

AMENDMENTS TO LB 1070

Introduced by Education.

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 32-546.01, Revised Statutes
4 Supplement, 2009, is amended to read:

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

19 (2) The initial elected members shall be nominated at
20 the statewide primary election and elected at the statewide
21 general election immediately following the certification of the
22 establishment of the learning community, and subsequent members
23 shall be nominated at subsequent statewide primary elections

1 and elected at subsequent statewide general elections. Except
2 as provided in this section, such elections shall be conducted
3 pursuant to the Election Act.

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

9 (4) Members elected to represent odd-numbered districts
10 in the first election for the learning community coordinating
11 council shall be elected for two-year terms. Members elected
12 to represent even-numbered districts in the first election for
13 the learning community coordinating council shall be elected for
14 four-year terms. Members elected in subsequent elections shall be
15 elected for four-year terms and until their successors are elected
16 and qualified.

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

1 community. For subsequent appointments, the current appointed
2 members of the coordinating council shall hold a meeting of
3 the school board members of such school districts to appoint one
4 member from such school boards to represent each of the subcouncil
5 districts on the coordinating council of the learning community.
6 The appointed members shall be selected by the school board members
7 of the school districts in the learning community who reside in the
8 subcouncil district to be represented pursuant to a secret ballot,
9 shall reside in the subcouncil district to be represented, and
10 shall be appointed for two-year terms and until their successors
11 are appointed and qualified.

12 (6) Vacancies in office for appointed members shall occur
13 upon the resignation, death, or disqualification from office of
14 an appointed member. Disqualification from office shall include
15 ceasing membership on the school board for which membership
16 qualified the member for the appointment to the learning community
17 coordinating council or ceasing to reside in the subcouncil
18 district represented by such member of the learning community
19 coordinating council. Whenever such vacancy occurs, the remaining
20 appointed members shall hold a meeting of the school board members
21 of the school districts in such learning community to appoint a
22 member from such school boards who lives in the subcouncil district
23 to be represented to serve for the balance of the unexpired term.

24 (7) Each learning community coordinating council shall
25 also have a nonvoting member from each member school district which
26 does not have either an elected or an appointed member who resides
27 in the school district on the council. Such nonvoting members

1 shall be appointed by the school board of the school district
2 to be represented to serve for two-year terms, and notice of the
3 nonvoting member selected shall be submitted to the Secretary of
4 State by such board prior to December 31 of each even-numbered
5 year. Each such nonvoting member shall be a resident of the
6 appointing school district and shall not be a school administrator
7 employed by such school district. Whenever a vacancy occurs, the
8 school board of such school district shall appoint a new nonvoting
9 member and submit notice to the Secretary of State and to the
10 learning community coordinating council.

11 (8) Members of a learning community coordinating council
12 shall take office on the first Thursday after the first Tuesday
13 in January following their election or appointment, except that
14 members appointed to fill vacancies shall take office immediately
15 following administration of the oath of office. Each voting member
16 shall be paid a per diem in an amount determined by such council up
17 to two hundred dollars per day for official meetings of the council
18 and the achievement subcouncil for which he or she is a member,
19 up to a maximum of twelve thousand dollars per fiscal year, and
20 shall be eligible for reimbursement of reasonable expenses related
21 to service on the learning community coordinating council. Each
22 nonvoting member shall be eligible for reimbursement of reasonable
23 expenses related to service on the learning community coordinating
24 council.

25 Sec. 2. Section 77-3442, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 77-3442 (1) Property tax levies for the support of local

1 governments for fiscal years beginning on or after July 1, 1998,
2 shall be limited to the amounts set forth in this section except as
3 provided in section 77-3444.

4 (2) (a) Except as provided in subdivision (2) (e) of this
5 section, school districts and multiple-district school systems,
6 except learning communities and school districts that are members
7 of learning communities, may levy a maximum levy of one dollar and
8 five cents per one hundred dollars of taxable valuation of property
9 subject to the levy.

10 (b) For each fiscal year, learning communities may levy
11 a maximum levy for the general fund budgets of member school
12 districts of ninety-five cents per one hundred dollars of taxable
13 valuation of property subject to the levy. The proceeds from the
14 levy pursuant to this subdivision shall be distributed pursuant to
15 section 79-1073.

16 (c) Except as provided in subdivision (2) (e) of this
17 section, for each fiscal year, school districts that are members
18 of learning communities may levy for purposes of such districts'
19 general fund budget and special building funds a maximum combined
20 levy of the difference of one dollar and five cents on each one
21 hundred dollars of taxable property subject to the levy minus
22 the learning community levies pursuant to subdivisions (2) (b) and
23 (2) (g) of this section for such learning community.

24 (d) Excluded from the limitations in subdivisions (2) (a)
25 and (2) (c) of this section are amounts levied to pay for
26 sums agreed to be paid by a school district to certificated
27 employees in exchange for a voluntary termination of employment

1 and amounts levied to pay for special building funds and sinking
2 funds established for projects commenced prior to April 1, 1996,
3 for construction, expansion, or alteration of school district
4 buildings. For purposes of this subsection, commenced means any
5 action taken by the school board on the record which commits
6 the board to expend district funds in planning, constructing, or
7 carrying out the project.

8 (e) Federal aid school districts may exceed the maximum
9 levy prescribed by subdivision (2)(a) or (2)(c) of this section
10 only to the extent necessary to qualify to receive federal aid
11 pursuant to Title VIII of Public Law 103-382, as such title existed
12 on September 1, 2001. For purposes of this subdivision, federal
13 aid school district means any school district which receives ten
14 percent or more of the revenue for its general fund budget from
15 federal government sources pursuant to Title VIII of Public Law
16 103-382, as such title existed on September 1, 2001.

17 (f) For school fiscal year 2002-03 through school fiscal
18 year 2007-08, school districts and multiple-district school systems
19 may, upon a three-fourths majority vote of the school board of
20 the school district, the board of the unified system, or the
21 school board of the high school district of the multiple-district
22 school system that is not a unified system, exceed the maximum
23 levy prescribed by subdivision (2)(a) of this section in an amount
24 equal to the net difference between the amount of state aid that
25 would have been provided under the Tax Equity and Educational
26 Opportunities Support Act without the temporary aid adjustment
27 factor as defined in section 79-1003 for the ensuing school fiscal

1 year for the school district or multiple-district school system
2 and the amount provided with the temporary aid adjustment factor.
3 The State Department of Education shall certify to the school
4 districts and multiple-district school systems the amount by which
5 the maximum levy may be exceeded for the next school fiscal year
6 pursuant to this subdivision (f) of this subsection on or before
7 February 15 for school fiscal years 2004-05 through 2007-08.

