

AMENDMENTS TO LB 1154

Introduced by Education.

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

3           Section 1. Section 13-508, Revised Statutes Cumulative  
4 Supplement, 2006, is amended to read:

5           13-508 (1) After publication and hearing thereon and  
6 within the time prescribed by law, each governing body, except as  
7 provided in subsection (3) of this section, shall file with and  
8 certify to the levying board or boards on or before September 20  
9 of each year and file with the auditor a copy of the adopted  
10 budget statement which complies with sections 13-518 to 13-522 or  
11 79-1023 to 79-1030, together with the amount of the tax required  
12 to fund the adopted budget, setting out separately (a) the amount  
13 to be levied for the payment of principal or interest on bonds  
14 issued by the governing body and (b) the amount to be levied  
15 for all other purposes. Proof of publication shall be attached to  
16 the statements. ~~School districts that are members of a learning~~  
17 ~~community~~ Learning communities shall also file a copy of such  
18 adopted budget statement with ~~the learning community coordinating~~  
19 ~~council on or before September 1, 2007, and member school districts~~  
20 on or before September 1 of each year. ~~thereafter.~~ The governing  
21 body, in certifying the amount required, may make allowance for  
22 delinquent taxes not exceeding five percent of the amount required  
23 plus the actual percentage of delinquent taxes for the preceding

1 tax year and for the amount of estimated tax loss from any pending  
2 or anticipated litigation which involves taxation and in which tax  
3 collections have been or can be withheld or escrowed by court  
4 order. For purposes of this section, anticipated litigation shall  
5 be limited to the anticipation of an action being filed by a  
6 taxpayer who or which filed a similar action for the preceding year  
7 which is still pending. Except for such allowances, a governing  
8 body shall not certify an amount of tax more than one percent  
9 greater or lesser than the amount determined under section 13-505.

10 (2) Each governing body shall use the final adjusted  
11 values as provided by the county assessor pursuant to section  
12 13-509 for the current year in setting or certifying the levy. Each  
13 governing body may designate one of its members to perform any duty  
14 or responsibility required of such body by this section.

15 (3)(a) A Class I school district shall do the filing  
16 and certification required by subsection (1) of this section on or  
17 before August 1 of each year.

18 (b) A ~~school district which is a member of a learning~~  
19 ~~community shall do such filing and certification on or before~~  
20 ~~September 1 of each year.~~

21 Sec. 2. Section 13-519, Revised Statutes Cumulative  
22 Supplement, 2006, is amended to read:

23 13-519 (1)(a) Subject to ~~subdivision (1)(b)~~ subdivisions  
24 (1)(b) and (c) of this section, for all fiscal years beginning  
25 on or after July 1, 1998, no governmental unit shall adopt a  
26 budget containing a total of budgeted restricted funds more than  
27 the last prior year's total of budgeted restricted funds plus

1 allowable growth plus the basic allowable growth percentage of  
2 the base limitation established under section 77-3446. For the  
3 second fiscal year in which a county will receive a full year of  
4 receipts from the tax imposed in sections 77-27,223 to 77-27,227,  
5 the prior year's total of restricted funds shall be the prior  
6 year's total of restricted funds plus the total receipts from the  
7 tax imposed in sections 77-27,223 to 77-27,227 in the prior year.  
8 If a governmental unit transfers the financial responsibility of  
9 providing a service financed in whole or in part with restricted  
10 funds to another governmental unit or the state, the amount of  
11 restricted funds associated with providing the service shall be  
12 subtracted from the last prior year's total of budgeted restricted  
13 funds for the previous provider and may be added to the last  
14 prior year's total of restricted funds for the new provider. For  
15 governmental units that have consolidated, the calculations made  
16 under this section for consolidating units shall be made based on  
17 the combined total of restricted funds, population, or full-time  
18 equivalent students of each governmental unit.

19 (b) For all fiscal years beginning on or after July 1,  
20 2005, the last prior year's total of budgeted restricted funds  
21 shall be increased for a community college area by adding to such  
22 area's fiscal year base-year revenue the amount of revenue to be  
23 collected under subdivision (2)(c) of section 85-1517 that is in  
24 excess of the amount budgeted under this subdivision in the prior  
25 fiscal year.

26 (c) For all fiscal years beginning on or after July  
27 1, 2008, educational service units may exceed the limitations

1 of subdivision (1)(a) of this section to the extent that one  
2 hundred ten percent of the needs for the educational service unit  
3 calculated pursuant to section 79-1241.03 exceeds the budgeted  
4 restricted funds allowed pursuant to subdivision (1)(a) of this  
5 section.

6 (2) A governmental unit may exceed the limit provided in  
7 subdivisions (1)(a) and (b) of this section for a fiscal year by up  
8 to an additional one percent upon the affirmative vote of at least  
9 seventy-five percent of the governing body.

10 (3) A governmental unit may exceed the applicable  
11 allowable growth percentage otherwise prescribed in this section  
12 by an amount approved by a majority of legal voters voting on  
13 the issue at a special election called for such purpose upon the  
14 recommendation of the governing body or upon the receipt by the  
15 county clerk or election commissioner of a petition requesting an  
16 election signed by at least five percent of the legal voters of  
17 the governmental unit. The recommendation of the governing body  
18 or the petition of the legal voters shall include the amount  
19 and percentage by which the governing body would increase its  
20 budgeted restricted funds for the ensuing year over and above  
21 the current year's budgeted restricted funds. The county clerk or  
22 election commissioner shall call for a special election on the  
23 issue within fifteen days after the receipt of such governing body  
24 recommendation or legal voter petition. The election shall be held  
25 pursuant to the Election Act, and all costs shall be paid by the  
26 governing body. The issue may be approved on the same question as a  
27 vote to exceed the levy limits provided in section 77-3444.

1           (4) In lieu of the election procedures in subsection (3)  
2 of this section, any governmental unit may exceed the allowable  
3 growth percentage otherwise prescribed in this section by an amount  
4 approved by a majority of legal voters voting at a meeting of  
5 the residents of the governmental unit, called after notice is  
6 published in a newspaper of general circulation in the governmental  
7 unit at least twenty days prior to the meeting. At least ten  
8 percent of the registered voters residing in the governmental unit  
9 shall constitute a quorum for purposes of taking action to exceed  
10 the allowable growth percentage. If a majority of the registered  
11 voters present at the meeting vote in favor of exceeding the  
12 allowable growth percentage, a copy of the record of that action  
13 shall be forwarded to the Auditor of Public Accounts along with  
14 the budget documents. The issue to exceed the allowable growth  
15 percentage may be approved at the same meeting as a vote to exceed  
16 the limits or final levy allocation provided in section 77-3444.

17           Sec. 3. Section 32-546.01, Revised Statutes Supplement,  
18 2007, is amended to read:

19           32-546.01 (1) Each learning community shall be governed  
20 by a learning community coordinating council consisting of eighteen  
21 voting members, with twelve members elected on a nonpartisan ballot  
22 from six numbered election districts and with six members appointed  
23 from such election districts pursuant to this section. Each voter  
24 shall be allowed to cast votes for one candidate to represent the  
25 election district in which the voter resides. The two candidates  
26 receiving the most votes shall be elected. A candidate shall reside  
27 in the election district for which he or she is a candidate. No

1 primary election for the office of learning community coordinating  
2 council shall be held.

3       (2) The initial elected members shall be elected at the  
4 statewide general election immediately following the certification  
5 of the establishment of the learning community, and subsequent  
6 members shall be elected at subsequent statewide general elections.  
7 Except as provided in this section, such elections shall be  
8 conducted pursuant to the Election Act.

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

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

22       (5) The appointed members shall be appointed in November  
23 of each even-numbered year after the general election. Appointed  
24 members shall be school board members of school districts in the  
25 learning community either elected to take office the following  
26 January or continuing their current term of office for the  
27 following two years. For learning communities to be established

1 the following January pursuant to orders issued pursuant to section  
2 79-2102, the Secretary of State shall hold a meeting of the school  
3 board members of the school districts in such learning community to  
4 appoint one member from such school boards to represent each of the  
5 election districts on the coordinating council of such learning  
6 community. For subsequent appointments, the current appointed  
7 members of the coordinating council shall hold a meeting of  
8 the school board members of such school districts to appoint one  
9 member from such school boards to represent each of the election  
10 districts on the coordinating council of the learning community.  
11 The appointed members shall be selected by the school board members  
12 of the school districts in the learning community who reside in the  
13 election district to be represented pursuant to a secret ballot,  
14 shall reside in the election district to be represented, and shall  
15 be appointed for two-year terms and until their successors are  
16 appointed and qualified.

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

1 represented to serve for the balance of the unexpired term.

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

16 (8) Members of a learning community coordinating council  
17 shall take office on the first Thursday after the first Tuesday  
18 in January following their election or appointment, except that  
19 members appointed to fill vacancies shall take office immediately  
20 following administration of the oath of office. Each voting member  
21 shall be paid a per diem in an amount determined by such council up  
22 to two hundred dollars per day for official meetings of the council  
23 and the achievement subcouncil for which he or she is a member, up  
24 to a maximum of twelve thousand dollars per fiscal year, and shall  
25 be eligible for reimbursement of reasonable expenses related to  
26 service on the learning community coordinating council as provided  
27 in sections 81-1174 to 81-1177.

1           Sec. 4. Section 32-604, Revised Statutes Supplement,  
2 2007, is amended to read:

3           32-604 (1) Except as provided in subsection (2) or (4) of  
4 this section, no person shall be precluded from being elected or  
5 appointed to or holding an elective office for the reason that he  
6 or she has been elected or appointed to or holds another elective  
7 office.

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

15           (3) Whenever an incumbent serving as a member of the  
16 Legislature or in an elective office described in Article IV,  
17 section 1 or 20, or Article VII, section 3 or 10, of the  
18 Constitution of Nebraska assumes another elective office, except  
19 an elective office filled at an election held in conjunction with  
20 the annual meeting of a public body, the office first held by the  
21 incumbent shall be deemed vacant.

