

ONE HUNDRED THIRD LEGISLATURE - FIRST SESSION - 2013
COMMITTEE STATEMENT
LB585

Hearing Date: Tuesday February 26, 2013
Committee On: Education
Introducer: Smith
One Liner: Provide, change, and eliminate provisions relating to learning councils

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Avery, Davis, Haar, Kolowski, Scheer, Seiler, Sullivan
Nay:
Absent:
Present Not Voting: 1 Senator Cook

Proponents:
Senator Jim Smith
Rick Black
Mike Pate
Linda Richards
Steve Baker

Representing:
Introducer
Papillion-LaVista Public Schools
Millard Public Schools
Ralston Public Schools
Elkhorn Public Schools

Opponents:
Lorraine Chang
Ted Stilwell
Andrea Skolkin

Jamalia Parker
Kristina Carter

John Knapp

Representing:
Learning Community of Douglas and Sarpy Counties
Learning Community
Learning Community/One World Community Health Centers
Lutheran Family Services of Nebraska
Learning Community Coordinating Council, Sub-council 2
self

Neutral:
Lisa St.Clair

Representing:
University of Nebraska Medical Center (UNMC)

Summary of purpose and/or changes:

Legislative Bill 585 would restructure learning community coordinating councils by removing elected membership while retaining the appointed school board membership process. The requirement for subdistricts would be retained for the purpose of appointing school board members to the coordinating council, but the achievement subcouncils would be eliminated. The Secretary of State would host the meeting to appoint council members for new learning communities and following changes in the membership structure, such as the one proposed in this measure. Subdistricts would also be reestablished following any change in the membership structure. Elementary learning centers would be eliminated, and early childhood education for children in poverty would be added to the responsibilities of the council. Accordingly, levies for elementary learning centers would no longer be authorized, but levy proceeds would be authorized for early childhood education programs for children in poverty. Discretionary transportation for students participating in open enrollment would be eliminated in addition to transportation for open enrollment students transferring within the home

district or transferring to a district that does not share a common border with the home district. The requirement would be eliminated for learning community approval of focus programs, focus schools, magnet schools, and pathway programs if formed by a joint entity in addition to the specific requirements for the interlocal agreement. Approval by the council would be required for inclusion in focus school allowances or diversity plans.

Section 32-546.01 would be amended to change the membership of learning community coordinating councils. The new membership would consist of 6 appointed members who are on, or elected to be on, the school board or board of education of a member school district at the time of the appointment. The current membership also consists of 6 members who are on the school boards of member school districts, but with an additional 12 members elected from 6 subcouncil districts. Elected members are currently the two candidates receiving the most votes in each subcouncil district with each voter voting for one candidate, an election method known as limited voting.

School board members from school districts within the learning community would continue to be nominated and appointed to the coordinating council by subcouncil district with the one receiving the most votes cast by other school board members residing within the subcouncil district being appointed. The member would continue to be required to reside within the subcouncil district he or she is appointed to represent.

The Secretary of State would hold a meeting of the school board members of the member school districts to nominate and appoint the 6 coordinating council members within 60 days following the certification of the establishment of a learning community or change in the membership structure of the coordinating council. Notice would be provided 15 days in advance. Within 10 days following the certification of the establishment of a learning community or any change in the coordinating council membership structure, the Secretary of State would send notice to all school board members of the member school districts requesting nominations. Once all nominations have been received, the Secretary of State would provide a list to all school board members of the names and the school board affiliation of the nominees at the meeting to appoint the initial coordinating council.

For a learning community certified prior to August 1, 2011, or if there is a change in the coordinating council membership structure prior to October 1, 2013, the initial members of the coordinating council would serve staggered terms with the initial terms commencing November 1, 2013. Members selected from subcouncil districts 1, 2, and 3 would serve initial terms expiring on the first Thursday after the first Tuesday in January following the statewide general election in 2016. Members selected from subcouncil districts 4, 5, and 6 would serve initial terms expiring on the first Thursday after the first Tuesday in January following the statewide general election in 2014. After the initial terms, all members would serve 4-year terms, starting on the second Thursday after the second Tuesday in January following a statewide general election.

For a learning community that is certified, or if there is a change in the coordinating council membership structure, after January 1, 2013, the initial members would serve staggered terms commencing on the second Thursday after the second Tuesday in January following a statewide general election. The members selected from subcouncil districts 1, 2, and 3 would serve initial 4-year terms. The members selected from subcouncil districts 4, 5, and 6 would serve initial two-year terms. Upon expiration of the initial terms, all members would serve 4-year terms, starting on the second Thursday after the second Tuesday in January following a statewide general election.

