

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 548**

Introduced by McCoy, 39.

Read first time January 19, 2011

Committee: Education

A BILL

1 FOR AN ACT relating to learning communities; to amend sections  
2 32-567, 79-769, 79-2102.01, and 79-2104.01, Reissue  
3 Revised Statutes of Nebraska, and sections 32-546.01,  
4 32-555.01, 32-604, 79-1013, 79-1014, 79-2104, 79-2110,  
5 79-2113, and 79-2118, Revised Statutes Cumulative  
6 Supplement, 2010; to change, transfer, and eliminate  
7 provisions relating to learning communities; to harmonize  
8 provisions; to provide a duty for the Revisor of  
9 Statutes; to repeal the original sections; to outright  
10 repeal section 79-2117, Revised Statutes Cumulative  
11 Supplement, 2010; and to declare an emergency.  
12 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 32-567, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   32-567 Vacancies in office shall be filled as follows:

4                   (1) In state and judicial district offices and in the  
5 membership of any board or commission created by the state when no  
6 other method is provided, by the Governor;

7                   (2) In county offices, by the county board;

8                   (3) In the membership of the county board, by the county  
9 clerk, county attorney, and county treasurer;

10                  (4) In township offices, by the township board or, if  
11 there are two or more vacancies on the township board, by the county  
12 board;

13                  (5) In offices in public power and irrigation districts,  
14 according to section 70-615;

15                  (6) In offices in natural resources districts, according  
16 to section 2-3215;

17                  (7) In offices in community college areas, according to  
18 section 85-1514;

19                  (8) In offices in educational service units, according to  
20 section 79-1217;

21                  (9) In offices in hospital districts, according to  
22 section 23-3534;

23                  (10) In offices in metropolitan utilities districts,  
24 according to section 14-2104;

25                  (11) In membership on airport authority boards, according

1 to section 3-502, 3-611, or 3-703, as applicable;

2 (12) In membership on the board of trustees of a road  
3 improvement district, according to section 39-1607;

4 (13) In membership on the council of a municipal county,  
5 by the council; and

6 (14) For learning community coordinating councils,  
7 according to section ~~32-546.01~~. 7 of this act.

8 Unless otherwise provided by law, all vacancies shall be  
9 filled within forty-five days after the vacancy occurs unless good  
10 cause is shown that the requirement imposes an undue burden.

11 Sec. 2. Section 32-604, Revised Statutes Cumulative  
12 Supplement, 2010, is amended to read:

13 32-604 (1) Except as provided in subsection (2) or (4) of  
14 this section, no person shall be precluded from being elected or  
15 appointed to or holding an elective office for the reason that he or  
16 she has been elected or appointed to or holds another elective  
17 office.

18 (2) No person serving as a member of the Legislature or  
19 in an elective office described in Article IV, section 1 or 20, or  
20 Article VII, section 3 or 10, of the Constitution of Nebraska shall  
21 simultaneously serve in any other elective office, except that such a  
22 person may simultaneously serve in another elective office which is  
23 filled at an election held in conjunction with the annual meeting of  
24 a public body.

25 (3) Whenever an incumbent serving as a member of the

1 Legislature or in an elective office described in Article IV, section  
2 1 or 20, or Article VII, section 3 or 10, of the Constitution of  
3 Nebraska assumes another elective office, except an elective office  
4 filled at an election held in conjunction with the annual meeting of  
5 a public body, the office first held by the incumbent shall be deemed  
6 vacant.

7 (4) No person serving in a high elective office shall  
8 simultaneously serve in any other high elective office, except that a  
9 county attorney may serve as the county attorney for more than one  
10 county if appointed under subsection (2) of section 23-1201.01.

11 (5) Notwithstanding subsection (4) of this section, any  
12 person holding more than one high elective office upon July 15, 2010,  
13 shall be entitled to serve the remainder of all terms for which he or  
14 she was elected or appointed.