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

26           (5) Notwithstanding subsections (2) through (4) of this  
27 section, any person holding more than one high elective office upon

1 September 13, 1997, shall be entitled to serve the remainder of all  
2 terms for which he or she was elected or appointed.

3 (6) For purposes of this section, (a) elective office has  
4 the meaning found in section 32-109 and includes an office which is  
5 filled at an election held in conjunction with the annual meeting  
6 of a public body created by an act of the Legislature but does  
7 not include a member of a learning community coordinating council  
8 appointed pursuant to subsection (5) or (7) of section 32-546.01  
9 and (b) high elective office means a member of the Legislature,  
10 an elective office described in Article IV, section 1 or 20, or  
11 Article VII, section 3 or 10, of the Constitution of Nebraska,  
12 or a county, city, learning community, or school district elective  
13 office.

14 Sec. 5. Section 77-3442, Revised Statutes Supplement,  
15 2007, is amended to read:

16 77-3442 (1) Property tax levies for the support of local  
17 governments for fiscal years beginning on or after July 1, 1998,  
18 shall be limited to the amounts set forth in this section except as  
19 provided in section 77-3444.

20 (2) (a) Except as provided in subdivision (2) (e) of this  
21 section, school districts and multiple-district school systems,  
22 except learning communities and school districts that are members  
23 of learning communities, may levy a maximum levy of one dollar and  
24 five cents per one hundred dollars of taxable valuation of property  
25 subject to the levy.

26 (b) For each fiscal year, learning communities may levy  
27 a maximum levy for the general fund budgets of member school

1 districts equal to the local effort rate prescribed in section  
2 79-1015.01 for such fiscal year. The proceeds from the levy  
3 pursuant to this subdivision shall be distributed pursuant to  
4 section 79-1073.

5 (c) Except as provided in subdivision (2)(e) of this  
6 section, for each fiscal year, school districts that are members  
7 of learning communities may levy for purposes of such districts'  
8 general fund budget and special building funds a maximum combined  
9 levy of the difference of one dollar and five cents on each one  
10 hundred dollars of taxable property subject to the levy minus  
11 the learning community levies pursuant to subdivisions (2)(b) and  
12 (2)(g) of this section for such learning community.

13 (d) Excluded from the limitations in subdivisions (2)(a)  
14 and (2)(c) of this section are amounts levied to pay for  
15 sums agreed to be paid by a school district to certificated  
16 employees in exchange for a voluntary termination of employment  
17 and amounts levied to pay for special building funds and sinking  
18 funds established for projects commenced prior to April 1, 1996,  
19 for construction, expansion, or alteration of school district  
20 buildings. For purposes of this subsection, commenced means any  
21 action taken by the school board on the record which commits  
22 the board to expend district funds in planning, constructing, or  
23 carrying out the project.

24 (e) Federal aid school districts may exceed the maximum  
25 levy prescribed by subdivision (2)(a) or (2)(c) of this section  
26 only to the extent necessary to qualify to receive federal aid  
27 pursuant to Title VIII of Public Law 103-382, as such title existed

1 on September 1, 2001. For purposes of this subdivision, federal  
2 aid school district means any school district which receives ten  
3 percent or more of the revenue for its general fund budget from  
4 federal government sources pursuant to Title VIII of Public Law  
5 103-382, as such title existed on September 1, 2001.

6 (f) For school fiscal year 2002-03 through school fiscal  
7 year 2007-08, school districts and multiple-district school systems  
8 may, upon a three-fourths majority vote of the school board of  
9 the school district, the board of the unified system, or the  
10 school board of the high school district of the multiple-district  
11 school system that is not a unified system, exceed the maximum  
12 levy prescribed by subdivision (2)(a) of this section in an amount  
13 equal to the net difference between the amount of state aid that  
14 would have been provided under the Tax Equity and Educational  
15 Opportunities Support Act without the temporary aid adjustment  
16 factor as defined in section 79-1003 for the ensuing school fiscal  
17 year for the school district or multiple-district school system  
18 and the amount provided with the temporary aid adjustment factor.  
19 The State Department of Education shall certify to the school  
20 districts and multiple-district school systems the amount by which  
21 the maximum levy may be exceeded for the next school fiscal year  
22 pursuant to this subdivision (f) of this subsection on or before  
23 February 15 for school fiscal years 2004-05 through 2007-08.

24 (g) For each fiscal year, learning communities may levy a  
25 maximum levy of two cents on each one hundred dollars of taxable  
26 property subject to the levy for special building funds for member  
27 school districts. The proceeds from the levy pursuant to this

1 subdivision shall be distributed pursuant to section 79-1073.01.

2 (h) For each fiscal year, learning communities may levy  
3 a maximum levy of five cents on each one hundred dollars of  
4 taxable property subject to the levy for elementary learning center  
5 facilities and for up to fifty percent of the estimated cost for  
6 capital projects approved by the learning community coordinating  
7 council pursuant to section 79-2111.

8 (3) Community colleges may levy a maximum levy calculated  
9 pursuant to the Community College Foundation and Equalization Aid  
10 Act on each one hundred dollars of taxable property subject to the  
11 levy.

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

15 (b) Natural resources districts shall also have the power  
16 and authority to levy a tax equal to the dollar amount by which  
17 their restricted funds budgeted to administer and implement ground  
18 water management activities and integrated management activities  
19 under the Nebraska Ground Water Management and Protection Act  
20 exceed their restricted funds budgeted to administer and implement  
21 ground water management activities and integrated management  
22 activities for FY2003-04, not to exceed one cent on each one  
23 hundred dollars of taxable valuation annually on all of the taxable  
24 property within the district.

25 (c) In addition, natural resources districts located in  
26 a river basin, subbasin, or reach that has been determined to  
27 be fully appropriated pursuant to section 46-714 or designated

1 as overappropriated pursuant to section 46-713 by the Department  
2 of Natural Resources shall also have the power and authority to  
3 levy a tax equal to the dollar amount by which their restricted  
4 funds budgeted to administer and implement ground water management  
5 activities and integrated management activities under the Nebraska  
6 Ground Water Management and Protection Act exceed their restricted  
7 funds budgeted to administer and implement ground water management  
8 activities and integrated management activities for FY2005-06, not  
9 to exceed three cents on each one hundred dollars of taxable  
10 valuation on all of the taxable property within the district for  
11 fiscal year 2006-07 and each fiscal year thereafter through fiscal  
12 year 2011-12.

13 (5) ~~Educational service units~~ Any educational service  
14 unit authorized to levy a property tax pursuant to section 79-1225  
15 may levy a maximum levy of one and one-half cents per one hundred  
16 dollars of taxable valuation of property subject to the levy.

17 (6) (a) Incorporated cities and villages which are not  
18 within the boundaries of a municipal county may levy a maximum levy  
19 of forty-five cents per one hundred dollars of taxable valuation  
20 of property subject to the levy plus an additional five cents per  
21 one hundred dollars of taxable valuation to provide financing for  
22 the municipality's share of revenue required under an agreement  
23 or agreements executed pursuant to the Interlocal Cooperation Act  
24 or the Joint Public Agency Act. The maximum levy shall include  
25 amounts levied to pay for sums to support a library pursuant  
26 to section 51-201, museum pursuant to section 51-501, visiting  
27 community nurse, home health nurse, or home health agency pursuant

1 to section 71-1637, or statue, memorial, or monument pursuant to  
2 section 80-202.

3 (b) Incorporated cities and villages which are within the  
4 boundaries of a municipal county may levy a maximum levy of ninety  
5 cents per one hundred dollars of taxable valuation of property  
6 subject to the levy. The maximum levy shall include amounts paid  
7 to a municipal county for county services, amounts levied to pay  
8 for sums to support a library pursuant to section 51-201, a museum  
9 pursuant to section 51-501, a visiting community nurse, home health  
10 nurse, or home health agency pursuant to section 71-1637, or a  
11 statue, memorial, or monument pursuant to section 80-202.

12 (7) Sanitary and improvement districts which have been in  
13 existence for more than five years may levy a maximum levy of forty  
14 cents per one hundred dollars of taxable valuation of property  
15 subject to the levy, and sanitary and improvement districts which  
16 have been in existence for five years or less shall not have  
17 a maximum levy. Unconsolidated sanitary and improvement districts  
18 which have been in existence for more than five years and are  
19 located in a municipal county may levy a maximum of eighty-five  
20 cents per hundred dollars of taxable valuation of property subject  
21 to the levy.

22 (8) Counties may levy or authorize a maximum levy of  
23 fifty cents per one hundred dollars of taxable valuation of  
24 property subject to the levy, except that five cents per one  
25 hundred dollars of taxable valuation of property subject to the  
26 levy may only be levied to provide financing for the county's  
27 share of revenue required under an agreement or agreements executed

1 pursuant to the Interlocal Cooperation Act or the Joint Public  
2 Agency Act. The maximum levy shall include amounts levied to pay  
3 for sums to support a library pursuant to section 51-201 or museum  
4 pursuant to section 51-501. The county may allocate up to fifteen  
5 cents of its authority to other political subdivisions subject  
6 to allocation of property tax authority under subsection (1) of  
7 section 77-3443 and not specifically covered in this section to  
8 levy taxes as authorized by law which do not collectively exceed  
9 fifteen cents per one hundred dollars of taxable valuation on any  
10 parcel or item of taxable property. The county may allocate to  
11 one or more other political subdivisions subject to allocation  
12 of property tax authority by the county under subsection (1) of  
13 section 77-3443 some or all of the county's five cents per one  
14 hundred dollars of valuation authorized for support of an agreement  
15 or agreements to be levied by the political subdivision for the  
16 purpose of supporting that political subdivision's share of revenue  
17 required under an agreement or agreements executed pursuant to the  
18 Interlocal Cooperation Act or the Joint Public Agency Act. If an  
19 allocation by a county would cause another county to exceed its  
20 levy authority under this section, the second county may exceed the  
21 levy authority in order to levy the amount allocated.

22 (9) Municipal counties may levy or authorize a maximum  
23 levy of one dollar per one hundred dollars of taxable valuation  
24 of property subject to the levy. The municipal county may allocate  
25 levy authority to any political subdivision or entity subject to  
26 allocation under section 77-3443.