8 (g) For each fiscal year, learning communities may levy a
9 maximum levy of two cents on each one hundred dollars of taxable
10 property subject to the levy for special building funds for member
11 school districts. The proceeds from the levy pursuant to this
12 subdivision shall be distributed pursuant to section 79-1073.01.

13 (h) For each fiscal year, learning communities may levy
14 a maximum levy of ~~five~~ two cents on each one hundred dollars of
15 taxable property subject to the levy ~~for elementary learning center~~
16 ~~facilities and~~ for up to fifty percent of the estimated cost for
17 capital projects approved by the learning community coordinating
18 council pursuant to section 79-2111.

19 (i) For each fiscal year, learning communities may levy
20 a maximum levy of one cent on each one hundred dollars of taxable
21 property subject to the levy for contracts with other entities or
22 individuals who are not employees of the learning community for
23 elementary learning center programs, services, and facilities not
24 owned by such learning community.

25 (3) Community colleges may levy a maximum levy calculated
26 pursuant to the Community College Foundation and Equalization Aid
27 Act on each one hundred dollars of taxable property subject to the

1 levy.

2 (4) (a) Natural resources districts may levy a maximum
3 levy of four and one-half cents per one hundred dollars of taxable
4 valuation of property subject to the levy.

5 (b) Natural resources districts shall also have the power
6 and authority to levy a tax equal to the dollar amount by which
7 their restricted funds budgeted to administer and implement ground
8 water management activities and integrated management activities
9 under the Nebraska Ground Water Management and Protection Act
10 exceed their restricted funds budgeted to administer and implement
11 ground water management activities and integrated management
12 activities for FY2003-04, not to exceed one cent on each one
13 hundred dollars of taxable valuation annually on all of the taxable
14 property within the district.

15 (c) In addition, natural resources districts located in
16 a river basin, subbasin, or reach that has been determined to
17 be fully appropriated pursuant to section 46-714 or designated
18 as overappropriated pursuant to section 46-713 by the Department
19 of Natural Resources shall also have the power and authority to
20 levy a tax equal to the dollar amount by which their restricted
21 funds budgeted to administer and implement ground water management
22 activities and integrated management activities under the Nebraska
23 Ground Water Management and Protection Act exceed their restricted
24 funds budgeted to administer and implement ground water management
25 activities and integrated management activities for FY2005-06, not
26 to exceed three cents on each one hundred dollars of taxable
27 valuation on all of the taxable property within the district for

1 fiscal year 2006-07 and each fiscal year thereafter through fiscal
2 year 2011-12.

3 (5) Any educational service unit authorized to levy a
4 property tax pursuant to section 79-1225 may levy a maximum levy of
5 one and one-half cents per one hundred dollars of taxable valuation
6 of property subject to the levy.

7 (6) (a) Incorporated cities and villages which are not
8 within the boundaries of a municipal county may levy a maximum levy
9 of forty-five cents per one hundred dollars of taxable valuation
10 of property subject to the levy plus an additional five cents per
11 one hundred dollars of taxable valuation to provide financing for
12 the municipality's share of revenue required under an agreement
13 or agreements executed pursuant to the Interlocal Cooperation Act
14 or the Joint Public Agency Act. The maximum levy shall include
15 amounts levied to pay for sums to support a library pursuant
16 to section 51-201, museum pursuant to section 51-501, visiting
17 community nurse, home health nurse, or home health agency pursuant
18 to section 71-1637, or statue, memorial, or monument pursuant to
19 section 80-202.

20 (b) Incorporated cities and villages which are within the
21 boundaries of a municipal county may levy a maximum levy of ninety
22 cents per one hundred dollars of taxable valuation of property
23 subject to the levy. The maximum levy shall include amounts paid
24 to a municipal county for county services, amounts levied to pay
25 for sums to support a library pursuant to section 51-201, a museum
26 pursuant to section 51-501, a visiting community nurse, home health
27 nurse, or home health agency pursuant to section 71-1637, or a

1 statue, memorial, or monument pursuant to section 80-202.

2 (7) Sanitary and improvement districts which have been in
3 existence for more than five years may levy a maximum levy of forty
4 cents per one hundred dollars of taxable valuation of property
5 subject to the levy, and sanitary and improvement districts which
6 have been in existence for five years or less shall not have
7 a maximum levy. Unconsolidated sanitary and improvement districts
8 which have been in existence for more than five years and are
9 located in a municipal county may levy a maximum of eighty-five
10 cents per hundred dollars of taxable valuation of property subject
11 to the levy.

12 (8) Counties may levy or authorize a maximum levy of
13 fifty cents per one hundred dollars of taxable valuation of
14 property subject to the levy, except that five cents per one
15 hundred dollars of taxable valuation of property subject to the
16 levy may only be levied to provide financing for the county's
17 share of revenue required under an agreement or agreements executed
18 pursuant to the Interlocal Cooperation Act or the Joint Public
19 Agency Act. The maximum levy shall include amounts levied to pay
20 for sums to support a library pursuant to section 51-201 or museum
21 pursuant to section 51-501. The county may allocate up to fifteen
22 cents of its authority to other political subdivisions subject
23 to allocation of property tax authority under subsection (1) of
24 section 77-3443 and not specifically covered in this section to
25 levy taxes as authorized by law which do not collectively exceed
26 fifteen cents per one hundred dollars of taxable valuation on any
27 parcel or item of taxable property. The county may allocate to

1 one or more other political subdivisions subject to allocation
2 of property tax authority by the county under subsection (1) of
3 section 77-3443 some or all of the county's five cents per one
4 hundred dollars of valuation authorized for support of an agreement
5 or agreements to be levied by the political subdivision for the
6 purpose of supporting that political subdivision's share of revenue
7 required under an agreement or agreements executed pursuant to the
8 Interlocal Cooperation Act or the Joint Public Agency Act. If an
9 allocation by a county would cause another county to exceed its
10 levy authority under this section, the second county may exceed
11 the levy authority in order to levy the amount allocated. Property
12 tax levies for costs of reassumption of the assessment function
13 pursuant to section 77-1340 or 77-1340.04 are not included in the
14 levy limits established in this subsection for fiscal years 2010-11
15 through 2013-14.

16 (9) Municipal counties may levy or authorize a maximum
17 levy of one dollar per one hundred dollars of taxable valuation
18 of property subject to the levy. The municipal county may allocate
19 levy authority to any political subdivision or entity subject to
20 allocation under section 77-3443.

