



**Hundredth Legislature - First Session - 2007
Committee Statement
LB 547**

Hearing Date: February 5, 2007
Committee On: Education

Introducer(s): (Kopplin, 3)
Title: Adopt the Nebraska Student Advantage Act

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - Advanced to General File with Amendments
 - X Indefinitely Postponed
-

Vote Results:

- | | | |
|---|---------------------|---|
| 5 | Yes | Senators Adams, Ashford, Burling, Johnson, and Raikes |
| 2 | No | Senators Howard and Kopplin |
| 1 | Present, not voting | Senator Avery |
| 0 | Absent | |
-

Proponents:

Senator Gail F. Kopplin
Rebecca Valdez
John Mackiel
Ken Bird
Kevin Riley
Brad R. Burwell
Darren Siekman
Chuck Chevalier
Michael Dulaney
John Bonaiuto
Ben Gray
Monica Beasley
Thomas A. Petrie

Representing:

Introducer
Chicano Awareness Center
Omaha Public Schools
Westside Community Schools
Gretna Public Schools
Millard Public School Board and District
Bennington Public Schools
South Sarpy School District #46
Nebraska Council of School Administrators
Nebraska Association of School Boards
African American Achievement Council
Omaha Public Schools
Self

Opponents:

Senator Ernie Chambers
Pam Redfield
Tim Kemper
Bill Mowinkel
Brad Cabrera
Ed Babbitt
Megan Lucas

Representing:

District #11
Self
Lincoln Public Schools
Northwest Public School Hall County #82
Hastings Public Schools
City of Bellevue
Bellevue Chamber of Commerce

Lin Willett
Janis Elliott
John Deegan
Pat Jones
Dave Nabity
Susan Smith
Barton D. Bonn

Bellevue Education Association
Bellevue Education Association
Bellevue Public Schools
Self
Self
Self
Self

Neutral:

Virgil Harden
Maddie Fennell
Tim Fickenscher
Mark Hoeger
Jay Sears
Fred Meyer
Carol Krejci
Rosemary Cook

Representing:

Grand Island Public Schools
Omaha Together One Community
Omaha Together One Community
Omaha Together One Community
Nebraska State Education Association
State Board of Education
Omaha Education Association
African American Achievement Council

Summary of purpose and/or changes:

Concept Summary

Note: Due to the length of the legislative bill and the section by section summary included at the end of this bill summary, the following offers a summary of concepts.

Purpose: Legislative Bill 547 would create the Nebraska Student Advantage Act. The stated purpose of the Act would be to increase equity and student achievement through promotion of diverse and inclusive student populations in school buildings located in school districts within and adjacent to cities of the metropolitan class and to recognize that increased learning opportunities through broader accessibility and inclusion can provide improved student progress and achievement while permitting individual school districts to have distinct yet cooperative identities.

Structure and Governance: The act would create a **Superintendents Executive Board**. The board would consist of the superintendent of each school located in a county containing a city of a metropolitan class and the superintendent of each school located in a county that has a contiguous border of at least five miles with such a city of metropolitan class. The Superintendents Executive Board would designate the geographic area and divide it into **four student achievement council quadrants**. These quadrants would be determined and adjusted by the Superintendents Executive Board to conform to changes in population and territory.

The **Student Achievement Council** would be created and would consist of seven members. Six would be board members from the involved school districts. One member from each of the four quadrants would be selected by the other board members from the appropriate quadrant. Two at-large members selected by all school board members. The seventh member would be the state student achievement coordinator appointed pursuant to section 79-11,150. No school district within the student achievement council quadrants shall have more than one member on the Student Achievement Council. The initial members of the Student Achievement Council would serve staggered terms of for years with the initial terms

commencing September 1, 2007. The Student Achievement Council would meet a least two times per year and would monitor and report student achievement. Decisions of the council shall be made by a majority vote. The Council shall report biannually to the school districts.

School Building Capacity: School districts shall establish and adopt a common methodology for determining **school building capacity** using professionally accepted practices in the education community, considering but not limited to individual schools' physical space, established staffing and programs, and anticipated enrollment growth for the established attendance are for the individual buildings. Every school building which is not being used exclusively for specialized programs in each of such school districts shall annually have such capacity determined. The Superintendents Executive Board shall oversee this process and any disputes that cannot be resolved by the Executive Board shall be investigated and resolved by the Student Achievement Council. School districts would report anticipated enrollment in each building on or before May 1 for the subsequent school year and the anticipated seats available for each grade in each school to accommodate the student volunteer inclusion plan.

Student Voluntary Inclusion Plan: The **student voluntary inclusion plan** would be created. Beginning in school year 2008-09 every student residing in the involved districts would have the opportunity to apply to attend any school within such counties pursuant to the Nebraska Student Advantage Act and the enrollment option program.

The provisions do not require a student to apply to attend any school or to attend a school other than the building assigned by such student's resident school district. Any student who attended a particular school district in the prior school year shall be allowed to continue attending such school district in the subsequent year pursuant to the enrollment option program.

