

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1070

Introduced by Adams, 24.

Read first time January 21, 2010

Committee: Education

A BILL

1 FOR AN ACT relating to learning communities; to amend sections
2 77-3442, 79-527, 79-2111, and 79-2112, Reissue Revised
3 Statutes of Nebraska, and sections 32-546.01, 79-528,
4 and 79-2104, Revised Statutes Supplement, 2009; to
5 change provisions relating to tax levies; to harmonize
6 provisions; and to repeal the original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-546.01, Revised Statutes
2 Supplement, 2009, is amended to read:

3 32-546.01 (1) Each learning community shall be governed
4 by a learning community coordinating council consisting of eighteen
5 voting members, with twelve members elected on a nonpartisan ballot
6 from six numbered subcouncil districts created pursuant to section
7 32-555.01 and with six members appointed from such subcouncil
8 districts pursuant to this section. Each voter shall be allowed
9 to cast votes for one candidate at both the primary and general
10 elections to represent the subcouncil district in which the voter
11 resides. The four candidates receiving the most votes at the
12 primary election shall advance to the general election. The two
13 candidates receiving the most votes at the general election shall
14 be elected. A candidate shall reside in the subcouncil district for
15 which he or she is a candidate. Coordinating council members shall
16 be elected on the nonpartisan ballot.

17 (2) The initial elected members shall be nominated at
18 the statewide primary election and elected at the statewide
19 general election immediately following the certification of the
20 establishment of the learning community, and subsequent members
21 shall be nominated at subsequent statewide primary elections
22 and elected at subsequent statewide general elections. Except
23 as provided in this section, such elections shall be conducted
24 pursuant to the Election Act.

25 (3) Vacancies in office for elected members shall occur

1 as set forth in section 32-560. Whenever any such vacancy occurs,
2 the remaining elected members of such council shall appoint an
3 individual residing within the geographical boundaries of the
4 subcouncil district for the balance of the unexpired term.

5 (4) Members elected to represent odd-numbered districts
6 in the first election for the learning community coordinating
7 council shall be elected for two-year terms. Members elected
8 to represent even-numbered districts in the first election for
9 the learning community coordinating council shall be elected for
10 four-year terms. Members elected in subsequent elections shall be
11 elected for four-year terms and until their successors are elected
12 and qualified.

13 (5) The appointed members shall be appointed in November
14 of each even-numbered year after the general election. Appointed
15 members shall be school board members of school districts in the
16 learning community either elected to take office the following
17 January or continuing their current term of office for the
18 following two years. For learning communities to be established
19 the following January pursuant to orders issued pursuant to section
20 79-2102, the Secretary of State shall hold a meeting of the school
21 board members of the school districts in such learning community to
22 appoint one member from such school boards to represent each of the
23 subcouncil districts on the coordinating council of such learning
24 community. For subsequent appointments, the current appointed
25 members of the coordinating council shall hold a meeting of

1 the school board members of such school districts to appoint one
2 member from such school boards to represent each of the subcouncil
3 districts on the coordinating council of the learning community.
4 The appointed members shall be selected by the school board members
5 of the school districts in the learning community who reside in the
6 subcouncil district to be represented pursuant to a secret ballot,
7 shall reside in the subcouncil district to be represented, and
8 shall be appointed for two-year terms and until their successors
9 are appointed and qualified.

10 (6) Vacancies in office for appointed members shall occur
11 upon the resignation, death, or disqualification from office of
12 an appointed member. Disqualification from office shall include
13 ceasing membership on the school board for which membership
14 qualified the member for the appointment to the learning community
15 coordinating council or ceasing to reside in the subcouncil
16 district represented by such member of the learning community
17 coordinating council. Whenever such vacancy occurs, the remaining
18 appointed members shall hold a meeting of the school board members
19 of the school districts in such learning community to appoint a
20 member from such school boards who lives in the subcouncil district
21 to be represented to serve for the balance of the unexpired term.

22 (7) Each learning community coordinating council shall
23 also have a nonvoting member from each member school district which
24 does not have either an elected or an appointed member who resides
25 in the school district on the council. Such nonvoting members

1 shall be appointed by the school board of the school district
2 to be represented to serve for two-year terms, and notice of the
3 nonvoting member selected shall be submitted to the Secretary of
4 State by such board prior to December 31 of each even-numbered
5 year. Each such nonvoting member shall be a resident of the
6 appointing school district and shall not be a school administrator
7 employed by such school district. Whenever a vacancy occurs, the
8 school board of such school district shall appoint a new nonvoting
9 member and submit notice to the Secretary of State and to the
10 learning community coordinating council.

