

ONE HUNDRED THIRD LEGISLATURE - FIRST SESSION - 2013
COMMITTEE STATEMENT
LB179

Hearing Date: Tuesday February 26, 2013
Committee On: Education
Introducer: Kintner
One Liner: Eliminate learning communities

Roll Call Vote - Final Committee Action:
Indefinitely postponed

Vote Results:

Aye: 8 Senators Avery, Cook, Davis, Haar, Kolowski, Scheer, Seiler, Sullivan
Nay:
Absent:
Present Not Voting:

Proponents:

Senator Bill Kintner
Ruth Lienemann
Timothy Gilligan
Bob Twiss
John Knapp
Brett Richards
Rick Black
Dan Schnoes

Representing:

Introducer
self
self
self
self
Springfield Platteview Community Schools
Papillion LaVista Public Schools
DC West Community Schools

Opponents:

Lorraine Chang
Ted Stilwell
John Lindsay
Sara Goodell
Dimas Briceno
Mike Avery

Representing:

Learning Communities of Douglas and Sarpy Counties
Learning Community
Omaha Public Schools
Learning Community Center
Learning Community Center student
Learning Community

Neutral:

Representing:

Summary of purpose and/or changes:

Legislative Bill 179 would dissolve existing learning communities as of July 1, 2014 and eliminate all provisions regarding learning communities. As of that date, joint entities formed by two or more schools could establish focus programs, focus schools, and magnet schools. The Learning Community Reorganization Act would also be repealed and current learning community member school districts would be included in the same manner as similar districts in other reorganization provisions.

Dissolution of Learning Community Operative on the Effective Date of the Act

A new section would dissolve the learning community established for a city of the metropolitan class on July 1, 2014. All records, books, papers, funds, and personal property belonging to the learning community would be delivered to the State Board of Education to be distributed to the member school districts. The funds would be distributed proportionally to member school districts based on the taxable valuations. The boundaries of the member districts would remain as

depicted on the map kept by the county clerk as of July 1, 2014 until changed pursuant to a reorganization entered into by one or more of the districts.

Learning Community Changes Operative on the Effective Date of the Act

Section 13-503 (Nebraska Budget Act terms) would be amended by removing learning communities from the definition of governing bodies beginning with the 2014-15 school fiscal year.

Section 13-508 (Nebraska Budget Act budget statements, valuations, & levies) would be amended by making provisions that apply specifically to learning communities applicable only to school fiscal years before 2014-15.

Section 13-511 (Nebraska Budget Act revised budgets) would be amended by limiting required filings with the learning community to school fiscal years before 2014-15.

Section 13-903 (Political Subdivisions Tort Claims Act terms) would be amended by limiting the inclusion of learning communities to those in existence before July 1, 2014.

Section 32-546.01 (learning community coordinating council membership) would be amended by referencing statutes (sections 32-555.01 and 79-2102) that would be outright repealed as of July 1, 2014 as those sections existed immediately prior to July 1, 2014. Members of learning community coordinating councils would serve only until the dissolution of the learning community.

Section 32-567 (filling of vacancies in office) would be amended to exempt learning communities from the requirement to fill vacancies within 45 days if the learning community will cease to exist with the 45 day period.

Section 70-651.04 (distribution of gross revenues tax on electricity providers) would be amended to limit the distribution of proceeds to school districts through learning communities to school fiscal years before 2014-15.

Section 77-1772 (delinquent tax interest) would be amended to distribute interest on delinquent taxes collected after a learning community no longer exists. The distribution would be proportional to member districts based on valuations at the time the taxes were levied.

Section 77-3442 (property tax authorization) would be amended by limiting property tax authority for learning communities to school fiscal years before 2014-15.

Section 79-201 (compulsory education) would be amended to limit requirements for member districts to report information to learning communities to school fiscal years before 2014-15.

Section 79-215 (school district admissions) would be amended to limit the requirement for learning community member districts to admit students pursuant to open enrollment to school years before 2014-15.

Section 79-233 (option enrollment terms) would be amended to limit provisions particular to students residing in a learning community to school years before 2014-15.

Section 79-237 (option enrollment applications) would be amended to limit provisions particular to students residing in a learning community to school years before 2014-15.

Section 79-238 (option enrollment acceptance) would be amended to limit the priority system for option application in learning community districts to school years before 2014-15.

Section 79-527 (dropout, suspension, expulsion, and absenteeism reporting) would be amended to limit the requirement to provide reports to learning communities to school fiscal years prior to 2014-15.

Section 79-528 (various reports) would be amended to limit the requirements for the Commissioner of Education or Department of Education to provide or receive reports regarding learning communities to school fiscal years prior to 2014-15.

Section 79-1003 (Tax Equity and Educational Opportunities Support Act terms) would be amended by limiting the inclusion of learning communities in the definition of local systems to school fiscal years before school fiscal year 2014-15.

Section 79-1007.05 (focus school and program allowance) would be amended by limiting the calculation of the allowance for learning community approved focus programs and schools to school fiscal years 2008-09 through 2013-14. Beginning with school fiscal year 2014-15, focus programs and schools defined pursuant to new provisions in section 79-769 would qualify for the allowance. The allowance calculation for school districts and joint entities would be the same as the current calculation method.

Section 79-1007.11 (formula need) would be amended by removing the new learning community transportation allowance from the calculation of formula need beginning with the 2014-15 school fiscal year. The provisions increasing need for districts that had higher resources prior to becoming a part of a learning community would also be limited to school fiscal years prior to 2014-15.