If the available seats published pursuant to the student voluntary inclusion plan exceed the number of applicants who contribute to the socioeconomic diversity of the receiving school, such school district may select students to fill the remaining student voluntary inclusion plan seats as per that school district's student assignment plan.

Annually, all data related to student voluntary inclusion plan applicants from all school districts participating in the plan, including, but not limited to, originating school district, receiving school district, eligibility for free or reduced-price lunches, application date, notification of acceptance or denial of admission date, and other such information requested by the Superintendents Executive Board shall be reported to such board on or before October 31.

First priority in accepting applicants pursuant to the student voluntary inclusion plan would be given to applicants who contribute to the socioeconomic diversity of the receiving school. With the exception of option enrollment, students who contributed to the socio-economic diversity of a school would be provided free transportation

School districts participating in the student voluntary inclusion plan would be required to maintain data on all students served pursuant to the enrollment option program, including but not limited to, the number of students disaggregated by race, ethnicity, participation in the free and reduced-price lunch program, and other data decided upon by the Superintendents Executive Board. Such school districts would maintain a separate accounting of transportation costs associated with provision of transportation or transportation

reimbursement pursuant to the plan and would be reimbursed *one-hundred one percent* of such transportation costs by the Department of Education.

Marketing Plan: School districts included in the Act would be required to create a marketing plan designed to encourage student movement between such school districts to increase school-level socioeconomic diversity, with the goal of creating integrated, inclusive schools that reflect the diversity of the student population in the metropolitan area. The Superintendents Executive Board shall oversee the creation of such marketing plan, and any disputes not resolved by the Board arising out of such process would be investigated and resolved by the Student Achievement Council.

Professional Development Programs: School districts included in the Act would be required to jointly create and provide professional development programs for such school district staff, targeted specifically to strategies related to differentiated instruction, creation of inclusive learning environments and closing achievement gaps. School districts would be required to maintain an accounting of the professional development costs contributed to the professional development programs and the State Department of Education would be required to reimburse the full amount of such professional development costs.

Joint Entities (Focus Schools, Academy of Excellence, Magnet Pathway Programs): For school year 2009-10 and each year thereafter each school district included in the Act would be required to participate in at least one joint entity formed pursuant to the Interlocal Cooperation Act for the purpose of creating and implementing a magnet pathway program, a focus school or focus program, or an academy of excellence. The joint entity would be established with and by at least three such school districts and would be considered a political subdivision. A joint entity may also choose to create a focus school or program or designate a single campus in a city of the metropolitan class that offers instruction in pre-kindergarten through grade twelve as an academy of excellence. For the purpose of this section:

Focus school would mean a school which offers curriculum and experiences not available in the regular curriculum, with a theme that commences in the elementary grades, continues through middle grades and into high school, without a defined attendance area; and

Magnet pathway program would mean a program which offers curriculum and experiences not available in the regular curriculum, commencing in the elementary grades, continuing through middle grades and into high school, with the different grade levels offered in different school districts; is designed to foster an innovative integrated learning environment, and is in a school that has a defined attendance area.

On or before March 1, 2009 and on or before March 1 of each year thereafter, any student of any school district participating in a joint entity which has established a focus school or program or an academy of excellence pursuant may apply to attend any focus school or program or academy of excellence being offered by the school districts participating in such joint entity. Selection of students for a focus school or program or an academy of excellence would be on a random basis from two pools of applicants. One pool shall consist of applicants who are in free or reduced-price lunch programs, and one pool would consist of applicants who do not participate in such programs. The percentage of students selected

would be required to be as nearly equal as possible to the percentages found in the student population of all involved districts as determined by the Superintendents Executive Board.

All school districts participating in a joint entity for the establishment of a focus school or program or an academy of excellence would together survey students, parents, staff, and community members for the development of themes and shall annually create a marketing plan to educate the public about focus schools and programs and academies of excellence and the opportunities they provide for improved student achievement. Such school districts would cooperatively encourage student movement between school districts to increase school-level socioeconomic diversity, with the goal of creating integrated, inclusive focus schools and programs and academies of excellence that reflect the diversity of student population in the school districts located in such areas. The members of the Superintendents Executive Board shall oversee the activities required by this section.

School districts participating in a focus school or program or an academy of excellence shall maintain an accounting of expenses incurred specifically for the creation and implementation of such joint entities and shall be reimbursed for such expenses pursuant to the Tax Equity and Educational Support Act.

The Nebraska Student Achievement Act would not prohibit a school district from designing and maintaining internal plans for the assignment of students to schools if such plans do not directly conflict with this act.

School District Boundaries & Organization: The boundaries of all school districts covered in the act would remain as depicted on March 1, 2006 and could only be changed pursuant to sections 79-401 to 79-4111.

Finance: Several finance provisions are developed from provisions of the Nebraska Student Advantage Act.