27 (10) Property tax levies for judgments, except judgments

1 or orders from the Commission of Industrial Relations, obtained  
2 against a political subdivision which require or obligate a  
3 political subdivision to pay such judgment, to the extent such  
4 judgment is not paid by liability insurance coverage of a  
5 political subdivision, for preexisting lease-purchase contracts  
6 approved prior to July 1, 1998, for bonded indebtedness approved  
7 according to law and secured by a levy on property, and for  
8 payments by a public airport to retire interest-free loans from the  
9 Department of Aeronautics in lieu of bonded indebtedness at a lower  
10 cost to the public airport are not included in the levy limits  
11 established by this section.

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

17 (12) Tax levies in excess of the limitations in this  
18 section shall be considered unauthorized levies under section  
19 77-1606 unless approved under section 77-3444.

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

23 Sec. 6. Section 79-201, Revised Statutes Cumulative  
24 Supplement, 2006, is amended to read:

25 79-201 (1) For purposes of this section:

26 (a) Prior to July 1, 2005, a child is of mandatory  
27 attendance age if the child (i) has reached seven years of age,

1 (ii) did not reach sixteen years of age prior to July 16, 2004, and  
2 (iii) has not reached eighteen years of age; and

3 (b) On and after July 1, 2005, a child is of mandatory  
4 attendance age if the child (i) will reach six years of age prior  
5 to January 1 of the then-current school year, (ii) did not reach  
6 sixteen years of age prior to July 16, 2004, and (iii) has not  
7 reached eighteen years of age.

8 (2) Except as provided in subsection (3) of this section,  
9 every person residing in a school district within the State of  
10 Nebraska who has legal or actual charge or control of any child  
11 who is of mandatory attendance age or is enrolled in a public  
12 school shall cause such child to enroll in, if such child is not  
13 enrolled, and attend regularly a public, private, denominational,  
14 or parochial day school which meets the requirements for legal  
15 operation prescribed in Chapter 79, or a school which elects  
16 pursuant to section 79-1601 not to meet accreditation or approval  
17 requirements, each day that such school is open and in session,  
18 except when excused by school authorities or when illness or severe  
19 weather conditions make attendance impossible or impracticable.

20 (3) Subsection (2) of this section does not apply in the  
21 case of any child who:

22 (a) Has obtained a high school diploma by meeting the  
23 graduation requirements established in section 79-729;

24 (b) Has completed the program of instruction offered by  
25 a school which elects pursuant to section 79-1601 not to meet  
26 accreditation or approval requirements;

27 (c) Has reached the age of eighteen years;

1                   (d) Has reached the age of sixteen years and such child's  
2 parent or guardian has signed a notarized release discontinuing the  
3 enrollment of the child on a form provided by the school;

4                   (e) (i) Will reach six years of age prior to January  
5 1 of the then-current school year, but will not reach seven  
6 years of age prior to January 1 of such school year, (ii) such  
7 child's parent or guardian has signed an affidavit stating that the  
8 child is participating in an education program that the parent or  
9 guardian believes will prepare the child to enter grade one for the  
10 following school year, and (iii) such affidavit has been filed by  
11 the parent or guardian with the school district in which the child  
12 resides;

13                   (f) (i) Will reach six years of age prior to January 1 of  
14 the then-current school year but has not reached seven years of  
15 age, (ii) such child's parent or guardian has signed an affidavit  
16 stating that the parent or guardian intends for the child to  
17 participate in a school which has elected or will elect pursuant to  
18 section 79-1601 not to meet accreditation or approval requirements  
19 and the parent or guardian intends to provide the Commissioner of  
20 Education with a statement pursuant to subsection (3) of section  
21 79-1601 on or before the child's seventh birthday, and (iii) such  
22 affidavit has been filed by the parent or guardian with the school  
23 district in which the child resides; or

24                   (g) Will not reach six years of age prior to January 1  
25 of the then-current school year and such child was enrolled in a  
26 public school and has discontinued the enrollment according to the  
27 policy of the school board adopted pursuant to subsection (4) of

1 this section.

2 (4) The board shall adopt policies allowing  
3 discontinuation of the enrollment of students who will not  
4 reach six years of age prior to January 1 of the then-current  
5 school year and specifying the procedures therefor.

6 (5) Each school district that is a member of a learning  
7 community shall report to the learning community coordinating  
8 council on or before September 1 of each year for the immediately  
9 preceding school year the following information:

10 (a) All reports of violations of this section made to  
11 the attendance officer of any school in the district pursuant to  
12 section 79-209;

13 (b) The results of all investigations conducted pursuant  
14 to section 79-209, including the attendance record that is the  
15 subject of the investigation and a list of services rendered in the  
16 case;

17 (c) The district's policy on excessive absenteeism; and

18 (d) Records of all notices served and reports filed  
19 pursuant to section 79-209 and the district's policy on habitual  
20 truancy.

21 Sec. 7. Section 79-234, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23 79-234 (1) An enrollment option program is hereby  
24 established to enable any kindergarten through twelfth grade  
25 Nebraska student to attend a school in a Nebraska public school  
26 district in which the student does not reside subject to the  
27 limitations prescribed in section 79-238. The option shall be

1 available only once to each student prior to graduation unless (a)  
2 the student relocates ~~in~~ to a different resident school district,  
3 (b) the option school district merges with another district, ~~or~~ (c)  
4 the option school district is a Class I district, (d) the option  
5 would allow the student to continue current enrollment in a school  
6 district, or (e) the option would allow the student to enroll in  
7 a school district in which the student was previously enrolled as  
8 a resident student. The option student shall be given the option  
9 to attend school in another district at the time of relocation or  
10 merger or upon completion of the grades offered at the Class I  
11 district.

12 (2) The program shall not apply to (a) any student  
13 who resides in a Class I district which has not affiliated and  
14 which contracts or has contracted in either or both of the two  
15 prior school years with another district or districts in such  
16 student's grade level pursuant to section 79-598 or (b) any student  
17 who resides in a district which has entered into an annexation  
18 agreement pursuant to section 79-473, except that such student may  
19 transfer to another district which accepts option students.

20 Sec. 8. Section 79-611, Revised Statutes Supplement,  
21 2007, is amended to read:

22 79-611 (1) The school board of any school district  
23 shall either provide free transportation or pay an allowance for  
24 transportation in lieu of free transportation as follows:

25 (a) When a student attends an elementary school in his  
26 or her own district and lives more than four miles from the public  
27 schoolhouse in such district;

1           (b) When a student is required to attend an elementary  
2 school outside of his or her own district and lives more than four  
3 miles from such elementary school;

4           (c) When a student attends a secondary school in his or  
5 her own Class II or Class III school district and lives more than  
6 four miles from the public schoolhouse. This subdivision does not  
7 apply when one or more Class I school districts merge with a Class  
8 VI school district to form a new Class II or III school district on  
9 or after January 1, 1997; and

10          (d) When a student, other than a student in grades ten  
11 through twelve in a Class V district, attends an elementary or  
12 junior high school in his or her own Class V district and lives  
13 more than four miles from the public schoolhouse in such district.

14          (2)(a) The school board of any school district that is  
15 a member of a learning community shall provide free transportation  
16 for a student who resides in such learning community and attends  
17 school in such school district if (i) the student is transferring  
18 pursuant to the open enrollment provisions of section 79-2110,  
19 qualifies for free or reduced-price lunches, and lives more than  
20 one mile from the school to which he or she transfers, (ii)  
21 the student is transferring pursuant to such open enrollment  
22 provisions, ~~and the student~~ is a student who contributes to the  
23 socioeconomic diversity of enrollment at the school building the  
24 student he or she attends, and lives more than one mile from the  
25 school to which he or she transfers, (iii) the student is attending  
26 a focus school or program and lives more than one mile from the  
27 school building housing the focus school or program, or (iv) the

1 student is attending a magnet school or program and lives more than  
2 one mile from the magnet school or the school housing the magnet  
3 program.

4 (b) For purposes of this subsection, a student who  
5 contributes to the socioeconomic diversity of enrollment at the  
6 school building he or she attends means ~~(i) a student who is~~  
7 ~~not a student qualifying for free or reduced-price lunches when,~~  
8 ~~based upon official membership,~~ the school building the student  
9 will attend has more students qualifying for free or reduced-price  
10 lunches than the average percentage of such students in all school  
11 buildings in the learning community or ~~(ii) a student who is a~~  
12 ~~student that qualifies for free or reduced-price lunches when,~~  
13 ~~based upon official membership,~~ the school building the student  
14 will attend has fewer students qualifying for free or reduced-price  
15 lunches than the average percentage of such students in all school  
16 buildings in the learning community. has the definition found  
17 in section 79-2110. This subsection does not prohibit a school  
18 district that is a member of a learning community from providing  
19 transportation to any intradistrict student.

20 (3) The transportation allowance which may be paid to  
21 the parent, custodial parent, or guardian of students qualifying  
22 for free transportation pursuant to subsection (1) or (2) of this  
23 section shall equal two hundred eighty-five percent of the mileage  
24 rate provided in section 81-1176, multiplied by each mile actually  
25 and necessarily traveled, on each day of attendance, beyond which  
26 the one-way distance from the residence of the student to the  
27 schoolhouse exceeds three miles.

1           (4) Whenever students from more than one family travel to  
2 school in the same vehicle, the transportation allowance prescribed  
3 in subsection (3) of this section shall be payable as follows:

4           (a) To the parent, custodial parent, or guardian  
5 providing transportation for students from other families, one  
6 hundred percent of the amount prescribed in subsection (3) of  
7 this section for the transportation of students of such parent's,  
8 custodial parent's, or guardian's own family and an additional  
9 five percent for students of each other family not to exceed a  
10 maximum of one hundred twenty-five percent of the amount determined  
11 pursuant to subsection (3) of this section; and

12           (b) To the parent, custodial parent, or guardian not  
13 providing transportation for students of other families, two  
14 hundred eighty-five percent of the mileage rate provided in section  
15 81-1176 multiplied by each mile actually and necessarily traveled,  
16 on each day of attendance, from the residence of the student to  
17 the pick-up point at which students transfer to the vehicle of a  
18 parent, custodial parent, or guardian described in subdivision (a)  
19 of this subsection.