21 (10) Property tax levies for judgments, except judgments
22 or orders from the Commission of Industrial Relations, obtained
23 against a political subdivision which require or obligate a
24 political subdivision to pay such judgment, to the extent such
25 judgment is not paid by liability insurance coverage of a
26 political subdivision, for preexisting lease-purchase contracts
27 approved prior to July 1, 1998, for bonded indebtedness approved

1 according to law and secured by a levy on property except as
2 provided in section 44-4317 for bonded indebtedness issued by
3 educational service units and school districts, and for payments by
4 a public airport to retire interest-free loans from the Department
5 of Aeronautics in lieu of bonded indebtedness at a lower cost to
6 the public airport are not included in the levy limits established
7 by this section.

8 (11) The limitations on tax levies provided in this
9 section are to include all other general or special levies
10 provided by law. Notwithstanding other provisions of law, the
11 only exceptions to the limits in this section are those provided by
12 or authorized by sections 77-3442 to 77-3444.

13 (12) Tax levies in excess of the limitations in this
14 section shall be considered unauthorized levies under section
15 77-1606 unless approved under section 77-3444.

16 (13) For purposes of sections 77-3442 to 77-3444,
17 political subdivision means a political subdivision of this state
18 and a county agricultural society.

19 (14) For school districts that file a binding resolution
20 on or before May 9, 2008, with the county assessors, county clerks,
21 and county treasurers for all counties in which the school district
22 has territory pursuant to subsection (7) of section 79-458, if the
23 combined levies, except levies for bonded indebtedness approved by
24 the voters of the school district and levies for the refinancing
25 of such bonded indebtedness, are in excess of the greater of (a)
26 one dollar and twenty cents per one hundred dollars of taxable
27 valuation of property subject to the levy or (b) the maximum

1 levy authorized by a vote pursuant to section 77-3444, all school
2 district levies, except levies for bonded indebtedness approved by
3 the voters of the school district and levies for the refinancing of
4 such bonded indebtedness, shall be considered unauthorized levies
5 under section 77-1606.

6 Sec. 3. Section 79-527, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 79-527 The superintendent or head administrator of a
9 public school district or a nonpublic school system shall annually
10 report to the Commissioner of Education in such detail and on
11 such date as required by the commissioner the number of students
12 who have dropped out of school or were for any reason suspended,
13 expelled, or excluded from school during the year. School districts
14 that are members of learning communities shall also provide the
15 learning community coordinating council with a copy of the report
16 to the commissioner on or before the date the report is due
17 to the commissioner. Each learning community coordinating council
18 shall annually report to the commissioner in such detail and on
19 such date as required by the commissioner the number of students
20 who have dropped out of school or were for any reason suspended,
21 expelled, or excluded from school during the year for all of the
22 member school districts. The due date for reports from learning
23 communities shall be established by the commissioner to provide a
24 reasonable period of time for the learning community coordinating
25 councils to compile the information from the member school district
26 reports.

27 Sec. 4. Section 79-528, Revised Statutes Supplement,

1 2009, is amended to read:

2 79-528 (1)(a) On or before July 20 in all school
3 districts, the superintendent shall file with the State Department
4 of Education a report showing the number of children from five
5 through eighteen years of age belonging to the school district
6 according to the census taken as provided in sections 79-524 and
7 79-578. ~~On or before July 20, school districts that are members~~
8 ~~of learning communities shall provide the learning community~~
9 ~~coordinating council with a copy of the report filed with~~
10 ~~the department. On or before August 1, each learning community~~
11 ~~coordinating council shall file with the department On or before~~
12 ~~August 31, the department shall issue to each learning community~~
13 ~~coordinating council a report showing the number of children from~~
14 ~~five through eighteen years of age belonging to the learning~~
15 ~~community based on the member school districts according to the~~
16 school district reports filed with the department.

17 (b) Each Class I school district which is part of a Class
18 VI school district offering instruction (i) in grades kindergarten
19 through five shall report children from five through ten years
20 of age, (ii) in grades kindergarten through six shall report
21 children from five through eleven years of age, and (iii) in grades
22 kindergarten through eight shall report children from five through
23 thirteen years of age.

24 (c) Each Class VI school district offering instruction
25 (i) in grades six through twelve shall report children who are
26 eleven through eighteen years of age, (ii) in grades seven through
27 twelve shall report children who are twelve through eighteen years

1 of age, and (iii) in grades nine through twelve children who are
2 fourteen through eighteen years of age.

3 (d) Each Class I district which has affiliated in whole
4 or in part shall report children from five through thirteen years
5 of age.

6 (e) Each Class II, III, IV, or V district shall report
7 children who are fourteen through eighteen years of age residing in
8 Class I districts or portions thereof which have affiliated with
9 such district.

10 (f) The board of any district neglecting to take and
11 report the enumeration shall be liable to the school district for
12 all school money which such district may lose by such neglect.

13 (2) On or before June 30 the superintendent of each
14 school district shall file with the Commissioner of Education a
15 report described as an end-of-the-school-year annual statistical
16 summary showing (a) the number of children attending school during
17 the year under five years of age, (b) the length of time the
18 school has been taught during the year by a qualified teacher,
19 (c) the length of time taught by each substitute teacher, and (d)
20 such other information as the Commissioner of Education directs.
21 ~~On or before June 30, school districts that are members of~~
22 ~~learning communities shall also provide the learning community~~
23 ~~coordinating council with a copy of the report filed with the~~
24 ~~commissioner. On or before July 15, each learning community~~
25 ~~coordinating council shall file with the commissioner On or before~~
26 ~~July 31, the commissioner shall issue to each learning community~~
27 ~~coordinating council an end-of-the-school-year annual statistical~~

1 summary for the learning community based on the member school
2 districts according to the school district reports filed with the
3 commissioner.

4 (3) (a) On or before November 1 the superintendent of each
5 school district shall submit to the Commissioner of Education a
6 report described as the annual financial report showing (i) the
7 amount of money received from all sources during the year and
8 the amount of money expended by the school district during the
9 year, (ii) the amount of bonded indebtedness, (iii) such other
10 information as shall be necessary to fulfill the requirements
11 of the Tax Equity and Educational Opportunities Support Act
12 and section 79-1114, and (iv) such other information as the
13 Commissioner of Education directs.

14 (b) ~~On or before November 1,~~ school districts that are
15 members of learning communities shall also provide the learning
16 community coordinating council with a copy of the report submitted
17 to the commissioner. ~~On or before November 15,~~ each learning
18 community coordinating council shall submit to the commissioner,
19 to be filed in his or her office, a report described as the
20 annual financial report On or before December 15, the commissioner
21 shall issue to each learning community coordinating council an
22 annual financial report for the learning community based on the
23 member school districts according to the annual financial reports
24 filed with the commissioner, showing (i) the aggregate amount of
25 money received from all sources during the year for all member
26 school districts and the aggregate amount of money expended by
27 member school districts during the year, (ii) the aggregate amount

1 of bonded indebtedness for all member school districts, (iii)
2 such other aggregate information as shall be necessary to fulfill
3 the requirements of the Tax Equity and Educational Opportunities
4 Support Act and section 79-1114 for all member school districts,
5 and (iv) such other aggregate information as the Commissioner of
6 Education directs for all member school districts.

