little bit of those who may or may not ever build a learning center. But it kind of lets you...lets us work into this thing and decide what's going to work and what isn't. I'd talked about the different opportunities of sharing resources with YMCAs and Boys & Girls Clubs and some of these other entities that, unless I misunderstand, you could share facilities with some of these; it just couldn't be on a school district site or in a building, in a school district building. So you could have a storefront, a remodeled building, whatever. So that's what this amendment does. It limits it now. If you come back...we limited and we capped what the state would put into this. So what I'm saying, let's at least put a cap on where we're at. You still got the common levy and the fund. And now I know I'm going to get...I see lights going on, going to talk about this, which is good. It's for discussion. But what I wanted to...how did we come up with the five cent building fund? How did we get there? Where are we going? And that's what this...that's the purpose of what this is. It's not to be throwing anything bad into the equation. I mean, this is what I believe could improve this. I think it's fair. And again, this is more of a, let's take this for a little bit of a test drive before we go all out. I don't think by limiting the amount of funds that are put into this building fund that we're going to completely do away with everything we've done here tonight, if this bill moves on. So that's what the amendment does, and I'd look forward to discussion on it. Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Gay. You have heard the opening on FA125. The floor is now open for discussion. Senator Adams, you are recognized. [LB641]

SENATOR ADAMS: Thank you, Mr. President. The nickel that we're talking about here, it is not an automatic nickel. It is up to five cents. And it's not for the elementary resource centers. It is not for the elementary resource centers. These are for focus schools, a school that may focus in engineering or architecture in some part of the community. That's what those revenues would be used for, and it would be shared. And in whatever school district that focus school is built, that school district would cover up to 50 percent of the cost. The other 50 percent would be covered with this nickel, or some portion of the nickel. That's the rationale behind it. To answer the question as best I can: Why a nickel? Because it's up to a nickel. It might be a penny to cover the cost of a focus school in one of the districts. It's not for those elementary resource centers. Thank you, Mr. President. [LB641]

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SENATOR LANGEMEIER: Thank you Senator Adams. Senator Ashford, you're recognized. [LB641]

SENATOR ASHFORD: Just very briefly, Mr. President, I think the real...one of the most powerful aspects of this bill are the focus schools, the ability to...for a school district that would...for example, Peter Kiewit Institute, if OPS wanted to build a school or...focus school for technology, and would be open to students across the metro area, and they're willing to put in 50 percent of the cost if the learning center community...if the learning community would put in additional funds, up to 5 cents. It would be contingent upon a vote of the committee, obviously. But the real power, I think, the vision here in this part of the bill is to encourage the development of these focus schools, which have worked in other parts of the country, which provide academic excellence or centers of excellence for children...students who would qualify to go there. It would maintain diversity. These facilities would be open across the two-county area. It just seems like such a powerful idea that I would hesitate to impinge on the jurisdiction or the discretion, if you will, of this committee to make these kinds of decisions, in concert with school districts. I just would urge that this amendment not be adopted. Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Ashford. Wishing to speak we have Howard, Pirsch, Gay, and Kopplin. Senator Howard, you're recognized. [LB641]

SENATOR HOWARD: Thank you, Mr. President and members. In looking at the quick summary of AM1386 that's been provided to us by Senator Raikes, I'm reading down here, and it's a nickel for learning centers. And if that is in fact the case, I certainly stand in support of Senator Gay's amendment. Frankly, I'm concerned about playing fast and loose with the people's money. If there is the ability to levy a tax up to five cents, there will always be the need to levy it up to five cents. Senator Erdman's amendment, I feel, is a step in the right direction. This encourages the learning centers to diligently look at existing resources and to make the most of the facilities that we have available, whether those be within the school building itself or another school facility, to provide these resource centers to parents and children. I personally support having this resource information and facility within...located within the school where the child is attending, making this as accessible to the family and as useful to the child as possible. Again, I support this amendment. If this is concerning the nickel that is specified in AM1386 for learning centers, which includes in 50 percent of focus school facility costs, again, I think we have to be very careful about how we levy and how we spend the money of the people that are paying the taxes. Thank you. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Howard. Senator Pirsch, you're recognized. [LB641]

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SENATOR PIRSCH: Thank you, Mr. President, members of the body. Just have a few questions with respect...I guess first, I'd probably Senator Raikes. [LB641]

SENATOR LANGEMEIER: Senator Raikes, would you yield to a question from Senator Pirsch? [LB641]