At the time of any change in coordinating council membership structures, coordinating councils for existing learning communities would continue to serve until September 30, 2013, or until the new coordinating council is appointed and takes office.

Subsequent coordinating council members would be selected and appointed during a meeting of the school board members of member school districts. The meeting would be held in November of each even-numbered year after the statewide general election, or within thirty days after the effective date of any vacancy on the coordinating council. During the meeting, the school board members who reside within the subcouncil district would appoint school board members to fill the vacancy. The appointed members would take office on the second Thursday after the second Tuesday in January following a statewide general election if appointed to a 4-year term or immediately following administration of the oath of office if appointed to fill a vacancy.

A vacancy in the membership of the coordinating council would exist upon:

1. Resignation of a member;
2. Death of a member;
3. Removal of a member as a school board member;
4. A member ceasing to be a resident of the subcouncil district;
5. Nominee being ineligible, disqualified, deceased, or otherwise unable to assume office;
6. Forfeiture of office as provided by law;
7. Conviction of felony or any public offense involving violation of school board oath; or
8. Absence from more than two consecutive regular meetings unless excused by a majority of the remaining members.

Section 32-555.01 would be amended to require the reestablishment of learning community subcouncil districts after any change in the membership structure of coordinating councils. The section would also be revised to harmonize with the elimination of elected members and by eliminating the organization of achievement subcouncils from the purposes for establishing the subcouncil districts.

Section 32-604 would be amended by eliminating cross-references to specific subsections in section 32-546.01 to harmonize with changes to that section.

Section 77-3442 would be amended by eliminating the \$0.01 maximum levy for elementary learning center employees, elementary learning center contracts, and pilot projects. The purposes for which the \$0.02 maximum learning community levy can be used would be changed. Currently the \$0.02 maximum levy is authorized for elementary learning center facilities and up to 50% of focus school or program capital projects. The authorization for focus school or program capital projects would remain, but the elementary learning center facilities would be replaced with early childhood education programs for children in poverty.

Section 79-611 would be amended by excluding open enrollment students from receiving a transportation allowance if the student is transferring to another school within his or her home district or to a school in a district that does not share a common border with the home district. The authorization would be eliminated for school districts in learning communities to provide transportation to intradistrict students when it is not required.

Section 79-769 would be amended to allow member districts in learning communities to participate in joint entities formed pursuant to the Interlocal Cooperation Act for the purpose of creating, implementing, and operating focus programs, focus schools, magnet schools, or pathway programs without approval from the learning community. The focus school allowance would continue to include only those focus schools and programs that are part of the diversity plan of the learning community. The requirement would be eliminated for joint entity agreements to address legal, financial, and academic responsibilities and the assignment to participating school districts of enrolled students who reside in nonparticipating school districts. The selection criteria for focus programs, focus schools, magnet schools, and pathway programs would be meet the current requirements whether or not the school or program is approved by the coordinating council. Provisions would be eliminated that authorize pathways across member districts pursuant to the diversity plan.

Section 79-1013 would be amended by removing achievement subcouncils from the approval process for the poverty plans of learning community districts. Approval from the coordinating council would continue to be required. The requirement would also be removed for learning community school districts to include coordination with elementary learning centers in their poverty plans.

Section 79-1014 would be amended by removing achievement subcouncils from the approval process for the limited English proficiency plans of learning community districts. Approval from the coordinating council would continue to be required.

Section 79-2102.01 would be amended by eliminating references to the election of coordinating council members and by eliminating a requirement for the Secretary of State to host at least one meeting of the coordinating council each month

for the first January, February, and March for a new learning community. The Secretary of State would continue to host the first meeting and subsequent meetings as necessary.

Section 79-2104 would be amended by harmonizing coordinating council authority with the addition of authority for early childhood education programs for children in poverty and the elimination of elementary learning centers and achievement subcouncils. The inclusion of focus schools, focus programs, magnet schools, and pathway programs in diversity plans would be limited to those approved by the coordinating council. Authorization would be added for coordinating councils to assist member school districts with and facilitate the development of focus schools, focus programs, magnet schools, and pathway programs. Authorization would also be added for holding public hearings at the council's discretion in response to issues raised by residents regarding the learning community, a member school district, and academic achievement.