20           (5) The board may authorize school-provided  
21 transportation to any student who does not qualify under the  
22 mileage requirements of subsection (1) of this section and may  
23 charge a fee to the parent or guardian of the student for such  
24 service. An affiliated high school district may provide free  
25 transportation or pay the allowance described in this section for  
26 high school students residing in an affiliated Class I district. No  
27 transportation payments shall be made to a family for mileage not

1 actually traveled by such family. The number of days the student  
2 has attended school shall be reported monthly by the teacher to the  
3 board of such public school district.

4 (6) No more than one allowance shall be made to a  
5 family irrespective of the number of students in a family being  
6 transported to school. If a family resides in a Class I district  
7 which is part of a Class VI district and has students enrolled in  
8 any of the grades offered by the Class I district and in any of  
9 the non-high-school grades offered by the Class VI district, such  
10 family shall receive not more than one allowance for the distance  
11 actually traveled when both districts are on the same direct travel  
12 route with one district being located a greater distance from the  
13 residence than the other. In such cases, the travel allowance shall  
14 be prorated among the school districts involved.

15 (7) No student shall be exempt from school attendance on  
16 account of distance from the public schoolhouse.

17 Sec. 9. Section 79-769, Revised Statutes Supplement,  
18 2007, is amended to read:

19 79-769 (1) Any one or more member school districts of a  
20 learning community may establish a ~~focus school or program~~ one or  
21 more focus programs, focus schools, or magnet schools pursuant to  
22 the diversity plan developed by the learning community coordinating  
23 council.

24 ~~(2) Member school districts of a learning community may~~  
25 ~~also establish magnet programs which may include magnet pathways~~  
26 ~~across member school districts pursuant to the diversity plan~~  
27 ~~developed by the learning community coordinating council.~~

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

5           (3) If multiple member school districts collaborate on a  
6 focus program, focus school, or magnet school, one member school  
7 district shall be designated as the primary school district.  
8 The primary school district shall maintain legal, financial, and  
9 academic responsibility for such focus program, focus school, or  
10 magnet school.

11           ~~(3)~~ (4) For purposes of this section:

12           (a) Focus program means a program that does not have  
13 an attendance area, whose enrollment is designed so that the  
14 socioeconomic diversity of the students attending the focus program  
15 reflects as nearly as possible the socioeconomic diversity of  
16 the student body of the learning community, which has a unique  
17 curriculum with specific learning goals or teaching techniques  
18 different from the standard curriculum, and is unique and designed  
19 differently than the standard curriculum which may be housed in  
20 an existing school building, a building with other public school  
21 programs, and which may consist of either the complete education  
22 program for participating students or part of the education program  
23 for participating students;

24           (b) Focus school means a school that does not have an  
25 attendance area, and whose enrollment is designed so that the  
26 socioeconomic diversity of the students attending the focus school  
27 reflects as nearly as possible the socioeconomic diversity of

1 the student body of the learning community, which has a unique  
2 curriculum with specific learning goals or teaching techniques  
3 different from the standard curriculum, and which is housed in a  
4 building that does not contain another public school program;

5 ~~(c) Magnet pathway means a location in which elementary,~~  
6 ~~middle, and high school magnet schools are placed;~~

7 ~~(d) Magnet program means a program which offers~~  
8 ~~coordinated elementary, middle, and high school programs and~~  
9 ~~services that are unique and that have specific learning goals in~~  
10 ~~addition to the standard curriculum; and~~

11 ~~(e) (c) Magnet school means a school having a home~~  
12 ~~attendance area but which reserves a portion of its capacity~~  
13 ~~specifically for students from outside the attendance area who~~  
14 ~~will contribute to the socioeconomic diversity of the student body~~  
15 ~~of such school and which has a unique curriculum with specific~~  
16 ~~learning goals or teaching techniques different from the standard~~  
17 ~~curriculum; and;~~

18 ~~(d) Pathway means elementary, middle, and high school~~  
19 ~~focus programs, focus schools, and magnet schools with coordinated~~  
20 ~~curricula based on specific learning goals or teaching techniques.~~

21 Sec. 10. Section 79-1028, Revised Statutes Supplement,  
22 2007, is amended to read:

23 79-1028 (1) A Class II, III, IV, V, or VI school  
24 district may exceed its applicable allowable growth rate for (a)  
25 expenditures in support of a service which is the subject of  
26 an agreement or a modification of an existing agreement whether  
27 operated by one of the parties to the agreement or an independent

1 joint entity or joint public agency, (b) expenditures to pay for  
2 repairs to infrastructure damaged by a natural disaster which is  
3 declared a disaster emergency pursuant to the Emergency Management  
4 Act, (c) expenditures to pay for judgments, except judgments  
5 or orders from the Commission of Industrial Relations, obtained  
6 against a school district which require or obligate a school  
7 district to pay such judgment, to the extent such judgment is not  
8 paid by liability insurance coverage of a school district, (d)  
9 expenditures to pay for sums agreed to be paid by a school district  
10 to certificated employees in exchange for a voluntary termination  
11 of employment, ~~or~~ (e) expenditures to pay for lease-purchase  
12 contracts approved on or after July 1, 1997, and before July  
13 1, 1998, to the extent the lease payments were not budgeted  
14 expenditures for fiscal year 1997-98, or (f) expenditures to pay  
15 another school district for the transfer of land from such other  
16 school district to the school district seeking to exceed its  
17 applicable allowable growth rate.

18 (2) A Class II, III, IV, V, or VI district may exceed its  
19 applicable allowable growth rate by a specific dollar amount if the  
20 district projects an increase in formula students in the district  
21 over the current school year greater than twenty-five students  
22 or greater than those listed in the schedule provided in this  
23 subsection, whichever is less. Districts shall project increases  
24 in formula students on forms prescribed by the department. The  
25 department shall approve, deny, or modify the projected increases.

26	Average daily	Projected increase
27	membership of	of formula students

1	district	by percentage
2	0- 50	10
3	50.01 - 250	5
4	250.01 - 1,000	3
5	1,000.01 and over	1

6           The department shall compute the district's estimated  
7 allowable budget per pupil using the budgeted general fund  
8 expenditures found on the budget statement for the current school  
9 year divided by the number of formula students in the current  
10 school year and multiplied by the district's applicable allowable  
11 growth rate. The resulting allowable budget per pupil shall be  
12 multiplied by the projected formula students to arrive at the  
13 estimated budget needs for the ensuing year. The department  
14 shall allow the district to increase its general fund budget  
15 of expenditures for the ensuing school year by the amount  
16 necessary to fund the estimated budget needs of the district  
17 as computed pursuant to this subsection. On or before July  
18 1, the department shall make available to districts which have  
19 been allowed additional growth pursuant to this subsection the  
20 necessary document to recalculate the actual formula students of  
21 such district. Such document shall be filed with the department  
22 under subsection (1) of section 79-1024.

23           (3) A Class II, III, IV, V, or VI district may exceed  
24 its applicable allowable growth rate by a specific dollar amount  
25 if construction, expansion, or alteration of district buildings  
26 will cause an increase in building operation and maintenance  
27 costs of at least five percent. The department shall document

1 the projected increase in building operation and maintenance costs  
2 and may allow a Class II, III, IV, V, or VI district to exceed  
3 its applicable allowable growth rate by the amount necessary to  
4 fund such increased costs. The department shall compute the actual  
5 increased costs for the school year and shall notify the district  
6 on or before July 1 of the recovery of the additional growth  
7 pursuant to this subsection.

8 (4) A Class II, III, IV, V, or VI district may exceed its  
9 applicable allowable growth rate by a specific dollar amount if the  
10 district demonstrates to the satisfaction of the department that  
11 it will exceed its applicable allowable growth rate as a result  
12 of costs pursuant to the Retirement Incentive Plan authorized  
13 in section 79-855 or the Staff Development Assistance authorized  
14 in section 79-856. The department shall compute the amount by  
15 which the increased cost of such program or programs exceeds the  
16 district's applicable allowable growth rate and shall allow the  
17 district to increase its general fund expenditures by such amount  
18 for that fiscal year.

19 (5) A Class II, III, IV, or V district may exceed its  
20 applicable allowable growth rate by the specific dollar amount of  
21 incentive payments or base fiscal year incentive payments to be  
22 received in such school fiscal year pursuant to section 79-1011.

23 (6) A Class II, III, IV, V, or VI district may exceed  
24 its applicable allowable growth rate by a specific dollar amount  
25 in any year for which the state aid calculation for the local  
26 system includes students in the qualified early childhood education  
27 fall membership of the district for the first time or for a year

1 in which an early childhood education program of the district is  
2 receiving an expansion grant. The department shall compute the  
3 amount by which the district may exceed the district's applicable  
4 allowable growth rate by multiplying the cost grouping cost  
5 per student for the applicable cost grouping by the district's  
6 adjusted formula students attributed to early childhood education  
7 programs if students are included in the district's qualified  
8 early childhood education fall membership for the first time or by  
9 the district's adjusted formula students attributed to such early  
10 childhood education programs minus the district's adjusted formula  
11 students attributed to such early childhood education programs for  
12 the prior school fiscal year if a program is receiving an expansion  
13 grant in the school fiscal year for which the fall membership is  
14 measured. The department shall allow the district to increase its  
15 general fund expenditures by such amount for such school fiscal  
16 year.

17 (7) For school fiscal year 2005-06, a Class II, III, IV,  
18 V, or VI district may exceed its applicable allowable growth rate  
19 by a specific dollar amount not to exceed seventy-four hundredths  
20 percent of the amount budgeted for employee salaries for such  
21 school fiscal year. For school fiscal year 2006-07, a Class II,  
22 III, IV, V, or VI district may exceed its applicable allowable  
23 growth rate by a specific dollar amount not to exceed fifty-nine  
24 hundredths percent of the amount budgeted for employee salaries for  
25 such school fiscal year.