7 (4) (a) On or before October 15 of each year, the
8 superintendent of each school district shall file with the
9 commissioner the fall school district membership report, which
10 report shall include the number of children from birth through
11 twenty years of age enrolled in the district on the last Friday
12 in September of a given school year. The report shall enumerate
13 (i) students by grade level, (ii) school district levies and total
14 assessed valuation for the current fiscal year, and (iii) such
15 other information as the Commissioner of Education directs.

16 (b) On or before October 15 of each year, school
17 districts that are members of learning communities shall also
18 provide the learning community coordinating council with a copy
19 of the report delivered to the department. each learning community
20 coordinating council shall issue to the department a report which
21 enumerates the learning community levies pursuant to subdivisions
22 (2) (b) and (g) of section 77-3442 and total assessed valuation for
23 the current fiscal year.

24 (c) On or before October 31 November 15 of each year,
25 each learning community coordinating council shall deliver to the
26 department shall issue to each learning community coordinating
27 council the fall learning community membership report, which report

1 shall include the aggregate number of children from birth through
2 twenty years of age enrolled in the member school districts
3 on the last Friday in September of a given school year for
4 all member school districts. The report shall enumerate (i) the
5 aggregate students by grade level for all member school districts,
6 (ii) ~~learning community~~ school district levies and total assessed
7 valuation for the current fiscal year, and (iii) such other
8 information as the Commissioner of Education directs for all member
9 school districts.

10 ~~(e)~~ (d) When any school district ~~or learning community~~
11 fails to submit its fall membership report by November 1, the
12 commissioner shall, after notice to the district and an opportunity
13 to be heard, direct that any state aid granted pursuant to the
14 Tax Equity and Educational Opportunities Support Act be withheld
15 until such time as the report is received by the department. In
16 addition, the commissioner shall direct the county treasurer to
17 withhold all school money belonging to the school district ~~or~~
18 ~~learning community~~ until such time as the commissioner notifies the
19 county treasurer of receipt of such report. The county treasurer
20 shall withhold such money. For school districts that are members
21 of learning communities, a determination of school money belonging
22 to the district shall be based on the proportionate share of state
23 aid and property tax receipts allocated to the school district by
24 the learning community coordinating council, 7 and the treasurer
25 of the learning community coordinating council shall withhold any
26 such school money in the possession of the learning community from
27 the school district. If a school district that is a member of

1 a learning community fails to provide a copy of the report to
2 the learning community coordinating council on or before October
3 15, the learning community coordinating council shall complete the
4 fall learning community membership report with information from the
5 reports received from other member school districts.

6 Sec. 5. Section 79-1007.05, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 79-1007.05 For school fiscal year 2008-09 and each school
9 fiscal year thereafter, the department shall determine the focus
10 school and program allowance for each school district in a
11 learning community. The which submits the information required
12 for the calculation on a form prescribed by the department on
13 or before October 15 of the school fiscal year preceding the
14 school fiscal year for which aid is being calculated. Such form
15 may require confirmation from a learning community official that
16 the focus school or program has been approved by the learning
17 community coordinating council for the school fiscal year for
18 which the allowance is being calculated. The focus school and
19 program allowance for each school district in a learning community
20 shall equal the sum of the allowances calculated pursuant to this
21 section for each focus school and focus program operated by the
22 school district for the school fiscal year for which aid is being
23 calculated.

24 For the school fiscal year containing the majority of the
25 first school year that a school or program will be in operation as
26 a focus school or program approved by the learning community and
27 meeting the requirements of section 79-769, the focus school and

1 program allowance for such focus school or program shall equal the
2 statewide average general fund operating expenditures per formula
3 student multiplied by 0.10 then multiplied by the estimated number
4 of students who will be participating in the focus school or
5 program as reported on the form required pursuant to this section.

6 For the school fiscal year containing the majority of the
7 second school year that a school or program will be in operation
8 as a focus school or program approved by the learning community
9 and meeting the requirements of section 79-769, the focus school
10 and program allowance for such focus school or program shall
11 equal the statewide average general fund operating expenditures per
12 formula student multiplied by 0.10 then multiplied by (1) for state
13 aid certified pursuant to section 79-1022, the difference of the
14 product of two multiplied by the number of students participating
15 in the focus school or program as reported on the fall membership
16 report from the school fiscal year immediately preceding the school
17 fiscal year in which the aid is to be paid minus the estimated
18 number of students used in the certification of state aid pursuant
19 to section 79-1022 for the school fiscal year immediately preceding
20 the school fiscal year in which the aid is to be paid and (2) for
21 the final calculation of state aid pursuant to section 79-1065,
22 the difference of the product of two multiplied by the number of
23 students participating in the focus school or program as reported
24 on the annual statistical summary report from the school fiscal
25 year immediately preceding the school fiscal year in which the aid
26 was paid minus the estimated number of students used in the final
27 calculation of state aid pursuant to section 79-1065 for the school

1 fiscal year immediately preceding the school fiscal year in which
2 the aid is to be paid.

3 For the school fiscal year containing the majority of the
4 third school year that a school or program will be in operation
5 as a focus school or program approved by the learning community
6 and meeting the requirements of section 79-769 and each school
7 fiscal year thereafter, the focus school and program allowance for
8 such focus school or program shall equal the statewide average
9 general fund operating expenditures per formula student multiplied
10 by 0.10 then multiplied by the number of students participating in
11 a the focus school or program as reported on the fall membership
12 report from the school fiscal year immediately preceding the
13 school fiscal year in which the aid is to be paid for state aid
14 certified pursuant to section 79-1022 and as reported on the annual
15 statistical summary report from the school fiscal year immediately
16 preceding the school fiscal year in which the aid was paid for the
17 final calculation of state aid pursuant to section 79-1065.