15 (6) For purposes of this section, (a) elective office has  
16 the meaning found in section 32-109 and includes an office which is  
17 filled at an election held in conjunction with the annual meeting of  
18 a public body created by an act of the Legislature but does not  
19 include a member of a learning community coordinating council  
20 appointed pursuant to ~~subsection (5) or (7) of section 32-546.01~~  
21 section 7 of this act and (b) high elective office means a member of  
22 the Legislature, an elective office described in Article IV, section  
23 1 or 20, or Article VII, section 3 or 10, of the Constitution of  
24 Nebraska, or a county, city, community college area, learning  
25 community, or school district elective office.

1           Sec. 3. Section 79-769, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           79-769 (1) Any one or more member school districts of a  
4 learning community may (a) establish with the approval of the  
5 learning community coordinating council one or more focus programs,  
6 focus schools, ~~or magnet schools, or pathway programs~~ pursuant to the  
7 diversity plan developed by the learning community coordinating  
8 council or (b) independently participate in one or more joint  
9 entities formed pursuant to the Interlocal Cooperation Act for the  
10 purpose of creating, implementing, and operating focus programs,  
11 focus schools, magnet schools, or pathway programs which shall not  
12 require the approval of the learning community coordinating council.

13           ~~(2) Focus schools, focus programs, and magnet schools may~~  
14 ~~be included in pathways across member school districts pursuant to~~  
15 ~~the diversity plan developed by the learning community coordinating~~  
16 ~~council pursuant to section 79-2104.~~

17           ~~(3) If multiple member school districts collaborate on a~~  
18 ~~focus program, focus school, or magnet school, one member school~~  
19 ~~district shall be designated as the primary school district. The~~  
20 ~~primary school district shall maintain legal, financial, and academic~~  
21 ~~responsibility for such focus program, focus school, or magnet~~  
22 ~~school.~~

23           ~~(4)~~(2) For purposes of this section:

24           (a) Focus program means a program that does not have an  
25 attendance area, whose enrollment is designed so that the

1 socioeconomic diversity of the students attending the focus program  
2 reflects as nearly as possible the socioeconomic diversity of the  
3 student body of the learning community, which has a unique curriculum  
4 with specific learning goals or teaching techniques different from  
5 the standard curriculum, which may be housed in a building with other  
6 public school programs, and which may consist of either the complete  
7 education program for participating students or part of the education  
8 program for participating students;

9 (b) Focus school means a school that does not have an  
10 attendance area, whose enrollment is designed so that the  
11 socioeconomic diversity of the students attending the focus school  
12 reflects as nearly as possible the socioeconomic diversity of the  
13 student body of the learning community, which has a unique curriculum  
14 with specific learning goals or teaching techniques different from  
15 the standard curriculum, and which is housed in a building that does  
16 not contain another public school program;

17 (c) Magnet school means a school having a home attendance  
18 area but which reserves a portion of its capacity specifically for  
19 students from outside the attendance area who will contribute to the  
20 socioeconomic diversity of the student body of such school and which  
21 has a unique curriculum with specific learning goals or teaching  
22 techniques different from the standard curriculum; and

23 (d) Pathway program means elementary, middle, and high  
24 school focus programs, focus schools, and magnet schools with  
25 coordinated curricula based on specific learning goals or teaching

1 techniques.

2 (3) Student selection and attendance for such focus  
3 programs, focus schools, magnet schools, and pathway programs,  
4 whether approved by the learning community coordinating council or  
5 created and operated independently by member school districts  
6 pursuant to the Interlocal Cooperation Act, shall be in accordance  
7 with the requirements of subsection (3) of section 79-2110.

8 Sec. 4. Section 79-1013, Revised Statutes Cumulative  
9 Supplement, 2010, is amended to read:

10 79-1013 (1) On or before October 15 of each year, each  
11 school district designating a maximum poverty allowance greater than  
12 zero dollars shall submit a poverty plan for the next school fiscal  
13 year to the department and to the learning community coordinating  
14 council of any learning community of which the school district is a  
15 member. On or before the immediately following December 1, (a) the  
16 department shall approve or disapprove such plan for school districts  
17 that are not members of a learning community based on the inclusion  
18 of the elements required pursuant to this section and (b) the  
19 learning community coordinating council ~~and, as to the applicable~~  
20 ~~portions thereof, each achievement subcouncil,~~ shall approve or  
21 disapprove such plan for school districts that are members of such  
22 learning community based on the inclusion of such elements. On or  
23 before the immediately following December 5, each learning community  
24 coordinating council shall certify to the department the approval or  
25 disapproval of the poverty plan for each member school district.