SENATOR RAIKES: Yes. [LB641]

SENATOR PIRSCH: Just for clearing up the discrepancy, with respect to the nickel which we talked about earlier, which would be over and above the \$1.05 levy, that would be available for the learning community as an entity to impose, correct? [LB641]

SENATOR RAIKES: That's right. The learning community would levy that, and it would be for two different purposes--learning centers or focus schools. The focus schools would come proposed from a school district, and the school district would have to themselves pay for at least half of the building if approved by the learning community. The learning centers could be constructed by the learning community. Those facilities would be owned, as it were, by the learning community. [LB641]

SENATOR PIRSCH: Okay. And both of those would draw from the nickel levy, then? [LB641]

SENATOR RAIKES: Right. [LB641]

SENATOR PIRSCH: Okay. That clears that up. With respect to the...and this is...I'm just kind of delving into possible hypotheticals. Say on the western boundaries, perhaps South Sarpy, Gretna, where you have a school district, I assume that's a pretty high-growth area, is that correct? [LB641]

SENATOR RAIKES: I'm sorry, say that again, Senator? [LB641]

SENATOR PIRSCH: Sure. I am sorry, Senator Raikes. In, say, South Sarpy or Gretna area, say, Gretna School District, that's a high-growth area, is it not? [LB641]

SENATOR RAIKES: Right. [LB641]

SENATOR PIRSCH: Building quite a few schools on a yearly basis, is that correct? [LB641]

SENATOR RAIKES: I don't know just how many, but certainly that would be a part of the metro area where a lot of the increase in population is occurring and a lot of new school capacity is needed. So I would guess you're right. [LB641]

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SENATOR PIRSCH: And maybe I can ask Senator Kopplin that later...Kopplin that later. But where you have a district that's going to be...do you think that focus schools are going...may end up being utilized regularly as the regular type of school that will be developed in those districts? In other words, is the fact that the...might a new paradigm emerge because the learning community will fund a school district's...the creation of new buildings, to the tune of 50 percent? Might that be an incentive for the school districts, do you think, to create all new schools in that...under that type of a paradigm, a focus school? [LB641]

SENATOR RAIKES: Well, hopefully, Senator, it would be an incentive, because that would be the intent. But certainly, with a nickel limit, there wouldn't be the capacity, the financial capacity there to build all school buildings as focus schools. But hopefully, there would be a number of them, over time, built, and that they would be in various parts of the metro area, so that students living in various parts could live near and make use of them. [LB641]

SENATOR PIRSCH: I see. And so that would be up to the learning community as a whole to decide where it was appropriate to put those? [LB641]

SENATOR RAIKES: Right. They...it would be a combination of the learning community and the school districts,... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR RAIKES: ...because, as I say, the school districts would bring the proposals to the learning community for these buildings. [LB641]

SENATOR PIRSCH: Well, thank you. I guess that, indeed, would not be a bad measure. Do you anticipate that putting in a focus school...and I guess that's dependent upon how powerful the content of the focus school is to draw economically challenged individuals to, say, a South Sarpy district or a Gretna district, keeping in mind that's probably, geographically, a pretty far area to draw such children in large numbers. [LB641]

SENATOR RAIKES: Well, Senator, historically that's certainly been challenging to get that done. But the hope is here that the best...that we would be successful, or that there would be success in that effort. And the main driver for that would be providing an educational opportunity... [LB641]

SENATOR LANGEMEIER: Time. [LB641]

SENATOR PIRSCH: Thank you. [LB641]

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SENATOR LANGEMEIER: Thank you, Senator Pirsch. Senator Gay, you're recognized. [LB641]

SENATOR GAY: Thank you, Mr. President. Mr. President, I'd like to yield a short amount of time to Senator Adams. [LB641]

SENATOR LANGEMEIER: Senator Adams, would you yield to a question? [LB641]

SENATOR ADAMS: Yes, I will. And very quickly, body, a moment ago, I stated on the mike that the resource centers would not be funded out of this nickel. I stand corrected. The focus schools is the primary function. We're hoping the funding for the resource centers would come elsewhere. But I was incorrect--some of that nickel could be used for the elementary resource centers. And I'd yield that time now back to Senator Gay, if I could. [LB641]

SENATOR LANGEMEIER: Senator Gay, 4, 30. [LB641]

