

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 615**

Introduced by Krist, 10.

Read first time January 19, 2011

Committee: Education

A BILL

1 FOR AN ACT relating to learning communities; to amend section  
2 79-2101, Reissue Revised Statutes of Nebraska, and  
3 sections 79-2,104, 79-528, 79-2104, 79-2104.02, 79-2110,  
4 and 79-2118, Revised Statutes Cumulative Supplement,  
5 2010; to change provisions relating to access to student  
6 records, reporting, and diversity plans; to redefine a  
7 term; to change powers and duties of learning community  
8 coordinating councils; to provide for memoranda of  
9 understanding with the State Department of Education; to  
10 harmonize provisions; to repeal the original sections;  
11 and to declare an emergency.

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

1           Section 1. Section 79-2,104, Revised Statutes Cumulative  
2 Supplement, 2010, is amended to read:

3           79-2,104 (1) Any student in any public school or his or  
4 her parents, guardians, teachers, counselors, or school  
5 administrators shall have access to the school's files or records  
6 maintained concerning such student, including the right to inspect,  
7 review, and obtain copies of such files or records. No other person  
8 shall have access to such files or records except (a) when a parent,  
9 guardian, or student of majority age provides written consent or (b)  
10 as provided in subsection (3) of this section. The contents of such  
11 files or records shall not be divulged in any manner to any  
12 unauthorized person. All such files or records shall be maintained so  
13 as to separate academic and disciplinary matters, and all  
14 disciplinary material shall be removed and destroyed after a  
15 student's continuous absence from the school for a period of three  
16 years.

17           (2) Each public school may establish a schedule of fees  
18 representing a reasonable cost of reproduction for copies of a  
19 student's files or records for the parents or guardians of such  
20 student, except that the imposition of a fee shall not prevent  
21 parents of students from exercising their right to inspect and review  
22 the students' files or records and no fee shall be charged to search  
23 for or retrieve any student's files or records.

24           (3)(a) This section does not preclude authorized  
25 representatives of (i) auditing officials of the United States, (ii)

1 auditing officials of this state, ~~or~~—(iii) state educational  
2 authorities, or (iv) a learning community, with regard to students  
3 enrolled in member school districts of such learning community, from  
4 having access to student or other records which are necessary in  
5 connection with the audit and evaluation of federally supported, ~~or~~  
6 state-supported, or learning-community-supported education programs  
7 or in connection with the enforcement of legal requirements which  
8 relate to such programs, except that, when collection of personally  
9 identifiable data is specifically authorized by law, any data  
10 collected by such officials with respect to individual students shall  
11 be protected in a manner which shall not permit the personal  
12 identification of students and their parents by other than the  
13 officials listed in this subsection. Personally identifiable data  
14 shall be destroyed when no longer needed for such audit, evaluation,  
15 or enforcement of legal requirements. For purposes of this section,  
16 authorized representative, with respect to a learning community,  
17 means an individual specifically designated by a written policy of  
18 such learning community to have access to such records.

19 (b) This section does not preclude or prohibit the  
20 disclosure of student records to any other person or entity which may  
21 be allowed to have access pursuant to the federal Family Educational  
22 Rights and Privacy Act of 1974, 20 U.S.C. 1232g, as such act existed  
23 on January 1, 2009, and regulations adopted thereunder.

24 Sec. 2. Section 79-528, Revised Statutes Cumulative  
25 Supplement, 2010, is amended to read:

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

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

19                   (c) Each Class VI school district offering instruction  
20 (i) in grades six through twelve shall report children who are eleven  
21 through eighteen years of age, (ii) in grades seven through twelve  
22 shall report children who are twelve through eighteen years of age,  
23 and (iii) in grades nine through twelve children who are fourteen  
24 through eighteen years of age.

25                   (d) Each Class I district which has affiliated in whole

1 or in part shall report children from five through thirteen years of  
2 age.

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

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

10 (2) On or before June 30 the superintendent of each  
11 school district shall file with the Commissioner of Education a  
12 report described as an end-of-the-school-year annual statistical  
13 summary showing (a) the number of children attending school during  
14 the year under five years of age, (b) the length of time the school  
15 has been taught during the year by a qualified teacher, (c) the  
16 length of time taught by each substitute teacher, and (d) such other  
17 information as the Commissioner of Education directs. On or before  
18 July 31, the commissioner shall issue to each learning community  
19 coordinating council an end-of-the-school-year annual statistical  
20 summary for the learning community based on the member school  
21 districts according to the school district reports filed with the  
22 commissioner.