1                   (2) In order to be approved pursuant to this section, a  
2 poverty plan shall include an explanation of how the school district  
3 will address the following issues for such school fiscal year:

4                   (a) Attendance, including absence followup and  
5 transportation for students qualifying for free or reduced-price  
6 lunches who reside more than one mile from the attendance center;

7                   (b) Student mobility, including transportation to allow a  
8 student to continue attendance at the same school if the student  
9 moves to another attendance area within the same school district or  
10 within the same learning community;

11                   (c) Parental involvement at the school-building level  
12 with a focus on the involvement of parents in poverty and from other  
13 diverse backgrounds;

14                   (d) Parental involvement at the school-district level  
15 with a focus on the involvement of parents in poverty and from other  
16 diverse backgrounds;

17                   (e) Class size reduction or maintenance of small class  
18 sizes in elementary grades;

19                   (f) Scheduled teaching time on a weekly basis that will  
20 be free from interruptions;

21                   (g) Access to early childhood education programs for  
22 children in poverty;

23                   (h) Student access to social workers;

24                   (i) Access to summer school, extended-school-day  
25 programs, or extended-school-year programs;



1 (j) Mentoring for new and newly reassigned teachers;

2 (k) Professional development for teachers and  
3 administrators, focused on addressing the educational needs of  
4 students in poverty and students from other diverse backgrounds;

5 (l) Coordination with elementary learning centers if the  
6 school district is a member of a learning community; and

7 (m) An evaluation to determine the effectiveness of the  
8 elements of the poverty plan.

9 (3) The state board shall establish a procedure for  
10 appeal of decisions of the department and of learning community  
11 coordinating councils to the state board for a final determination.

12 Sec. 5. Section 79-1014, Revised Statutes Cumulative  
13 Supplement, 2010, is amended to read:

14 79-1014 (1) On or before October 15 of each year, each  
15 school district designating a maximum limited English proficiency  
16 allowance greater than zero dollars shall submit a limited English  
17 proficiency plan for the next school fiscal year to the department  
18 and to the learning community coordinating council of any learning  
19 community of which the school district is a member. On or before the  
20 immediately following December 1, (a) the department shall approve or  
21 disapprove such plans for school districts that are not members of a  
22 learning community, based on the inclusion of the elements required  
23 pursuant to this section and (b) the learning community coordinating  
24 council, ~~and, as to the applicable portions thereof, each achievement~~  
25 ~~subcouncil,~~ shall approve or disapprove such plan for school

1 districts that are members of such learning community, based on the  
2 inclusion of such elements. On or before the immediately following  
3 December 5, each learning community coordinating council shall  
4 certify to the department the approval or disapproval of the limited  
5 English proficiency plan for each member school district.

6 (2) In order to be approved pursuant to this section, a  
7 limited English proficiency plan must include an explanation of how  
8 the school district will address the following issues for such school  
9 fiscal year:

10 (a) Identification of students with limited English  
11 proficiency;

12 (b) Instructional approaches;

13 (c) Assessment of such students' progress toward  
14 mastering the English language; and

15 (d) An evaluation to determine the effectiveness of the  
16 elements of the limited English proficiency plan.

17 (3) The state board shall establish a procedure for  
18 appeal of decisions of the department and of learning community  
19 coordinating councils to the state board for a final determination.