18 Sec. 6. Section 79-1241.03, Revised Statutes Supplement,
19 2009, is amended to read:

20 79-1241.03 For school fiscal year 2008-09 and each school
21 fiscal year thereafter:

22 (1) One percent of the funds appropriated for core
23 services and technology infrastructure shall be transferred to
24 the Educational Service Unit Coordinating Council. The remainder
25 of such funds shall be distributed pursuant to subdivisions (2)
26 through (6) of this section;

27 (2) (a) The distance education and telecommunications

1 allowance for each educational service unit shall equal eighty-five
2 percent of the difference of the costs for telecommunications
3 services, for access to data transmission networks that transmit
4 data to and from the educational service unit, and for the
5 transmission of data on such networks paid by the educational
6 service unit as reported on the annual financial report for the
7 most recently available complete data year minus the receipts from
8 the federal Universal Service Fund pursuant to 47 U.S.C. 254,
9 as such section existed on January 1, 2007, for the educational
10 service unit as reported on the annual financial report for the
11 most recently available complete data year and minus any receipts
12 from school districts or other educational entities for payment
13 of such costs as reported on the annual financial report of the
14 educational service unit;

15 (b) The base allocation of each educational service unit
16 shall equal two and one-half percent of the funds appropriated for
17 distribution pursuant to this section;

18 (c) The satellite office allocation for each educational
19 service unit shall equal one percent of the funds appropriated
20 for distribution pursuant to this section for each office of
21 the educational service unit, except the educational service unit
22 headquarters, up to the maximum number of satellite offices. The
23 maximum number of satellite offices used for the calculation of
24 the satellite office allocation for any educational service unit
25 shall equal the difference of the ratio of the number of square
26 miles within the boundaries of the educational service unit divided
27 by four thousand minus one with the result rounded to the closest

1 whole number;

2 (d) The statewide adjusted valuation shall equal the
3 total adjusted valuation for all member districts of educational
4 service units pursuant to section 79-1016 used for the calculation
5 of state aid for school districts pursuant to the Tax Equity and
6 Educational Opportunities Support Act for the school fiscal year
7 for which the distribution is being calculated pursuant to this
8 section;

9 (e) The adjusted valuation for each educational service
10 unit shall equal the total adjusted valuation of the member school
11 districts pursuant to section 79-1016 used for the calculation of
12 state aid for school districts pursuant to the act for the school
13 fiscal year for which the distribution is being calculated pursuant
14 to this section, except that such adjusted valuation for member
15 school districts that are also member districts of a learning
16 community shall be reduced by ~~fifty~~ ten percent. The adjusted
17 valuation for each learning community shall equal ~~fifty~~ ten percent
18 of the total adjusted valuation of the member school districts
19 pursuant to section 79-1016 used for the calculation of state aid
20 for school districts pursuant to the act for the school fiscal year
21 for which the distribution is being calculated pursuant to this
22 section;

23 (f) The local effort rate shall equal \$0.0135 per one
24 hundred dollars of adjusted valuation;

25 (g) Except as provided in subdivision (5) of this
26 section, the statewide student allocation shall equal the
27 difference of the sum of the amount appropriated for distribution

1 pursuant to this section plus the product of the statewide adjusted
2 valuation multiplied by the local effort rate minus the distance
3 education and telecommunications allowance, base allocation, and
4 satellite office allocation for all educational service units;

5 (h) The sparsity adjustment for each educational service
6 unit and learning community shall equal the sum of one plus
7 one-tenth of the ratio of the square miles within the boundaries
8 of the educational service unit divided by the fall membership of
9 the member school districts for the school fiscal year immediately
10 preceding the school fiscal year for which the distribution is
11 being calculated pursuant to this section;

12 (i) The adjusted students for each educational service
13 unit shall equal the fall membership for the school fiscal year
14 immediately preceding the school fiscal year for which aid is
15 being calculated of the member school districts that will not
16 be members of a learning community and ~~fifty~~ ninety percent of
17 the fall membership for such school fiscal year of the member
18 school districts that will be members of a learning community
19 pursuant to this section multiplied by the sparsity adjustment
20 for the educational service unit, and the adjusted students for
21 each learning community shall equal ~~fifty~~ ten percent of the
22 fall membership for such school fiscal year of the member school
23 districts multiplied by the sparsity adjustment for the learning
24 community;

25 (j) The per student allocation shall equal the statewide
26 student allocation divided by the total adjusted students for all
27 educational service units and learning communities;

1 (k) The student allocation for each educational service
2 unit and learning community shall equal the per student allocation
3 multiplied by the adjusted students for the educational service
4 unit or learning community;

5 (l) The needs for each educational service unit shall
6 equal the sum of the distance education and telecommunications
7 allowance, base allocation, satellite office allocation, and
8 student allocation for the educational service unit and the needs
9 for each learning community shall equal the student allocation for
10 the learning community; and

11 (m) The distribution of core services and technology
12 infrastructure funds for each educational service unit and learning
13 community shall equal the needs for each educational service unit
14 or learning community minus the product of the adjusted valuation
15 for the educational service unit or learning community multiplied
16 by the local effort rate;

17 (3) If an educational service unit is the result of
18 a merger or received new member school districts from another
19 educational service unit, such educational service unit shall,
20 for each of the three fiscal years following the fiscal year in
21 which the merger takes place or the new member school districts
22 are received, receive core services and technology infrastructure
23 funds pursuant to subdivisions (2) through (6) of this section
24 in an amount not less than the core services and technology
25 infrastructure funds received in the fiscal year immediately
26 preceding the merger or receipt of new member school districts,
27 except that if the total amount available to be distributed

1 pursuant to subdivisions (2) through (6) of this section for
2 such year is less than the total amount distributed pursuant
3 to such subdivisions or section 79-1243 for the immediately
4 preceding fiscal year, the minimum core services and technology
5 infrastructure funds for each educational service unit pursuant to
6 this subdivision shall be reduced by a percentage equal to the
7 ratio of the difference of the total amount distributed pursuant
8 to subdivisions (2) through (6) of this section or section 79-1243
9 for the immediately preceding fiscal year minus the total amount
10 available to be distributed pursuant to subdivisions (2) through
11 (6) of this section for the fiscal year in question divided by the
12 total amount distributed pursuant to subdivisions (2) through (6)
13 of this section or section 79-1243 for the immediately preceding
14 fiscal year. The core services and technology infrastructure funds
15 received in the fiscal year immediately preceding a merger or
16 receipt of new member school districts for an educational service
17 unit shall equal the amount received in such fiscal year pursuant
18 to subdivisions (2) through (6) of this section or section 79-1243
19 by any educational service unit affected by the merger or the
20 transfer of school districts multiplied by a ratio equal to the
21 valuation that was transferred to or retained by the educational
22 service unit for which the minimum is being calculated divided by
23 the total valuation of the educational service unit transferring or
24 retaining the territory;

25 (4) For fiscal years ~~2008-09~~ 2010-11 through 2013-14,
26 each educational service unit ~~which will not have any member~~
27 ~~school districts that are members of a learning community~~ shall