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

25 Sec. 2. Section 77-3442, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 77-3442 (1) Property tax levies for the support of local
3 governments for fiscal years beginning on or after July 1, 1998,
4 shall be limited to the amounts set forth in this section except as
5 provided in section 77-3444.

6 (2) (a) Except as provided in subdivision (2) (e) of this
7 section, school districts and multiple-district school systems,
8 except learning communities and school districts that are members
9 of learning communities, may levy a maximum levy of one dollar and
10 five cents per one hundred dollars of taxable valuation of property
11 subject to the levy.

12 (b) For each fiscal year, learning communities may levy
13 a maximum levy for the general fund budgets of member school
14 districts of ninety-five cents per one hundred dollars of taxable
15 valuation of property subject to the levy. The proceeds from the
16 levy pursuant to this subdivision shall be distributed pursuant to
17 section 79-1073.

18 (c) Except as provided in subdivision (2) (e) of this
19 section, for each fiscal year, school districts that are members
20 of learning communities may levy for purposes of such districts'
21 general fund budget and special building funds a maximum combined
22 levy of the difference of one dollar and five cents on each one
23 hundred dollars of taxable property subject to the levy minus
24 the learning community levies pursuant to subdivisions (2) (b) and
25 (2) (g) of this section for such learning community.

1 (d) Excluded from the limitations in subdivisions (2)(a)
2 and (2)(c) of this section are amounts levied to pay for
3 sums agreed to be paid by a school district to certificated
4 employees in exchange for a voluntary termination of employment
5 and amounts levied to pay for special building funds and sinking
6 funds established for projects commenced prior to April 1, 1996,
7 for construction, expansion, or alteration of school district
8 buildings. For purposes of this subsection, commenced means any
9 action taken by the school board on the record which commits
10 the board to expend district funds in planning, constructing, or
11 carrying out the project.

12 (e) Federal aid school districts may exceed the maximum
13 levy prescribed by subdivision (2)(a) or (2)(c) of this section
14 only to the extent necessary to qualify to receive federal aid
15 pursuant to Title VIII of Public Law 103-382, as such title existed
16 on September 1, 2001. For purposes of this subdivision, federal
17 aid school district means any school district which receives ten
18 percent or more of the revenue for its general fund budget from
19 federal government sources pursuant to Title VIII of Public Law
20 103-382, as such title existed on September 1, 2001.

21 (f) For school fiscal year 2002-03 through school fiscal
22 year 2007-08, school districts and multiple-district school systems
23 may, upon a three-fourths majority vote of the school board of
24 the school district, the board of the unified system, or the
25 school board of the high school district of the multiple-district

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

14 (g) For each fiscal year, learning communities may levy a
15 maximum levy of two cents on each one hundred dollars of taxable
16 property subject to the levy for special building funds for member
17 school districts. The proceeds from the levy pursuant to this
18 subdivision shall be distributed pursuant to section 79-1073.01.

19 (h) For each fiscal year, learning communities may levy
20 a maximum levy of ~~five~~ two cents on each one hundred dollars of
21 taxable property subject to the levy ~~for elementary learning center~~
22 ~~facilities and~~ for up to fifty percent of the estimated cost for
23 capital projects approved by the learning community coordinating
24 council pursuant to section 79-2111.

25 (i) For each fiscal year, learning communities may levy

1 a maximum levy of one cent on each one hundred dollars of
2 taxable property subject to the levy for elementary learning center
3 programs, services, and facilities with the amount available from
4 such levy for each elementary learning center to be determined
5 pursuant to a formula established by the learning community
6 coordinating council.

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

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

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

24 (c) In addition, natural resources districts located in
25 a river basin, subbasin, or reach that has been determined to

1 be fully appropriated pursuant to section 46-714 or designated
2 as overappropriated pursuant to section 46-713 by the Department
3 of Natural Resources shall also have the power and authority to
4 levy a tax equal to the dollar amount by which their restricted
5 funds budgeted to administer and implement ground water management
6 activities and integrated management activities under the Nebraska
7 Ground Water Management and Protection Act exceed their restricted
8 funds budgeted to administer and implement ground water management
9 activities and integrated management activities for FY2005-06, not
10 to exceed three cents on each one hundred dollars of taxable
11 valuation on all of the taxable property within the district for
12 fiscal year 2006-07 and each fiscal year thereafter through fiscal
13 year 2011-12.