20 Sec. 6. Section 79-2102.01, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22 79-2102.01 The Secretary of State or his or her designee  
23 shall schedule and host the first meeting of the ~~newly elected~~  
24 learning community coordinating council ~~during the month of January~~  
25 ~~following the election and shall schedule and shall host at least one~~

1 ~~meeting each month for the immediately following February and March.~~  
2 ~~The Secretary of State shall preside and subsequent meetings as~~  
3 ~~necessary and shall preside until the council elects officers~~  
4 ~~designated by the bylaws. Those officers shall preside at the~~  
5 ~~following meetings of such council. The Secretary of State shall~~  
6 ~~serve as a facilitator at such meetings of the council through March~~  
7 ~~31 of such year as until the council begins taking steps necessary to~~  
8 ~~operate as a learning community.~~

9           Sec. 7. Section 32-546.01, Revised Statutes Cumulative  
10 Supplement, 2010, is amended to read:

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

25           ~~(2) The initial elected members shall be nominated at the~~

1 ~~statewide primary election and elected at the statewide general~~  
2 ~~election immediately following the certification of the establishment~~  
3 ~~of the learning community, and subsequent members shall be nominated~~  
4 ~~at subsequent statewide primary elections and elected at subsequent~~  
5 ~~statewide general elections. Except as provided in this section, such~~  
6 ~~elections shall be conducted pursuant to the Election Act.~~

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

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

19 ~~(5) The appointed members shall be appointed in November~~  
20 ~~of each even-numbered year after the general election. Appointed~~  
21 ~~members shall be school board members of school districts in the~~  
22 ~~learning community either elected to take office the following~~  
23 ~~January or continuing their current term of office for the following~~  
24 ~~two years. For learning communities to be established the following~~  
25 ~~January pursuant to orders issued pursuant to section 79-2102, the~~

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

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

1 ~~who lives in the subcouncil district to be represented to serve for~~  
2 ~~the balance of the unexpired term.~~

3 ~~(7) Each learning community coordinating council shall~~  
4 ~~also have a nonvoting member from each member school district which~~  
5 ~~does not have either an elected or an appointed member who resides in~~  
6 ~~the school district on the council. Such nonvoting members shall be~~  
7 ~~appointed by the school board of the school district to be~~  
8 ~~represented to serve for two year terms, and notice of the nonvoting~~  
9 ~~member selected shall be submitted to the Secretary of State by such~~  
10 ~~board prior to December 31 of each even-numbered year. Each such~~  
11 ~~nonvoting member shall be a resident of the appointing school~~  
12 ~~district and shall not be a school administrator employed by such~~  
13 ~~school district. Whenever a vacancy occurs, the school board of such~~  
14 ~~school district shall appoint a new nonvoting member and submit~~  
15 ~~notice to the Secretary of State and to the learning community~~  
16 ~~coordinating council.~~

17 ~~(8) Members of a learning community coordinating council~~  
18 ~~shall take office on the first Thursday after the first Tuesday in~~  
19 ~~January following their election or appointment, except that members~~  
20 ~~appointed to fill vacancies shall take office immediately following~~  
21 ~~administration of the oath of office. Each voting member elected or~~  
22 ~~appointed prior to April 6, 2010, shall be paid a per diem in an~~  
23 ~~amount determined by such council up to two hundred dollars per day~~  
24 ~~for official meetings of the council and the achievement subcouncil~~  
25 ~~for which he or she is a member, for meetings that occur during the~~

1 ~~term of office for which the election or appointment of the member~~  
2 ~~took place prior to April 6, 2010, up to a maximum of twelve thousand~~  
3 ~~dollars per fiscal year. Each voting member shall be eligible for~~  
4 ~~reimbursement of reasonable expenses related to service on the~~  
5 ~~learning community coordinating council. Each nonvoting member shall~~  
6 ~~be eligible for reimbursement of reasonable expenses related to~~  
7 ~~service on the learning community coordinating council.~~

8 (1) Each learning community shall be governed by a  
9 learning community coordinating council consisting of nine members  
10 who shall be school board members of member school districts in the  
11 learning community either elected to take office or continuing their  
12 current term of office at the time of the appointment.

13 (2) One school board member from a school district within  
14 the learning community shall be appointed to the learning community  
15 coordinating council from each of the six districts created pursuant  
16 to section 8 of this act. Each such member shall reside within the  
17 district he or she is appointed to represent. The member who receives  
18 the most votes cast by the other school board members residing within  
19 the particular district shall be appointed. Three members shall be  
20 appointed at large, regardless of the district in which they reside,  
21 by vote of all the school board members residing within the learning  
22 community. The at-large members shall be nominated and appointed from  
23 school boards of school districts that do not already have a member  
24 on the learning community coordinating council who was appointed to  
25 represent a district created pursuant to section 8 of this act. The

1 at-large applicants with the most votes shall be appointed. The at-  
2 large members shall be selected after all the learning community  
3 coordinating council members representing districts created pursuant  
4 to section 8 of this act have been selected.