The Attracting Excellence to Teaching Program would be increased from \$750,000 to \$1,000,000.

Reimbursement would be required for various provisions of the act including the development of joint entities; focus schools or programs, academies of excellence and magnet pathway programs; professional development; and transportation pursuant to the Student Voluntary Inclusion Program.

Levy & Budget Lid Exclusions: The legislative bill would exclude amounts to pay for the creation and establishment of focus schools, creation and establishment of magnet pathway programs, transportation required to implement the student voluntary inclusion plan, and for the professional development programs required by the act from the budget and levy lids.

Allowances: New allowances would be developed for schools in area covered by the Nebraska Student Advantage Act. These include the focus school/academy of excellence allowance, magnet pathway program allowance, professional development allowance, and marketing allowance. Allowances that were applicable statewide including an elementary class size, allowance, poverty allowance and limited English proficiency allowance were stricken.

School Finance Formula: The calculation of formula needs would take into account the new allowances by subtracting them from the calculation of the cost group cost and then by adding them back in to the district by district needs calculation.

Other Finance Provisions: Several finance provisions including the cost growth factor and the temporary aid adjustment would be changed. The cost growth factor that would have increased as a result of LB 1024 would be stricken. The temporary aid adjustment that was set to expire would potentially be reinstated under the bill.

Other Education Issues (Reporting, Achievement, & related provisions): Section 79-11,150 would be amended to rename and redefine the high-needs education coordinator established under LB 1024. The section would be amended to have the Governor appoint a **state student achievement coordinator** (rather than the Commission of Education with a confirmation by the state board of education as in current statute). The appointment of such coordinator would be made on the basis of recognized and demonstrated background, training, and interest in and knowledge of instructional methodology and differentiated learning to address at-risk student populations, including students in poverty, limited English proficient students, and highly mobile students.

- Duties of the Coordinator:
 - Participation on the Student Achievement Council established by section 5 of the act
 - Evaluation of programs and services which assist in closing the gap in student educational attainment between at-risk and not-at-risk students; and
 - The evaluation of costs of implementing such programs in order to give all students an equal opportunity to achieve educational outcomes.
 - The coordinator would also **develop a plan** with the input of the Superintendents Executive Board and the Student Achievement Council to improve educational attainment for **all students**. The plan would be conducted and presented to the Education Committee of the Legislature on or before November 1, 2008.

Section 83 of the act (new section) would require the Commissioner of Education to appoint a committee subject to confirmation by the State Board of Education to study the possible impact of a common levy among school districts surrounding areas with high concentrations of students in poverty, students with limited English proficiency, and highly mobile students and student populations and the effect that such a common levy would have in closing academic achievement gaps for students within those areas. The committee would be required to publish its findings on or before January 1, 2009.

Learning Community Provisions Repealed: Most provisions and all references to the Learning Community and Learning Community Reorganization Act would be stricken. This includes the division of the Class V school district, learning community governance structure, common levy, elimination of net option funding in the learning community and allowances.

Clauses: Both the severability clause and emergency clause are included in the bill.

Section by Section Summary of LB 547

Sec. 1. Legislative Bill 547 would create the Nebraska Student Advantage Act

Sec. 2. The stated purpose of the Act would be to increase equity and student achievement through promotion of diverse and inclusive student populations in school buildings

located in school districts within and adjacent to cities of the metropolitan class and to recognize that increased learning opportunities through broader accessibility and inclusion can provide improved student progress and achievement while permitting individual school districts to have distinct yet cooperative identities.

Sec. 3. Section 3 of the act would create a **Superintendents Executive Board**. The board would consist of the superintendent of each school located in a county containing a city of a metropolitan class and the superintendent of each school located in a county that has a contiguous border of at least five miles with such a city of metropolitan class.

Sec. 4. The Superintendents Executive Board would designate the geographic area and divide it into **four student achievement council quadrants**. These quadrants would be determined and adjusted by the Superintendents Executive Board to conform to changes in population and territory.

Sec. 5. The **Student Achievement Council** would be created and would consist of seven members.

- a) Six would be board members from the involved school districts.
- b) One member from each of the four quadrants selected by the other board members from the appropriate quadrant
- c) Two at-large members selected by all school board members.
- d) The seventh member would be the state student achievement coordinator appointed pursuant to section 79-11,150.

Sec. 6. No school district within the student achievement council quadrants shall have more than one member on the Student Achievement Council.

- a) If more than one member is selected from a single school district, the school board of that district shall meet and select one of the member candidates for appointment to the council
- b) If the original applicant with the most votes from a quadrant is not selected by the school board of which he or she is a member to serve on the council, the applicant in such quadrant with the next highest vote total, if he or she is from a different school district, shall be selected by the Superintendents Executive Board to serve on the council
- c) If the original applicant with the most votes for an at-large seat is not selected by the school board of which he or she is a member to serve on the council, the Superintendents Executive Board shall select the at-large applicant with the next highest vote total from a school district not already represented on the council.