SENATOR GAY: Thank you, Senator Adams. Thank you, Mr. President. Again, I would like...this amendment that we're talking about was actually written on the 14th. This is not anything that...I had thought about this prior. This is not to throw a monkey wrench in the whole works or anything like that. This is kind of trust but verify that we're going to go levy, and we can levy up to five cents; I'd just like to say up to two cents. It's \$8 million, with a match from wherever we decide to put these. They would have to match 50 percent, is the way I understand it, unless I'm wrong. Now, I'm here learning as we go here. But that's a good chunk of money, year after year after year. We just capped what the state would contribute to this thing. I just want to cap a little bit what constituents would put into this. It would promote, I think, that the community learning council and the board go look very closely with existing programs that are out there and try to make that work. And I think it's just...if you go ahead and totally fund everything, what is the incentive at that point? So I just think there's a certain amount here where we go in...Senator Heidemann said, it only takes 25 votes if we want to change our mind down the road later and put more funding into this. If this were in your area or your district--which this could be--do you want...you can go to \$1.10, is the way I understand this. Everywhere else in the state is \$1.05. So I'm just saying, this would put your max cap at about \$1.07. You'd get the building funds. We're right now, in Sarpy County, building an addition to the courthouse, and it's a \$6 million project, it's a very large project, and that's \$6 million. I mean, so if you do it...a year is not that long, so if you go and you levy year after year at \$8 million a crack, that's...you know, that will add up. Now, if we need to come back and say, this is working very well and we'd like to do more, then I'm sure we will hear from people that say, we need a little more funds to get this done. So that's what this amendment does, and that's the intent, at least. So I throw it out there for your consideration and hopefully your support. Thank you, Mr. President. [LB641]

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SENATOR LANGEMEIER: Thank you, Senator Gay. Senator Kopplin, you're recognized. [LB641]

SENATOR KOPPLIN: Thank you, Mr. President, members of the body. I'm glad that Senator Adams corrected himself, because I was going to do that. But I think we need a little bit more correction. I'm not saying whether I'm for this or against this amendment, but I think we have to be accurate. The language in Senator Gay's amendment refers to page 7, but page 7 refers you to Section 42. If you look at Section 42, it says, a learning community may levy a maximum levy pursuant, so on, for the purchase, construction, or remodeling of elementary learning center facilities and up to 50 percent of the estimated cost for capital projects approved, so on. Then you have to go to where it describes what those are, because these are not necessarily focus schools. If you will read the language, it says, a focus school or program designed to meet the requirements of the section, or a school that will otherwise specifically attract a more economically and culturally diverse student body. Regular school buildings could be built on this if it was placed in strategically that would increase the diversity in that building. Those aren't focus schools; they're regular schools, without a vote of the people, by the way. So I'm not saying I'm against this, the five cents. I'm saying, let's be accurate as we discuss what this is, because they aren't all focus schools; they're regular classrooms also. Thank you. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Kopplin. Senator Adams, you're recognized. Senator Adams waives his time. Senator Gay, you're recognized. [LB641]

SENATOR GAY: Thank you, Mr. President. I did have that discussion earlier, and it was for...to explain to me that it's for the building facilities, no operations cost, is what this is for. So like I say, if you're going to build the buildings, and it just allows for that money for the buildings, not the operational cost. And that was from staff, Senator Raikes's staff, when we had a sidebar over here. So I looked at that, too, to go back to 42, and said, what does this mean? And the way...that's the way I understood it. So, thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Gay. There are no other lights on. Senator Gay, you are recognized to close on FA125. [LB641]

SENATOR GAY: Thank you, Mr. President. Not to be repetitive, but I do think this is...and I've said from day one, if it's a statewide program, we need to develop it for statewide use. Senator Erdman made some amendments. I'm making an amendment, I think, to clarify what the money can be. I talked about, a little bit, about the differences in valuations in Sarpy County. Unless you...between Sarpy County, Douglas County. If this is in your county and you have different assessors assessing different funds and we're creating this common levy, how do you know where that's going? This just puts a