5 (3) The Secretary of State shall hold a meeting of the  
6 school board members of the member school districts in the learning  
7 community to appoint the six members representing districts and three  
8 at-large members to the learning community coordinating council. The  
9 meeting shall be held within sixty days after the date of  
10 certification of the establishment of a learning community or within  
11 sixty days after any change in the membership structure of the  
12 learning community coordinating council. Notice of such meeting shall  
13 be provided fifteen days in advance.

14 (4) Within ten days after the date of certification of  
15 the establishment of a learning community or within ten days after  
16 any change in the membership structure of the learning community  
17 coordinating council, the Secretary of State shall send notice to all  
18 school board members of the member school districts in the learning  
19 community, requesting applications from board members to serve on the  
20 learning community coordinating council. Applicants for the district  
21 positions on the learning community coordinating council and  
22 applicants for the at-large positions on the learning community  
23 coordinating council shall submit separate applications. All  
24 applications shall be submitted within twenty days after receipt of  
25 the Secretary of State's notice for applications. Once all



1 applications have been received, the Secretary of State shall notify  
2 all school board members of the applicants for the district positions  
3 and the at-large positions at least fifteen days prior to the meeting  
4 to appoint the initial learning community coordinating council.

5 (5) The initial members of the learning community  
6 coordinating council shall serve staggered terms as provided in this  
7 subsection. Terms of the appointed members shall begin on January 20.  
8 The members appointed from districts one, two, and three and one at-  
9 large member designated prior to the selection process by the  
10 Secretary of State shall serve initial four-year terms. The members  
11 appointed from districts four, five, and six and the remaining at-  
12 large members shall serve initial two-year terms. Upon expiration of  
13 the initial terms, all members shall be appointed to serve terms of  
14 four years.

15 (6) Subsequent applicants for membership on the learning  
16 community coordinating council shall apply to the learning community  
17 coordinating council on or before July 1 of the year prior to the  
18 year in which the vacancy is to be filled. The learning community  
19 coordinating council shall notify all school board members who live  
20 in the districts in which the applicants live, and on or before  
21 August 10 all such school board members shall vote for an applicant  
22 to serve on the learning community coordinating council. The learning  
23 community coordinating council shall notify all school board members  
24 of the at-large applicants, and on or before August 10 all such  
25 school board members shall vote for the at-large applicants to serve

1 on the learning community coordinating council. On or before August  
2 15 the learning community coordinating council shall notify the  
3 selected applicants and publish their names.

4 (7) A vacancy in the membership of the learning community  
5 coordinating council shall occur upon the occurrence of any one of  
6 the following events at any time before the expiration of the term of  
7 office: (a) Resignation of a member from the learning community  
8 coordinating council; (b) death of a member; (c) removal of a member  
9 as a school board member; (d) a member ceasing to be a resident of  
10 the district from which he or she was selected; (e) the applicant who  
11 received the highest number of votes being ineligible, disqualified,  
12 deceased, or for any other reason unable to assume the office to  
13 which he or she was appointed; (f) forfeiture of office as provided  
14 by law; (g) conviction of a felony or of any public offense involving  
15 the violation of the school board oath of office of the member; or  
16 (h) absence from more than two consecutive regular meetings of the  
17 learning community coordinating council unless excused by a majority  
18 of the remaining members of the learning community coordinating  
19 council.