Sec. 7. Applicants for membership on the Student Achievement Council shall apply to the Superintendents Executive Board on or before July 1 of the year in which the vacancy is to be filled

- i) The Superintendents Executive Board shall notify all school board members who live in each quadrant and on or before August 10 all such school board members should vote for an applicant to serve on the council from that quadrant.
- ii) The Superintendents Executive Board shall notify all school board members who live in the four quadrants and on or before August 10 all such school board members should vote for at-large applicants to serve on the council.

- iii) On or before August 15 the Superintendents Executive Board shall notify the selected council members and publish the names of such members.
- b) The initial members of the Student Achievement Council
 - i) Staggered terms of for years with the initial terms commencing September 1, 2007. Quadrant 1 and 4 and one at-large member would serve 2-year terms initially and 4-year terms thereafter.
 - ii) The remaining would serve 4-year terms
- c) Vacancy in the Council would be caused by resignation, death, removal as a school board member, member ceasing to reside in the appropriate quadrant, ineligibility or disqualification, forfeiture of office as provided by law, conviction of a felony or of any public offense involving the violation of the school board oath of office, or absence from more than two consecutive regular meetings of the council unless excused.

Sec. 8. The Student Achievement Council shall meet a least two times per year and shall monitor and report student achievement. Decisions of the council shall be made by a majority vote. The Council shall report biannually to the school districts.

Sec. 9. School districts shall establish and adopt a common methodology for determining **school building capacity** using professionally accepted practices in the education community, considering bun not limited to:

- a) Individual schools' physical space
- b) Established staffing and programs
- c) Anticipated enrollment growth for the established attendance are for the individual buildings
 - (1) Every school building which is not being used exclusively for specialized programs in each of such school districts shall annually have such capacity determined.
 - (2) The Superintendents Executive Board shall oversee this process and any disputes that cannot be resolved by the Executive Board shall be investigated and resolved by the Student Achievement Council.

Sec. 10. Commencing in school year 2007-08 and for each year thereafter school districts would report anticipated enrollment in each building on or before May 1 for the subsequent school year and the anticipated seats available for each grade in each school to accommodate the student volunteer inclusion plan. Anticipated seats available would be equal to the difference between the anticipated enrollment of each school building at each grade level and the school building capacity. The board shall use this information to publish, advertise, and market the anticipated seats available in all school buildings. Disputes would be investigated and resolved by the Student Achievement Council.

Sec. 11. The **student voluntary inclusion plan** would be created. Beginning in school year 2008-09 every student residing in the involved districts would have the opportunity to apply to attend any school within such counties pursuant to the Nebraska Student Advantage Act and the enrollment option program.

- a) The provisions do not require a student to apply to attend any school or to attend a school other than the building assigned by such student's resident school district.
- b) Any student who attended a particular school district in the prior school year shall be allowed to continue attending such school district in the subsequent year pursuant to the enrollment option program.
- c) If the available seats published pursuant to the student voluntary inclusion plan exceed the number of applicants who contribute to the socioeconomic diversity of the receiving school, such school district may select students to fill the remaining student voluntary inclusion plan seats as per that school district's student assignment plan.
- d) Annually, all data related to student voluntary inclusion plan applicants from all school districts participating in the plan, including, but not limited to, originating school district, receiving school district, eligibility for free or reduced-price lunches, application date, notification of acceptance or denial of admission date, and other such information requested by the Superintendents Executive Board shall be reported to such board on or before October 31.

Sec. 12. First priority in accepting applicants pursuant to the student voluntary inclusion plan would be given to applicants who contribute to the socioeconomic diversity of the receiving school.

a) **Contributing to the socioeconomic diversity means:**

- i) An applicant for enrollment in a school located in a school district other than the applicant's resident school district who **does not** participate in the free and reduced-price lunch program when, based upon official membership, the school in which enrollment is sought **has more** of its student population enrolled in the free and reduced-price lunch program than the average percentage of students participating in that program in all of the school districts participating in the plan; and
- ii) An applicant for enrollment in a school located in a school district other than the applicant's resident school district who **does** participate in the free and reduced-price lunch program when, based upon official membership, the school in which enrollment is sought has **less** of its student population enrolled in the free and reduced-price lunch program than the average percentage of students participating in that program in all of the school districts participating in the plan.

Sec. 13. Annually, the Superintendents Executive Board shall determine the percentage of free and reduced-price lunch students in each district and across the area covered by the student voluntary inclusion plan. The average percentage of such students as of November 1 of the preceding year in each district and the area covered by the plan shall be the percentage used in the plan.

Sec. 14. Notwithstanding 79-234 to 79-246 (option enrollment) any student accepted by a school district covered under the act who **does not contribute** to the socio economic diversity of the receiving school **shall not receive** transportation or transportation reimbursement from the receiving district.

