

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 1154**

Introduced by Raikes, 25.

Read first time January 23, 2008

Committee: Education

A BILL

1 FOR AN ACT relating to learning communities; to amend section  
2 13-508, Revised Statutes Cumulative Supplement, 2006,  
3 and sections 32-546.01, 32-604, 79-611, 79-769, 79-1028,  
4 79-1073, 79-2102, 79-2102.01, 79-2104, 79-2107, 79-2110,  
5 79-2111, 79-2113, 79-2115, 79-2117, and 79-2118, Revised  
6 Statutes Supplement, 2007; to change provisions relating  
7 to coordinating councils, diversity plans, and open  
8 enrollment; to provide for nonvoting learning community  
9 coordinating council members as prescribed; to provide  
10 for an advisory council; to harmonize provisions; and to  
11 repeal the original sections.

12 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 13-508, Revised Statutes Cumulative  
2 Supplement, 2006, is amended to read:

3           13-508 (1) After publication and hearing thereon and  
4 within the time prescribed by law, each governing body, except as  
5 provided in subsection (3) of this section, shall file with and  
6 certify to the levying board or boards on or before September 20  
7 of each year and file with the auditor a copy of the adopted  
8 budget statement which complies with sections 13-518 to 13-522 or  
9 79-1023 to 79-1030, together with the amount of the tax required  
10 to fund the adopted budget, setting out separately (a) the amount  
11 to be levied for the payment of principal or interest on bonds  
12 issued by the governing body and (b) the amount to be levied  
13 for all other purposes. Proof of publication shall be attached to  
14 the statements. ~~School districts that are members of a learning~~  
15 ~~community~~ Learning communities shall also file a copy of such  
16 adopted budget statement with ~~the learning community coordinating~~  
17 ~~council on or before September 1, 2007, and member school districts~~  
18 ~~on or before September 1 of each year. thereafter.~~ The governing  
19 body, in certifying the amount required, may make allowance for  
20 delinquent taxes not exceeding five percent of the amount required  
21 plus the actual percentage of delinquent taxes for the preceding  
22 tax year and for the amount of estimated tax loss from any pending  
23 or anticipated litigation which involves taxation and in which tax  
24 collections have been or can be withheld or escrowed by court  
25 order. For purposes of this section, anticipated litigation shall

1 be limited to the anticipation of an action being filed by a  
2 taxpayer who or which filed a similar action for the preceding year  
3 which is still pending. Except for such allowances, a governing  
4 body shall not certify an amount of tax more than one percent  
5 greater or lesser than the amount determined under section 13-505.

6 (2) Each governing body shall use the final adjusted  
7 values as provided by the county assessor pursuant to section  
8 13-509 for the current year in setting or certifying the levy. Each  
9 governing body may designate one of its members to perform any duty  
10 or responsibility required of such body by this section.

11 (3) (a) A Class I school district shall do the filing  
12 and certification required by subsection (1) of this section on or  
13 before August 1 of each year.

14 (b) ~~A school district which is a member of a learning~~  
15 ~~community shall do such filing and certification on or before~~  
16 ~~September 1 of each year.~~

17 Sec. 2. Section 32-546.01, Revised Statutes Supplement,  
18 2007, is amended to read:

19 32-546.01 (1) Each learning community shall be governed  
20 by a learning community coordinating council consisting of eighteen  
21 voting members, with twelve members elected on a nonpartisan ballot  
22 from six numbered election districts and with six members appointed  
23 from such election districts pursuant to this section. Each voter  
24 shall be allowed to cast votes for one candidate to represent the  
25 election district in which the voter resides. The two candidates

1 receiving the most votes shall be elected. A candidate shall reside  
2 in the election district for which he or she is a candidate. No  
3 primary election for the office of learning community coordinating  
4 council shall be held.

5       (2) The initial elected members shall be elected at the  
6 statewide general election immediately following the certification  
7 of the establishment of the learning community, and subsequent  
8 members shall be elected at subsequent statewide general elections.  
9 Except as provided in this section, such elections shall be  
10 conducted pursuant to the Election Act.

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

16       (4) Members elected to represent odd-numbered districts  
17 in the first election for the learning community coordinating  
18 council shall be elected for two-year terms. Members elected  
19 to represent even-numbered districts in the first election for  
20 the learning community coordinating council shall be elected for  
21 four-year terms. Members elected in subsequent elections shall be  
22 elected for four-year terms and until their successors are elected  
23 and qualified.

24       (5) The appointed members shall be appointed in November  
25 of each even-numbered year after the general election. Appointed

1 members shall be school board members of school districts in the  
2 learning community either elected to take office the following  
3 January or continuing their current term of office for the  
4 following two years. For learning communities to be established  
5 the following January pursuant to orders issued pursuant to section  
6 79-2102, the Secretary of State shall hold a meeting of the school  
7 board members of the school districts in such learning community to  
8 appoint one member from such school boards to represent each of the  
9 election districts on the coordinating council of such learning  
10 community. For subsequent appointments, the current appointed  
11 members of the coordinating council shall hold a meeting of  
12 the school board members of such school districts to appoint one  
13 member from such school boards to represent each of the election  
14 districts on the coordinating council of the learning community.  
15 The appointed members shall be selected by the school board members  
16 of the school districts in the learning community who reside in the  
17 election district to be represented pursuant to a secret ballot,  
18 shall reside in the election district to be represented, and shall  
19 be appointed for two-year terms and until their successors are  
20 appointed and qualified.

21 (6) Vacancies in office for appointed members shall occur  
22 upon the resignation, death, or disqualification from office of  
23 an appointed member. Disqualification from office shall include  
24 ceasing membership on the school board for which membership  
25 qualified the member for the appointment to the learning community

1 coordinating council or ceasing to reside in the election district  
2 represented by such member of the learning community coordinating  
3 council. Whenever such vacancy occurs, the remaining appointed  
4 members shall hold a meeting of the school board members of the  
5 school districts in such learning community to appoint a member  
6 from such school boards who lives in the election district to be  
7 represented to serve for the balance of the unexpired term.

8 (7) Each learning community coordinating council shall  
9 also have a nonvoting ex officio member from each member school  
10 district which does not have either an elected or an appointed  
11 member who resides in the school district on the council. Such  
12 ex officio members shall be appointed by the school board of the  
13 school district to be represented to serve for two-year terms,  
14 and notice of the ex officio member selected shall be submitted  
15 to the Secretary of State by such board prior to December 31 of  
16 each even-numbered year. Each such ex officio member shall be a  
17 resident of the appointing school district and shall not be a  
18 school administrator employed by such school district. Whenever a  
19 vacancy occurs, the school board of such school district shall  
20 appoint a new ex officio member and submit notice to the Secretary  
21 of State and to the learning community coordinating council.