20 Sec. 8. Section 32-555.01, Revised Statutes Cumulative  
21 Supplement, 2010, is amended to read:

22 ~~32-555.01~~ The election commissioners of the applicable  
23 counties, pursuant to certification of the establishment of a  
24 learning community pursuant to section 79-2102 or after any change in  
25 the membership of the learning community coordinating council, shall

1 divide the territory of the ~~new~~-learning community into six numbered  
2 districts for the purpose of ~~electing~~ appointing members to the  
3 learning community coordinating council, ~~in compliance with section~~  
4 ~~32-553 and for the purpose of organizing achievement subcouncils~~  
5 ~~pursuant to section 79-2117.~~ Such districts shall be compact and  
6 contiguous and substantially equal in population. ~~The newly~~  
7 ~~established subcouncil districts shall be certified to the Secretary~~  
8 ~~of State on or before November 1 immediately following such~~  
9 ~~certification. The newly established subcouncil districts shall apply~~  
10 ~~beginning with the election of the first council members for such~~  
11 ~~learning community.~~ Following the drawing of initial subcouncil  
12 districts pursuant to this section, additional redistricting  
13 thereafter shall be undertaken by the learning community coordinating  
14 council according to section 32-553.

15           Sec. 9. Section 79-2104, Revised Statutes Cumulative  
16 Supplement, 2010, is amended to read:

17           79-2104 A learning community coordinating council shall  
18 have the authority to:

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

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

23           (3) Levy for elementary learning center facility leases,  
24 for remodeling of leased elementary learning center facilities, and  
25 for up to fifty percent of the estimated cost for focus school or

1 program capital projects approved by the learning community  
2 coordinating council pursuant to subdivision (2)(h) of section  
3 77-3442 and section 79-2111;

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

10 (5) Collect, analyze, and report data and information,  
11 including, but not limited to, information provided by a school  
12 district pursuant to subsection (5) of section 79-201;

13 (6) ~~Approve~~ Assist member school districts with and  
14 facilitate the development of focus schools, and focus programs,  
15 magnet schools, and pathway programs to be operated independently by  
16 member school districts as provided in subdivision (1)(b) of section  
17 79-769;

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

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

1 community;

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

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

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

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

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

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

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

25 (16) Establish and administer pilot projects related to

1 enhancing the academic achievement of elementary students,  
2 particularly students who face challenges in the educational  
3 environment due to factors such as poverty, limited English skills,  
4 and mobility; and -

5 (17) Hold public hearings at its discretion in response  
6 to issues raised by residents regarding the learning community, a  
7 member school district, and academic achievement.

8 Sec. 10. Section 79-2104.01, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 79-2104.01 Each learning community coordinating council  
11 shall have an advisory committee composed of the superintendent from  
12 each member school district or his or her representative. The  
13 advisory committee shall: ~~meet at least four times each year to~~  
14 ~~review issues related to open enrollment and proposals for focus~~  
15 ~~programs, focus schools, magnet schools, and pathways, to provide~~  
16 ~~recommendations for improving academic achievement across the~~  
17 ~~learning community, and to provide input to the learning community~~  
18 ~~coordinating council on other issues as requested.~~

19 (1) Review issues related to open enrollment;

20 (2) Review proposals for focus programs, focus schools,  
21 magnet schools, and pathway programs;

22 (3) Provide recommendations for improving academic  
23 achievement across the learning community;

24 (4) Provide recommendations for improving the learning  
25 community's diversity plan;

1                   (5) Administer elementary learning centers in cooperation  
2 with the elementary learning center executive director; and

3                   (6) Provide input to the learning community coordinating  
4 council on other issues as requested.

5                   Sec. 11. Section 79-2110, Revised Statutes Cumulative  
6 Supplement, 2010, is amended to read:

7                   79-2110 (1)(a) Each diversity plan shall provide for open  
8 enrollment in all school buildings in the learning community, subject  
9 to specific limitations necessary to bring about diverse enrollments  
10 in each school building in the learning community. Such limitations,  
11 for school buildings other than focus schools and programs other than  
12 focus programs, shall include giving preference at each school  
13 building first to siblings of students who will be enrolled as  
14 continuing students in such school building or program for the first  
15 school year for which enrollment is sought in such school building  
16 and then to students that contribute to the socioeconomic diversity  
17 of enrollment at each building and may include establishing zone  
18 limitations in which students may access several schools other than  
19 their home attendance area school. Notwithstanding the limitations  
20 necessary to bring about diversity, open enrollment shall include  
21 providing access to students who do not contribute to the  
22 socioeconomic diversity of a school building, if, subsequent to the  
23 open enrollment selection process that is subject to limitations  
24 necessary to bring about diverse enrollments, capacity remains in a  
25 school building. In such a case, students who have applied to attend