26 (8) A Class II, III, IV, or V district that is a  
27 member of a learning community may exceed its applicable allowable

1 growth rate for the first school fiscal year in which the school  
2 district will be a member of a learning community for the full  
3 school fiscal year by an amount equal to anticipated increases in  
4 transportation expenditures necessary to meet the requirements of  
5 subsection (2) of section 79-611 as approved by the department. The  
6 department shall approve, deny, or modify the amount allowed  
7 for anticipated increases in transportation expenditures. The  
8 department shall compute the actual increase in transportation  
9 expenditures necessary to meet the requirements of subsection (2)  
10 of section 79-611 for such school fiscal year and shall, if needed,  
11 modify the district's applicable allowable growth rate for the  
12 ensuing school fiscal year.

13 (9) For school fiscal year 2008-09, a Class II, III,  
14 IV, or V district may exceed its applicable allowable growth  
15 rate by a specific dollar amount if the sum of the poverty  
16 allowance, elementary class size allowance, focus school and  
17 program allowance, and limited English proficiency allowance for  
18 the school district for school fiscal year 2008-09 exceeds the  
19 poverty weightings plus limited English proficiency weightings  
20 multiplied by the cost grouping cost per student for the school  
21 district for school fiscal year 2007-08. The department shall  
22 compute the amount by which the district may exceed the applicable  
23 allowable growth rate by subtracting the product of the sum of  
24 the poverty weightings and limited English proficiency weightings  
25 for school fiscal year 2007-08 multiplied by the average formula  
26 cost per student in the school district's cost grouping for school  
27 fiscal year 2007-08 from the sum of the school fiscal year 2008-09

1 poverty allowance, elementary class size allowance, focus school  
2 and program allowance, and limited English proficiency allowance  
3 for the school district. The department shall allow the district to  
4 increase its general fund expenditures by such amount for school  
5 fiscal year 2008-09.

6 (10) For school fiscal year 2009-10 and each school  
7 fiscal year thereafter, a Class II, III, IV, or V district may  
8 exceed its applicable allowable growth rate by a specific dollar  
9 amount if the sum of the poverty allowance, elementary class size  
10 allowance, focus school and program allowance, and limited English  
11 proficiency allowance for the school district has grown at a rate  
12 higher than the applicable allowable growth rate of the district.  
13 The department shall compute the amount by which the district  
14 may exceed the applicable allowable growth rate by subtracting  
15 the product of the sum of the poverty allowance, elementary class  
16 size allowance, focus school and program allowance, and limited  
17 English proficiency allowance for the immediately preceding school  
18 fiscal year multiplied by the sum of one plus the applicable  
19 allowable growth rate to be exceeded from the sum of the poverty  
20 allowance, elementary class size allowance, focus school and  
21 program allowance, and limited English proficiency allowance for  
22 the district for the school fiscal year for which the applicable  
23 allowable growth rate would be exceeded. The department shall allow  
24 the district to increase its general fund expenditures by such  
25 amount for the applicable school fiscal year.

26 (11) A Class II, III, IV, or V school district may exceed  
27 its applicable allowable growth rate by a specific dollar amount

1 not to exceed the amount received during such school fiscal year  
2 from educational entities as defined in section 79-1201.01 for  
3 providing distance education courses through the Distance Education  
4 Council until July 1, 2008, and the Educational Service Unit  
5 Coordinating Council on and after July 1, 2008, to such educational  
6 entities.

7 (12) A Class II, III, IV, or V school district may exceed  
8 its applicable allowable growth rate for school fiscal year 2007-08  
9 by a specific dollar amount equal to the amount paid in school  
10 fiscal year 2006-07 to any distance education consortium in which  
11 the school district was participating pursuant to an interlocal  
12 agreement.

13 Sec. 11. Section 79-1073, Revised Statutes Supplement,  
14 2007, is amended to read:

15 79-1073 On or before ~~October~~ September 1 for each year,  
16 each learning community coordinating council shall determine the  
17 expected amounts to be distributed to each member school district  
18 from general fund property tax receipts pursuant to subdivision  
19 (2)(b) of section 77-3442 and shall certify such amounts to each  
20 member school district and the State Department of Education. ~~Such~~  
21 For the first three school fiscal years for which the learning  
22 community levies a common general fund property tax for school  
23 districts, such property tax receipts shall be divided among  
24 member school districts proportionally based on the greater of (1)  
25 the difference of the school district's formula need calculated  
26 pursuant to section 79-1007.02 minus the sum of the state aid  
27 certified pursuant to section 79-1022 and the other actual receipts

1 included in local system formula resources pursuant to section  
2 79-1018.01 for the school fiscal year for which the distribution  
3 is being made or (2) the difference of the sum of the state aid  
4 certified for the school fiscal year immediately preceding the  
5 first school fiscal year for which the learning community levies  
6 a common general fund property tax for school districts plus the  
7 product of the school district's general fund levy for such school  
8 fiscal year multiplied by the assessed valuation for such school  
9 fiscal year minus the state aid certified pursuant to section  
10 79-1022 for the school fiscal year for which the distribution  
11 is being made. Thereafter, such property tax receipts shall be  
12 divided among member school districts proportionally based on the  
13 difference of one hundred percent of the school district's formula  
14 need calculated pursuant to section 79-1007.02 minus the sum of  
15 the state aid certified pursuant to section 79-1022 and the other  
16 actual receipts included in local system formula resources pursuant  
17 to section 79-1018.01 for the school fiscal year for which the  
18 distribution is being made. ~~7~~ except that no school district shall  
19 receive property tax receipts in excess of the lesser of such  
20 difference or the school district's property tax request submitted  
21 to the learning community coordinating council.

22           Each time a learning community coordinating council  
23 distributes property tax receipts to member school districts,  
24 the amount to be distributed to each district shall be proportional  
25 based on the total amounts to be distributed to each member school  
26 district for the school fiscal year.

27           Sec. 12. Section 79-1202, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           79-1202 The official name of each educational service  
3 unit shall be Educational Service Unit No. ... of the State  
4 of Nebraska, and the individual number of each unit shall be  
5 determined by the State Board of Education. ~~School District 55-001~~  
6 ~~of Lancaster County shall remain Educational Service Unit No. 18.~~  
7 ~~School District 28-001 of Douglas County shall remain Educational~~  
8 ~~Service Unit No. 19.~~ For educational service units existing on  
9 January 1, 1998, the number of the unit shall remain the same.  
10 For educational service units created by merger, the number of the  
11 unit shall be the number of one of the educational service units  
12 dissolving into the new educational service unit. For all other  
13 newly created educational service units, the number shall be any  
14 number not otherwise assigned to an existing educational service  
15 unit.

16           Sec. 13. Section 79-1225, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18           79-1225 (1) After the adoption of its budget statement,  
19 the board for each educational service unit, except as provided  
20 in subsection (2) of this section, may levy a tax in the amount  
21 which it requires under its adopted budget statement to be received  
22 from taxation. The levy shall be subject to the limits established  
23 by section 77-3442. The amount of such levy shall be certified by  
24 the secretary of the educational service unit board to the county  
25 board of equalization of each county in which any part of the  
26 geographical area of the educational service unit is located on  
27 or before September 20 of each year. Such tax shall be levied and

1 assessed in the same manner as other property taxes and entered  
2 on the books of the county treasurer. The proceeds of such tax,  
3 as collected, shall be remitted to the treasurer of the board on  
4 or before the fifteenth day of each month or more frequently as  
5 provided in section 77-1759.

6 (2) For fiscal year 2013-14 and each fiscal year  
7 thereafter, only an educational service unit which has two or  
8 more member school districts may levy a tax on the taxable value  
9 of the taxable property within the geographic boundaries of the  
10 educational service unit.

11 Sec. 14. Section 79-1241.03, Revised Statutes Supplement,  
12 2007, is amended to read:

13 79-1241.03 For school fiscal year 2008-09 and each school  
14 fiscal year thereafter:

15 (1) One percent of the funds appropriated for core  
16 services and technology infrastructure shall be transferred to  
17 the Educational Service Unit Coordinating Council. The remainder  
18 of such funds shall be distributed pursuant to subdivisions (2)  
19 through (6) of this section;

20 (2)(a) The distance education and telecommunications  
21 allowance for each educational service unit shall equal eighty-five  
22 percent of the difference of the costs for telecommunications  
23 services, for access to data transmission networks that transmit  
24 data to and from the educational service unit, and for the  
25 transmission of data on such networks paid by the educational  
26 service unit as reported on the annual financial report for the  
27 most recently available complete data year minus the receipts from

1 the federal Universal Service Fund pursuant to 47 U.S.C. 254,  
2 as such section existed on January 1, 2007, for the educational  
3 service unit as reported on the annual financial report for the  
4 most recently available complete data year and minus any receipts  
5 from school districts or other educational entities for payment  
6 of such costs as reported on the annual financial report of the  
7 educational service unit;

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

11 (c) The satellite office allocation for each educational  
12 service unit shall equal one percent of the funds appropriated  
13 for distribution pursuant to this section for each office of  
14 the educational service unit, except the educational service unit  
15 headquarters, up to the maximum number of satellite offices. The  
16 maximum number of satellite offices used for the calculation of  
17 the satellite office allocation for any educational service unit  
18 shall equal the difference of the ratio of the number of square  
19 miles within the boundaries of the educational service unit divided  
20 by four thousand minus one with the result rounded to the closest  
21 whole number;

22 (d) The statewide adjusted valuation shall equal the  
23 total adjusted valuation for all ~~local systems~~ member districts  
24 of educational service units plus all member districts of learning  
25 communities pursuant to section 79-1016 used for the calculation  
26 of state aid for school districts pursuant to the Tax Equity and  
27 Educational Opportunities Support Act for the school fiscal year

1 for which the distribution is being calculated pursuant to this  
2 section;

3 (e) The adjusted valuation for each educational service  
4 unit and learning community shall equal the total adjusted  
5 valuation of the member school districts pursuant to section  
6 79-1016 used for the calculation of state aid for school districts  
7 pursuant to the act for the school fiscal year for which the  
8 distribution is being calculated pursuant to this section;