22 (8) Members of a learning community coordinating council  
23 shall take office on the first Thursday after the first Tuesday  
24 in January following their election or appointment, except that  
25 members appointed to fill vacancies shall take office immediately

1 following administration of the oath of office. Each voting member  
2 shall be paid a per diem in an amount determined by such council up  
3 to two hundred dollars per day for official meetings of the council  
4 and the achievement subcouncil for which he or she is a member, up  
5 to a maximum of twelve thousand dollars per fiscal year, and shall  
6 be eligible for reimbursement of reasonable expenses related to  
7 service on the learning community coordinating council as provided  
8 in sections 81-1174 to 81-1177.

9           Sec. 3. Section 32-604, Revised Statutes Supplement,  
10 2007, is amended to read:

11           32-604 (1) Except as provided in subsection (2) or (4) of  
12 this section, no person shall be precluded from being elected or  
13 appointed to or holding an elective office for the reason that he  
14 or she has been elected or appointed to or holds another elective  
15 office.

16           (2) No person serving as a member of the Legislature or  
17 in an elective office described in Article IV, section 1 or 20,  
18 or Article VII, section 3 or 10, of the Constitution of Nebraska  
19 shall simultaneously serve in any other elective office, except  
20 that such a person may simultaneously serve in another elective  
21 office which is filled at an election held in conjunction with the  
22 annual meeting of a public body.

23           (3) Whenever an incumbent serving as a member of the  
24 Legislature or in an elective office described in Article IV,  
25 section 1 or 20, or Article VII, section 3 or 10, of the

1 Constitution of Nebraska assumes another elective office, except  
2 an elective office filled at an election held in conjunction with  
3 the annual meeting of a public body, the office first held by the  
4 incumbent shall be deemed vacant.

5 (4) No person serving in a high elective office shall  
6 simultaneously serve in any other high elective office, except that  
7 a county attorney may serve as the county attorney for more than  
8 one county if appointed under subsection (2) of section 23-1201.01.

9 (5) Notwithstanding subsections (2) through (4) of this  
10 section, any person holding more than one high elective office upon  
11 September 13, 1997, shall be entitled to serve the remainder of all  
12 terms for which he or she was elected or appointed.

13 (6) For purposes of this section, (a) elective office has  
14 the meaning found in section 32-109 and includes an office which is  
15 filled at an election held in conjunction with the annual meeting  
16 of a public body created by an act of the Legislature but does  
17 not include a member of a learning community coordinating council  
18 appointed pursuant to subsection (5) or (7) of section 32-546.01  
19 and (b) high elective office means a member of the Legislature,  
20 an elective office described in Article IV, section 1 or 20, or  
21 Article VII, section 3 or 10, of the Constitution of Nebraska,  
22 or a county, city, learning community, or school district elective  
23 office.

24 Sec. 4. Section 79-611, Revised Statutes Supplement,  
25 2007, is amended to read:



1                   79-611 (1) The school board of any school district  
2 shall either provide free transportation or pay an allowance for  
3 transportation in lieu of free transportation as follows:

4                   (a) When a student attends an elementary school in his  
5 or her own district and lives more than four miles from the public  
6 schoolhouse in such district;

7                   (b) When a student is required to attend an elementary  
8 school outside of his or her own district and lives more than four  
9 miles from such elementary school;

10                  (c) When a student attends a secondary school in his or  
11 her own Class II or Class III school district and lives more than  
12 four miles from the public schoolhouse. This subdivision does not  
13 apply when one or more Class I school districts merge with a Class  
14 VI school district to form a new Class II or III school district on  
15 or after January 1, 1997; and

16                  (d) When a student, other than a student in grades ten  
17 through twelve in a Class V district, attends an elementary or  
18 junior high school in his or her own Class V district and lives  
19 more than four miles from the public schoolhouse in such district.

20                  (2)(a) The school board of any school district that is  
21 a member of a learning community shall provide free transportation  
22 for a student who resides in such learning community and attends  
23 school in such school district if (i) the student is transferring  
24 pursuant to the open enrollment provisions of section 79-2110,  
25 qualifies for free or reduced-price lunches, and lives more than

1 one mile from the school to which he or she transfers, (ii)  
2 the student is transferring pursuant to such open enrollment  
3 provisions, ~~and the student~~ is a student who contributes to the  
4 socioeconomic diversity of enrollment at the school building the  
5 student he or she attends, and lives more than one mile from the  
6 school to which he or she transfers, (iii) the student is attending  
7 a focus school or program and lives more than one mile from the  
8 school building housing the focus school or program, or (iv) the  
9 student is attending a magnet school or program and lives more than  
10 one mile from the magnet school or the school housing the magnet  
11 program.

12 (b) For purposes of this subsection, a student who  
13 contributes to the socioeconomic diversity of enrollment at the  
14 school building he or she attends means ~~(i)~~ a student who is  
15 ~~not a student qualifying for free or reduced-price lunches when,~~  
16 ~~based upon official membership,~~ the school building the student  
17 ~~will attend has more students qualifying for free or reduced-price~~  
18 ~~lunches than the average percentage of such students in all school~~  
19 ~~buildings in the learning community or (ii) a student who is a~~  
20 ~~student that qualifies for free or reduced-price lunches when,~~  
21 ~~based upon official membership,~~ the school building the student  
22 ~~will attend has fewer students qualifying for free or reduced-price~~  
23 ~~lunches than the average percentage of such students in all school~~  
24 ~~buildings in the learning community.~~ has the definition found  
25 in section 79-2110. This subsection does not prohibit a school

1 district that is a member of a learning community from providing  
2 transportation to any intradistrict student.

3 (3) The transportation allowance which may be paid to  
4 the parent, custodial parent, or guardian of students qualifying  
5 for free transportation pursuant to subsection (1) or (2) of this  
6 section shall equal two hundred eighty-five percent of the mileage  
7 rate provided in section 81-1176, multiplied by each mile actually  
8 and necessarily traveled, on each day of attendance, beyond which  
9 the one-way distance from the residence of the student to the  
10 schoolhouse exceeds three miles.

11 (4) Whenever students from more than one family travel to  
12 school in the same vehicle, the transportation allowance prescribed  
13 in subsection (3) of this section shall be payable as follows:

14 (a) To the parent, custodial parent, or guardian  
15 providing transportation for students from other families, one  
16 hundred percent of the amount prescribed in subsection (3) of  
17 this section for the transportation of students of such parent's,  
18 custodial parent's, or guardian's own family and an additional  
19 five percent for students of each other family not to exceed a  
20 maximum of one hundred twenty-five percent of the amount determined  
21 pursuant to subsection (3) of this section; and

22 (b) To the parent, custodial parent, or guardian not  
23 providing transportation for students of other families, two  
24 hundred eighty-five percent of the mileage rate provided in section  
25 81-1176 multiplied by each mile actually and necessarily traveled,

1 on each day of attendance, from the residence of the student to  
2 the pick-up point at which students transfer to the vehicle of a  
3 parent, custodial parent, or guardian described in subdivision (a)  
4 of this subsection.