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

18 (6)(a) Incorporated cities and villages which are not
19 within the boundaries of a municipal county may levy a maximum levy
20 of forty-five cents per one hundred dollars of taxable valuation
21 of property subject to the levy plus an additional five cents per
22 one hundred dollars of taxable valuation to provide financing for
23 the municipality's share of revenue required under an agreement
24 or agreements executed pursuant to the Interlocal Cooperation Act
25 or the Joint Public Agency Act. The maximum levy shall include

1 amounts levied to pay for sums to support a library pursuant
2 to section 51-201, museum pursuant to section 51-501, visiting
3 community nurse, home health nurse, or home health agency pursuant
4 to section 71-1637, or statue, memorial, or monument pursuant to
5 section 80-202.

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

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

25 (8) Counties may levy or authorize a maximum levy of

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

1 the levy authority in order to levy the amount allocated. Property
2 tax levies for costs of reassumption of the assessment function
3 pursuant to section 77-1340 or 77-1340.04 are not included in the
4 levy limits established in this subsection for fiscal years 2010-11
5 through 2013-14.

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

11 (10) Property tax levies for judgments, except judgments
12 or orders from the Commission of Industrial Relations, obtained
13 against a political subdivision which require or obligate a
14 political subdivision to pay such judgment, to the extent such
15 judgment is not paid by liability insurance coverage of a
16 political subdivision, for preexisting lease-purchase contracts
17 approved prior to July 1, 1998, for bonded indebtedness approved
18 according to law and secured by a levy on property except as
19 provided in section 44-4317 for bonded indebtedness issued by
20 educational service units and school districts, and for payments by
21 a public airport to retire interest-free loans from the Department
22 of Aeronautics in lieu of bonded indebtedness at a lower cost to
23 the public airport are not included in the levy limits established
24 by this section.

25 (11) The limitations on tax levies provided in this

1 section are to include all other general or special levies
2 provided by law. Notwithstanding other provisions of law, the
3 only exceptions to the limits in this section are those provided by
4 or authorized by sections 77-3442 to 77-3444.

5 (12) Tax levies in excess of the limitations in this
6 section shall be considered unauthorized levies under section
7 77-1606 unless approved under section 77-3444.

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

11 (14) For school districts that file a binding resolution
12 on or before May 9, 2008, with the county assessors, county clerks,
13 and county treasurers for all counties in which the school district
14 has territory pursuant to subsection (7) of section 79-458, if the
15 combined levies, except levies for bonded indebtedness approved by
16 the voters of the school district and levies for the refinancing
17 of such bonded indebtedness, are in excess of the greater of (a)
18 one dollar and twenty cents per one hundred dollars of taxable
19 valuation of property subject to the levy or (b) the maximum
20 levy authorized by a vote pursuant to section 77-3444, all school
21 district levies, except levies for bonded indebtedness approved by
22 the voters of the school district and levies for the refinancing of
23 such bonded indebtedness, shall be considered unauthorized levies
24 under section 77-1606.

25 Sec. 3. Section 79-527, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 79-527 The superintendent or head administrator of a
3 public school district or a nonpublic school system shall annually
4 report to the Commissioner of Education in such detail and on
5 such date as required by the commissioner the number of students
6 who have dropped out of school or were for any reason suspended,
7 expelled, or excluded from school during the year. School districts
8 that are members of learning communities shall also provide the
9 learning community coordinating council with a copy of the report
10 to the commissioner on or before the date the report is due
11 to the commissioner. ~~Each learning community coordinating council
12 shall annually report to the commissioner in such detail and on
13 such date as required by the commissioner the number of students
14 who have dropped out of school or were for any reason suspended,
15 expelled, or excluded from school during the year for all of the
16 member school districts. The due date for reports from learning
17 communities shall be established by the commissioner to provide a
18 reasonable period of time for the learning community coordinating
19 councils to compile the information from the member school district
20 reports.~~

21 Sec. 4. Section 79-528, Revised Statutes Supplement,
22 2009, is amended to read:

23 79-528 (1)(a) On or before July 20 in all school
24 districts, the superintendent shall file with the State Department
25 of Education a report showing the number of children from five

1 through eighteen years of age belonging to the school district
2 according to the census taken as provided in sections 79-524 and
3 79-578. ~~On or before July 20,~~ school districts that are members
4 of learning communities shall provide the learning community
5 coordinating council with a copy of the report filed with
6 the department. ~~On or before August 1,~~ each learning community
7 coordinating council shall file with the department On or before
8 August 31, the department shall issue to each learning community
9 coordinating council a report showing the number of children from
10 five through eighteen years of age belonging to the learning
11 community based on the member school districts according to the
12 school district reports filed with the department.

