

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 392

Introduced by Adams, 24.

Read first time January 16, 2009

Committee: Education

A BILL

1 FOR AN ACT relating to learning communities; to amend sections
2 32-546.01, 32-606, 79-1007.21, 79-2113, and 79-2117,
3 Reissue Revised Statutes of Nebraska; to provide for
4 nomination of coordinating council members by primary
5 election; to change provisions relating to a new
6 school adjustment; to change provisions relating to
7 elementary learning centers and achievement subcouncils;
8 to harmonize provisions; and to repeal the original
9 sections.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-546.01, Reissue Revised Statutes of
2 Nebraska, 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 election districts and with six members appointed
7 from such election districts pursuant to this section. Each voter
8 shall be allowed to cast votes for one candidate at both the
9 primary and general elections to represent the election district
10 in which the voter resides. The four candidates receiving the
11 most votes at the primary election shall advance to the general
12 election. The two candidates receiving the most votes at the
13 general election shall be elected. A candidate shall reside in the
14 election district for which he or she is a candidate. ~~No primary~~
15 ~~election for the office of learning community coordinating council~~
16 ~~shall be held.~~ Coordinating council members shall be elected on the
17 nonpartisan ballot.

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

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

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

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

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

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

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

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

12 (8) Members of a learning community coordinating council
13 shall take office on the first Thursday after the first Tuesday
14 in January following their election or appointment, except that
15 members appointed to fill vacancies shall take office immediately
16 following administration of the oath of office. Each voting member
17 shall be paid a per diem in an amount determined by such council up
18 to two hundred dollars per day for official meetings of the council
19 and the achievement subcouncil for which he or she is a member, up
20 to a maximum of twelve thousand dollars per fiscal year, and shall
21 be eligible for reimbursement of reasonable expenses related to
22 service on the learning community coordinating council as provided
23 in sections 81-1174 to 81-1177.

24 Sec. 2. Section 32-606, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 32-606 (1) Any candidate may place his or her name on
2 the primary election ballot by filing a candidate filing form
3 prescribed by the Secretary of State as provided in section 32-607.
4 If a candidate for an elective office is an incumbent, the deadline
5 for filing the candidate filing form shall be February 15 prior
6 to the date of the primary election. No incumbent who resigns
7 from elective office prior to the expiration of his or her term
8 shall file for any office after February 15 of that election year.
9 All other candidates shall file for office by March 1 prior to
10 the date of the primary election. A candidate filing form may be
11 transmitted by facsimile for the offices listed in subdivision (1)
12 of section 32-607 if (a) the transmission is received in the office
13 of the filing officer by the filing deadline and (b) the original
14 filing form is mailed to the filing officer with a legible postmark
15 bearing a date on or prior to the filing deadline and is in the
16 office of the filing officer no later than seven days after the
17 filing deadline.

18 (2) Any candidate for a township office in a county
19 under township organization, the board of trustees of a village,
20 the board of directors of a reclamation district, the county
21 weed district board, the board of directors of a public power
22 district receiving annual gross revenue of less than forty million
23 dollars, the school board of a Class II school district, a
24 ~~learning community coordinating council,~~ or the board of an
25 educational service unit may place his or her name on the general

1 election ballot by filing a candidate filing form prescribed by the
2 Secretary of State as provided in section 32-607. If a candidate
3 for an elective office is an incumbent, the deadline for filing
4 the candidate filing form shall be July 15 prior to the date of
5 the general election. No incumbent who resigns from elective office
6 prior to the expiration of his or her term shall file for any
7 office after July 15 of that election year. All other candidates
8 shall file for office by August 1 prior to the date of the general
9 election. A candidate filing form may be transmitted by facsimile
10 for the offices listed in subdivision (1) of section 32-607 if (a)
11 the transmission is received in the office of the filing officer
12 by the filing deadline and (b) the original filing form is mailed
13 to the filing officer with a legible postmark bearing a date on or
14 prior to the filing deadline and is in the office of the filing
15 officer no later than seven days after the filing deadline.

16 (3) Any city having a home rule charter may provide for
17 filing deadlines for any person desiring to be a candidate for the
18 office of council member or mayor.

19 Sec. 3. Section 79-1007.21, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 79-1007.21 (1) For school fiscal year 2009-10 and each
22 school fiscal year thereafter, school districts may apply to
23 the department for a two-year new school adjustment, on a form
24 prescribed by the department, on or before October 10 of the school
25 fiscal year immediately preceding the school fiscal year for which

1 the first-year new school adjustment would be included in the
2 calculation of state aid.

3 ~~Such~~ (a) For new school adjustments for new focus schools
4 and new focus programs, such form shall require evidence (i)
5 supporting an estimate of the expected average yearly enrollment in
6 the focus school or focus program for the first two years of the
7 new focus school or focus program and (ii) that the school fiscal
8 year for which the district would receive the first-year adjustment
9 will be the first full school fiscal year for which students will
10 attend such focus school or focus program.

