

ONE HUNDRED SECOND LEGISLATURE - FIRST SESSION - 2011
COMMITTEE STATEMENT
LB548

Hearing Date: Tuesday February 22, 2011
Committee On: Education
Introducer: McCoy
One Liner: Change, transfer, and eliminate provisions relating to learning communities

Roll Call Vote - Final Committee Action:
Indefinitely postponed

Vote Results:
Aye: 7 Senators Sullivan, Howard, Haar, Council, Cornett, Avery, Adams
Nay:
Absent:
Present Not Voting: 1 Senator Schilz

Proponents:
Senator Beau McCoy
Mike Pate
Rick Black
Steve Baker
George Conrad

Representing:
Introducer
Millard Public Schools
Papillion-LaVista Schools
Elkhorn Public Schools
DC West Community Schools

Opponents:
Rick Kolowski
Paul Hartnett
Freddie Gray
Kent Rogert
Jeff Rippe

Representing:
Learning Community of Douglas and Sarpy Counties
Learning Community of Douglas and Sarpy Counties
Learning Community Coordinating Council
Learning Community of Douglas and Sarpy Counties
Bellevue Public Schools

Neutral:
Bob Twiss

Representing:
Self

Summary of purpose and/or changes:

Legislative Bill 548 would amend provisions related to learning communities by replacing the current combination elected members and school board members on coordinating councils with all school board members, by eliminating achievement subcouncils, and by allowing collaborative focus and magnet schools without designating a primary district. Pathways of coordinated elementary, middle, and high schools would be renamed pathway programs.

Section 32-567 would be amended to harmonize with the new learning community coordinating council membership provisions.

Section 32-604 would be amended to harmonize with the new learning community coordinating council membership provisions.

Section 79-769 would be amended by allowing learning community member school districts to independently participate in one or more joint entities formed pursuant to the Interlocal Cooperation Act for the purpose of creating, implementing,

and operating focus programs, focus schools, magnet schools, and pathway programs without approval of the learning community coordinating council. The requirement would be eliminated for collaborative focus schools and magnet schools to have a designated primary school district maintain legal, financial, and academic responsibility. Pathways of coordinated elementary, middle, and high schools would be renamed pathway programs. Focus schools and programs, magnet schools, and pathway programs would need to have a selection process in compliance with the current requirements whether or not the school, program, or pathway is approved by the learning community coordinating council.

Section 79-1013 would be amended by removing achievement subcouncils from the approval provisions for poverty plans for members of learning communities. The coordinating council for each learning community would retain responsibility for such approval.

Section 79-1014 would be amended by removing achievement subcouncils from the approval provisions for limited English proficiency plans for members of learning communities. The coordinating council for each learning community would retain responsibility for such approval.

Section 79-2102.01 would be amended by removing references to new learning community coordinating councils being elected and by removing the timeline for the Secretary of State to hold the first meeting and to serve as a facilitator for new coordinating councils.

Section 32-546.01 would be renumbered and amended by replacing the current provisions for learning community coordinating council membership. The council would consist of nine school board members of member school districts in the learning community either elected to take office or continuing their current term of office at the time of the appointment. The section would be reassigned a number within the learning community sections.

One school board member would be appointed from each of six districts created by the relevant election commissioners. Each would be required to reside within the district he or she is appointed to represent and would be the member who receives the most votes cast by the other school board members residing within the district. The other three members would be from school boards that are not already represented on the council by the first six members and would be appointed at large by a vote of all the school board members residing within the learning community.

The Secretary of State would hold a meeting of the school board members of the member school districts to appoint the six members representing districts and the three at-large members. The meeting would be held within 60 days after certification of the establishment of a learning community or within 60 days after any change in the membership structure of the learning community coordinating council. Notice would be provided 15 days in advance.

Within 10 days after the date of certification of the establishment of a learning community or within 10 days after any change in the membership structure of the learning community coordinating council, the Secretary of State would be required to send notice to all school board members in the learning community, requesting applications to serve on the coordinating council. Applicants for the district positions and applicants for at-large positions would submit separate applications. Applications would be due within 20 days after the notice. The Secretary of State would notify all school board members of the applicants at least 15 days prior to the appointment meeting.

The initial members would serve staggered terms beginning on January 20th. Members from districts 1, 2, and 3 and one at-large member designated prior to the selection process would serve initial 4 year terms. The members appointed from districts 4 and 6 and the remaining at-large members would serve initial 2 year terms. Upon expiration of the initial terms, all members would all be appointed to serve 4 year terms.

Subsequent applicants would apply to the council on or before July 1 of the year prior to the vacancy to be filled with voting occurring on or before August 10th. On or before August 15th, the council would notify the selected applicants and publish their names.

Vacancies would occur with any one of the following events at any time before the expiration of the term of office:

1. Resignation of a member;
2. Death of a member;
3. Removal of a member as a school board member;
4. A member ceasing to be a resident of the district from which he or she was selected;
5. The applicant who received the highest number of votes is ineligible, disqualified, deceased, or for any other reason unable to assume the office;
6. Forfeiture of office as provided by law;
7. Conviction of a felony or of any public offense involving the violation of the school board oath of office of the member;
- or
8. Absence from more than two consecutive regular meetings unless excused by a majority of the remaining members.

Section 32-555.01 would be amended to require election commissioners to divide learning communities territories into six districts after any changes in the membership of a learning community coordinating council, to recognize the change to appointed members, and to harmonize with the elimination of achievement subcouncils. The section would be renumbered and assigned within the learning community sections.

Section 79-2104 would be amended by removing the council authority to approve focus schools and focus programs and replacing it with authority to assist member districts and facilitate the development of focus schools, focus programs, magnet schools, and pathway programs. The diversity plan authority would allow for the inclusion of learning community approved focus schools, focus programs, magnet schools, and pathway programs. The authority to establish and administer elementary learning centers would no longer be through the achievement subcouncils. The subcouncil role would also be removed from the approval authority for poverty and limited English proficiency plans. A new authority would be added allowing a council to hold public hearings in response to issues raised by residents regarding the learning community, a member school district, or academic achievement.

Section 79-2104.01 would be amended by making the advisory committee of learning community superintendents responsible for administering elementary learning centers in cooperation with the elementary learning center executive director and by requiring the council to provide recommendations for improving diversity plans. The requirement to meet at least 4 times per year would be removed.

Section 79-2110 would be amended by replacing pathways with pathway programs in the elements that may be included in diversity plans.

Section 79-2113 would be amended by making advisory committees responsible for elementary learning center responsibilities currently held by achievement subcouncils and by requiring input from member school districts and collaboration with the districts. The deadline for initial elementary learning center plans would be removed.

Section 79-2118 would be amended by replacing subcouncil districts with school districts as the areas in which educational opportunities must be designed to attract students from diverse backgrounds pursuant to diversity plans.

Section 79-2117 would be outright repealed. The section provides for achievement subcouncils.

The new sections would be assigned statute numbers within the learning community sections.

The measure contains an emergency clause.