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

11 (g) Except as provided in subdivision (5) of this  
12 section, the statewide student allocation shall equal the  
13 difference of the sum of the amount appropriated for distribution  
14 pursuant to this section plus the product of the statewide adjusted  
15 valuation multiplied by the local effort rate minus the distance  
16 education and telecommunications allowance, base allocation, and  
17 satellite office allocation for all educational service units;

18 (h) The sparsity adjustment for each educational service  
19 unit and learning community shall equal the sum of one plus  
20 one-tenth of the ratio of the square miles within the boundaries  
21 of the educational service unit divided by the fall membership of  
22 the member school districts for the school fiscal year immediately  
23 preceding the school fiscal year for which the distribution is  
24 being calculated pursuant to this section;

25 (i) The adjusted students for each educational service  
26 unit shall equal the fall membership ~~of the member school districts~~  
27 for the school fiscal year immediately preceding the school fiscal

1 year for which aid is being calculated of the member school  
2 districts that will not be members of a learning community and  
3 fifty percent of the fall membership for such school fiscal year  
4 of the member school districts that will be members of a learning  
5 community pursuant to this section multiplied by the educational  
6 service unit sparsity adjustment for the educational service unit,  
7 and the adjusted students for each learning community shall equal  
8 fifty percent of the fall membership for such school fiscal year of  
9 the member school districts multiplied by the sparsity adjustment  
10 for the learning community;

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

14 (k) The student allocation for each educational service  
15 unit and learning community shall equal the per student allocation  
16 multiplied by the adjusted students for the educational service  
17 ~~units;~~ unit or learning community;

18 (l) The needs for each educational service unit shall  
19 equal the sum of the distance education and telecommunications  
20 allowance, base allocation, satellite office allocation, and  
21 student allocation for the educational service unit and the needs  
22 for each learning community shall equal the student allocation for  
23 the learning community; and

24 (m) The distribution of core services and technology  
25 infrastructure funds for each educational service unit and learning  
26 community shall equal the needs for each educational service unit  
27 or learning community minus the product of the adjusted valuation

1 for the educational service unit or learning community multiplied  
2 by the local effort rate;

3 (3) If an educational service unit is the result of  
4 a merger or received new member school districts from another  
5 educational service unit, such educational service unit shall,  
6 for each of the three fiscal years following the fiscal year in  
7 which the merger takes place or the new member school districts  
8 are received, receive core services and technology infrastructure  
9 funds pursuant to subdivisions (2) through (6) of this section  
10 in an amount not less than the core services and technology  
11 infrastructure funds received in the fiscal year immediately  
12 preceding the merger or receipt of new member school districts,  
13 except that if the total amount available to be distributed  
14 pursuant to subdivisions (2) through (6) of this section for such  
15 year is less than the total amount distributed pursuant to such  
16 subdivisions or sections 79-1241 and 79-1243 for the immediately  
17 preceding fiscal year, the minimum core services and technology  
18 infrastructure funds for each educational service unit pursuant to  
19 this subdivision shall be reduced by a percentage equal to the  
20 ratio of the difference of the total amount distributed pursuant  
21 to subdivisions (2) through (6) of this section or sections  
22 79-1241 and 79-1243 for the immediately preceding fiscal year  
23 minus the total amount available to be distributed pursuant to  
24 subdivisions (2) through (6) of this section for the fiscal year  
25 in question divided by the total amount distributed pursuant to  
26 subdivisions (2) through (6) of this section or sections 79-1241  
27 and 79-1243 for the immediately preceding fiscal year. The core

1 services and technology infrastructure funds received in the fiscal  
2 year immediately preceding a merger or receipt of new member  
3 school districts for an educational service unit shall equal the  
4 amount received in such fiscal year pursuant to subdivisions (2)  
5 through (6) of this section or sections 79-1241 and 79-1243 by any  
6 educational service unit affected by the merger or the transfer  
7 of school districts multiplied by a ratio equal to the valuation  
8 that was transferred to or retained by the educational service unit  
9 for which the minimum is being calculated divided by the total  
10 valuation of the educational service unit transferring or retaining  
11 the territory;

12 (4) For fiscal years 2008-09 through 2013-14, each  
13 educational service unit which will not have any member school  
14 districts that are members of a learning community shall receive  
15 core services and technology infrastructure funds under this  
16 section in an amount not less than ninety-five percent of the  
17 total of the core services and technology infrastructure funds that  
18 the educational service unit received in the immediately preceding  
19 fiscal year either pursuant to subdivisions (2) through (6) of  
20 this section or pursuant to sections 79-1241 and 79-1243, except  
21 that if the total amount available to be distributed pursuant to  
22 subdivisions (2) through (6) of this section for such year is less  
23 than the total amount distributed pursuant to such subdivisions or  
24 sections 79-1241 and 79-1243 for the immediately preceding fiscal  
25 year, the minimum core services and technology infrastructure funds  
26 for each educational service unit pursuant to this subdivision  
27 shall be reduced by a percentage equal to the ratio of the

1 difference of the total amount distributed pursuant to subdivisions  
2 (2) through (6) of this section or sections 79-1241 and 79-1243  
3 for the immediately preceding fiscal year minus the total amount  
4 available to be distributed pursuant to subdivisions (2) through  
5 (6) of this section for the fiscal year in question divided by the  
6 total amount distributed pursuant to subdivisions (2) through (6)  
7 of this section or sections 79-1241 and 79-1243 for the immediately  
8 preceding fiscal year;

9 (5) If the minimum core services and technology  
10 infrastructure funds pursuant to subdivision (3) or (4) of this  
11 section for any educational service unit exceed the amount that  
12 would otherwise be distributed to such educational service unit  
13 pursuant to subdivision (2) of this section, the statewide student  
14 allocation shall be reduced such that the total amount to be  
15 distributed pursuant to this section equals the appropriation  
16 for core services and technology infrastructure funds and no  
17 educational service unit receives less than the greater of any  
18 minimum amounts calculated for such educational service unit  
19 pursuant to subdivisions (3) and (4) of this section; and

20 (6) The State Department of Education shall certify the  
21 distribution of core services and technology infrastructure funds  
22 pursuant to subdivisions (2) through (6) of this section to each  
23 educational service unit and learning community on or before July  
24 1, 2008, for school fiscal year 2008-09 and on or before July  
25 1 of each year thereafter for the following school fiscal year.  
26 Any funds appropriated for distribution pursuant to this section  
27 shall be distributed in ten as nearly as possible equal payments

1 on the first business day of each month beginning in September  
2 of each school fiscal year and ending in June. Funds distributed  
3 to educational service units pursuant to this section shall be  
4 used for core services and technology infrastructure with the  
5 approval of representatives of two-thirds of the member school  
6 districts of the educational service unit, representing a majority  
7 of the adjusted students in the member school districts used  
8 in calculations pursuant to this section for such funds. Funds  
9 distributed to learning communities shall be used for learning  
10 community purposes pursuant to sections 79-2104 and 79-2115, with  
11 the approval of the learning community coordinating council.

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

16 Sec. 15. Section 79-2102, Revised Statutes Supplement,  
17 2007, is amended to read:

18 79-2102 On or before September 15, 2007, and on or  
19 before August 1 of each odd-numbered year following the official  
20 designation of any new city of the metropolitan class or any  
21 valid request to form a new learning community, the Commissioner  
22 of Education shall certify the establishment of a new learning  
23 community with the effective date of the first Thursday after the  
24 first Tuesday in January of the next odd-numbered year following  
25 such certification to the county clerks, election commissioners,  
26 and county assessors of the counties with territory in the new  
27 learning community, to the Property Tax Administrator, to the

1 State Department of Education, and to the school boards of the  
2 member school districts of the new learning community. A learning  
3 community shall be established for each city of the metropolitan  
4 class and shall include all school districts for which the  
5 principal office of the school district is located in the county  
6 where the city of the metropolitan class is located and all school  
7 districts for which the principal office of the school district  
8 is located in a county that has a contiguous border of at least  
9 five miles in the aggregate with such city of the metropolitan  
10 class. A learning community may also be established ~~for one or~~  
11 ~~more counties~~ at the request of the at least three school boards  
12 ~~of~~ if (1) all school districts for which the principal office  
13 of the school district is located in ~~the specified county or one~~  
14 or more specified counties ~~if~~ are participating in the request  
15 and either (a) such school districts ~~have~~ are all in the sparse  
16 cost grouping or very sparse cost grouping as described in section  
17 79-1007.02 or (b) have a minimum combined total of at least two  
18 thousand students, ~~except that districts in local systems that are~~  
19 ~~in the sparse cost grouping or the very sparse cost grouping as~~  
20 ~~described in section 79-1007.02 need not have a minimum combined~~  
21 ~~total of at least two thousand students but a learning community~~  
22 ~~with fewer than two thousand students shall include at least two~~  
23 ~~school districts.~~ or (2) the school districts participating in the  
24 request have a minimum combined total of at least ten thousand  
25 students. Such requests shall be received by the Commissioner of  
26 Education on or before May 1 of each odd-numbered year.

27 Sec. 16. Section 79-2102.01, Revised Statutes Supplement,

1 2007, is amended to read:

2           79-2102.01 ~~The Commissioner of Education or his or~~  
3 ~~her designee shall convene a meeting of the newly elected~~  
4 ~~learning community coordinating council during the month of January~~  
5 ~~following the election. At such meeting, the council shall elect~~  
6 ~~officers and shall begin taking the necessary steps to begin~~  
7 ~~operating as a learning community. The commissioner or his or her~~  
8 ~~designee shall schedule and host such meeting and shall serve as a~~  
9 ~~facilitator at such meeting.~~

10           The Secretary of State or his or her designee shall  
11 schedule and host the first meeting of the newly elected learning  
12 community coordinating council during the month of January  
13 following the election and shall schedule and shall host at least  
14 one meeting each month for the immediately following February and  
15 March. The Secretary of State shall preside until the council  
16 elects officers designated by the bylaws. Those officers shall  
17 preside at the following meetings of such council. The Secretary of  
18 State shall serve as a facilitator at such meetings of the council  
19 through March 31 of such year as the council begins taking steps  
20 necessary to operate as a learning community.