1 such school building shall be selected to attend such school building  
2 on a random basis up to the remaining capacity of such building. A  
3 student who has otherwise been disqualified from the school building  
4 pursuant to the school district's code of conduct or related school  
5 discipline rules shall not be eligible for open enrollment pursuant  
6 to this section. Any student who attended a particular school  
7 building in the prior school year and who is seeking education in the  
8 grades offered in such school building shall be allowed to continue  
9 attending such school building as a continuing student.

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

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

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

1 that will be accepted for a given school building, and whether or not  
2 the applicant contributes to the socioeconomic diversity of the  
3 school or program to which he or she has applied and for which he or  
4 she is eligible. The school district shall notify such parent or  
5 guardian in writing of the acceptance or rejection.

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

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

1 applications received, including the number of students who applied  
2 at each grade level at each building, the number of students accepted  
3 at each grade level at each building, the number of such students  
4 that contributed to the socioeconomic diversity that applied and were  
5 accepted, the number of applicants denied and the rationales for  
6 denial, and other such information as requested by the learning  
7 community coordinating council.

8 (3) Each diversity plan may also include establishment of  
9 one or more focus schools or focus programs and the involvement of  
10 every member school district in one or more ~~pathways~~ pathway programs  
11 across member school districts. Enrollment in each focus school or  
12 focus program shall be designed to reflect the socioeconomic  
13 diversity of the learning community as a whole. School district  
14 selection of students for focus schools or focus programs shall be on  
15 a random basis from two pools of applicants, those who qualify for  
16 free and reduced-price lunches and those who do not qualify for free  
17 and reduced-price lunches. The percentage of students selected for  
18 focus schools from the pool of applicants who qualify for free and  
19 reduced-price lunches shall be as nearly equal as possible to the  
20 percentage of the student body of the learning community who qualify  
21 for free and reduced-price lunches. The percentage of students  
22 selected for focus schools from the pool of applicants who do not  
23 qualify for free and reduced-price lunches shall be as nearly equal  
24 as possible to the percentage of the student body of the learning  
25 community who do not qualify for free and reduced-price lunches. If

1 more capacity exists in a focus school or program than the number of  
2 applicants for such focus school or program that contribute to the  
3 socioeconomic diversity of the focus school or program, the school  
4 district shall randomly select applicants up to the number of  
5 applicants that will be accepted for such building. A student who  
6 will complete the grades offered at a focus program, focus school, or  
7 magnet school that is part of a pathway program shall be allowed to  
8 attend the focus program, focus school, or magnet school offering the  
9 next grade level as part of the pathway program as a continuing  
10 student. A student who completes the grades offered at a focus  
11 program, focus school, or magnet school shall be allowed to attend a  
12 school offering the next grade level in the school district  
13 responsible for the focus program, focus school, or magnet school as  
14 a continuing student. A student who attended a program or school in  
15 the school year immediately preceding the first school year for which  
16 the program or school will operate as a focus program or focus school  
17 approved by the learning community and meeting the requirements of  
18 section 79-769 and who has not completed the grades offered at the  
19 focus program or focus school shall be a continuing student in the  
20 program or school.

21 (4) On or before February 15 of each year beginning with  
22 the year immediately following the year in which the initial  
23 coordinating council for the learning community takes office, a  
24 parent or guardian of a student who is currently attending a school  
25 building or program, except a magnet school, focus school, or focus

1 program, outside of the attendance area where the student resides and  
2 who will complete the grades offered at such school building prior to  
3 the following school year shall provide notice, on a form provided by  
4 the school district, to the school board of the school district  
5 containing such school building if such student will attend another  
6 school building within such district as a continuing student and  
7 which school building such student would prefer to attend. On or  
8 before March 1, such school board shall provide a notice to such  
9 parent or guardian stating which school building or buildings the  
10 student shall be allowed to attend in such school district as a  
11 continuing student for the following school year. If the student  
12 resides within the school district, the notice shall include the  
13 school building offering the grade the student will be entering for  
14 the following school year in the attendance area where the student  
15 resides. This subsection shall not apply to focus schools or  
16 programs.