5 (5) The board may authorize school-provided  
6 transportation to any student who does not qualify under the  
7 mileage requirements of subsection (1) of this section and may  
8 charge a fee to the parent or guardian of the student for such  
9 service. An affiliated high school district may provide free  
10 transportation or pay the allowance described in this section for  
11 high school students residing in an affiliated Class I district. No  
12 transportation payments shall be made to a family for mileage not  
13 actually traveled by such family. The number of days the student  
14 has attended school shall be reported monthly by the teacher to the  
15 board of such public school district.

16 (6) No more than one allowance shall be made to a  
17 family irrespective of the number of students in a family being  
18 transported to school. If a family resides in a Class I district  
19 which is part of a Class VI district and has students enrolled in  
20 any of the grades offered by the Class I district and in any of  
21 the non-high-school grades offered by the Class VI district, such  
22 family shall receive not more than one allowance for the distance  
23 actually traveled when both districts are on the same direct travel  
24 route with one district being located a greater distance from the  
25 residence than the other. In such cases, the travel allowance shall

1 be prorated among the school districts involved.

2 (7) No student shall be exempt from school attendance on  
3 account of distance from the public schoolhouse.

4 Sec. 5. Section 79-769, Revised Statutes Supplement,  
5 2007, is amended to read:

6 79-769 (1) Any one or more member school districts of a  
7 learning community may establish a ~~focus school or program~~ one or  
8 more focus programs, focus schools, or magnet schools pursuant to  
9 the diversity plan developed by the learning community coordinating  
10 council.

11 ~~(2) Member school districts of a learning community may~~  
12 ~~also establish magnet programs which may include magnet pathways~~  
13 ~~across member school districts pursuant to the diversity plan~~  
14 ~~developed by the learning community coordinating council.~~

15 (2) Focus schools, focus programs, and magnet schools may  
16 be included in pathways across member school districts pursuant to  
17 the diversity plan developed by the learning community coordinating  
18 council pursuant to section 79-2104.

19 (3) If multiple member school districts collaborate on a  
20 focus program, focus school, or magnet school, one member school  
21 district shall be designated as the primary school district.  
22 The primary school district shall maintain legal, financial, and  
23 academic responsibility for such focus program, focus school, or  
24 magnet school.

25 ~~(3)~~ (4) For purposes of this section:

1           (a) Focus program means a program that does not have  
2 an attendance area, whose enrollment is designed so that the  
3 socioeconomic diversity of the students attending the focus program  
4 reflects as nearly as possible the socioeconomic diversity of  
5 the student body of the learning community, which has a unique  
6 curriculum with specific learning goals or teaching techniques  
7 different from the standard curriculum, and is unique and designed  
8 differently than the standard curriculum which may be housed in  
9 an ~~existing school building,~~ a building with other public school  
10 programs, and which may consist of either the complete education  
11 program for participating students or part of the education program  
12 for participating students;

13           (b) Focus school means a school that does not have an  
14 attendance area, and whose enrollment is designed so that the  
15 socioeconomic diversity of the students attending the focus school  
16 reflects as nearly as possible the socioeconomic diversity of  
17 the student body of the learning community, which has a unique  
18 curriculum with specific learning goals or teaching techniques  
19 different from the standard curriculum, and which is housed in a  
20 building that does not contain another public school program;

21           ~~(c) Magnet pathway means a location in which elementary,~~  
22 ~~middle, and high school magnet schools are placed;~~

23           ~~(d) Magnet program means a program which offers~~  
24 ~~coordinated elementary, middle, and high school programs and~~  
25 ~~services that are unique and that have specific learning goals in~~

1 ~~addition to the standard curriculum, and~~

2 ~~(e) (c) Magnet school means a school having a home~~  
3 ~~attendance area but which reserves a portion of its capacity~~  
4 ~~specifically for students from outside the attendance area who~~  
5 ~~will contribute to the socioeconomic diversity of the student body~~  
6 ~~of such school and which has a unique curriculum with specific~~  
7 ~~learning goals or teaching techniques different from the standard~~  
8 ~~curriculum; and -~~

9 (d) Pathway means elementary, middle, and high school  
10 focus programs, focus schools, and magnet schools with coordinated  
11 curricula based on specific learning goals or teaching techniques.

12 Sec. 6. Section 79-1028, Revised Statutes Supplement,  
13 2007, is amended to read:

14 79-1028 (1) A Class II, III, IV, V, or VI school  
15 district may exceed its applicable allowable growth rate for (a)  
16 expenditures in support of a service which is the subject of  
17 an agreement or a modification of an existing agreement whether  
18 operated by one of the parties to the agreement or an independent  
19 joint entity or joint public agency, (b) expenditures to pay for  
20 repairs to infrastructure damaged by a natural disaster which is  
21 declared a disaster emergency pursuant to the Emergency Management  
22 Act, (c) expenditures to pay for judgments, except judgments  
23 or orders from the Commission of Industrial Relations, obtained  
24 against a school district which require or obligate a school  
25 district to pay such judgment, to the extent such judgment is not

1 paid by liability insurance coverage of a school district, (d)  
 2 expenditures to pay for sums agreed to be paid by a school district  
 3 to certificated employees in exchange for a voluntary termination  
 4 of employment, ~~e~~ (e) expenditures to pay for lease-purchase  
 5 contracts approved on or after July 1, 1997, and before July  
 6 1, 1998, to the extent the lease payments were not budgeted  
 7 expenditures for fiscal year 1997-98, or (f) expenditures to pay  
 8 another school district for the transfer of land from such other  
 9 school district to the school district seeking to exceed its  
 10 applicable allowable growth rate.

11 (2) A Class II, III, IV, V, or VI district may exceed its  
 12 applicable allowable growth rate by a specific dollar amount if the  
 13 district projects an increase in formula students in the district  
 14 over the current school year greater than twenty-five students  
 15 or greater than those listed in the schedule provided in this  
 16 subsection, whichever is less. Districts shall project increases  
 17 in formula students on forms prescribed by the department. The  
 18 department shall approve, deny, or modify the projected increases.