21           Sec. 17. Section 79-2104, Revised Statutes Supplement,  
22 2007, is amended to read:

23           79-2104 A learning community coordinating council shall  
24 have the authority to:

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

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

4                   (3) Levy for capital projects approved by the learning  
5 community coordinating council pursuant to sections 77-3442 and  
6 79-2111;

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

10                  (5) Approve focus schools and focus programs to be  
11 operated by member school districts;

12                  (6) Adopt, approve, and implement ~~an integration and a~~  
13 diversity plan which shall include open enrollment and may include  
14 focus schools, focus programs, ~~and~~ magnet schools, and pathways  
15 pursuant to section 79-2110;

16                  (7) Administer the open enrollment provisions in section  
17 79-2110 for the learning community as part of a diversity plan  
18 developed by the council to provide educational opportunities which  
19 will result in increased diversity in schools across the learning  
20 community;

21                  (8) Annually conduct school fairs to provide students and  
22 parents the opportunity to explore the educational opportunities  
23 available at each school in the learning community and develop  
24 other methods for encouraging access to such information and  
25 promotional materials;

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

1           (10) Establish and administer elementary learning centers  
2 through achievement subcouncils pursuant to sections 79-2112 to  
3 79-2114;

4           (11) Administer the learning community funds distributed  
5 to the learning community pursuant to section 79-2111;

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

9           (13) Establish a procedure for receiving community input  
10 and complaints regarding the learning community; and

11           (14) Establish a procedure to assist parents, citizens,  
12 and member school districts in accessing an approved center  
13 pursuant to the Dispute Resolution Act to resolve disputes  
14 involving member school districts or the learning community. Such  
15 procedure ~~shall~~ may include payment by the learning community for  
16 ~~such~~ some mediation services.

17           Sec. 18. Each learning community coordinating council  
18 shall have an advisory committee composed of the superintendent  
19 from each member school district or his or her representative.  
20 The advisory committee shall meet at least four times each year  
21 to review issues related to open enrollment and proposals for  
22 focus programs, focus schools, magnet schools, and pathways, to  
23 provide recommendations for improving academic achievement across  
24 the learning community, and to provide input to the learning  
25 community coordinating council on other issues as requested.

26           Sec. 19. Section 79-2107, Revised Statutes Supplement,  
27 2007, is amended to read:

1           79-2107 The boundaries of all school districts for which  
2 the principal office of the school district is located in a county  
3 ~~where~~ in which a city of the metropolitan class is located and  
4 all school districts for which the principal office of the school  
5 district is located in a county that has a contiguous border  
6 of at least five miles in the aggregate with such city of the  
7 metropolitan class shall remain as depicted on the map kept by  
8 the county clerk pursuant to section 79-490 as of March 1, 2006,  
9 for cities of the metropolitan class designated as such prior to  
10 January 2008 or as of March 1 immediately preceding the designation  
11 as a city of the metropolitan class for cities designated as such  
12 on or after January 1, 2008, until a learning community has been  
13 established for such city of the metropolitan class, except that  
14 such districts may transfer property to other such districts with  
15 the agreement of the school board of each affected district prior  
16 to the effective date for such learning community.

17           Sec. 20. Section 79-2110, Revised Statutes Supplement,  
18 2007, is amended to read:

19           79-2110 (1)(a) ~~Each learning community coordinating~~  
20 ~~council, together with its member school districts, shall develop~~  
21 ~~and administer a diversity plan which may be revised from time to~~  
22 ~~time.~~ Each diversity plan shall provide for open enrollment in all  
23 school buildings in the learning community, subject to specific  
24 limitations necessary to bring about diverse enrollments in each  
25 school building in the learning community. Such limitations, for  
26 school buildings other than focus schools and programs other than  
27 focus programs, shall include giving preference at each school

1 building first to siblings of students who will be enrolled as  
2 continuing students in such school building or program for the  
3 first school year for which enrollment is sought in such school  
4 building and then to students that contribute to the socioeconomic  
5 diversity of enrollment, ~~as defined in section 79-611,~~ at each  
6 building and may include establishing zone limitations in which  
7 students may access several schools other than their home  
8 attendance area school. Notwithstanding the limitations necessary  
9 to bring about diversity, open enrollment shall include providing  
10 access to students who do not contribute to the socioeconomic  
11 diversity of a school building, if, subsequent to the ~~regular~~  
12 ~~enrollment~~ open enrollment selection process that is subject to  
13 limitations necessary to bring about diverse enrollments, capacity  
14 remains in a school building. In such a case, ~~a student who applies~~  
15 students who have applied to attend such school building shall  
16 be selected to attend such school building ~~shall be permitted to~~  
17 ~~enroll at such building unless the student~~ on a random basis up  
18 to the remaining capacity of such building. A student who has  
19 otherwise been disqualified from the school building pursuant to  
20 the school district's code of conduct or related school discipline  
21 rules shall not be eligible for open enrollment pursuant to this  
22 section. Any student who attended a particular school building  
23 in the prior school year and who is seeking education in the  
24 grades offered in such school building shall be allowed to continue  
25 attending such school building as a continuing student.

26 (b) To facilitate the open enrollment provisions of  
27 this subsection, each school year each member school district

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

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

24 (2) (a) On or before March 15 of each year beginning  
25 with the year immediately following the year in which the initial  
26 coordinating council for the learning community takes office, a  
27 parent or guardian of a student residing in a member school

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

18 (b) ~~A Such~~ parent or guardian may provide information on  
19 the application regarding the applicant's potential qualification  
20 for free or reduced-price lunches. Any such information provided  
21 shall be subject to verification and shall only be used for the  
22 purposes of this section. Nothing in this section requires a parent  
23 or guardian to provide such information. Determinations about an  
24 applicant's qualification for free or reduced-price lunches for  
25 purposes of this section shall be based on any verified information  
26 provided on the application. If no such information is provided the  
27 student shall be presumed not to qualify for free or reduced-price

1 lunches for the purposes of this section.

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

19           (b) (3) Each diversity plan may also include  
20 establishment of one or more focus schools or focus programs and  
21 the involvement of every member school district in one or more  
22 ~~magnet~~ pathways across member school districts. Enrollment in each  
23 focus school or focus program shall be designed to reflect the  
24 socioeconomic diversity of the learning community as a whole.  
25 School district selection of students for focus schools or focus  
26 programs shall be on a random basis from two pools of applicants,  
27 those who qualify for free and reduced-price lunches and those who

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

23 (e) The goal of the diversity plan shall be to annually  
24 increase the socioeconomic diversity of enrollment at each grade  
25 level in each school building within the learning community until  
26 such enrollment reflects the average socioeconomic diversity of the  
27 entire enrollment of the learning community. The learning community

1 shall annually publish statistics on changes in diversity at each  
2 grade level in each school building within the learning community.

3 ~~(d) Any student who attended a particular school building~~  
4 ~~in the prior school year and who is seeking education in the~~  
5 ~~grades offered in such school building shall be allowed to continue~~  
6 ~~attending such school building as a continuing student.~~

7 ~~(3)~~ (4) On or before February 15 of each year beginning  
8 with the year immediately following the year in which the initial  
9 coordinating council for the learning community takes office, a  
10 parent or guardian of a student who is currently attending a school  
11 building or program, except a magnet school, focus school, or focus  
12 program outside of the attendance area where the student resides  
13 and who will complete the grades offered at such school building  
14 prior to the following school year shall provide notice, on a form  
15 provided by the school district, to the school board of the school  
16 district containing such school building if such student will  
17 attend another school building within such district as a continuing  
18 student and which school building such student would prefer to  
19 attend. On or before March 1, such school board shall provide a  
20 notice to such parent or guardian stating which school building or  
21 buildings the student shall be allowed to attend in such school  
22 district as a continuing student for the following school year. If  
23 the student resides within the school district, the notice shall  
24 include the school building offering the grade the student will  
25 be entering for the following school year in the attendance area  
26 where the student resides. This subsection shall not apply to focus  
27 schools or programs.

1           ~~(4)~~ A student who will complete the grades offered at a  
2 magnet school shall be allowed to attend the magnet school offering  
3 the next grade level as part of the magnet pathway as a continuing  
4 student.

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

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

1           ~~(7) For purposes of this section, a student is deemed to~~  
2 ~~reside in any attendance area where such student or at least one of~~  
3 ~~his or her parents or guardians resides.~~

4           Sec. 21. Section 79-2111, Revised Statutes Supplement,  
5 2007, is amended to read:

6           79-2111 (1) A learning community may levy a maximum  
7 levy pursuant to subdivision (2)(h) of section 77-3442 for the  
8 purchase, construction, or remodeling of elementary learning center  
9 facilities and up to fifty percent of the estimated costs for  
10 capital projects approved pursuant to this section. The proceeds  
11 from such levy shall be used for elementary learning center  
12 facilities and for one-time reductions of the bonded indebtedness  
13 required for approved projects up to fifty percent of the estimated  
14 cost of the approved project. The funds used for reductions of  
15 bonded indebtedness shall be transferred to the school district  
16 for which the project was approved and shall be deposited in such  
17 school district's special building fund for use on such project.

18           (2) The learning community may approve pursuant to this  
19 section funding for capital projects which will include the  
20 purchase, construction, or remodeling of facilities for ~~(a) a~~  
21 ~~focus school or program designed to meet the requirements of~~  
22 ~~section 79-769\_ or (b) a school or program that will otherwise~~  
23 ~~specifically attract a more economically and culturally diverse~~  
24 ~~student body than would otherwise attend a school or program in a~~  
25 ~~facility at that location.~~ Such approval shall include an estimated  
26 cost for the project and shall state the amount that will be  
27 provided by the learning community for such project.