11 (b) For all other new school adjustments, such form
12 shall require evidence (i) of recent and expected student growth,
13 evidenee (ii) that a new building or the expansion or remodeling
14 of an existing building is being completed to provide additional
15 student capacity to accommodate such growth and not to replace an
16 existing building, evidenee (iii) that the school fiscal year for
17 which the district would receive the first-year adjustment will be
18 the first full school fiscal year for which students will utilize
19 such additional capacity, and evidenee (iv) of the estimated
20 additional student capacity to be provided by the project.

21 (c) On or before the immediately following December
22 1, the department shall approve the expected average yearly
23 enrollment for new focus schools and focus programs or the
24 estimated additional capacity for use in the adjustment, approve a
25 modified expected average yearly enrollment for new focus schools

1 and focus programs or the estimated additional capacity for use in
2 the adjustment, or deny the application based on the requirements
3 of this section, the evidence submitted on the application, and
4 any other information provided by the department. Each approval
5 shall include an approved expected average yearly enrollment for
6 new focus schools and focus programs or the estimated additional
7 student capacity for the new building, expansion, or remodeling.

8 (d) The state board shall establish procedures for appeal
9 of decisions of the department to the state board for final
10 determination.

11 (2) The first-year new school adjustment for each
12 approved district shall equal the school district's basic funding
13 per formula student multiplied by twenty percent of the approved
14 expected average yearly enrollment for new school adjustments for
15 focus schools and focus programs or estimated additional student
16 capacity for all other new school adjustments. The second-year
17 new school adjustment for each approved district shall equal the
18 school district's basic funding per formula student multiplied by
19 ten percent of the approved expected average yearly enrollment
20 for new school adjustments for focus schools and focus programs
21 or estimated additional student capacity for all other new school
22 adjustments.

23 Sec. 4. Section 79-2113, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 79-2113 (1) On or before ~~July~~ the second June 1

1 immediately following the establishment of a new learning
2 community, the learning community coordinating council shall
3 establish at least one elementary learning center for each
4 twenty-five elementary schools in which at least thirty-five
5 percent of the students attending the school who reside
6 in the attendance area of such school qualify for free or
7 reduced-price lunches. The council shall determine how many of
8 the initial elementary learning centers shall be located in each
9 election district on or before June 1 immediately following the
10 establishment of a new learning community.

11 (2) Each achievement subcouncil shall submit a plan to
12 the learning community coordinating council for any elementary
13 learning center in its election district and the services to be
14 provided by such elementary learning center. In developing the
15 plan, the achievement subcouncil shall seek input from community
16 resources and collaborate with such resources in order to maximize
17 the available opportunities and the participation of elementary
18 students and their families. An achievement subcouncil may, as
19 part of such plan, recommend services be provided through contracts
20 with, or grants to, entities other than school districts to
21 provide some or all of the services. Such entities may include
22 collaborative groups which may include the participation of a
23 school district. An achievement subcouncil may also, as part of
24 such plan, recommend that the elementary learning center serve
25 as a clearinghouse for recommending programs provided by school

1 districts or other entities and that the elementary learning center
2 assist students in accessing such programs. The plans for the
3 initial elementary learning centers shall be submitted by the
4 achievement subcouncils to the coordinating council on or before
5 January 1 immediately following the establishment of a new learning
6 community.

7 (3) Each elementary learning center shall have at least
8 one facility that is located in an area with a high concentration
9 of poverty. Such facility may be owned or leased by the learning
10 community, or the use of the facility may be donated to the
11 learning community. Programs offered by the elementary learning
12 center may be offered in such facility or in other facilities,
13 including school buildings.

14 Sec. 5. Section 79-2117, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 79-2117 Each learning community coordinating council
17 shall ~~designate the three voting members representing each election~~
18 ~~district as the~~ have an achievement subcouncil for such each
19 election district. Each achievement subcouncil shall consist
20 of the three voting coordinating council members representing
21 the election district plus any nonvoting coordinating council
22 members choosing to participate who represent a school district
23 that has territory within the election district. The voting
24 coordinating council members shall also be the voting members on
25 the achievement subcouncil. Each achievement subcouncil shall meet

1 as necessary but shall meet and conduct a public hearing within its
2 election district at least once each school year. Each achievement
3 subcouncil shall:

4 (1) Develop a diversity plan recommendation for the
5 territory in its election district that will provide educational
6 opportunities which will result in increased diversity in schools
7 in the election district;

8 (2) Administer elementary learning centers in cooperation
9 with the elementary learning center executive director;

10 (3) Review and approve or disapprove of the poverty plans
11 and limited English proficiency plans for the schools located in
12 its election district;

13 (4) Receive community input and complaints regarding
14 the learning community and academic achievement in the election
15 district; and

16 (5) Hold public hearings at its discretion in its
17 election district in response to issues raised by residents of
18 the election district regarding the learning community, a member
19 school district, and academic achievement in the election district.

20 Sec. 6. Original sections 32-546.01, 32-606, 79-1007.21,
21 79-2113, and 79-2117, Reissue Revised Statutes of Nebraska, are
22 repealed.