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fair limit, I think, on where we're getting started, where the trial on this learning community is going to happen in the metro area. But if it happens in Grand Island or Columbus or Norfolk or wherever the case may be, I think citizens want a little bit of, let's make this work before you go spend our money. We've talked about property taxes, property taxes, and property taxes all year long, and this is property taxes. When you go five cents extra, you can go up to five cents. And it does say...I'm not trying to...it says, could levy up to five cents. We know how that goes. If you let it go up to five cents, I can pretty much guarantee it will probably be up to five cents. This says, go to two cents, and then if we need to come back and we find some great successes, which I hope happens, that we could then go to...you could raise this if you see fit. Again, when I've made that statement, it was like, the state capped theirs; I'm just saying, let the districts cap ours a little bit until we know what's happening. And Senator Heidemann had said, it only takes 25 votes, so if we need to change this later and it's working, it only takes 25 votes. Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Gay. You have heard the closing on FA125 to LB641. The question before the body is, shall FA125 be adopted? All those in favor vote yea; all those opposed vote nay. Senator Gay, for what purpose do you rise? [LB641]

SENATOR GAY: Mr. President, I'd like a call of the house and a roll call vote. [LB641]

SENATOR LANGEMEIER: There has been a request to put the house under call. The question is, shall the house go under call? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB641]

CLERK: 32 ayes, 1 nay to place the house under call. [LB641]

SENATOR LANGEMEIER: The house is under call. Senators, please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Avery, Senator Erdman, please check in. Senator Burling, Senator Friend, Senator Pahls, please return to the Chamber. Senator Cornett, would you please check in. Senator Chambers, the house is under call. All senators are present or accounted for. There has been a request for a roll call vote in regular order. The question before the body is, shall FA125 be adopted to LB641? One moment. Mr. Clerk, please call the roll. [LB641]

CLERK: (Roll call vote taken, Legislative Journal pages 1718-1719.) 17 ayes, 20 nays, Mr. President, on the amendment. [LB641]

SENATOR LANGEMEIER: FA125 is not adopted. Mr. Clerk, items for the record. With that, I raise the call. [LB641]

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CLERK: Mr. President, before we proceed to the next amendment, LR214, by Senator Chambers, to be laid over. Amendments to be printed: Senator Lathrop to LB573; Senator Friend to LB142; Senator Erdman, amendments to LB475. (Legislative Journal pages 1719-1722.) [LB641 LR214 LB573 LB142 LB475]

Senator Erdman, I have FA126. [LB641]

SENATOR LANGEMEIER: Senator Erdman, you are recognized to open on FA126. [LB641]

SENATOR ERDMAN: Mr. President, the correct amendment is FA127, so I withdraw FA126. [LB641]

SENATOR LANGEMEIER: FA126 is withdrawn. Mr. Clerk. [LB641]

CLERK: Senator Erdman would move to amend with FA127. (Legislative Journal page 1722.) [LB641]

SENATOR LANGEMEIER: Senator Erdman, you are recognized to open on FA127. [LB641]

SENATOR ERDMAN: Thank you, Mr. President and members of the body. The amendment that you adopted a few minutes ago restored the existing language in statute that you did not have to have more than two districts...two school boards, excuse me, apply for the opportunity to become a learning community. The amendment that I have before you, FA127, would strike the language on lines 17 through 22. And obviously, if you recall, the amendment that was adopted restored the stricken language and took out the new language. So to read this right, you restore the language that was struck and you take out the language that is now underlined. The new language would read this, on lines 17 through 22: A learning community may also be established at the request of at least two school boards, if such school districts have a minimum combined total of at least 2,000 students, except that districts in local systems that are in the sparse cost grouping or the very sparse grouping as described in Section 79-1007.02 need not have a minimum combined total of at least 2,000 students, but a learning community with fewer than 2,000 students shall include at least two school districts. This language would take out the requirement that all school districts in that county be required to participate in that learning community. And this language was drafted. If this is not acceptable to Senator Raikes, we will simply withdraw this amendment. And I believe that the language as before us is more appropriate than what the committee would have offered us, or the amendment it offered us in AM1386. So with that, I'd like to ask Senator Raikes a question. [LB641]

SENATOR LANGEMEIER: Senator Raikes, would you yield to a question? [LB641]

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SENATOR RAIKES: Yes. [LB641]

SENATOR ERDMAN: Senator Raikes, I appreciate your patience this evening with me on these amendments. The language that I have outlined would take out...or, that I've offered, would take out the requirement that all school districts in the county or counties be required to participate in the learning community, and it would simply leave it open to at least two school boards that would have a minimum combined total of 2,000 students, or no minimum if they were a very sparse or sparse. Are you comfortable with this language, or would you...or not? I guess I will just leave that as an open-ended question. [LB641]

SENATOR RAIKES: I would...Senator, I would prefer the language that's in the bill now. [LB641]