1 receive core services and technology infrastructure funds under
2 this section in an amount not less than ninety-five percent of the
3 total of the core services and technology infrastructure funds that
4 the educational service unit received in the immediately preceding
5 fiscal year ~~either~~ pursuant to subdivisions (2) through (6) of
6 this section, ~~or pursuant to section 79-1243,~~ except that if the
7 total amount available to be distributed pursuant to subdivisions
8 (2) through (6) of this section for such year is less than the
9 total amount distributed pursuant to such subdivisions ~~or section~~
10 ~~79-1243~~ for the immediately preceding fiscal year, the minimum core
11 services and technology infrastructure funds for each educational
12 service unit pursuant to this subdivision shall be reduced by
13 a percentage equal to the ratio of the difference of the total
14 amount distributed pursuant to subdivisions (2) through (6) of this
15 section ~~or section 79-1243~~ for the immediately preceding fiscal
16 year minus the total amount available to be distributed pursuant to
17 subdivisions (2) through (6) of this section for the fiscal year
18 in question divided by the total amount distributed pursuant to
19 subdivisions (2) through (6) of this section; ~~or section 79-1243~~
20 ~~for the immediately preceding fiscal year;~~

21 (5) If the minimum core services and technology
22 infrastructure funds pursuant to subdivision (3) or (4) of this
23 section for any educational service unit exceed the amount that
24 would otherwise be distributed to such educational service unit
25 pursuant to subdivision (2) of this section, the statewide student
26 allocation shall be reduced such that the total amount to be
27 distributed pursuant to this section equals the appropriation

1 for core services and technology infrastructure funds and no
2 educational service unit receives less than the greater of any
3 minimum amounts calculated for such educational service unit
4 pursuant to subdivisions (3) and (4) of this section; and

5 (6) The State Department of Education shall certify the
6 distribution of core services and technology infrastructure funds
7 pursuant to subdivisions (2) through (6) of this section to each
8 educational service unit and learning community ~~on or before July~~
9 ~~1, 2008, for school fiscal year 2008-09~~ and on or before July
10 1 of each year ~~thereafter~~ for the following school fiscal year.

11 Any funds appropriated for distribution pursuant to this section
12 shall be distributed in ten as nearly as possible equal payments
13 on the first business day of each month beginning in September
14 of each school fiscal year and ending in June. Funds distributed
15 to educational service units pursuant to this section shall be
16 used for core services and technology infrastructure with the
17 approval of representatives of two-thirds of the member school
18 districts of the educational service unit, representing a majority
19 of the adjusted students in the member school districts used in
20 calculations pursuant to this section for such funds. The valuation
21 of individual school districts shall not be considered in the
22 utilization of such core services or technology infrastructure
23 funds by member school districts for funds received after July
24 1, 2010. Funds distributed to learning communities shall be used
25 for learning community purposes pursuant to sections 79-2104 and
26 79-2115, evaluation and research pursuant to section 12 of this
27 act, with the approval of the learning community coordinating

1 council.

2 For purposes of this section, the determination of
3 whether or not a school district will be a member of an educational
4 service unit or a learning community shall be based on the
5 information available May 1 for the following school fiscal year.

6 Sec. 7. Section 79-1242, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 79-1242 Funds generated from the property tax levy shall
9 only be used for purposes approved by representatives of two-thirds
10 of the member school districts in an educational service unit,
11 representing a majority of the students in the member school
12 districts. The valuation of individual school districts shall not
13 be considered in the utilization of such funds received after
14 July 1, 2010. Each educational service unit shall prepare and
15 transmit a written proposal of core services offerings and use
16 of the property tax levy to all member school districts. The
17 member school districts through their designated representatives
18 shall indicate their approval or disapproval of the proposal within
19 thirty calendar days after receipt of the proposal, and failure to
20 so indicate within such time period shall be deemed approval of the
21 proposal.

22 Sec. 8. Section 79-2104, Revised Statutes Supplement,
23 2009, is amended to read:

24 79-2104 A learning community coordinating council shall
25 have the authority to:

26 (1) Levy a common levy for the general funds of member
27 school districts pursuant to sections 77-3442 and 79-1073;

1 (2) Levy a common levy for the special building funds
2 of member school districts pursuant to sections 77-3442 and
3 79-1073.01;

4 (3) Levy for up to fifty percent of the estimated
5 cost for capital projects approved by the learning community
6 coordinating council pursuant to ~~sections~~ subdivision (2)(h) of
7 section 77-3442 and section 79-2111;

8 (4) Levy for contracts with other entities or individuals
9 who are not employees of the learning community for elementary
10 learning center programs, services, and facilities not owned by
11 such learning community pursuant to subdivision (2)(i) of section
12 77-3442.

13 ~~(4)~~ (5) Collect, analyze, and report data and
14 information, including, but not limited to, information provided by
15 a school district pursuant to subsection (5) of section 79-201;

16 ~~(5)~~ (6) Approve focus schools and focus programs to be
17 operated by member school districts;

18 ~~(6)~~ (7) Adopt, approve, and implement a diversity plan
19 which shall include open enrollment and may include focus schools,
20 focus programs, magnet schools, and pathways pursuant to section
21 79-2110;

22 ~~(7)~~ (8) Administer the open enrollment provisions in
23 section 79-2110 for the learning community as part of a diversity
24 plan developed by the council to provide educational opportunities
25 which will result in increased diversity in schools across the
26 learning community;

27 ~~(8)~~ (9) Annually conduct school fairs to provide

1 students and parents the opportunity to explore the educational
2 opportunities available at each school in the learning community
3 and develop other methods for encouraging access to such
4 information and promotional materials;

5 ~~(9)~~ (10) Develop and approve reorganization plans for
6 submission pursuant to the Learning Community Reorganization Act;

7 ~~(10)~~ (11) Establish and administer elementary learning
8 centers through achievement subcouncils pursuant to sections
9 79-2112 to 79-2114;

10 ~~(11)~~ (12) Administer the learning community funds
11 distributed to the learning community pursuant to section 79-2111;

12 ~~(12)~~ (13) Approve or disapprove poverty plans and limited
13 English proficiency plans for member school districts through
14 achievement subcouncils established under section 79-2117;

15 ~~(13)~~ (14) Establish a procedure for receiving community
16 input and complaints regarding the learning community; and

17 ~~(14)~~ (15) Establish a procedure to assist parents,
18 citizens, and member school districts in accessing an approved
19 center pursuant to the Dispute Resolution Act to resolve disputes
20 involving member school districts or the learning community. Such
21 procedure may include payment by the learning community for some
22 mediation services.