17 (5) A parent or guardian of a student who moves to a new  
18 residence in the learning community after April 1 may apply directly  
19 to a school board within the learning community within ninety days  
20 after moving for the student to attend a school building outside of  
21 the attendance area where the student resides. Such school board  
22 shall accept or reject such application within fifteen days after  
23 receiving the application, based on the number of applications and  
24 qualifications pursuant to subsection (2) or (3) of this section for  
25 all other students.

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

15           Sec. 12. Section 79-2113, Revised Statutes Cumulative  
16 Supplement, 2010, is amended to read:

17           79-2113 (1) On or before the second June 1 immediately  
18 following the establishment of a new learning community, the learning  
19 community coordinating council shall establish at least one  
20 elementary learning center for each twenty-five elementary schools in  
21 which at least thirty-five percent of the students attending the  
22 school who reside in the attendance area of such school qualify for  
23 free or reduced-price lunches. The council shall determine how many  
24 of the initial elementary learning centers shall be located in ~~each~~  
25 ~~subcouncil district~~ the learning community on or before September 1

1 immediately following the establishment of a new learning community.

2           (2) ~~Each achievement subcouncil~~ The advisory committee  
3 shall submit a plan to the learning community coordinating council  
4 for ~~any an~~ elementary learning center in its ~~subcouncil district~~ and  
5 the services to be provided by such elementary learning center. In  
6 developing the plan, the ~~achievement subcouncil~~ advisory committee  
7 shall seek input from member school districts and community resources  
8 and collaborate with such districts and resources in order to  
9 maximize the available opportunities and the participation of  
10 elementary students and their families. ~~An achievement subcouncil~~ The  
11 advisory committee may, as part of such plan, recommend services be  
12 provided through contracts with, or grants to, entities other than  
13 school districts to provide some or all of the services. Such  
14 entities may include collaborative groups which may include the  
15 participation of a school district. ~~An achievement subcouncil~~ The  
16 advisory committee may also, as part of such plan, recommend that the  
17 elementary learning center serve as a clearinghouse for recommending  
18 programs provided by school districts or other entities and that the  
19 elementary learning center assist students in accessing such  
20 programs. ~~The plans for the initial elementary learning centers shall~~  
21 ~~be submitted by the achievement subcouncils to the coordinating~~  
22 ~~council on or before January 1 immediately following the~~  
23 ~~establishment of a new learning community.~~

24           (3) Each elementary learning center shall have at least  
25 one facility that is located in an area with a high concentration of

1 poverty. Such facility may be owned or leased by the learning  
2 community, or the use of the facility may be donated to the learning  
3 community. Programs offered by the elementary learning center may be  
4 offered in such facility or in other facilities, including school  
5 buildings.

6 Sec. 13. Section 79-2118, Revised Statutes Cumulative  
7 Supplement, 2010, is amended to read:

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

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



1                   (3) The learning community coordinating council shall  
2 report to the Education Committee of the Legislature on or before  
3 December 1 of each even-numbered year on the diversity and changes in  
4 diversity at each grade level in each school building within the  
5 learning community and on the academic achievement for different  
6 demographic groups in each school building within the learning  
7 community.

8                   Sec. 14. The Revisor of Statutes shall assign sections 7  
9 and 8 of this act within sections 79-2101 to 79-2120.

10                  Sec. 15. Original sections 32-567, 79-769, 79-2102.01,  
11 and 79-2104.01, Reissue Revised Statutes of Nebraska, and sections  
12 32-546.01, 32-555.01, 32-604, 79-1013, 79-1014, 79-2104, 79-2110,  
13 79-2113, and 79-2118, Revised Statutes Cumulative Supplement, 2010,  
14 are repealed.

15                  Sec. 16. The following section is outright repealed:  
16 Section 79-2117, Revised Statutes Cumulative Supplement, 2010.

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