SENATOR ERDMAN: Okay. And in the event that we don't adopt this language, would it be a fair assumption or a fair representation that as we look to see what the limitations may be in districts utilizing this existing language as it was adopted under LB1024 and is now back in front of us with my amendment to LB641, that we could revisit this issue next year as a possibility of seeing if this opportunity that's been filed, and everybody that's following this sees what this was, may have been a more appropriate vehicle to accomplish what they wanted? In other words, can we evaluate what the limitations are before next session and possibly come back with a remedy, if appropriate? [LB641]

SENATOR RAIKES: That would be a fair representation, in my opinion. [LB641]

SENATOR ERDMAN: That would be a better fighting chance than I think any effort I've had in front of the Education Committee. (Laughter) Thank you, Senator Raikes. On a light note, for those of you that were here during the budget wars, it's about time to close a prison. So instead of doing that, I will withdraw FA127, and look forward to working with the Education Committee and Senator Raikes in the interim to see if there is a more appropriate vehicle. Senator Raikes, I appreciate your accommodation, your patience. Members, I believe that the amendment before us is the right way to go, but I recognize the situation we find ourselves in, and I will ask that FA127 be withdrawn, and again, look forward to working on this issue into the future. Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Erdman. FA127 is withdrawn. Mr. Clerk. [LB641]

CLERK: I have nothing further on the bill at this time, Mr. President. [LB641]

SENATOR LANGEMEIER: Senator Raikes, you are recognized to close on LB641.

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[LB641]

SENATOR RAIKES: Thank you, Mr. President, members. This, I believe, is a very good piece of legislation. I thank you all for your contributions. I think this moves us forward a long ways. I believe it offers great potential, and it offers a great chance to address some issues that we face, educational opportunity issues, achievement issues, and so on. So again, I thank you for your effort and urge your support. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Raikes. Senator McGill, for a motion. [LB641]

SENATOR MCGILL: Mr. President, I move LB641 to E&R for engrossing. [LB641]

SENATOR LANGEMEIER: You have heard the motion on the advancement of LB641 to E&R for initial. All those in favor say aye. All those opposed say nay. The ayes have it. LB641 does advance. Mr. Clerk. [LB641]

CLERK: LB641A, Senator. It's a bill by Senator Raikes. (Read title.) I do have an amendment to the bill by Senator Raikes, AM1435. (Legislative Journal pages 1722-1723.) [LB641A]

SENATOR LANGEMEIER: Senator Raikes, you're recognized to open on LB641A. [LB641A]

SENATOR RAIKES: Thank you, Mr. President, members of the Legislature. This A bill, as amended, would provide \$500,000 in the second year of this biennium, and strikes everything else out. So that would be consistent with the \$1 million per year state appropriation. It would be a half-year in the second year of the biennium. So the total amount is \$500,000. I urge your support. Thank you. [LB641A]

SENATOR LANGEMEIER: Senator Raikes, it would be my understanding that was the opening on the amendment, AM1435? [LB641A]

SENATOR RAIKES: You are correct. I urge your support of the amendment that makes the amount \$500,000 in the second year of the biennium. [LB641A]

SENATOR LANGEMEIER: Thank you. You have heard the opening on AM1435 to LB641A. The floor is now open for discussion. Seeing no lights on, Senator Raikes, you are recognized to close on AM1435. Senator Raikes, waives closing. The question before the body is, shall AM1435 be adopted to LB641A? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record Mr. Clerk. [LB641A]

CLERK: 32 ayes, 2 nays, Mr. President, on the adoption of Senator Raikes's

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amendment. [LB641A]

SENATOR LANGEMEIER: AM1435 is adopted. We return now to discussion on LB641A, the bill itself, as amended. Seeing no lights on, Senator Raikes, you're recognized to close on LB641A. Senator Raikes waives closing. The question before the body is, shall LB641A advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB641A]

CLERK: 35 ayes, 2 nays, Mr. President, on the advancement of LB641A. [LB641A]

SENATOR LANGEMEIER: LB641A does advance. Mr. Clerk. [LB641A]

CLERK: Mr. President, I have neither messages, reports, nor announcements. I do have a priority motion. Senator Friend would move to adjourn until Tuesday morning, May 22, at 9:00 a.m. []

SENATOR LANGEMEIER: You have heard the motion to adjourn until Tuesday morning at 9:00 a.m. All those in favor say aye. All those opposed say nay. The ayes have it. We stand adjourned. []