23 Sec. 9. Section 79-2110, Revised Statutes Supplement,
24 2009, is amended to read:

25 79-2110 (1)(a) Each diversity plan shall provide for
26 open enrollment in all school buildings in the learning community,
27 subject to specific limitations necessary to bring about diverse

1 enrollments in each school building in the learning community.
2 Such limitations, for school buildings other than focus schools and
3 programs other than focus programs, shall include giving preference
4 at each school building first to siblings of students who will
5 be enrolled as continuing students in such school building or
6 program for the first school year for which enrollment is sought
7 in such school building and then to students that contribute to
8 the socioeconomic diversity of enrollment at each building and may
9 include establishing zone limitations in which students may access
10 several schools other than their home attendance area school.
11 Notwithstanding the limitations necessary to bring about diversity,
12 open enrollment shall include providing access to students who
13 do not contribute to the socioeconomic diversity of a school
14 building, if, subsequent to the open enrollment selection process
15 that is subject to limitations necessary to bring about diverse
16 enrollments, capacity remains in a school building. In such a case,
17 students who have applied to attend such school building shall be
18 selected to attend such school building on a random basis up to the
19 remaining capacity of such building. A student who has otherwise
20 been disqualified from the school building pursuant to the school
21 district's code of conduct or related school discipline rules shall
22 not be eligible for open enrollment pursuant to this section. Any
23 student who attended a particular school building in the prior
24 school year and who is seeking education in the grades offered in
25 such school building shall be allowed to continue attending such
26 school building as a continuing student.

27 (b) To facilitate the open enrollment provisions of

1 this subsection, each school year each member school district
2 in a learning community shall establish a maximum capacity for
3 each school building under such district's control pursuant to
4 procedures and criteria established by the learning community
5 coordinating council. Each member school district shall also
6 establish attendance areas for each school building under the
7 district's control, except that the school board shall not
8 establish attendance areas for focus schools or focus programs.
9 The attendance areas shall be established such that all of the
10 territory of the school district is within an attendance area for
11 each grade. Students residing in a school district shall be allowed
12 to attend a school building in such school district.

13 (c) For purposes of this section and sections 79-238 and
14 79-611, student who contributes to the socioeconomic diversity of
15 enrollment means (i) a student who does not qualify for free or
16 reduced-price lunches when, based upon the certification pursuant
17 to section 79-2120, the school building the student will attend
18 has more students qualifying for free or reduced-price lunches than
19 the average percentage of such students in all school buildings in
20 the learning community or (ii) a student who qualifies for free or
21 reduced-price lunches when, based upon the certification pursuant
22 to section 79-2120, the school building the student will attend has
23 fewer students qualifying for free or reduced-price lunches than
24 the average percentage of such students in all school buildings in
25 the learning community.

26 (2) (a) On or before March 15 of each year beginning
27 with the year immediately following the year in which the initial

1 coordinating council for the learning community takes office, a
2 parent or guardian of a student residing in a member school
3 district in a learning community may submit an application to any
4 school district in the learning community on behalf of a student
5 who is applying to attend a school building for the following
6 school year that is not in an attendance area where the applicant
7 resides or a focus school, focus program, or magnet school as
8 such terms are defined in section 79-769. On or before April 1
9 of each year beginning with the year immediately following the
10 year in which the initial coordinating council for the learning
11 community takes office, the school district shall accept or reject
12 such applications based on the capacity of the school building, the
13 eligibility of the applicant for the school building or program,
14 the number of such applicants that will be accepted for a given
15 school building, and whether or not the applicant contributes to
16 the socioeconomic diversity of the school or program to which he
17 or she has applied and for which he or she is eligible. The school
18 district shall notify such parent or guardian in writing of the
19 acceptance or rejection.

20 (b) A parent or guardian may provide information on
21 the application regarding the applicant's potential qualification
22 for free or reduced-price lunches. Any such information provided
23 shall be subject to verification and shall only be used for the
24 purposes of this section. Nothing in this section requires a parent
25 or guardian to provide such information. Determinations about an
26 applicant's qualification for free or reduced-price lunches for
27 purposes of this section shall be based on any verified information

1 provided on the application. If no such information is provided the
2 student shall be presumed not to qualify for free or reduced-price
3 lunches for the purposes of this section.

4 (c) A student may not apply to attend a school building
5 in the learning community for any grades that are offered by
6 another school building for which the student had previously
7 applied and been accepted pursuant to this section, absent
8 a hardship exception as established by the individual school
9 district. On or before September 1 of each year beginning with
10 the year immediately following the year in which the initial
11 coordinating council for the learning community takes office,
12 each school district shall provide to the learning community
13 coordinating council a complete and accurate report of all
14 applications received, including the number of students who applied
15 at each grade level at each building, the number of students
16 accepted at each grade level at each building, the number of
17 such students that contributed to the socioeconomic diversity that
18 applied and were accepted, the number of applicants denied and the
19 rationales for denial, and other such information as requested by
20 the learning community coordinating council.

21 (3) Each diversity plan may also include establishment of
22 one or more focus schools or focus programs and the involvement
23 of every member school district in one or more pathways across
24 member school districts. Enrollment in each focus school or focus
25 program shall be designed to reflect the socioeconomic diversity
26 of the learning community as a whole. School district selection of
27 students for focus schools or focus programs shall be on a random

1 basis from two pools of applicants, those who qualify for free
2 and reduced-price lunches and those who do not qualify for free
3 and reduced-price lunches. The percentage of students selected for
4 focus schools from the pool of applicants who qualify for free
5 and reduced-price lunches shall be as nearly equal as possible
6 to the percentage of the student body of the learning community
7 who qualify for free and reduced-price lunches. The percentage of
8 students selected for focus schools from the pool of applicants
9 who do not qualify for free and reduced-price lunches shall be
10 as nearly equal as possible to the percentage of the student
11 body of the learning community who do not qualify for free and
12 reduced-price lunches. If more capacity exists in a focus school
13 or program than the number of applicants for such focus school
14 or program that contribute to the socioeconomic diversity of the
15 focus school or program, the school district shall randomly select
16 applicants up to the number of applicants that will be accepted
17 for such building. A student who will complete the grades offered
18 at a focus program, focus school, or magnet school that is part
19 of a pathway shall be allowed to attend the focus program, focus
20 school, or magnet school offering the next grade level as part of
21 the pathway as a continuing student. A student who completes the
22 grades offered at a focus program, focus school, or magnet school
23 shall ~~not be considered a continuing student~~ be allowed to attend
24 a school offering the next grade level in the school district
25 responsible for the program or school. ~~focus program, focus school,~~
26 or magnet school as a continuing student. A student who attended
27 a program or school in the school year immediately preceding the

1 first school year for which the program or school will operate as
2 a focus program or focus school approved by the learning community
3 and meeting the requirements of section 79-769 and who has not
4 completed the grades offered at the focus program or focus school
5 shall be a continuing student in the program or school.