13 (b) Each Class I school district which is part of a Class
14 VI school district offering instruction (i) in grades kindergarten
15 through five shall report children from five through ten years
16 of age, (ii) in grades kindergarten through six shall report
17 children from five through eleven years of age, and (iii) in grades
18 kindergarten through eight shall report children from five through
19 thirteen years of age.

20 (c) Each Class VI school district offering instruction
21 (i) in grades six through twelve shall report children who are
22 eleven through eighteen years of age, (ii) in grades seven through
23 twelve shall report children who are twelve through eighteen years
24 of age, and (iii) in grades nine through twelve children who are
25 fourteen through eighteen years of age.

1 (d) Each Class I district which has affiliated in whole
2 or in part shall report children from five through thirteen years
3 of age.

4 (e) Each Class II, III, IV, or V district shall report
5 children who are fourteen through eighteen years of age residing in
6 Class I districts or portions thereof which have affiliated with
7 such district.

8 (f) The board of any district neglecting to take and
9 report the enumeration shall be liable to the school district for
10 all school money which such district may lose by such neglect.

11 (2) On or before June 30 the superintendent of each
12 school district shall file with the Commissioner of Education a
13 report described as an end-of-the-school-year annual statistical
14 summary showing (a) the number of children attending school during
15 the year under five years of age, (b) the length of time the
16 school has been taught during the year by a qualified teacher,
17 (c) the length of time taught by each substitute teacher, and (d)
18 such other information as the Commissioner of Education directs.
19 ~~On or before June 30, school districts that are members of~~
20 ~~learning communities shall also provide the learning community~~
21 ~~coordinating council with a copy of the report filed with the~~
22 ~~commissioner. On or before July 15, each learning community~~
23 ~~coordinating council shall file with the commissioner On or before~~
24 ~~July 31, the commissioner shall issue to each learning community~~
25 ~~coordinating council an end-of-the-school-year annual statistical~~

1 summary for the learning community based on the member school
2 districts according to the school district reports filed with the
3 commissioner.

4 (3) (a) On or before November 1 the superintendent of each
5 school district shall submit to the Commissioner of Education a
6 report described as the annual financial report showing (i) the
7 amount of money received from all sources during the year and
8 the amount of money expended by the school district during the
9 year, (ii) the amount of bonded indebtedness, (iii) such other
10 information as shall be necessary to fulfill the requirements
11 of the Tax Equity and Educational Opportunities Support Act
12 and section 79-1114, and (iv) such other information as the
13 Commissioner of Education directs.

14 (b) ~~On or before November 1, school districts that are~~
15 ~~members of learning communities shall also provide the learning~~
16 ~~community coordinating council with a copy of the report submitted~~
17 ~~to the commissioner. On or before November 15, each learning~~
18 ~~community coordinating council shall submit to the commissioner,~~
19 ~~to be filed in his or her office, a report described as the~~
20 ~~annual financial report~~ On or before December 15, the commissioner
21 shall issue to each learning community coordinating council an
22 annual financial report for the learning community based on the
23 member school districts according to the annual financial reports
24 filed with the commissioner, showing (i) the aggregate amount of
25 money received from all sources during the year for all member

1 school districts and the aggregate amount of money expended by
2 member school districts during the year, (ii) the aggregate amount
3 of bonded indebtedness for all member school districts, (iii)
4 such other aggregate information as shall be necessary to fulfill
5 the requirements of the Tax Equity and Educational Opportunities
6 Support Act and section 79-1114 for all member school districts,
7 and (iv) such other aggregate information as the Commissioner of
8 Education directs for all member school districts.

9 (4) (a) On or before October 15 of each year, the
10 superintendent of each school district shall file with the
11 commissioner the fall school district membership report, which
12 report shall include the number of children from birth through
13 twenty years of age enrolled in the district on the last Friday
14 in September of a given school year. The report shall enumerate
15 (i) students by grade level, (ii) school district levies and total
16 assessed valuation for the current fiscal year, and (iii) such
17 other information as the Commissioner of Education directs.