Sec. 15. Notwithstanding 79-234 to 79-246 (option enrollment) any student accepted by a school district covered under the act **who contributes** to the socio-economic diversity of

the receiving school **shall receive** transportation or transportation reimbursement from the receiving district.

- a) Transportation reimbursement shall equal 285% of the mileage rate provided in section 81-1176 multiplied by each mile actually and necessarily traveled on each day of attendance.
- b) When students from more than one family travel to school in the same vehicle the transportation allowance shall be as described in subsection (4) of section 79-611, except that there shall be no deduction if the one-way distance from the residence is less than three miles
- c) No more than one allowance would be made to a family for students being transported to the same school regardless of the number of students in a family being transported to such school

Sec. 16. School districts participating in the student voluntary inclusion plan would be required to maintain data on all students served pursuant to the enrollment option program, including but not limited to, the number of students disaggregated by race, ethnicity, participation in the free and reduced-price lunch program, and other data decided upon by the Superintendents Executive Board. Such school districts shall maintain a separate accounting of transportation costs associated with provision of transportation or transportation reimbursement pursuant to the plan and shall be reimbursed one-hundred one percent of such transportation costs by the Department of Education.

Sec. 17. School districts included in the Act would be required to create a **marketing plan** designed to encourage student movement between such school districts to increase school-level socioeconomic diversity, with the goal of creating integrated, inclusive schools that reflect the diversity of the student population in the metropolitan area. The Superintendents Executive Board shall oversee the creation of such marketing plan, and any disputes not resolved by the Board arising out of such process would be investigated and resolved by the Student Achievement Council.

Sec. 18. School districts included in the Act would be required to jointly create and provide professional development programs for such school district' staff, targeted specifically to strategies related to differentiated instruction, creation of inclusive learning environments and closing achievement gaps. Overseen by Board disputes investigated and resolved by the Council.

Sec. 19. School districts would be required to maintain an accounting of the professional development costs contributed to the professional development programs and the State Department of Education would be required to reimburse the full amount of such professional development costs.

Sec. 20. For school year 2009-10 and each year thereafter each school district included in the Act would be required to participate in at least one joint entity formed pursuant to the Interlocal Cooperation Act for the purpose of creating and implementing a magnet pathway program, a focus school or focus program, or an academy of excellence. **The joint entity would be established with and by at least three such school districts and shall be considered a political subdivision.** A joint entity may also choose to create a focus school or program or designate a single campus in a city of the metropolitan class

that offers instruction in pre-kindergarten through grade twelve as an academy of excellence.

- a) For the purpose of this section:
- i) **Focus school** would mean a school which offers curriculum and experiences not available in the regular curriculum, with a theme that commences in the elementary grades, continues through middle grades and into high school, without a defined attendance area; and
 - ii) **Magnet pathway program** would mean a program which offers curriculum and experiences not available in the regular curriculum, commencing in the elementary grades, continuing through middle grades and into high school, with the different grade levels offered in different school districts; is designed to foster an innovative integrated learning environment, and is in a school that has a defined attendance area.

Sec. 21. On or before March 1, 2009 and on or before March 1 of each year thereafter, any student of any school district participating in a joint entity which has established a focus school or program or an academy of excellence pursuant to (Section 20) the Act may apply to attend any focus school or program or academy of excellence being offered by the school districts participating in such joint entity. On or before May 1 of each year, the districts participating in such a joint entity shall accept or reject such applications based on the selection guidelines described and notify parents and students of the acceptance or rejection.

- a) Selection of students for a focus school or program or an academy of excellence shall be on a random basis from two pools of applicants. One pool shall consist of applicants who are in free or reduced-price lunch programs, and one pool shall consist of applicants who do not participate in such programs.
- i) The percentage of students selected would be required to be as nearly equal as possible to the percentages found in the student population of all involved districts as determined by the Superintendents Executive Board.

Sec. 22. All school districts participating in a joint entity for the establishment of a focus school or program or an academy of excellence shall together survey students, parents, staff, and community members for the development of themes and **shall annually create a marketing plan to educate the public about focus schools** and programs and academies of excellence and the opportunities they provide for improved student achievement. Such school districts shall cooperatively encourage student movement between school districts to increase school-level socioeconomic diversity, with the goal of creating integrated, inclusive focus schools and programs and academies of excellence that reflect the diversity of student population in the school districts located in such areas. The members of the Superintendents Executive Board shall oversee the activities required by this section.

Sec. 23. School districts participating in a focus school or program or an academy of excellence shall maintain an accounting of expenses incurred specifically for the creation and implementation of such joint entities and shall be reimbursed for such expenses pursuant to the Tax Equity and Educational Support Act.

