

**ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009**  
**COMMITTEE STATEMENT**  
**LB392**

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**Hearing Date:** Tuesday February 24, 2009  
**Committee On:** Education  
**Introducer:** Adams  
**One Liner:** Change provisions relating to learning communities

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

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**Vote Results:**

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

**Nay:**

**Absent:**

**Present Not Voting:**

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**Proponents:**

Senator Greg Adaams  
Rick Black

Angelo Passarelli  
Andrew Rikli  
Jay Sears

**Representing:**

Introducer  
Papillion-LaVista Public Schools, Learning Community Superintendents  
Millard Public Schools  
Westside Community Schools  
Nebraska State Education Association

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

Legislative Bill 392 would amend several provisions related to learning communities. A primary for the election of learning community coordinating council members. New focus schools and focus programs would be included in the new school adjustment for state aid. The deadline for establishing elementary learning centers would be delayed while adding intermediate deadlines. Nonvoting coordinating council members would be authorized to participate in achievement subcouncils.

Section 32-546.01 would be amended by adding a primary to the election process for learning community coordinating councils. The nominations for the general election would take place at the statewide primary. Each voter would continue to vote for only one candidate in each election. The 4 candidates receiving the most votes at the primary would advance to the general election. The council members would be elected on the nonpartisan ballot.

Section 32-606 would be amended by striking learning community coordinating councils from the list of offices for which a candidate may place their name on the general election ballot without participating in a primary.

Section 79-1007.21 would be amended by including new focus schools and new focus programs in the new school adjustment for the calculation of state aid. For new focus schools and programs, the adjustment would be based on an estimate of the expected average yearly enrollment for the first 2 years. Other new school adjustments are based on

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estimated additional student capacity. The department may approve, modify, or deny the estimates based on evidence submitted on the application or other information provided by the department. Clarification is added that the estimated additional student capacity included in an approval under the existing provisions applies to expansion and remodeling, in addition to new buildings.

Section 79-2113 would be amended by delaying the deadline for establishing elementary learning centers in a new learning community. The current deadline is July 1st immediately following the establishment of the learning community.

This measure would delay that deadline by 11 months to the second June 1st following the establishment of the learning community. The measure would also provide a deadline of the June 1st immediately following the establishment of the learning community for the council to determine the number of initial elementary learning centers to be located in each election district. Another deadline of January 1st immediately following the establishment of a new learning community is added for the achievement subcouncils to submit plans to the coordinating council for the initial centers.

Section 79-2117 would be amended by allowing nonvoting members of a learning community coordinating council to be on achievement subcouncils if the school district that selected the nonvoting member has territory within the election district being represented by the subcouncil. The nonvoting members would not have voting rights on the subcouncil.

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**Explanation of amendments:**

The Committee Amendments delay eligibility for new focus schools and focus programs to access the new school adjustment until aid calculated for the 20011-12 school fiscal year. The amendments also incorporate the provisions of LB 391, except for the proposed changes to the hold harmless provisions. The remaining provisions of LB 391 transfer the duty of distributing the common levy proceeds for learning communities from the Coordinating Councils to the county treasurers collecting the proceeds.

Section 13-503 would be amended by deleting the special reserve funds designation for property tax receipts distributed by a learning community to member school districts.

Section 79-1007.21 would be amended by including new focus schools and new focus programs in the new school adjustment beginning with the calculation of state aid for 2011-12. For new focus schools and programs, the adjustment would be based on an estimate of the expected average yearly enrollment for the first 2 years. Other new school adjustments are based on estimated additional student capacity. The department may approve, modify, or deny the estimates based on evidence submitted on the application or other information provided by the department. Clarification is added that the estimated additional student capacity included in an approval under the existing provisions applies to expansion and remodeling, in addition to new buildings.

Section 79-1041 would be amended by adding a requirement for county treasurers of counties with territory in a learning community to distribute funds collected from the common general fund levy and the common special building fund levy to member school districts at least once each month pursuant to §§ 79-7073 and 79-1073.01. Those two sections provide for the division of the levy proceeds between member districts in a learning community.

Section 79-1073 would be amended by recognizing that the county treasurer would distribute levy proceeds from the common general fund levy directly to school districts.

Section 79-1073.01 would be amended by recognizing that the county treasurer would distribute levy proceeds from the common special building fund levy directly to school districts. The current provision require the distribution to be proportional based on formula students.

Section 79-2104 would be amended by eliminating the authority for learning community coordinating councils to distribute common levies for the general funds and special building funds of member school districts.

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Greg Adams, Chairperson