19	Average daily	Projected increase
20	membership of	of formula students
21	district	by percentage
22	0- 50	10
23	50.01 - 250	5
24	250.01 - 1,000	3
25	1,000.01 and over	1



1           The department shall compute the district's estimated  
2 allowable budget per pupil using the budgeted general fund  
3 expenditures found on the budget statement for the current school  
4 year divided by the number of formula students in the current  
5 school year and multiplied by the district's applicable allowable  
6 growth rate. The resulting allowable budget per pupil shall be  
7 multiplied by the projected formula students to arrive at the  
8 estimated budget needs for the ensuing year. The department  
9 shall allow the district to increase its general fund budget  
10 of expenditures for the ensuing school year by the amount  
11 necessary to fund the estimated budget needs of the district  
12 as computed pursuant to this subsection. On or before July  
13 1, the department shall make available to districts which have  
14 been allowed additional growth pursuant to this subsection the  
15 necessary document to recalculate the actual formula students of  
16 such district. Such document shall be filed with the department  
17 under subsection (1) of section 79-1024.

18           (3) A Class II, III, IV, V, or VI district may exceed  
19 its applicable allowable growth rate by a specific dollar amount  
20 if construction, expansion, or alteration of district buildings  
21 will cause an increase in building operation and maintenance  
22 costs of at least five percent. The department shall document  
23 the projected increase in building operation and maintenance costs  
24 and may allow a Class II, III, IV, V, or VI district to exceed  
25 its applicable allowable growth rate by the amount necessary to

1 fund such increased costs. The department shall compute the actual  
2 increased costs for the school year and shall notify the district  
3 on or before July 1 of the recovery of the additional growth  
4 pursuant to this subsection.

5 (4) A Class II, III, IV, V, or VI district may exceed its  
6 applicable allowable growth rate by a specific dollar amount if the  
7 district demonstrates to the satisfaction of the department that  
8 it will exceed its applicable allowable growth rate as a result  
9 of costs pursuant to the Retirement Incentive Plan authorized  
10 in section 79-855 or the Staff Development Assistance authorized  
11 in section 79-856. The department shall compute the amount by  
12 which the increased cost of such program or programs exceeds the  
13 district's applicable allowable growth rate and shall allow the  
14 district to increase its general fund expenditures by such amount  
15 for that fiscal year.

16 (5) A Class II, III, IV, or V district may exceed its  
17 applicable allowable growth rate by the specific dollar amount of  
18 incentive payments or base fiscal year incentive payments to be  
19 received in such school fiscal year pursuant to section 79-1011.

20 (6) A Class II, III, IV, V, or VI district may exceed  
21 its applicable allowable growth rate by a specific dollar amount  
22 in any year for which the state aid calculation for the local  
23 system includes students in the qualified early childhood education  
24 fall membership of the district for the first time or for a year  
25 in which an early childhood education program of the district is

1 receiving an expansion grant. The department shall compute the  
2 amount by which the district may exceed the district's applicable  
3 allowable growth rate by multiplying the cost grouping cost  
4 per student for the applicable cost grouping by the district's  
5 adjusted formula students attributed to early childhood education  
6 programs if students are included in the district's qualified  
7 early childhood education fall membership for the first time or by  
8 the district's adjusted formula students attributed to such early  
9 childhood education programs minus the district's adjusted formula  
10 students attributed to such early childhood education programs for  
11 the prior school fiscal year if a program is receiving an expansion  
12 grant in the school fiscal year for which the fall membership is  
13 measured. The department shall allow the district to increase its  
14 general fund expenditures by such amount for such school fiscal  
15 year.

16 (7) For school fiscal year 2005-06, a Class II, III, IV,  
17 V, or VI district may exceed its applicable allowable growth rate  
18 by a specific dollar amount not to exceed seventy-four hundredths  
19 percent of the amount budgeted for employee salaries for such  
20 school fiscal year. For school fiscal year 2006-07, a Class II,  
21 III, IV, V, or VI district may exceed its applicable allowable  
22 growth rate by a specific dollar amount not to exceed fifty-nine  
23 hundredths percent of the amount budgeted for employee salaries for  
24 such school fiscal year.

25 (8) A Class II, III, IV, or V district that is a

1 member of a learning community may exceed its applicable allowable  
2 growth rate for the first school fiscal year in which the school  
3 district will be a member of a learning community for the full  
4 school fiscal year by an amount equal to anticipated increases in  
5 transportation expenditures necessary to meet the requirements of  
6 subsection (2) of section 79-611 as approved by the department. The  
7 department shall approve, deny, or modify the amount allowed  
8 for anticipated increases in transportation expenditures. The  
9 department shall compute the actual increase in transportation  
10 expenditures necessary to meet the requirements of subsection (2)  
11 of section 79-611 for such school fiscal year and shall, if needed,  
12 modify the district's applicable allowable growth rate for the  
13 ensuing school fiscal year.

14 (9) For school fiscal year 2008-09, a Class II, III,  
15 IV, or V district may exceed its applicable allowable growth  
16 rate by a specific dollar amount if the sum of the poverty  
17 allowance, elementary class size allowance, focus school and  
18 program allowance, and limited English proficiency allowance for  
19 the school district for school fiscal year 2008-09 exceeds the  
20 poverty weightings plus limited English proficiency weightings  
21 multiplied by the cost grouping cost per student for the school  
22 district for school fiscal year 2007-08. The department shall  
23 compute the amount by which the district may exceed the applicable  
24 allowable growth rate by subtracting the product of the sum of  
25 the poverty weightings and limited English proficiency weightings

1 for school fiscal year 2007-08 multiplied by the average formula  
2 cost per student in the school district's cost grouping for school  
3 fiscal year 2007-08 from the sum of the school fiscal year 2008-09  
4 poverty allowance, elementary class size allowance, focus school  
5 and program allowance, and limited English proficiency allowance  
6 for the school district. The department shall allow the district to  
7 increase its general fund expenditures by such amount for school  
8 fiscal year 2008-09.

9 (10) For school fiscal year 2009-10 and each school  
10 fiscal year thereafter, a Class II, III, IV, or V district may  
11 exceed its applicable allowable growth rate by a specific dollar  
12 amount if the sum of the poverty allowance, elementary class size  
13 allowance, focus school and program allowance, and limited English  
14 proficiency allowance for the school district has grown at a rate  
15 higher than the applicable allowable growth rate of the district.  
16 The department shall compute the amount by which the district  
17 may exceed the applicable allowable growth rate by subtracting  
18 the product of the sum of the poverty allowance, elementary class  
19 size allowance, focus school and program allowance, and limited  
20 English proficiency allowance for the immediately preceding school  
21 fiscal year multiplied by the sum of one plus the applicable  
22 allowable growth rate to be exceeded from the sum of the poverty  
23 allowance, elementary class size allowance, focus school and  
24 program allowance, and limited English proficiency allowance for  
25 the district for the school fiscal year for which the applicable

1 allowable growth rate would be exceeded. The department shall allow  
2 the district to increase its general fund expenditures by such  
3 amount for the applicable school fiscal year.