- Sec. 24.** The Nebraska Student Achievement Act would not prohibit a school district from designing and maintaining internal plans for the assignment of students to schools if such plans do not directly conflict with this act.
- Sec. 25.** The boundaries of all school districts covered in the act would remain as depicted on March 1 2006 and could only be changed pursuant to sections 79-401 to 79-4111.
- Sec. 26.** Section 9-812 would be amended to increase the allocation from the Education Innovation Fund to the Attracting Excellence to Teaching Program Cash Fund from \$750,000 to \$1,000,000.
- Sec. 27.** Section 13-503 would be amended to remove references to learning communities. Section 13-508 would be amended to remove references to learning communities.
- Sec. 28.** Section 13-511 would be amended to remove references to learning communities.
- Sec. 29.** Section 77-1601.02 would be amended to remove references to learning communities.
- Sec. 30.** Section 77-1614 would be amended to remove references to learning communities.
- Sec. 31.** Section 77-1624 would be amended to remove references to learning communities.
- Sec. 32.** Section 77-1702 regarding warrants would be amended to remove references to learning communities and would insert “joint entity created pursuant to the Nebraska Student Advantage Act.”
- Sec. 33.** Section 77-1704.01 would be amended to remove references to learning communities.
- Sec. 34.** Section 77-1708 would be amended to remove references to learning communities.
- Sec. 35.** Section 77-1772 would be amended to remove references to learning communities.
- Sec. 36.** Section 77-2201 regarding warrants would be amended to remove references to learning communities and insert “joint entity created pursuant to the Nebraska Student Advantage Act.”
- Sec. 37.** Section 77-2202 regarding warrants would be amended to remove references to learning communities and insert “joint entity created pursuant to the Nebraska Student Advantage Act.”
- Sec. 38.** Section 77-3442 would be amended to remove references to maximum levy and all levy authority applicable to learning communities and insert language to exclude from the levy lid amounts to pay for the creation and establishment of focus schools, creation and establishment of magnet pathway programs, transportation required to implement the student voluntary inclusion plan, and for the professional development programs required by the act.
- Sec. 39.** Section 79-102 would be amended to prohibit the movement of boundaries of a Class III school district covered by the act except as provided in section 79-401 to 79-4111. It would also amend the definition of a Class V school district as one embracing territory having a population of two hundred thousand or more inhabitants with a city. The boundaries of a Class V school district would not be permitted to expand upon the annexation by a city of the metropolitan class into the territory of another school district except as provided in section 79-401 to 79-4111. The section would also be amended to strike references to the Learning Community Reorganization Act.

- Sec. 40.** Section 79-233 would be amended to strike a reference to learning community and to change the definition of option student and option school district.
- Sec. 41.** Section 79-238 would be amended to include a reference to the Nebraska Student Advantage Act as an exception to setting standards for acceptance and rejection of option students.
- Sec. 42.** Section 79-407 dealing with boundaries of school districts affected by the Act would be amended to strike references to learning community and amended to provide an exception related to the title of all school buildings within the territory of a Class III school district as provided for section 79-473 and through interlocal agreements to create focus schools or programs or academies of excellence pursuant to section 20 of the act.
- Sec. 43.** Section 79-408 dealing with the territory of Class IV school districts would be amended to remove references to learning community.
- Sec. 44.** Section 79-413 dealing with the State Committee for Reorganization would be amended to strike references to learning community and would effectively allow the state committee to create new school districts according to reorganization procedures
- Sec. 45.** Section 79-415 dealing with reorganization would be amended to strike references to learning community.
- Sec. 46.** Section 79-416 dealing with reorganization would be amended to strike references to learning community.
- Sec. 47.** Section 79-433 dealing with reorganization would be amended to strike references to learning community.
- Sec. 48.** Section 79-452 dealing with the dissolution of Class I or II school districts would be amended to strike references to learning community.
- Sec. 49.** Section 79-458 dealing with freeholder petitions would be amended to strike the exception for districts in a learning community.
- Sec. 50.** Section 79-458.01 would be amended to strike references to learning community.
- Sec. 51.** Section 79-467 would be amended to strike references to learning community.
- Sec. 52.** Section 79-468 would be amended to strike annexation exceptions due to learning community and inserts new language that would make all school property located in annexations the property of the school district from the primary class city.
- Sec. 53.** Section 79-473 would be amended to strike references to boundary protections afforded by learning community language. No language is inserted to protect boundaries under this section of the act. New language is inserted to provide for an exception from negotiating over annexed territory for districts under the Student Advantage Act. Subsection (4) dealing with application for approval of a final plat substitutes the learning community language with a description of districts covered under the Student Advantage Act.
- Sec. 54.** Section 79-479 dealing with district boundaries would include a new reference to 79-549.
- Sec. 55.** Section 79-527 would be amended to strike references to learning communities, learning community coordinating councils, and reporting to the commissioner of education.