23 (3)(a) On or before November 1 the superintendent of each  
24 school district shall submit to the Commissioner of Education a  
25 report described as the annual financial report showing (i) the

1 amount of money received from all sources during the year and the  
2 amount of money expended by the school district during the year, (ii)  
3 the amount of bonded indebtedness, (iii) such other information as  
4 shall be necessary to fulfill the requirements of the Tax Equity and  
5 Educational Opportunities Support Act and section 79-1114, and (iv)  
6 such other information as the Commissioner of Education directs.

7 (b) On or before December 15, the commissioner shall  
8 issue to each learning community coordinating council an annual  
9 financial report for the learning community based on the member  
10 school districts according to the annual financial reports filed with  
11 the commissioner, showing (i) the aggregate amount of money received  
12 from all sources during the year for all member school districts and  
13 the aggregate amount of money expended by member school districts  
14 during the year, (ii) the aggregate amount of bonded indebtedness for  
15 all member school districts, (iii) such other aggregate information  
16 as shall be necessary to fulfill the requirements of the Tax Equity  
17 and Educational Opportunities Support Act and section 79-1114 for all  
18 member school districts, and (iv) such other aggregate information as  
19 the Commissioner of Education directs for all member school  
20 districts.

21 (4)(a) On or before October 15 of each year, the  
22 superintendent of each school district shall file with the  
23 commissioner the fall school district membership report, which report  
24 shall include the number of children from birth through twenty years  
25 of age enrolled in the district on the last Friday in September of a

1 given school year. The report shall enumerate (i) students by grade  
2 level, (ii) school district levies and total assessed valuation for  
3 the current fiscal year, and (iii) such other information as the  
4 Commissioner of Education directs.

5 (b) On or before October 15 of each year, each learning  
6 community coordinating council shall issue to the department a report  
7 which enumerates the learning community levies pursuant to  
8 subdivisions (2)(b) and (g) of section 77-3442 and total assessed  
9 valuation for the current fiscal year.

10 (c) On or before November 15 of each year, the ~~department~~  
11 commissioner shall issue to each learning community coordinating  
12 council the fall learning community membership report, which report  
13 shall include the ~~aggregate~~ number of children from birth through  
14 twenty years of age enrolled in the member school districts of such  
15 learning community on the last Friday in September of a given school  
16 year for all member school districts. The report shall enumerate (i)  
17 ~~the aggregate~~ students by grade level for all member school  
18 districts, (ii) school district levies and total assessed valuation  
19 for the current fiscal year, and (iii) such other information as the  
20 Commissioner of Education directs for all member school districts.

21 (d) When any school district fails to submit its fall  
22 membership report by November 1, the commissioner shall, after notice  
23 to the district and an opportunity to be heard, direct that any state  
24 aid granted pursuant to the Tax Equity and Educational Opportunities  
25 Support Act be withheld until such time as the report is received by

1 the department. In addition, the commissioner shall direct the county  
2 treasurer to withhold all school money belonging to the school  
3 district until such time as the commissioner notifies the county  
4 treasurer of receipt of such report. The county treasurer shall  
5 withhold such money.

6 Sec. 3. Section 79-2101, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 79-2101 Learning community means a political subdivision  
9 which shares the territory of member school districts and is governed  
10 by a learning community coordinating council. For purposes of the  
11 federal Family Educational Rights and Privacy Act of 1974, 20 U.S.C.  
12 1232g, and all regulations and applicable guidelines adopted in  
13 accordance with such act, a learning community is a local educational  
14 agency with respect to member school districts and students enrolled  
15 in such districts. The fiscal year for a learning community shall be  
16 the same as for member school districts.