4 (11) A Class II, III, IV, or V school district may exceed  
5 its applicable allowable growth rate by a specific dollar amount  
6 not to exceed the amount received during such school fiscal year  
7 from educational entities as defined in section 79-1201.01 for  
8 providing distance education courses through the Distance Education  
9 Council until July 1, 2008, and the Educational Service Unit  
10 Coordinating Council on and after July 1, 2008, to such educational  
11 entities.

12 (12) A Class II, III, IV, or V school district may exceed  
13 its applicable allowable growth rate for school fiscal year 2007-08  
14 by a specific dollar amount equal to the amount paid in school  
15 fiscal year 2006-07 to any distance education consortium in which  
16 the school district was participating pursuant to an interlocal  
17 agreement.

18 Sec. 7. Section 79-1073, Revised Statutes Supplement,  
19 2007, is amended to read:

20 79-1073 On or before ~~October~~ September 1 for each year,  
21 each learning community coordinating council shall determine the  
22 expected amounts to be distributed to each member school district  
23 from general fund property tax receipts pursuant to subdivision  
24 (2)(b) of section 77-3442 and shall certify such amounts to each  
25 member school district and the State Department of Education. ~~Such~~

1 For the first three school fiscal years for which the learning  
2 community levies a common general fund property tax for school  
3 districts, such property tax receipts shall be divided among  
4 member school districts proportionally based on the greater of (1)  
5 the difference of the school district's formula need calculated  
6 pursuant to section 79-1007.02 minus the sum of the state aid  
7 certified pursuant to section 79-1022 and the other actual receipts  
8 included in local system formula resources pursuant to section  
9 79-1018.01 for the school fiscal year for which the distribution  
10 is being made or (2) the difference of the sum of the state aid  
11 certified for the school fiscal year immediately preceding the  
12 first school fiscal year for which the learning community levies  
13 a common general fund property tax for school districts plus the  
14 product of the school district's general fund levy for such school  
15 fiscal year multiplied by the assessed valuation for such school  
16 fiscal year minus the state aid certified pursuant to section  
17 79-1022 for the school fiscal year for which the distribution  
18 is being made. Thereafter, such property tax receipts shall be  
19 divided among member school districts proportionally based on the  
20 difference of one hundred percent of the school district's formula  
21 need calculated pursuant to section 79-1007.02 minus the sum of  
22 the state aid certified pursuant to section 79-1022 and the other  
23 actual receipts included in local system formula resources pursuant  
24 to section 79-1018.01 for the school fiscal year for which the  
25 distribution is being made. ~~7 except that no school district shall~~

1 ~~receive property tax receipts in excess of the lesser of such~~  
2 ~~difference or the school district's property tax request submitted~~  
3 ~~to the learning community coordinating council.~~

4           Each time a learning community coordinating council  
5 distributes property tax receipts to member school districts,  
6 the amount to be distributed to each district shall be proportional  
7 based on the total amounts to be distributed to each member school  
8 district for the school fiscal year.

9           Sec. 8. Section 79-2102, Revised Statutes Supplement,  
10 2007, is amended to read:

11           79-2102 On or before September 15, 2007, and on or  
12 before August 1 of each odd-numbered year following the official  
13 designation of any new city of the metropolitan class or any  
14 valid request to form a new learning community, the Commissioner  
15 of Education shall certify the establishment of a new learning  
16 community with the effective date of the first Thursday after the  
17 first Tuesday in January of the next odd-numbered year following  
18 such certification to the county clerks, election commissioners,  
19 and county assessors of the counties with territory in the new  
20 learning community, to the Property Tax Administrator, to the  
21 State Department of Education, and to the school boards of the  
22 member school districts of the new learning community. A learning  
23 community shall be established for each city of the metropolitan  
24 class and shall include all school districts for which the  
25 principal office of the school district is located in the county



1 where the city of the metropolitan class is located and all school  
 2 districts for which the principal office of the school district  
 3 is located in a county that has a contiguous border of at least  
 4 five miles in the aggregate with such city of the metropolitan  
 5 class. A learning community may also be established ~~for one or~~  
 6 ~~more counties~~ at the request of ~~the~~ at least three school boards  
 7 ~~if~~ if (1) all school districts for which the principal office  
 8 of the school district is located in ~~the specified county or one~~  
 9 or more specified counties ~~if~~ are participating in the request  
 10 and either (a) such school districts have are all in the sparse  
 11 cost grouping or very sparse cost grouping as described in section  
 12 79-1007.02 or (b) have a minimum combined total of at least two  
 13 thousand students, ~~except that districts in local systems that are~~  
 14 ~~in the sparse cost grouping or the very sparse cost grouping as~~  
 15 ~~described in section 79-1007.02 need not have a minimum combined~~  
 16 ~~total of at least two thousand students but a learning community~~  
 17 ~~with fewer than two thousand students shall include at least two~~  
 18 ~~school districts.~~ (2) the school districts participating in the  
 19 request have a minimum combined total of ten thousand students.  
 20 Such requests shall be received by the Commissioner of Education on  
 21 or before May 1 of each odd-numbered year.

22           Sec. 9. Section 79-2102.01, Revised Statutes Supplement,  
 23 2007, is amended to read:

24           79-2102.01 ~~The Commissioner of Education or his or~~  
 25 ~~her designee shall convene a meeting of the newly elected~~

1 ~~learning community coordinating council during the month of January~~  
2 ~~following the election. At such meeting, the council shall elect~~  
3 ~~officers and shall begin taking the necessary steps to begin~~  
4 ~~operating as a learning community. The commissioner or his or her~~  
5 ~~designee shall schedule and host such meeting and shall serve as a~~  
6 ~~facilitator at such meeting.~~

7 The Secretary of State or his or her designee shall  
8 schedule and host the first meeting of the newly elected learning  
9 community coordinating council during the month of January  
10 following the election and shall schedule and shall host at least  
11 one meeting each month for the immediately following February and  
12 March. The Secretary of State shall preside until the council  
13 elects officers designated by the bylaws. Those officers shall  
14 preside at the following meetings of such council. The Secretary of  
15 State shall serve as a facilitator at such meetings of the council  
16 through March 31 of such year as the council begins taking steps  
17 necessary to operate as a learning community.