18 (b) On or before October 15 of each year, ~~school~~
19 ~~districts that are members of learning communities shall also~~
20 ~~provide the learning community coordinating council with a copy~~
21 ~~of the report delivered to the department.~~ each learning community
22 coordinating council shall issue to the department a report which
23 enumerates the learning community levies pursuant to subdivisions
24 (2) (b) and (g) of section 77-3442 and total assessed valuation for
25 the current fiscal year.

1 (c) On or before ~~October 31~~ November 15 of each year,
2 each learning community coordinating council shall deliver to the
3 department shall issue to each learning community coordinating
4 council the fall learning community membership report, which report
5 shall include the aggregate number of children from birth through
6 twenty years of age enrolled in the member school districts
7 on the last Friday in September of a given school year for
8 all member school districts. The report shall enumerate (i) the
9 aggregate students by grade level for all member school districts,
10 (ii) ~~learning community~~ school district levies and total assessed
11 valuation for the current fiscal year, and (iii) such other
12 information as the Commissioner of Education directs for all member
13 school districts.

14 ~~(e)~~ (d) When any school district ~~or learning community~~
15 fails to submit its fall membership report by November 1, the
16 commissioner shall, after notice to the district and an opportunity
17 to be heard, direct that any state aid granted pursuant to the
18 Tax Equity and Educational Opportunities Support Act be withheld
19 until such time as the report is received by the department. In
20 addition, the commissioner shall direct the county treasurer to
21 withhold all school money belonging to the school district ~~or~~
22 ~~learning community~~ until such time as the commissioner notifies the
23 county treasurer of receipt of such report. The county treasurer
24 shall withhold such money. For school districts that are members
25 of learning communities, a determination of school money belonging

1 to the district shall be based on the proportionate share of state
2 aid and property tax receipts allocated to the school district by
3 the learning community coordinating council, and the treasurer
4 of the learning community coordinating council shall withhold any
5 such school money in the possession of the learning community from
6 the school district. If a school district that is a member of
7 a learning community fails to provide a copy of the report to
8 the learning community coordinating council on or before October
9 15, the learning community coordinating council shall complete the
10 fall learning community membership report with information from the
11 reports received from other member school districts.

12 Sec. 5. Section 79-2104, Revised Statutes Supplement,
13 2009, is amended to read:

14 79-2104 A learning community coordinating council shall
15 have the authority to:

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

18 (2) Levy a common levy for the special building funds
19 of member school districts pursuant to sections 77-3442 and
20 79-1073.01;

21 (3) Levy for capital projects approved by the learning
22 community coordinating council pursuant to sections 77-3442 and
23 79-2111;

24 (4) Levy for elementary learning center programs,
25 services, and facilities pursuant to subdivision (2)(i) of section

1 77-3442.

2 ~~(4)~~ (5) Collect, analyze, and report data and
3 information, including, but not limited to, information provided by
4 a school district pursuant to subsection (5) of section 79-201;

5 ~~(5)~~ (6) Approve focus schools and focus programs to be
6 operated by member school districts;

7 ~~(6)~~ (7) Adopt, approve, and implement a diversity plan
8 which shall include open enrollment and may include focus schools,
9 focus programs, magnet schools, and pathways pursuant to section
10 79-2110;

11 ~~(7)~~ (8) Administer the open enrollment provisions in
12 section 79-2110 for the learning community as part of a diversity
13 plan developed by the council to provide educational opportunities
14 which will result in increased diversity in schools across the
15 learning community;

16 ~~(8)~~ (9) Annually conduct school fairs to provide
17 students and parents the opportunity to explore the educational
18 opportunities available at each school in the learning community
19 and develop other methods for encouraging access to such
20 information and promotional materials;

21 ~~(9)~~ (10) Develop and approve reorganization plans for
22 submission pursuant to the Learning Community Reorganization Act;

23 ~~(10)~~ (11) Establish and administer elementary learning
24 centers through achievement subcouncils pursuant to sections
25 79-2112 to 79-2114;

1 ~~(11)~~ (12) Administer the learning community funds
2 distributed to the learning community pursuant to section 79-2111;

3 ~~(12)~~ (13) Approve or disapprove poverty plans and limited
4 English proficiency plans for member school districts through
5 achievement subcouncils established under section 79-2117;

6 ~~(13)~~ (14) Establish a procedure for receiving community
7 input and complaints regarding the learning community; and

8 ~~(14)~~ (15) Establish a procedure to assist parents,
9 citizens, and member school districts in accessing an approved
10 center pursuant to the Dispute Resolution Act to resolve disputes
11 involving member school districts or the learning community. Such
12 procedure may include payment by the learning community for some
13 mediation services.