- Sec. 56.** Section 79-528 would be amended to strike references reporting requirements for learning communities and insert in subsection 4 reporting requirements for enrollment magnet pathway programs, focus schools, academies of excellence, and the student voluntary inclusion plan.
- Sec. 57.** Section 79-549 would be amended to strike language relating school districts in a learning community and the issue of whether to begin to have a caucus for nominations of board members.
- Sec. 58.** Section 79-611 would be amended to strike references to learning community and amend to require districts subject to the Nebraska Student Advantage Act to provide free transportation for students as provided in Section 15 of the Act.
- Sec. 59.** Section 79-760 would be amended to strike references to learning communities and amended to require the department to adopt a student-unit-record data system, track student progress, implement a standard graduation rate and collect information regarding programs and cost of programs provided to address poverty and LEP.
- Sec. 60.** Section 79-850 would be amended to strike a reference to the Learning Community Reorganization Act.
- Sec. 61.** Section 79-979 would be amended to strike references to Class V school districts created under the Learning Community Reorganization Act.
- Sec. 62.** Section 79-1002 would be amended to strike and reword intent language relating to recognizing program costs and allowances for poverty and limited English proficiency.
- Sec. 63.** Section 79-1003 would amend the definition of *adjusted general fund operating expenditures* to include new allowances under the act (professional development allowance, marketing allowance, focus school or program and academy of excellence allowance, magnet pathway program allowance). The section is also amended to strike references to learning communities and in subsection 46 expands the definition of transportation allowance to include provisions from the act related to the transportation pursuant to section 11 of the act dealing with the student voluntary inclusion plan.
- Sec. 64.** Section 79-1007.01 would be amended to strike prior to year reference and align a reference to 79-1007.02.
- Sec. 65.** Section 79-1007.02 would be amended as follows:
- a) In subsection (2) references to implementation dates after 2008-09 would be stricken.
 - b) In subsection (3) formula need for school fiscal year 2008-09 and each year thereafter would be equal to the sum of the local system's transportation allowance, special receipts allowance, professional development allowance, marketing allowance, focus school or program and academy of excellence allowance, magnet pathway program allowance, and distance education and telecommunications allowance plus the formula cost per student multiplied by the system's adjusted formula students.
 - c) In subsection (5) formula need would be amended to apply to 2007-08 and each school fiscal year thereafter and would apparently extend the temporary aid adjustment factor. The subsection would be amended to include the professional development allowance, marketing allowance, focus school or program and academy of excellence allowance, and the magnet pathway program allowance and strike previous allowances. The subsection

also is amended to include an alternative need calculation that would be equal to the prior year formula need multiplied by one hundred percent if the school district's general fund levy was at or above ninety-nine cents.

- d) Provisions adopted in LB 1024 would be eliminated including, the elementary class size allowance, focus school and program allowance, limited English proficiency allowance, and the poverty allowance.

Sec. 66. Section 79-1007.05 would be amended to describe the calculation of four allowances to take effect for school fiscal year 2008-09 and each year thereafter:

- a) The **focus school and program or academy of excellence allowance** for each school district participating in a joint entity providing a focus school or program or an academy of excellence pursuant to the Nebraska Student Advantage Act. The allowance would equal the statewide average general fund operating expenditure per formula student multiplied by .50 and then multiplied by the number of participating students. For the purposes of reporting and state aid such students would be considered students of their resident school district regardless of the location of the school building they attend.
- b) The **magnet pathway program allowance** would equal the statewide average general fund operating expenditures per formula student of multiplied by 0.10 then multiplied by the number of students participating in a magnet pathway program. For the purposes of reporting and state aid such students participating in a magnet pathway program would be considered students of the school district which they attend.
- c) The **professional development allowance** for each school district participating in providing such a program under section 18 of the act would equal the sum expended by the school district on professional development programs.
- d) The department would determine the **marketing allowance** for each school district participating in a marketing plan. The allowance would equal the sum expended by the school district on marketing programs developed pursuant to section 17 of the act.

Sec. 67. Section 79-1008.01 would be amended to strike references to learning community. Subsections 5 & 6 [dealing with small school stabilization] would be amended to include that any aid available for distribution under these subsections would be distributed pursuant to equalization aid

Sec. 68. Section 79-1008.02 would be amended to strike references applicable to learning communities.

Sec. 69. Section 79-1022 would be amended to strike references applicable to learning communities.

Sec. 70. Section 79-1024 would be amended to strike references applicable to learning communities.

Sec. 71. Section 79-1026 would be amended to strike "for school years prior to 2008-09".

Sec. 72. Section 79-1028 would be amended strike references applicable to learning communities and insert language applicable to requirements of the Nebraska Student Advantage Act as follows:

- a) In subsection (8) a school district subject to the Act would be able to exceed its applicable allowable growth rate by an amount equal to the increases in **transportation**

expenditures incurred due to the provision of student transportation to incoming students pursuant to the **student voluntary inclusion plan** in section 11 of the act.