17 Sec. 4. Section 79-2104, Revised Statutes Cumulative  
18 Supplement, 2010, is amended to read:

19 79-2104 A learning community coordinating council shall  
20 have the authority to:

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

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

25 (3) Levy for elementary learning center facility leases,

1 for remodeling of leased elementary learning center facilities, and  
2 for up to fifty percent of the estimated cost for focus school or  
3 program capital projects approved by the learning community  
4 coordinating council pursuant to subdivision (2)(h) of section  
5 77-3442 and section 79-2111;

6 (4) Levy for elementary learning center employees, for  
7 contracts with other entities or individuals who are not employees of  
8 the learning community for elementary learning center programs and  
9 services, and for pilot projects pursuant to subdivision (2)(i) of  
10 section 77-3442, except that not more than ten percent of such levy  
11 may be used for elementary learning center employees;

12 (5) ~~Collect, analyze, and report~~ and analyze data and  
13 ~~information, including, but not limited to, information~~ provided by a  
14 member school district pursuant to section 79-527 and subsection (5)  
15 of section 79-201 and report its findings for the preceding school  
16 year to the Education Committee of the Legislature on or before  
17 December 31 of each year;

18 (6) Approve focus schools and focus programs to be  
19 operated by member school districts;

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

23 (8) Administer the open enrollment provisions in section  
24 79-2110 for the learning community as part of a diversity plan  
25 developed by the council to provide educational opportunities which

1 will result in increased diversity in schools across the learning  
2 community;

3 (9) Annually conduct school fairs to provide students and  
4 parents the opportunity to explore the educational opportunities  
5 available at each school in the learning community and develop other  
6 methods for encouraging access to such information and promotional  
7 materials;

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

10 (11) Establish and administer elementary learning centers  
11 through achievement subcouncils pursuant to sections 79-2112 to  
12 79-2114;

13 (12) Administer the learning community funds distributed  
14 to the learning community pursuant to section 79-2111;

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

18 (14) Establish a procedure for receiving community input  
19 and complaints regarding the learning community;

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

1           (16) Establish and administer pilot projects related to  
2 enhancing the academic achievement of elementary students,  
3 particularly students who face challenges in the educational  
4 environment due to factors such as poverty, limited English skills,  
5 and mobility.

6           Sec. 5. Section 79-2104.02, Revised Statutes Cumulative  
7 Supplement, 2010, is amended to read:

8           79-2104.02 Each learning community coordinating council  
9 shall use any funds received after January 15, 2011, pursuant to  
10 section 79-1241.03 for evaluation and research pursuant to plans  
11 developed by the learning community coordinating council with  
12 assistance from the educational service unit coordinating council and  
13 the student achievement coordinator and adjusted on an ongoing basis.  
14 The evaluation shall be conducted by one or more other entities or  
15 individuals who are not employees of the learning community and shall  
16 measure progress toward the goals and objectives of the learning  
17 community, which goals and objectives shall include closing academic  
18 achievement gaps based on socioeconomic status, and the effectiveness  
19 of the approaches used by the learning community or pilot project to  
20 reach such goals and objectives. Any research conducted pursuant to  
21 this section shall also be related to such goals and objectives.  
22 After the first full year of operation, each learning community shall  
23 report evaluation and research results to the Education Committee of  
24 the Legislature on or before December ~~1~~31 of each year.

25           Sec. 6. Section 79-2110, Revised Statutes Cumulative

1 Supplement, 2010, is amended to read:

2           79-2110 (1)(a) Each diversity plan shall provide for open  
3 enrollment in all school buildings in the learning community, subject  
4 to specific limitations necessary to bring about diverse enrollments  
5 in each school building in the learning community. Such limitations,  
6 for school buildings other than focus schools and programs other than  
7 focus programs, shall include giving preference at each school  
8 building first to siblings of students who will be enrolled as  
9 continuing students in such school building or program for the first  
10 school year for which enrollment is sought in such school building  
11 and then to students that contribute to the socioeconomic diversity  
12 of enrollment at each building and may include establishing zone  
13 limitations in which students may access several schools other than  
14 their home attendance area school. Notwithstanding the limitations  
15 necessary to bring about diversity, open enrollment shall include  
16 providing access to students who do not contribute to the  
17 socioeconomic diversity of a school building, if, subsequent to the  
18 open enrollment selection process that is subject to limitations  
19 necessary to bring about diverse enrollments, capacity remains in a  
20 school building. In such a case, students who have applied to attend  
21 such school building shall be selected to attend such school building  
22 on a random basis up to the remaining capacity of such building. A  
23 student who has otherwise been disqualified from the school building  
24 pursuant to the school district's code of conduct or related school  
25 discipline rules shall not be eligible for open enrollment pursuant

1 to this section. Any student who attended a particular school  
2 building in the prior school year and who is seeking education in the  
3 grades offered in such school building shall be allowed to continue  
4 attending such school building as a continuing student.