14 Sec. 6. Section 79-2111, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 79-2111 (1) A learning community may levy a maximum
17 levy pursuant to subdivision (2)(h) of section 77-3442 for ~~the~~
18 ~~purchase, construction, or remodeling of elementary learning center~~
19 ~~facilities and up to fifty percent of the estimated costs for~~
20 capital projects approved pursuant to this section. The proceeds
21 from such levy shall be used for ~~elementary learning center~~
22 ~~facilities and for~~ one-time reductions of the bonded indebtedness
23 required for approved projects up to fifty percent of the estimated
24 cost of the approved project. The funds used for reductions of
25 bonded indebtedness shall be transferred to the school district

1 for which the project was approved and shall be deposited in such
2 school district's special building fund for use on such project.

3 (2) The learning community may approve pursuant to this
4 section funding for capital projects which will include the
5 purchase, construction, or remodeling of facilities for a focus
6 school or program designed to meet the requirements of section
7 79-769. Such approval shall include an estimated cost for the
8 project and shall state the amount that will be provided by the
9 learning community for such project.

10 (3) If, within the ten years following receipt of the
11 funding for a capital project pursuant to this section, a school
12 district receiving such funding uses the facility purchased,
13 constructed, or remodeled with such funding for purposes other
14 than those stated to qualify for the funds, the school district
15 shall repay such funds to the learning community with interest at
16 the rate prescribed in section 45-104.02 accruing from the date
17 the funds were transferred to the school district's building fund
18 as of the last date the facility was used for such purpose as
19 determined by the learning community coordinating council or the
20 date that the learning community coordinating council determines
21 that the facility will not be used for such purpose or that
22 such facility will not be purchased, constructed, or remodeled
23 for such purpose. Interest shall continue to accrue on outstanding
24 balances until the repayment has been completed. The remaining
25 terms of repayment shall be determined by the learning community

1 coordinating council. The learning community coordinating council
2 may waive such repayment if the facility is used for a different
3 focus school or program for a period of time that will result in
4 the use of the facility for qualifying purposes for a total of at
5 least ten years.

6 Sec. 7. Section 79-2112, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 79-2112 (1) Elementary learning centers shall serve as
9 visionary resource centers for enhancing the academic success
10 of elementary students, particularly those students who face
11 challenges in the educational environment due to factors such
12 as poverty, limited English skills, and mobility. Each learning
13 community coordinating council shall provide for a system of
14 elementary learning centers to be administered by an elementary
15 learning center executive director.

16 (2) The elementary learning center executive director
17 shall be appointed by the learning community coordinating council.
18 The executive director shall be a person well equipped to work
19 with populations in poverty and to analyze effective methods for
20 assisting and encouraging such populations to access the programs
21 offered by elementary learning centers. The elementary learning
22 center executive director shall serve for a term of six years,
23 unless removed by a vote of two-thirds of the members of the
24 learning community coordinating council. ~~upon their determination~~
25 ~~that he or she has become incapacitated or has been guilty of~~

1 ~~neglect of duty or misconduct.~~ If the position of elementary
2 learning center executive director becomes vacant for any cause, a
3 temporary elementary learning center executive director may serve
4 for up to one year until an elementary learning center executive
5 director has been appointed for a full term. The elementary
6 learning center executive director shall receive such salary as is
7 set by the learning community coordinating council.

8 (3) The elementary learning center executive director may
9 select, appoint, and compensate as he or she sees fit, within the
10 amount provided by the learning community coordinating council,
11 such noncertificated assistants and noncertificated employees as
12 he or she deems necessary to discharge the responsibilities under
13 sections 79-2112 to 79-2114. Such assistants and employees shall be
14 subject to the control and supervision of the elementary learning
15 center executive director.

16 Sec. 8. Original sections 77-3442, 79-527, 79-2111,
17 and 79-2112, Reissue Revised Statutes of Nebraska, and sections
18 32-546.01, 79-528, and 79-2104, Revised Statutes Supplement, 2009,
19 are repealed.