- b) In subsection (9) a school district would be able to exceed its applicable allowable growth rate by a specific dollar amount equal to the increases in expenditures for the creation and implementation of a **focus school or program or an academy of excellence** pursuant to the act. References to previous LB 1024 provisions including the poverty allowance, elementary class size allowance, limited English proficiency allowance and learning community focus school allowance that were defined are all stricken.
- c) In subsection (10) a school district would be able to exceed its applicable allowable growth rate by the specific amount expended for the creation and implementation of **professional development programs and marketing programs** under the act.
- d) In subsection (11) a school district would be able to exceed its applicable allowable growth rate by a specific dollar amount equal to expenditures for the creation and implementation of **magnet pathway programs** pursuant to the Nebraska Student Advantage Act

Sec. 73. Section 79-1033 would be amended to strike references to learning communities.

Sec. 74. Section 79-1074 would be amended to strike references to learning communities.

Sec. 75. Section 79-1075 would be amended to strike references to learning communities.

Sec. 76. Section 79-1083 would be amended to strike references to learning communities.

Sec. 77. Section 79-1084 would be amended to strike references to learning communities.

Sec. 78. Section 79-1086 would be amended to strike references to learning communities.

Sec. 79. Section 79-10,120 would be amended to strike references to learning communities.

Sec. 80. Section 79-10,126 would be amended to strike references to learning communities.

Sec. 81. Section 79-11,150 would be amended to rename and redefine the high-needs education coordinator established under LB 1024. The section would be amended to have the Governor appoint a **state student achievement coordinator** (rather than the Commission of Education with a confirmation by the state board of education as in current statute). The appointment of such coordinator would be made on the basis of recognized and demonstrated background, training, and interest in and knowledge of instructional methodology and differentiated learning to address at-risk student populations, including students in poverty, limited English proficient students, and highly mobile students.

a) Duties of the Coordinator:

- i) Participation on the Student Achievement Council established by section 5 of the act
- ii) Evaluation of programs and services which assist in closing the gap in student educational attainment between at-risk and not-at-risk students; and
- iii) The evaluation of costs of implementing such programs in order to give all students an equal opportunity to achieve educational outcomes.
- iv) The coordinator would also **develop a plan** with the input of the Superintendents Executive Board and the Student Achievement Council to improve educational

attainment for **all students**. The plan would be conducted and presented to the Education Committee of the Legislature on or before November 1, 2008.

Sec. 82. Section 83 of the act (new section) would require the Commissioner of Education to appoint a committee subject to confirmation by the State Board of Education to **study the possible impact of a common levy** among school districts surrounding areas with high concentrations of students in poverty, students with limited English proficiency, and highly mobile students and student populations and the effect that such a common levy would have in closing academic achievement gaps for students within those areas. The committee would be required to publish its findings on or before January 1, 2009.

Sec. 83. Severability clause

Sec. 84. Original sections amended (as per section by section summary)

Sec. 85. Sections outright repealed:

- a) Sections 79-4,117 to 79-4,130: Learning Community Reorganization Act
- b) Section 79-769: Learning Community focus school definition
- c) Sections 79-1007.03, 79-1007.04, 79-1007.06 to 79-1007.10: Finance provisions adopted in LB 1024.
 - i) 79-1007.03 School fiscal year 2008-09 and subsequent fiscal years; adjusted formula students for local system; calculation.
 - ii) 79-1007.04 Elementary class size allowance; calculation.
 - iii) 79-1007.06 Poverty allowance; calculation.
 - iv) 79-1007.07 Financial reports relating to poverty allowance; department; duties; report; appeal of department decisions.
 - v) 79-1007.08 Limited English proficiency allowance; calculation.
 - vi) 79-1007.09 Financial reports relating to limited English proficiency; department; duties; report; appeal of department decisions.
 - vii) 79-1007.10 Cost growth factor; computation
- d) 79-1026.01 School fiscal year 2008-09 and subsequent fiscal years; applicable allowable growth rate; determination; target budget level.
- e) 79-1073 General fund property tax receipts; learning community coordinating council; certification; division; distribution.
- f) 79-1073.01 Learning communities; special building funds; distribution.
- g) 79-10,126.01 Class V school district member of learning community; school tax; additional levy; funds established.
- h) Sections 79-2101 to 79-2110: Learning Community provisions
 - i) 79-2101 Learning Community, defined; authority to levy taxes; when.
 - ii) 79-2102 Establishment of new learning community; Secretary of State; certification; learning community coordinating council; appointment; meeting; report.
 - iii) 79-2103 State Department of Education; transition aid.

- iv) 79-2104 Learning community coordinating council; powers.
- v) 79-2105 Coordinating council; membership; vacancy; expenses.
- vi) 79-2106 Official action of learning community coordinating council; requirements.
- vii) 79-2107 Boundaries of certain school districts; requirements.
- viii) 79-2108 Integration and diversity plan; learning community coordinating council; duties; report.
- ix) 79-2109 Integration task force; members; integration plan; contents; meetings; powers and duties; expenses.
- x) 79-2110 School building maximum capacity; attendance areas; school board; duties; application to attend school outside attendance area; procedure; continuing student; notice.

Explanation of amendments, if any:

Senator Ron Raikes, Chairperson