6 (4) On or before February 15 of each year beginning
7 with the year immediately following the year in which the initial
8 coordinating council for the learning community takes office, a
9 parent or guardian of a student who is currently attending a school
10 building or program, except a magnet school, focus school, or focus
11 program, outside of the attendance area where the student resides
12 and who will complete the grades offered at such school building
13 prior to the following school year shall provide notice, on a form
14 provided by the school district, to the school board of the school
15 district containing such school building if such student will
16 attend another school building within such district as a continuing
17 student and which school building such student would prefer to
18 attend. On or before March 1, such school board shall provide a
19 notice to such parent or guardian stating which school building or
20 buildings the student shall be allowed to attend in such school
21 district as a continuing student for the following school year. If
22 the student resides within the school district, the notice shall
23 include the school building offering the grade the student will
24 be entering for the following school year in the attendance area
25 where the student resides. This subsection shall not apply to focus
26 schools or programs.

27 (5) A parent or guardian of a student who moves to a

1 new residence in the learning community after April 1 may apply
2 directly to a school board within the learning community within
3 ninety days after moving for the student to attend a school
4 building outside of the attendance area where the student resides.
5 Such school board shall accept or reject such application within
6 fifteen days after receiving the application, based on the number
7 of applications and qualifications pursuant to subsection (2) or
8 (3) of this section for all other students.

9 (6) A parent or guardian of a student who wishes to
10 change school buildings for emergency or hardship reasons may apply
11 directly to a school board within the learning community at any
12 time for the student to attend a school building outside of the
13 attendance area where the student resides. Such application shall
14 state the emergency or hardship and shall be kept confidential by
15 the school board. Such school board shall accept or reject such
16 application within fifteen days after receiving the application.
17 Applications shall only be accepted if an emergency or hardship
18 was presented which justifies an exemption from the procedures
19 in subsection (4) of this section based on the judgment of such
20 school board, and such acceptance shall not exceed the number of
21 applications that will be accepted for the school year pursuant to
22 subsection (2) or (3) of this section for such building.

23 Sec. 10. Section 79-2111, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 79-2111 (1) A learning community may levy a maximum
26 levy pursuant to subdivision (2)(h) of section 77-3442 for ~~the~~
27 ~~purchase, construction, or remodeling of elementary learning center~~

1 ~~facilities and~~ up to fifty percent of the estimated costs for
2 capital projects approved pursuant to this section. The proceeds
3 from such levy shall be used ~~for elementary learning center~~
4 ~~facilities and for one-time reductions of~~ to reduce the bonded
5 indebtedness required for approved projects by up to fifty percent
6 of the estimated cost of the approved project. The funds used
7 for reductions of bonded indebtedness shall be transferred to the
8 school district for which the project was approved and shall be
9 deposited in such school district's special building fund for use
10 on such project.

11 (2) The learning community may approve pursuant to this
12 section funding for capital projects which will include the
13 purchase, construction, or remodeling of facilities for a focus
14 school or program designed to meet the requirements of section
15 79-769. Such approval shall include an estimated cost for the
16 project and shall state the amount that will be provided by the
17 learning community for such project.

18 (3) If, within the ten years following receipt of the
19 funding for a capital project pursuant to this section, a school
20 district receiving such funding uses the facility purchased,
21 constructed, or remodeled with such funding for purposes other
22 than those stated to qualify for the funds, the school district
23 shall repay such funds to the learning community with interest at
24 the rate prescribed in section 45-104.02 accruing from the date
25 the funds were transferred to the school district's building fund
26 as of the last date the facility was used for such purpose as
27 determined by the learning community coordinating council or the

1 date that the learning community coordinating council determines
2 that the facility will not be used for such purpose or that
3 such facility will not be purchased, constructed, or remodeled
4 for such purpose. Interest shall continue to accrue on outstanding
5 balances until the repayment has been completed. The remaining
6 terms of repayment shall be determined by the learning community
7 coordinating council. The learning community coordinating council
8 may waive such repayment if the facility is used for a different
9 focus school or program for a period of time that will result in
10 the use of the facility for qualifying purposes for a total of at
11 least ten years.

12 Sec. 11. Section 79-2112, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 79-2112 (1) Elementary learning centers shall serve as
15 visionary resource centers for enhancing the academic success
16 of elementary students, particularly those students who face
17 challenges in the educational environment due to factors such
18 as poverty, limited English skills, and mobility. Each learning
19 community coordinating council shall provide for a system of
20 elementary learning centers to be administered by an elementary
21 learning center executive director.

22 (2) The elementary learning center executive director
23 shall be appointed by the learning community coordinating council.
24 The executive director shall be a person well equipped to work
25 with populations in poverty and to analyze effective methods for
26 assisting and encouraging such populations to access the programs
27 offered by elementary learning centers. ~~The elementary learning~~

1 center executive director shall serve for a term of six years,
2 unless removed by a vote of two-thirds of the members of the
3 learning community coordinating council upon their determination
4 that he or she has become incapacitated or has been guilty of
5 neglect of duty or misconduct. If the position of elementary
6 learning center executive director becomes vacant for any cause, a
7 temporary elementary learning center executive director may serve
8 for up to one year until an elementary learning center executive
9 director has been appointed for a full term. The elementary
10 learning center executive director shall receive such salary as is
11 set by the learning community coordinating council.

12 (3) The elementary learning center executive director may
13 select, appoint, and compensate as he or she sees fit, within the
14 amount provided by the learning community coordinating council,
15 such noncertificated assistants and noncertificated employees as
16 he or she deems necessary to discharge the responsibilities under
17 sections 79-2112 to 79-2114. Such assistants and employees shall be
18 subject to the control and supervision of the elementary learning
19 center executive director.

20 Sec. 12. Each learning community coordinating council
21 shall use any funds received after July 1, 2010, pursuant
22 to section 79-1241.03 for evaluation and research pursuant to
23 plans developed by the learning community coordinating council
24 with assistance from the educational service unit coordinating
25 council and the student achievement coordinator and adjusted on
26 an ongoing basis. The evaluation shall be conducted by one or
27 more other entities or individuals who are not employees of

1 the learning community and shall measure progress toward the
2 goals and objectives of the learning community, which goals and
3 objectives shall include closing academic achievement gaps based
4 on socioeconomic status, and the effectiveness of the approaches
5 used by the learning community to reach such goals and objectives.
6 Any research conducted pursuant to this section shall also be
7 related to such goals and objectives. After the first full year
8 of operation, each learning community shall report evaluation and
9 research results to the Education Committee of the Legislature on
10 or before December 1 of each year.

11 Sec. 13. The Revisor of Statutes shall assign section 12
12 of this act within Chapter 79, article 21.

13 Sec. 14. Original sections 77-3442, 79-527, 79-1007.05,
14 79-1242, 79-2111, and 79-2112, Reissue Revised Statutes of
15 Nebraska, and sections 32-546.01, 79-528, 79-1241.03, 79-2104, and
16 79-2110, Revised Statutes Supplement, 2009, are repealed.

17 Sec. 15. Since an emergency exists, this act takes effect
18 when passed and approved according to law.