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

18 (c) For purposes of this section and sections 79-238, ~~and~~  
19 79-611, and 79-2118, student who contributes to the socioeconomic  
20 diversity of enrollment means (i) a student who does not qualify for  
21 free or reduced-price lunches when, based upon the certification  
22 pursuant to section 79-2120, the school building the student will  
23 attend has more students qualifying for free or reduced-price lunches  
24 than the average percentage of such students in all school buildings  
25 in the learning community or (ii) a student who qualifies for free or

1 reduced-price lunches when, based upon the certification pursuant to  
2 section 79-2120, the school building the student will attend has  
3 fewer students qualifying for free or reduced-price lunches than the  
4 average percentage of such students in all school buildings in the  
5 learning community.

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

1 1, 2011, and on or before May 1 of each year thereafter, each school  
2 district shall deliver to the learning community coordinating council  
3 a complete and accurate copy of every application submitted on or  
4 before the immediately preceding March 15 to the school district in  
5 accordance with this subsection, which copy shall set forth whether  
6 the school district accepted or rejected such application.

7 (b) A parent or guardian may provide information on the  
8 application regarding the applicant's potential qualification for  
9 free or reduced-price lunches. Any such information provided shall be  
10 subject to verification and shall only be used for the purposes of  
11 this section. Nothing in this section requires a parent or guardian  
12 to provide such information. Determinations about an applicant's  
13 qualification for free or reduced-price lunches for purposes of this  
14 section shall be based on any verified information provided on the  
15 application. If no such information is provided the student shall be  
16 presumed not to qualify for free or reduced-price lunches for the  
17 purposes of this section.

18 (c) A student may not apply to attend a school building  
19 in the learning community for any grades that are offered by another  
20 school building for which the student had previously applied and been  
21 accepted pursuant to this section, absent a hardship exception as  
22 established by the individual school district. On or before ~~September~~  
23 October 1, 2011, and on or before October 1 of each year ~~beginning~~  
24 ~~with the year immediately following the year in which the initial~~  
25 ~~coordinating council for the learning community takes office,~~

1 ~~thereafter, each school district shall provide to file with the~~  
2 ~~learning community coordinating council a complete and accurate~~  
3 ~~report of all applications received, including the number of students~~  
4 ~~who applied at each grade level at each building, the number of~~  
5 ~~students accepted at each grade level at each building, the number of~~  
6 ~~such students that contributed to the socioeconomic diversity that~~  
7 ~~applied and were accepted, the number of applicants denied and the~~  
8 ~~rationales for denial, and other such information as requested by the~~  
9 ~~learning community coordinating council.~~ the open enrollment report  
10 required by the learning community coordinating council and a  
11 complete and accurate copy of every application submitted to the  
12 school district and not previously delivered to the learning  
13 community coordinating council in accordance with subdivision (2)(a)  
14 of this section. The report shall enumerate (i) each student who  
15 applied to each school building by grade level, (ii) whether the  
16 applicant would contribute to the socioeconomic diversity of  
17 enrollment in such building, (iii) whether the applicant was approved  
18 or denied for such building, (iv) if the applicant was denied for a  
19 building, the rationale for denial, (v) whether the applicant was a  
20 sibling of a student who would be enrolled as a continuing student in  
21 such school building, and (vi) such other open enrollment information  
22 as the learning community coordinating council directs.

23 (3) Each diversity plan may also include establishment of  
24 one or more focus schools or focus programs and the involvement of  
25 every member school district in one or more pathways across member

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

1 to attend a school offering the next grade level in the school  
2 district responsible for the focus program, focus school, or magnet  
3 school as a continuing student. A student who attended a program or  
4 school in the school year immediately preceding the first school year  
5 for which the program or school will operate as a focus program or  
6 focus school approved by the learning community and meeting the  
7 requirements of section 79-769 and who has not completed the grades  
8 offered at the focus program or focus school shall be a continuing  
9 student in the program or school.