18 Sec. 10. Section 79-2104, Revised Statutes Supplement,  
19 2007, is amended to read:

20 79-2104 A learning community coordinating council shall  
21 have the authority to:

22 (1) Levy and distribute a common levy for the general  
23 funds of member school districts pursuant to sections 77-3442 and  
24 79-1073;

25 (2) Levy and distribute a common levy for the special

1 building funds of member school districts pursuant to sections  
2 77-3442 and 79-1073.01;

3 (3) Levy for capital projects approved by the learning  
4 community coordinating council pursuant to sections 77-3442 and  
5 79-2111;

6 (4) Collect, analyze, and report data and information;

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

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

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

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

23 (9) Develop and approve reorganization plans for  
24 submission pursuant to the Learning Community Reorganization Act;

25 (10) Establish and administer elementary learning centers

1 through achievement subcouncils pursuant to sections 79-2112 to  
2 79-2114;

3 (11) Administer the learning community funds distributed  
4 to the learning community pursuant to section 79-2111;

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

8 (13) Establish a procedure for receiving community input  
9 and complaints regarding the learning community; and

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

16 Sec. 11. Each learning community coordinating council  
17 shall have an advisory committee composed of the superintendent  
18 from each member school district or his or her representative.  
19 The advisory committee shall meet at least four times each year  
20 to review issues related to open enrollment and proposals for  
21 focus programs, focus schools, magnet schools, and pathways, to  
22 provide recommendations for improving academic achievement across  
23 the learning community, and to provide input to the learning  
24 community coordinating council on other issues as requested.

25 Sec. 12. Section 79-2107, Revised Statutes Supplement,

1 2007, is amended to read:

2           79-2107 The boundaries of all school districts for which  
3 the principal office of the school district is located in a county  
4 ~~where~~ in which a city of the metropolitan class is located and  
5 all school districts for which the principal office of the school  
6 district is located in a county that has a contiguous border  
7 of at least five miles in the aggregate with such city of the  
8 metropolitan class shall remain as depicted on the map kept by  
9 the county clerk pursuant to section 79-490 as of March 1, 2006,  
10 for cities of the metropolitan class designated as such prior to  
11 January 2008 or as of March 1 immediately preceding the designation  
12 as a city of the metropolitan class for cities designated as such  
13 on or after January 1, 2008, until a learning community has been  
14 established for such city of the metropolitan class, except that  
15 such districts may transfer property to other such districts with  
16 the agreement of the school board of each affected district prior  
17 to the effective date for such learning community.

18           Sec. 13. Section 79-2110, Revised Statutes Supplement,  
19 2007, is amended to read:

20           79-2110 (1)(a) ~~Each learning community coordinating~~  
21 ~~council, together with its member school districts, shall develop~~  
22 ~~and administer a diversity plan which may be revised from time to~~  
23 ~~time.~~ Each diversity plan shall provide for open enrollment in all  
24 school buildings in the learning community, subject to specific  
25 limitations necessary to bring about diverse enrollments in each

1 school building in the learning community. Such limitations shall  
2 include giving preference at each school building to students that  
3 contribute to the socioeconomic diversity of enrollment<sup>7</sup> as defined  
4 ~~in section 79-611~~<sup>7</sup> at each building and may include establishing  
5 zone limitations in which students may access several schools  
6 other than their home attendance area school. Notwithstanding the  
7 limitations necessary to bring about diversity, open enrollment  
8 shall include providing access to students who do not contribute to  
9 the socioeconomic diversity of a school building, if, subsequent  
10 to the ~~regular enrollment~~ open enrollment selection process  
11 that is subject to limitations necessary to bring about diverse  
12 enrollments, capacity remains in a school building. In such a  
13 case, ~~a student who applies~~ students who have applied to attend  
14 such school building shall be selected to attend such school  
15 building ~~shall be permitted to enroll at such building unless the~~  
16 ~~student~~ on a random basis up to the remaining capacity of such  
17 building. A student who has otherwise been disqualified from the  
18 school building pursuant to the school district's code of conduct  
19 or related school discipline rules shall not be eligible for open  
20 enrollment pursuant to this section. Any student who attended a  
21 particular school building in the prior school year and who is  
22 seeking education in the grades offered in such school building  
23 shall be allowed to continue attending such school building as a  
24 continuing student. A student who will complete the grades offered  
25 at a focus program, focus school, or magnet school that is part

1 of a pathway shall be allowed to attend the focus program, focus  
2 school, or magnet school offering the next grade level as part of  
3 the pathway as a continuing student.

4 (b) To facilitate the open enrollment provisions of  
5 this subsection, each school year each member school district  
6 in a learning community shall establish a maximum capacity for  
7 each school building under such district's control pursuant to  
8 procedures and criteria established by the learning community  
9 coordinating council. Each member school district shall also  
10 establish attendance areas for each school building under the  
11 district's control, except that the school board shall not  
12 establish attendance areas for focus schools or focus programs.  
13 The attendance areas shall be established such that all of the  
14 territory of the school district is within an attendance area for  
15 each grade. Students residing in a school district shall be allowed  
16 to attend a school building in such school district.

17 (c) For purposes of this section and section 79-611,  
18 student who contributes to the socioeconomic diversity of  
19 enrollment means (i) a student who does not qualify for free  
20 or reduced-price lunches when, based upon official membership,  
21 the school building the student will attend has more students  
22 qualifying for free or reduced-price lunches than the average  
23 percentage of such students in all school buildings in the learning  
24 community or (ii) a student who qualifies for free or reduced-price  
25 lunches when, based upon official membership, the school building

1 the student will attend has fewer students qualifying for free or  
2 reduced-price lunches than the average percentage of such students  
3 in all school buildings in the learning community.

4 (2)(a) On or before March 15 of each year beginning  
5 with the year immediately following the year in which the initial  
6 coordinating council for the learning community takes office, a  
7 parent or guardian of a student residing in a member school  
8 district in a learning community may submit an application to any  
9 school district in the learning community on behalf of a student  
10 who is applying to attend a school building for the following  
11 school year that is not in an attendance area where the applicant  
12 resides or a focus school, focus program, or magnet school as  
13 such terms are defined in section 79-769. On or before April 1  
14 of each year beginning with the year immediately following the  
15 year in which the initial coordinating council for the learning  
16 community takes office, the school district shall accept or reject  
17 such applications based on the capacity of the school building, the  
18 eligibility of the applicant for the school building or program,  
19 the number of such applicants that will be accepted for a given  
20 school building, and whether or not the applicant contributes to  
21 the socioeconomic diversity of the school or program to which he  
22 or she has applied and for which he or she is eligible. The school  
23 district shall notify such parent or guardian in writing of the  
24 acceptance or rejection.

25 (b) A ~~Such~~ parent or guardian may provide information on



1 the application regarding the applicant's potential qualification  
2 for free or reduced-price lunches. Any such information provided  
3 shall be subject to verification and shall only be used for the  
4 purposes of this section. Nothing in this section requires a parent  
5 or guardian to provide such information. Determinations about an  
6 applicant's qualification for free or reduced-price lunches for  
7 purposes of this section shall be based on any verified information  
8 provided on the application. If no such information is provided the  
9 student shall be presumed not to qualify for free or reduced-price  
10 lunches for the purposes of this section.