1           (3) If, within the ten years following receipt of the  
2 funding for a capital project pursuant to this section, a school  
3 district receiving such funding uses the facility purchased,  
4 constructed, or remodeled with such funding for purposes other  
5 than those stated to qualify for the funds, the school district  
6 shall repay such funds to the learning community with interest at  
7 the rate prescribed in section 45-104.02 accruing from the date  
8 the funds were transferred to the school district's building fund  
9 as of the last date the facility was used for such purpose as  
10 determined by the learning community coordinating council or the  
11 date that the learning community coordinating council determines  
12 that the facility will not be used for such purpose or that  
13 such facility will not be purchased, constructed, or remodeled  
14 for such purpose. Interest shall continue to accrue on outstanding  
15 balances until the repayment has been completed. The remaining  
16 terms of repayment shall be determined by the learning community  
17 coordinating council. The learning community coordinating council  
18 may waive such repayment if the facility is used for a different  
19 ~~(a) focus school or program or (b) school or program that will~~  
20 ~~specifically attract a more economically and culturally diverse~~  
21 ~~student body than would attend a school or program in a facility at~~  
22 ~~that location~~ for a period of time that will result in the use of  
23 the facility for qualifying purposes for a total of at least ten  
24 years.

25           Sec. 22. Section 79-2113, Revised Statutes Supplement,  
26 2007, is amended to read:

27           79-2113 (1) On or before July 1 immediately following the

1 establishment of a new learning community, the learning community  
2 coordinating council shall establish at least one elementary  
3 learning center for each twenty-five elementary schools in which at  
4 least thirty-five percent of the students attending the school who  
5 reside in the attendance area of such school qualify for free or  
6 reduced-price lunches.

7 (2) Each achievement subcouncil shall submit a plan to  
8 the learning community coordinating council for any elementary  
9 learning center in its election district and the services to be  
10 provided by such elementary learning center. In developing the  
11 plan, the achievement subcouncil shall seek input from community  
12 resources and collaborate with such resources in order to maximize  
13 the available opportunities and the participation of elementary  
14 students and their families. An achievement subcouncil may, as  
15 part of such plan, recommend services be provided through contracts  
16 with, or grants to, entities other than school districts to  
17 provide some or all of the services. Such entities may include  
18 collaborative groups which may include the participation of a  
19 school district. An achievement subcouncil may also, as part of  
20 such plan, recommend that the elementary learning center serve  
21 as a clearinghouse for recommending programs provided by school  
22 districts or other entities and that the elementary learning center  
23 assist students in accessing such programs.

24 (3) Each elementary learning center shall have at least  
25 one elementary learning center facility that is located in an  
26 area with a high concentration of poverty. ~~within the region.~~  
27 Such facility may be owned or leased by the learning community,

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

5 Sec. 23. Section 79-2115, Revised Statutes Supplement,  
6 2007, is amended to read:

7 79-2115 (1) Learning community funds distributed pursuant  
8 to section 79-2103 may be used by the learning community  
9 coordinating council receiving the funds for:

10 (a) The administration and operation of the learning  
11 community;

12 (b) The administration, operations, and programs of  
13 elementary learning centers pursuant to sections 79-2112 to  
14 79-2114;

15 (c) Supplements for extended hours to teachers in  
16 elementary schools in which at least thirty-five percent of the  
17 students attending the school who reside in the attendance area of  
18 such school qualify for free or reduced-price lunches;

19 (d) Transportation for parents ~~to school functions of~~  
20 ~~students in elementary schools~~ of elementary students who qualify  
21 for free or reduced-price lunches to school functions of such  
22 students in elementary schools; and

23 (e) Up to six social workers to provide services through  
24 the elementary learning centers; and

25 ~~(e)~~ (f) Pilot projects related to enhancing the academic  
26 achievement of elementary students, particularly students who face  
27 challenges in the educational environment due to factors such as

1 poverty, limited English skills, and mobility.

2 (2) Each learning community coordinating council shall  
3 adopt policies and procedures for granting supplements for extended  
4 hours and for providing transportation for parents if any such  
5 funds are to be used for such purposes. An example of a pilot  
6 project that could receive such funds would be a school designated  
7 as Jump Start Center focused on providing intensive literacy  
8 services for elementary students with low reading scores.

9 (3) A learning community coordinating council shall  
10 provide for financial audits and evaluations of effectiveness  
11 of elementary learning centers and pilot projects receiving funds  
12 pursuant to this section. A learning community coordinating council  
13 shall serve as the recipient of private funds donated to support  
14 any elementary learning center or pilot project receiving funds  
15 pursuant to this section from such learning community coordinating  
16 council and shall assure that the use of such private funds is  
17 included in the financial audits required pursuant to this section.

18 Sec. 24. Section 79-2117, Revised Statutes Supplement,  
19 2007, is amended to read:

20 79-2117 Each learning community coordinating council  
21 shall designate the three voting members representing each election  
22 district as the achievement subcouncil for such election district.  
23 Each achievement subcouncil shall meet as necessary but shall meet  
24 and conduct a public hearing within its election district at least  
25 once each school year. Each achievement subcouncil shall:

26 (1) Develop a diversity plan recommendation for the  
27 territory in its election district that will provide educational

1 opportunities which will result in increased diversity in schools  
2 in the election district;

3 (2) Administer elementary learning centers in cooperation  
4 with the elementary learning center executive director;

5 (3) Review and approve or disapprove of the poverty plans  
6 and limited English proficiency plans for the schools located in  
7 its election district;

8 (4) Receive community input and complaints regarding  
9 the learning community and academic achievement in the election  
10 district; and

11 (5) Hold public hearings at its discretion in its  
12 election district in response to issues raised by residents of  
13 the election district regarding the learning community, a member  
14 school district, and academic achievement in the election district.

15 Sec. 25. Section 79-2118, Revised Statutes Supplement,  
16 2007, is amended to read:

17 79-2118 (1) Each learning community, together with its  
18 member school districts, shall develop a diversity plan to provide  
19 educational opportunities pursuant to sections 79-769 and 79-2110  
20 in each election district designed to attract students from diverse  
21 backgrounds, which plan may be revised from time to time. The  
22 initial diversity plan shall be completed by December 31 of the  
23 year the initial learning community coordinating council for the  
24 learning community takes office. The goal of the diversity plan  
25 shall be to annually increase the socioeconomic diversity of  
26 enrollment at each grade level in each school building within  
27 the learning community until such enrollment reflects the average

1 socioeconomic diversity of the entire enrollment of the learning  
2 community.

3       (2) Each diversity plan for a learning community shall  
4 include specific provisions relating to each election district  
5 with such learning community. The specific provisions relating to  
6 each election district shall be approved by both the achievement  
7 subcouncil for such district and by the learning community  
8 coordinating council.

9       (3) The learning community coordinating council shall  
10 report to the Education Committee of the Legislature on or  
11 before December 1 of each even-numbered year on the diversity  
12 in the school or and changes in diversity at each grade level  
13 in each school building within the learning community and on  
14 the academic achievement for different demographic groups in each  
15 school building within the learning community.

16       Sec. 26. Section 81-1203, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18       81-1203 (1) A business applying for a job training  
19 grant shall submit a business plan to the Department of Economic  
20 Development which includes, but is not limited to:

21       (a) The number of jobs to be created or the number of  
22 existing positions that will be retrained;

23       (b) The nature of the business and the type of jobs to be  
24 created or positions to be retrained;

25       (c) The estimated wage levels of the jobs to be created  
26 or positions to be retrained; and

27       (d) A program schedule for the job training project.

1           (2) A business applying for a job training grant must  
2 demonstrate that the job training project to be conducted pursuant  
3 to the grant meets the following criteria:

4           (a) The wage level of the jobs created will meet the  
5 local prevailing average;

6           (b) The jobs created will diversify the local economy;

7           (c) The goods or services produced by the company will be  
8 export-oriented;

9           (d) Seventy-five percent of the jobs created will be  
10 full-time jobs; and

11           (e) The new jobs will be created within three calendar  
12 years.

13           (3) A business applying for a job training grant  
14 may partner with a learning community coordinating council or  
15 school district and at least one private, nonprofit organization  
16 whose purpose is providing basic job and life skills training  
17 to individuals in high-poverty areas. Such projects shall be  
18 focused on job training and job creation for persons residing in  
19 high-poverty areas within the boundaries of the partnering learning  
20 community or school district. The application shall specify the  
21 role of the partnering coordinating council or school district and  
22 the private, nonprofit organization in identifying and training  
23 potential job applicants for the applicant business. For purposes  
24 of this subsection: (a) High-poverty area means an area consisting  
25 of one or more contiguous census tracts, as determined by the  
26 most recent federal decennial census, which contain a percentage of  
27 families with incomes below the poverty line of greater than thirty

1 percent, and all census tracts contiguous to such tract or tracts,  
2 as determined by the most recent federal decennial census; and (b)  
3 private, nonprofit organization means an organization whose purpose  
4 is providing basic job and life skills training to individuals in  
5 need of such.

6           Sec. 27. Section 81-1204, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8           81-1204 ~~The~~ Except as otherwise provided in this section,  
9 the Department of Economic Development shall not approve a job  
10 training grant which exceeds an average expenditure of five  
11 thousand dollars per job created if the proposed wage levels  
12 do not exceed thirty thousand dollars per year or which exceeds an  
13 average expenditure of ten thousand dollars per job if the proposed  
14 wage levels exceed thirty thousand dollars per year.

15           The Department of Economic Development may approve a job  
16 training grant up to ten thousand dollars per job created if the  
17 proposed wage levels do not exceed thirty thousand dollars per  
18 year or a job training grant up to fifteen thousand dollars per  
19 job if the proposed wage levels exceed thirty thousand dollars per  
20 year, if the application is approved with provisions described in  
21 subsection (3) of section 81-1203.

22           Sec. 28. Original sections 79-234, 79-1202, 79-1225,  
23 81-1203, and 81-1204, Reissue Revised Statutes of Nebraska,  
24 sections 13-508 and 13-519, Revised Statutes Cumulative Supplement,  
25 2006, and sections 32-546.01, 32-604, 77-3442, 79-201, 79-611,  
26 79-769, 79-1028, 79-1073, 79-1241.03, 79-2102, 79-2102.01, 79-2104,  
27 79-2107, 79-2110, 79-2111, 79-2113, 79-2115, 79-2117, and 79-2118,

- 1 Revised Statutes Supplement, 2007, are repealed.