10 (4) On or before February 15 of each year beginning with  
11 the year immediately following the year in which the initial  
12 coordinating council for the learning community takes office, a  
13 parent or guardian of a student who is currently attending a school  
14 building or program, except a magnet school, focus school, or focus  
15 program, outside of the attendance area where the student resides and  
16 who will complete the grades offered at such school building prior to  
17 the following school year shall provide notice, on a form provided by  
18 the school district, to the school board of the school district  
19 containing such school building if such student will attend another  
20 school building within such district as a continuing student and  
21 which school building such student would prefer to attend. On or  
22 before March 1, such school board shall provide a notice to such  
23 parent or guardian stating which school building or buildings the  
24 student shall be allowed to attend in such school district as a  
25 continuing student for the following school year. If the student

1 resides within the school district, the notice shall include the  
2 school building offering the grade the student will be entering for  
3 the following school year in the attendance area where the student  
4 resides. This subsection shall not apply to focus schools or  
5 programs.

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

15 (6) A parent or guardian of a student who wishes to  
16 change school buildings for emergency or hardship reasons may apply  
17 directly to a school board within the learning community at any time  
18 for the student to attend a school building outside of the attendance  
19 area where the student resides. Such application shall state the  
20 emergency or hardship and shall be kept confidential by the school  
21 board. Such school board shall accept or reject such application  
22 within fifteen days after receiving the application. Applications  
23 shall only be accepted if an emergency or hardship was presented  
24 which justifies an exemption from the procedures in subsection (4) of  
25 this section based on the judgment of such school board, and such

1 acceptance shall not exceed the number of applications that will be  
2 accepted for the school year pursuant to subsection (2) or (3) of  
3 this section for such building.

4           Sec. 7. Section 79-2118, Revised Statutes Cumulative  
5 Supplement, 2010, is amended to read:

6           79-2118 (1) Each learning community, together with its  
7 member school districts, shall develop a diversity plan to provide  
8 educational opportunities pursuant to sections 79-769 and 79-2110 in  
9 each subcouncil district designed to attract students from diverse  
10 backgrounds, which plan may be revised from time to time. The initial  
11 diversity plan shall be completed by December 31 of the year the  
12 initial learning community coordinating council for the learning  
13 community takes office. The goal of the diversity plan shall be to  
14 annually increase the socioeconomic diversity of enrollment ~~at each~~  
15 ~~grade level~~ in each school building within the learning community  
16 until such enrollment reflects the average socioeconomic diversity of  
17 the entire enrollment of the learning community.

18           (2) Each diversity plan for a learning community shall  
19 include specific provisions relating to each subcouncil district  
20 within such learning community. The specific provisions relating to  
21 each subcouncil district shall be approved by both the achievement  
22 subcouncil for such district and by the learning community  
23 coordinating council.

24           (3) The learning community coordinating council shall  
25 report to the Education Committee of the Legislature on or before

1 December ~~1-31~~ of each even-numbered year on the diversity and changes  
2 in diversity ~~at each grade level~~ in each school building within the  
3 learning community and on the academic achievement for different  
4 demographic groups in each school building within the learning  
5 community.

6           Sec. 8. On or before September 1, 2011, the State Board  
7 of Education shall enter into memoranda of understanding with each  
8 learning community to adopt a policy to share student data for those  
9 students who have enrolled in a member school district of such  
10 learning community through open enrollment, for those students who  
11 have participated in a pilot project established by the learning  
12 community coordinating council, and for those students who have  
13 enrolled with an elementary learning center. At a minimum, the policy  
14 shall ensure that the exchange of information is conducted in  
15 conformance with the requirements of the federal Family Educational  
16 Rights and Privacy Act of 1974, 20 U.S.C. 1232g, and all regulations  
17 and applicable guidelines adopted in accordance with such act.

18           Sec. 9. Original section 79-2101, Reissue Revised  
19 Statutes of Nebraska, and sections 79-2,104, 79-528, 79-2104,  
20 79-2104.02, 79-2110, and 79-2118, Revised Statutes Cumulative  
21 Supplement, 2010, are repealed.

22           Sec. 10. Since an emergency exists, this act takes effect  
23 when passed and approved according to law.