11 (c) A student may not apply to attend a school building  
12 in the learning community for any grades that are offered by  
13 another school building for which the student had previously  
14 applied and been accepted pursuant to this section, absent  
15 a hardship exception as established by the individual school  
16 district. On or before September 1 of each year beginning with  
17 the year immediately following the year in which the initial  
18 coordinating council for the learning community takes office,  
19 each school district shall provide to the learning community  
20 coordinating council a complete and accurate report of all  
21 applications received, including the number of students who applied  
22 at each grade level at each building, the number of students  
23 accepted at each grade level at each building, the number of  
24 such students that contributed to the socioeconomic diversity that  
25 applied and were accepted, the number of applicants denied and the

1 rationales for denial, and other such information as requested by  
2 the learning community coordinating council.

3 ~~(b)~~ (3) Each diversity plan may also include  
4 establishment of one or more focus schools or focus programs and  
5 the involvement of every member school district in one or more  
6 magnet pathways across member school districts. Enrollment in each  
7 focus school or focus program shall be designed to reflect the  
8 socioeconomic diversity of the learning community as a whole.  
9 School district selection of students for focus schools or focus  
10 programs shall be on a random basis from two pools of applicants,  
11 those who qualify for free and reduced-price lunches and those who  
12 do not qualify for free and reduced-price lunches. The percentage  
13 of students selected for focus schools from the pool of applicants  
14 who qualify for free and reduced-price lunches shall be as nearly  
15 equal as possible to the percentage of the student body of the  
16 learning community who qualify for free and reduced-price lunches.  
17 The percentage of students selected for focus schools from the  
18 pool of applicants who do not qualify for free and reduced-price  
19 lunches shall be as nearly equal as possible to the percentage of  
20 the student body of the learning community who do not qualify for  
21 free and reduced-price lunches. If more capacity exists in a focus  
22 school or program than the number of applicants for such focus  
23 school or program that contribute to the socioeconomic diversity  
24 of the focus school or program, the school district shall randomly  
25 select applicants ~~for approval~~ up to the number of applicants that

1 will be accepted for such building.

2 ~~(c) The goal of the diversity plan shall be to annually~~  
3 ~~increase the socioeconomic diversity of enrollment at each grade~~  
4 ~~level in each school building within the learning community until~~  
5 ~~such enrollment reflects the average socioeconomic diversity of the~~  
6 ~~entire enrollment of the learning community. The learning community~~  
7 ~~shall annually publish statistics on changes in diversity at each~~  
8 ~~grade level in each school building within the learning community.~~

9 ~~(d) Any student who attended a particular school building~~  
10 ~~in the prior school year and who is seeking education in the~~  
11 ~~grades offered in such school building shall be allowed to continue~~  
12 ~~attending such school building as a continuing student.~~

13 ~~(3) (4) On or before February 15 of each year beginning~~  
14 ~~with the year immediately following the year in which the initial~~  
15 ~~coordinating council for the learning community takes office, a~~  
16 ~~parent or guardian of a student who is currently attending a school~~  
17 ~~building outside of the attendance area where the student resides~~  
18 ~~pursuant to this section and who will complete the grades offered~~  
19 ~~at such school building prior to the following school year shall~~  
20 ~~provide notice, on a form provided by the school district, to the~~  
21 ~~school board of the school district containing such school building~~  
22 ~~if such student will attend another school building within such~~  
23 ~~district as a continuing student and which school building such~~  
24 ~~student would prefer to attend. On or before March 1, such school~~  
25 ~~board shall provide a notice to such parent or guardian stating~~

1 which school building or buildings the student shall be allowed  
2 to attend in such school district as a continuing student for the  
3 following school year. If the student resides within the school  
4 district, the notice shall include the school building offering the  
5 grade the student will be entering for the following school year  
6 in the attendance area where the student resides. This subsection  
7 shall not apply to focus schools or programs.

8 ~~(4) A student who will complete the grades offered at a~~  
9 ~~magnet school shall be allowed to attend the magnet school offering~~  
10 ~~the next grade level as part of the magnet pathway as a continuing~~  
11 ~~student.~~

12 (5) A parent or guardian of a student who moves to a  
13 new residence in the learning community after April 1 may apply  
14 directly to a school board within the learning community within  
15 ninety days after moving for the student to attend a school  
16 building outside of the attendance area where the student resides.  
17 Such school board shall accept or reject such application within  
18 fifteen days after receiving the application, based on the number  
19 of applications and qualifications pursuant to subsection (2) of  
20 this section for all other students.

21 (6) A parent or guardian of a student who wishes to  
22 change school buildings for emergency or hardship reasons may apply  
23 directly to a school board within the learning community at any  
24 time for the student to attend a school building outside of the  
25 attendance area where the student resides. Such application shall

1 state the emergency or hardship and shall be kept confidential by  
2 the school board. Such school board shall accept or reject such  
3 application within fifteen days after receiving the application.  
4 Applications shall only be accepted if an emergency or hardship  
5 was presented which justifies an exemption from the procedures in  
6 subsection ~~(3)~~ (4) of this section based on the judgment of such  
7 school board, and such acceptance shall not exceed the number of  
8 applications that will be accepted for the school year pursuant to  
9 subsection (2) of this section for such building.

10 ~~(7) For purposes of this section, a student is deemed to~~  
11 ~~reside in any attendance area where such student or at least one of~~  
12 ~~his or her parents or guardians resides.~~

13 Sec. 14. Section 79-2111, Revised Statutes Supplement,  
14 2007, is amended to read:

15 79-2111 (1) A learning community may levy a maximum  
16 levy pursuant to subdivision (2)(h) of section 77-3442 for the  
17 purchase, construction, or remodeling of elementary learning center  
18 facilities and up to fifty percent of the estimated costs for  
19 capital projects approved pursuant to this section. The proceeds  
20 from such levy shall be used for elementary learning center  
21 facilities and for one-time reductions of the bonded indebtedness  
22 required for approved projects up to fifty percent of the estimated  
23 cost of the approved project. The funds used for reductions of  
24 bonded indebtedness shall be transferred to the school district  
25 for which the project was approved and shall be deposited in such

1 school district's special building fund for use on such project.

2 (2) The learning community may approve pursuant to this  
3 section funding for capital projects which will include the  
4 purchase, construction, or remodeling of facilities for ~~(a)~~ a  
5 focus school or program designed to meet the requirements of  
6 section 79-769. ~~or (b) a school or program that will otherwise~~  
7 ~~specifically attract a more economically and culturally diverse~~  
8 ~~student body than would otherwise attend a school or program in a~~  
9 ~~facility at that location.~~ Such approval shall include an estimated  
10 cost for the project and shall state the amount that will be  
11 provided by the learning community for such project.