Section 79-2104.01 would be amended by making the advisory committee responsible for implementing all programs of the learning community as directed by the coordinating council. In addition to the current responsibilities to review issues related to open enrollment and proposals for focus programs, focus schools, magnet schools and pathway programs and to provide recommendations for improving academic achievement, the advisory committee would also be directed to provide recommendations for improving the diversity plan and to administer early childhood education programs for children in poverty. The advisory committee would also continue to provide input to the council on other issues as requested.

Section 79-2111 would be amended by harmonizing with the changes in purposes for which the \$0.02 maximum learning community levy can be used. The authorization to use the levy for elementary learning center facilities would be eliminated, and authorization to use the funds for early childhood education programs for children in poverty would be added. Language directing that funds used for capital projects would be used to reduce bonded indebtedness required for the project would also be eliminated.

Section 79-2113 would be amended by replacing the provisions for achievement subcouncils regarding elementary learning centers with provisions for advisory committees regarding early childhood education programs for children in poverty. The advisory committee would submit a plan to the coordinating council after seeking input from member school districts and community resources and would collaborate with community resources in order to maximize the available opportunities and resources. The advisory committee would be required to take special efforts to establish the early childhood education programs for children in poverty so that the programs are readily available and accessible to children and families located in areas with a high concentration of poverty.

Section 79-2115 would be amended by removing elementary learning centers from the authorized uses for learning community funds.

Section 79-2118 would be amended by developing the diversity plan around member school districts, rather than subcouncil districts. Provisions relating to each member school district would be approved by both the member school district and the coordinating council.

Outright Repeals

The following sections would be outright repealed:

79-2112 (elementary learning center executive director and employees);

79-2114 (elementary learning center services and programs);

79-2116 (elementary learning center terms and conditions of employment); and

79-2117 (learning community achievement subcouncils).

Explanation of amendments:

The Committee Amendments replace the original provisions. The amendments would add early childhood education for children in poverty to the responsibilities of learning community coordinating councils and require the advisory committee for each learning community to develop a plan. Learning community levy authority would be reduced overall

and shifted to allow funding for the early childhood programs for children in poverty. Advisory committees would also be directed to provide recommendations for improving the learning community's diversity plan. The current free transportation requirements would not apply for open enrollment students that have not previously been accepted for open enrollment if the student is transferring to another school within the home district or to a school in a district that does not share a border with the home district. Coordinating councils would be given authority to hold public hearings in response to issues raised by residents regarding the learning community, a member district, and academic achievement.

Section 77-3442 would be amended by reducing the 2 cent learning community levy authority for elementary learning center facility leases and remodeling and for focus school and program capital projects would be reduced to 1/2 cent. The current 1 cent levy authority for learning community pilot projects and for elementary learning center employees and contracts would be increased to 1 1/2 cents and expanded to cover early childhood education programs for children in poverty. The net effect of the two changes would be a decrease in overall levy authority for learning communities of 1 cent.

Section 79-611 would be amended by exempting school boards from the requirement to provide free transportation to qualifying open enrollment students if the student had not been accepted for open enrollment into any school building within the district prior to the effective date of the act and the student is either transferring to another school within his or her home district or to a school in a district that does not share a common border with the home district.

Section 79-2104 would be amended by adding authority for learning community coordinating councils to levy for early childhood education programs for children in poverty in compliance with the amended provisions of section 77-3442. Authorization would also be added for holding public hearings at the council's discretion in response to issues raised by residents regarding the learning community, a member school district, and academic achievement.

Section 79-2104.01 would be amended by adding requirements to the list of duties for learning community advisory committees. The committees are composed of the superintendents of member districts and would be required to:

1. Submit a plan to the coordinating council providing for the implementation and administration of early childhood education programs for children in poverty; and
2. Provide recommendations for improving the learning community's diversity plan.

The format of the list of advisory committee duties would also be revised. The current duties in that list will continue to require committees to:

1. Review issues related to open enrollment;
2. Review proposals for focus programs, focus schools, magnet schools, and pathways;
3. Provide recommendations for improving academic achievement across the learning community; and
4. Provide input to the coordinating council on other issues as requested.

The requirement to meet at least 4 times each year would be eliminated.

New Section would require learning community advisory committees to submit a plan to the coordinating council for any early childhood education programs for children in poverty and services to be provided by the programs. In developing the plan, the committee would seek input from, and collaborate with, member school districts and community resources in order to maximize opportunities and resources for programs. In the plan, the committee would be allowed to recommend services to be provided through contract with, or grants to, school districts to provide or contract for some or all of the services. The committee would take special efforts to establish programs that are readily available and accessible to children and families located in areas with a high concentration of poverty.

The new section would be assigned to Chapter 79, article 21, where other learning community provisions have been codified.

