

ONE HUNDRED FIRST LEGISLATURE - SECOND SESSION - 2010
COMMITTEE STATEMENT (CORRECTED)
LB1070

Hearing Date: Tuesday February 02, 2010
Committee On: Education
Introducer: Adams
One Liner: Change provisions relating to learning communities

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

Vote Results:

Aye: 8 Senators Adams, Ashford, Avery, Cornett, Giese, Haar, Howard, Sullivan

Nay:

Absent:

Present Not Voting:

Proponents:

Senator Greg Adams
Julie Brewer
Rick Kolowski
Brian Halstead

Kermit Brashear
Terry Hack

Opponents:

Bob Twiss

Neutral:

Representing:

Introducer
Learning Community of Douglas & Sarpy Counties
Learning Community of Douglas & Sarpy Counties
Nebraska State Board of Education, Nebraska Department of Education
Learning Community of Douglas & Sarpy Counties
Bennington Public Schools

Representing:

Self

Representing:

Summary of purpose and/or changes:

Legislative Bill 1070 would allow expenses for non-voting members of learning community coordinating councils, modify the levy authority for learning communities, change learning community reporting provisions, and ease the restrictions on terminating an elementary learning center executive director. Currently, learning community coordinating councils are authorized to reimburse expenses for voting members. The proposal would also include nonvoting members. The current 5 cent levy authority for elementary learning center facilities and focus school and program facilities would be replaced with 2 cents of levy authority for focus school and program facilities and 1 cent of levy authority for elementary learning center programs, services, and facilities. The reporting requirements that are designed to aggregate data from member districts would be shifted from coordinating councils to the Commissioner of Education or the Department of Education who is already in receipt of the information from school districts. Currently the elementary learning center executive director may only be terminated if it is determined that the director has become incapacitated or has been guilty of neglect of duty or misconduct. That restriction would be removed.

Coordinating Council Member Expenses

Section 32-546.01 would be amended by allowing nonvoting members of learning community coordinating councils to

be reimbursed for reasonable expenses related to service on the council. Voting members are currently authorized to be reimbursed for expenses and are eligible for per diems up to \$200 per day for official meetings of the council and official meetings of the achievement subcouncil on which they sit.

Learning Community Levy

Section 77-3442 would be amended by modifying the levy authorization for learning community levies. Currently, learning communities may levy up to \$0.05 for elementary learning center facilities and up to 50% of the capital costs for a focus school or program. With the proposed changes, the levy would be limited to \$0.02 for up to 50% of the capital costs for a focus school or program and \$0.01 for elementary learning center programs, services, and facilities. The elementary learning center levy would be distributed to elementary learning centers based on a formula to be established by the learning community coordinating council.

Section 79-2104 would be amended by providing authority for learning community coordinating councils to levy for elementary learning center programs, services, and facilities.

Section 79-2111 would be amended by removing the authorization to levy for elementary learning center facilities pursuant to the provisions that would be limited to focus schools under this proposal. Elementary learning center facilities would be included in the new levy authority for elementary learning centers.

Learning Community Reporting

Section 79-527 would be amended by eliminating a requirement for learning community coordinating councils to annually report to the Commissioner of Education the number of students who have dropped out of school or who were suspended, expelled, or excluded from school for the member districts. The remaining provisions of the section require all school district to report such information to the Commissioner. The provisions requiring learning community members to report the information to the coordinating council also remain.

Section 79-528 would be amended by requiring the Department of Education to issue a report to learning community coordinating councils showing the number of children from 5 to 18 years of age belonging to the learning community, an annual statistical summary for the learning community, an annual financial report for the learning community, and a fall membership report for the learning community. Currently, the learning community is required to provide the reports to the Department of Education. In either case the reports are based on reports submitted by member school districts. The requirement for member school districts to provide their fall membership reports to the learning community coordinating council would be eliminated. A new requirement would cause learning community coordinating councils to issue a report to the Department enumerating the common levies levied by the learning community on behalf of member districts and the total assessed valuation of the learning community. The fall membership reports filed by the school districts to the Department contain the school district levy and valuation information. Provisions are eliminated to harmonize with the changes contained in this measure and with a prior change in the methods for collecting and distributing the common levy.

Elementary Learning Center Executive Director

Section 79-2112 would be amended by allowing learning community coordinating councils to remove an elementary learning center executive director without a determination that the director had become incapacitated or had been guilty of neglect of duty or misconduct. The provisions would remain that require a vote of 2/3 of the council for such terminations.

Explanation of amendments:

The Committee Amendment would replace the original provisions. The amendment would:

1. Allow expenses for non-voting members of learning community coordinating councils;
2. Modify the levy authority for learning communities;

3. Change learning community reporting provisions;
4. Allow for a focus school and program allowance in the first year of a focus school or program;
5. Modify the continuing student provisions for students who attend focus schools and programs;
6. Modify the distribution of core services and technology infrastructure funds between learning communities and educational service units (ESU's) that contain learning communities;
7. Prohibit the consideration of district valuation in the utilization of aid and tax funds by ESU's;
8. Require learning communities to use core services and technology infrastructure funds for evaluation and research; and
9. Ease the restrictions on terminating an elementary learning center executive director.