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

1 balances until the repayment has been completed. The remaining  
2 terms of repayment shall be determined by the learning community  
3 coordinating council. The learning community coordinating council  
4 may waive such repayment if the facility is used for a different  
5 ~~(a) focus school or program or (b) school or program that will~~  
6 ~~specifically attract a more economically and culturally diverse~~  
7 ~~student body than would attend a school or program in a facility at~~  
8 ~~that location~~ for a period of time that will result in the use of  
9 the facility for qualifying purposes for a total of at least ten  
10 years.

11           Sec. 15. Section 79-2113, Revised Statutes Supplement,  
12 2007, is amended to read:

13           79-2113 (1) On or before July 1 immediately following the  
14 establishment of a new learning community, the learning community  
15 coordinating council shall establish at least one elementary  
16 learning center for each twenty-five elementary schools in which at  
17 least thirty-five percent of the students attending the school who  
18 reside in the attendance area of such school qualify for free or  
19 reduced-price lunches.

20           (2) Each achievement subcouncil shall submit a plan to  
21 the learning community coordinating council for any elementary  
22 learning center in its election district and the services to be  
23 provided by such elementary learning center. In developing the  
24 plan, the achievement subcouncil shall seek input from community  
25 resources and collaborate with such resources in order to maximize

1 the available opportunities and the participation of elementary  
2 students and their families. An achievement subcouncil may, as  
3 part of such plan, recommend services be provided through contracts  
4 with, or grants to, entities other than school districts to  
5 provide some or all of the services. Such entities may include  
6 collaborative groups which may include the participation of a  
7 school district. An achievement subcouncil may also, as part of  
8 such plan, recommend that the elementary learning center serve  
9 as a clearinghouse for recommending programs provided by school  
10 districts or other entities and that the elementary learning center  
11 assist students in accessing such programs.

12 (3) Each elementary learning center shall have at least  
13 one elementary learning center facility that is located in an  
14 area with a high concentration of poverty. ~~within the region.~~  
15 Such facility may be owned or leased by the learning community,  
16 or the use of the facility may be donated to the learning  
17 community. Programs offered by the elementary learning center may  
18 be offered in such facility or in other facilities, including  
19 school buildings. ~~located within the elementary learning center.~~

20 Sec. 16. Section 79-2115, Revised Statutes Supplement,  
21 2007, is amended to read:

22 79-2115 (1) Learning community funds distributed pursuant  
23 to section 79-2103 may be used by the learning community  
24 coordinating council receiving the funds for:

25 (a) The administration and operation of the learning



1 community;

2 (b) The administration, operations, and programs of  
3 elementary learning centers pursuant to sections 79-2112 to  
4 79-2114;

5 (c) Supplements for extended hours to teachers in  
6 elementary schools in which at least thirty-five percent of the  
7 students attending the school who reside in the attendance area of  
8 such school qualify for free or reduced-price lunches;

9 (d) Transportation for parents ~~to school functions of~~  
10 ~~students in elementary schools~~ of elementary students who qualify  
11 for free or reduced-price lunches to school functions of such  
12 students in elementary schools; and

13 (e) Pilot projects related to enhancing the academic  
14 achievement of elementary students, particularly students who face  
15 challenges in the educational environment due to factors such as  
16 poverty, limited English skills, and mobility.

17 (2) Each learning community coordinating council shall  
18 adopt policies and procedures for granting supplements for extended  
19 hours and for providing transportation for parents if any such  
20 funds are to be used for such purposes. An example of a pilot  
21 project that could receive such funds would be a school designated  
22 as Jump Start Center focused on providing intensive literacy  
23 services for elementary students with low reading scores.

24 (3) A learning community coordinating council shall  
25 provide for financial audits and evaluations of effectiveness

1 of elementary learning centers and pilot projects receiving funds  
2 pursuant to this section. A learning community coordinating council  
3 shall serve as the recipient of private funds donated to support  
4 any elementary learning center or pilot project receiving funds  
5 pursuant to this section from such learning community coordinating  
6 council and shall assure that the use of such private funds is  
7 included in the financial audits required pursuant to this section.

8           Sec. 17. Section 79-2117, Revised Statutes Supplement,  
9 2007, is amended to read:

10           79-2117 Each learning community coordinating council  
11 shall designate the three voting members representing each election  
12 district as the achievement subcouncil for such election district.  
13 Each achievement subcouncil shall meet as necessary but shall meet  
14 and conduct a public hearing within its election district at least  
15 once each school year. Each achievement subcouncil shall:

16           (1) Develop a diversity plan recommendation for the  
17 territory in its election district that will provide educational  
18 opportunities which will result in increased diversity in schools  
19 in the election district;

20           (2) Administer elementary learning centers in cooperation  
21 with the elementary learning center executive director;

22           (3) Review and approve or disapprove of the poverty plans  
23 and limited English proficiency plans for the schools located in  
24 its election district;

25           (4) Receive community input and complaints regarding

1 the learning community and academic achievement in the election  
2 district; and

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

7 Sec. 18. Section 79-2118, Revised Statutes Supplement,  
8 2007, is amended to read:

9 79-2118 (1) Each learning community, together with its  
10 member school districts, shall develop a diversity plan to provide  
11 educational opportunities pursuant to sections 79-769 and 79-2110  
12 in each election district designed to attract students from diverse  
13 backgrounds, which plan may be revised from time to time. The  
14 initial diversity plan shall be completed by December 31 of the  
15 year the initial learning community coordinating council for the  
16 learning community takes office. The goal of the diversity plan  
17 shall be to annually increase the socioeconomic diversity of  
18 enrollment at each grade level in each school building within  
19 the learning community until such enrollment reflects the average  
20 socioeconomic diversity of the entire enrollment of the learning  
21 community.

22 (2) Each diversity plan for a learning community shall  
23 include specific provisions relating to each election district  
24 with such learning community. The specific provisions relating to  
25 each election district shall be approved by both the achievement

1 subcouncil for such district and by the learning community  
2 coordinating council.

3 (3) The learning community coordinating council shall  
4 report to the Education Committee of the Legislature on or  
5 before December 1 of each even-numbered year on the diversity  
6 in the school or and changes in diversity at each grade level  
7 in each school building within the learning community and on  
8 the academic achievement for different demographic groups in each  
9 school building within the learning community.

10 Sec. 19. Original section 13-508, Revised Statutes  
11 Cumulative Supplement, 2006, and sections 32-546.01, 32-604,  
12 79-611, 79-769, 79-1028, 79-1073, 79-2102, 79-2102.01, 79-2104,  
13 79-2107, 79-2110, 79-2111, 79-2113, 79-2115, 79-2117, and 79-2118,  
14 Revised Statutes Supplement, 2007, are repealed.