Coordinating Council Member Expenses

Section 32-546.01 would be amended by allowing nonvoting members of learning community coordinating councils to be reimbursed for reasonable expenses related to service on the council. Voting members are currently authorized to be reimbursed for expenses and are eligible for per diems up to \$200 per day for official meetings of the council and official meetings of the achievement subcouncil on which they sit. This change would not allow per diems for nonvoting members.

Learning Community Levy

Section 77-3442 would be amended by modifying the levy authorization for learning community levies. Currently, learning communities may levy up to \$0.05 to be used for elementary learning center facilities and up to 50% of the capital costs for a focus school or program. With the proposed changes, the levy would be limited to a maximum of \$0.02 to be used for up to 50% of the capital costs for a focus school or program and a maximum of \$0.01 to be used for contracts with other entities or individuals who are not employees of the learning community for elementary learning center programs, services, and facilities that are not owned by the learning community.

Sections 79-2104 and 79-2111 would be amended to harmonize with the learning community levy changes contained in this amendment. Section 79-2111 would also be amended to clarify that the funds would be used to reduce the required bonded indebtedness.

Learning Community Reporting

The reporting requirements that are designed to aggregate data from member districts would be shifted from coordinating councils to the Commissioner of Education or the Department of Education who is already in receipt of the information from school districts.

Section 79-527 would be amended by eliminating a requirement for learning community coordinating councils to annually report to the Commissioner of Education the number of students who have dropped out of school or who were suspended, expelled, or excluded from school for the member districts. The remaining provisions of the section require all school district to report such information to the Commissioner. The provisions requiring learning community members to report the information to the coordinating council also remain.

Section 79-528 would be amended by requiring the Department of Education to issue a report to learning community coordinating councils showing the number of children from 5 to 18 years of age belonging to the learning community, an annual statistical summary for the learning community, an annual financial report for the learning community, and a fall membership report for the learning community. Currently, the learning community is required to provide the reports to the Department of Education. In either case the reports are based on reports submitted by member school districts. The requirement for member school districts to provide their fall membership reports to the learning community coordinating council would be eliminated. A new requirement would cause learning community coordinating councils to issue a report to the Department enumerating the common levies levied by the learning community on behalf of member districts and the total assessed valuation of the learning community. The fall membership reports filed by the school districts to the Department contain the school district levy and valuation information. Provisions are eliminated to

harmonize with the changes contained in this measure and with a prior change in the methods for collecting and distributing the common levy.

Focus Schools and Programs

Section 79-1007.05 would be amended by allowing for a focus school and program allowance for the first school year that the school or program is operating as such. Information required for the calculation of the allowance would be submitted on a form prescribed by the department on or before the preceding October 15th. The form could require confirmation from a learning community official that the focus school or program has been approved for the school fiscal year for which the allowance is being calculated. The allowance for each school district in a learning community would equal the sum of the allowances calculated for each focus school and focus program operated by the district. The first year calculation would be based on the estimated number of students. The second year calculation would equal 2 times the actual number of students for the first year minus the estimated number of students used to calculate aid for the first year. Thereafter, the calculation would be based on the actual number of students for the prior year.

Section 79-2110 would be amended by allowing students in focus programs, focus schools, or magnet school to attend a school offering the next grade level in the school district responsible for the program or school as a continuing student. A student who attended a program or school in the school year immediately preceding the first school year for which the program or school will operate as a focus program or focus school approved by the learning community and who has not completed the grades offered at the focus program or focus school shall also be a continuing student in the program or school.

ESU and Learning Community Funds

Section 79-1241.03 would be amended by using 90% of the students and valuation in learning community districts in the calculation of core services and technology infrastructure funding for ESU's and 10% for learning communities. The 95% hold harmless provisions would be modified to include ESU's with learning communities beginning with the calculation for 2010-11. Valuation of school districts could not be a consideration in the utilization of funds received after July 1, 2010. Funds received by learning communities would be required to be used for evaluation and research pursuant to a new section. Obsolete provision would be eliminated.

Section 79-1242 would be amended by prohibiting consideration of district valuations in the utilization of property tax funds received by an ESU after July 1, 2010.

Learning Community Evaluation and Research

A new section would require learning community coordinating councils to use core services and technology infrastructure funds received after July 1, 2010 for evaluation and research pursuant to plans developed and adjusted on an ongoing basis by the council with assistance from the ESU Coordinating Council and the student achievement coordinator. Evaluations would be conducted by entities or individuals who are not employees of the learning community and shall measure progress toward the goals and objectives of the learning community and the effectiveness of their approaches. The goals and objective would be required to include closing academic achievement gaps based on socioeconomic status. The research would also be required to be related to the goals and objectives. After the first full year of operation, learning communities would be required to report evaluation and research results to the Education Committee of the Legislature on or before December 1 of each year.

Elementary Learning Center Executive Director

Section 79-2112 would be amended by removing requirements regarding the term of office and removal of an elementary learning center executive director. Currently, the term of office is 6 years and removal requires a vote of 2/3 of the members of the coordinating council upon a determination of incapacitation, neglect of duty, or misconduct.

Emergency Clause

The amendment contains an emergency clause.

Greg Adams, Chairperson