Section 79-1007.18 (averaging adjustment) would be amended by only including learning community common levies in the calculation for school fiscal years prior to 2014-15.

Section 79-1007.22 (new learning community transportation adjustment) would be amended by limiting the calculation of the adjustment to school fiscal years prior to 2014-15.

Section 79-1008.02 (minimum levy adjustment) would be amended by limiting the provisions relating only to learning communities to school fiscal years before 2014-15.

Section 79-1024 (budget submission to Department of Education) would be amended by limiting to school fiscal years prior to 2014-15 the determination of funds belonging to learning community member districts for the purpose of withholding funds due to failure to comply with the section.

Section 70-1033 (annual financial report and annual statistical summary submission) would be amended by limiting to school fiscal years prior to 2014-15 the determination of funds belonging to learning community member districts for the purpose of withholding funds due to failure to comply with the section.

Section 79-1036 (in lieu of tax money) would be amended by limiting the use of learning community common levies in the determination of in lieu of tax money to school fiscal years prior to 2014-15.

Section 79-1041 (county treasurer duties to distribute funds) would be amended by limiting the duties to distribute learning community common levy proceeds to school fiscal years prior to 2014-15.

Section 79-1073 (expected general fund common levy distributions) would be amended by limiting the provisions to school years prior to 2014-15.

Section 79-1073.01 (distribution of special building fund common levy proceeds) would be amended by limiting the provisions to school years prior to 2014-15.

Section 79-1086 (Class V resource estimate) would be amended by limiting provisions for Class V school districts that are members of a learning community to school fiscal years prior to 2014-15.

Section 79-1241.03 (core services and technology infrastructure funds) would be amended by limiting provisions for learning communities to school fiscal years 2011-12 through 2013-14. Requirements for funds distributed to learning communities would only apply to funds distributed prior to July 1, 2014.

Focus and Magnet School Changes Operative on July 1, 2014

Section 79-769 would be amended to allow any 2 or more school districts to form a joint entity and establish one or more focus programs, focus schools, or magnet schools. Provisions for continuing in a pathway or in the same school district after completing a focus program, focus school, or magnet school are copied from the open enrollment provisions that will be eliminated as of July 1, 2014. Students who attended a program or school immediately preceding the year the program becomes a focus program or focus school meeting the new requirements would be a continuing student in the focus program or school if they have not completed the grades offered. The socioeconomic goal would be the socioeconomic diversity of the school district or districts establishing the program or school. Diversity plan requirements would otherwise be eliminated.

Removal of Learning Community References Operative on July 1, 2014

References to learning communities and provisions specific to learning communities would be removed from the following statutes as of July 1, 2014:

Section 11-119 (bonds for public officers);

Section 13-2202 (Local Government Miscellaneous Expenditure Act terms);

Section 32-604 (multiple office holding);

Section 32-1203 (political subdivision election expenses);

Section 68-907 (Medical Assistance Act terms);

Section 77-1601.02 (property tax request procedures);

Section 77-1614 (consolidated taxes on tax list);

Section 77-1624 (delinquent taxes);

Section 77-1702 (method of payment for collection of taxes);

Section 77-1704.01 (notice for collection of taxes);

Section 77-1708 (cash book for collection of taxes);

Section 77-2201 (payment of warrants in order of presentation);

Section 77-2202 (warrant register);

Section 77-2704.15 (political subdivision exemption from sales and use taxes);

Section 79-102 (school district classifications);

Section 79-407 (Class III school district boundaries)

Section 79-408 (Class IV school district boundaries)

Section 79-413 (petition process for reorganization)

Section 79-415 (board to board method of reorganization)
Section 79-416 (reorganizations not involving a city or village)
Section 79-433 (Reorganization of School Districts Act terms)
Section 79-452 (dissolution by petition)
Section 79-458 (freeholding)
Section 79-458.01 (encapsulated territory)
Section 79-467 (reduction in valuation due to federal purchase)
Section 79-468 (merger of city or village into city of primary class)
Section 79-473 (Class III school districts and annexations)
Section 79-549 (Caucus nominations for school board members)
Section 79-611 (requirements to provide student transportation)
Section 79-760.02 (academic content standards)
Section 79-760.03 (assessment)
Section 79-760.05 (student data)
Section 79-777 (career academies)
Section 79-850 (teacher rights in reorganizations)
Section 79-979 (Class V School Employees Retirement Act)
Section 79-1013 (poverty plans)
Section 79-1014 (limited English proficiency plans)
Section 79-1022 (certification of state aid)
Section 79-1074 (certification of taxable value)
Section 79-1075 (certification of levies)
Section 79-1083 (delivery of adopted budget statements)
Section 79-1084 (Class III report revenues and expenditures)
Section 79-10,120 (special building funds)
Section 79-10,126 (Class V funds and levies)
Section 79-1210 (educational service unit boundary changes)
Section 81-1203 (job training grants)
Section 84-1413 (public body minutes)

Outright Repeals of Learning Community Sections Operative on July 1, 2014

The following sections would be outright repeals as of July 1, 2014:

Section 32-555.01 (learning community election districts)
Section 79-4,117 (Learning Community Reorganization Act)
Section 79-4,118 (Learning Community Reorganization Act)
Section 79-4,119 (Learning Community Reorganization Act)
Section 79-4,120 (Learning Community Reorganization Act)
Section 79-4,121 (Learning Community Reorganization Act)
Section 79-4,122 (Learning Community Reorganization Act)
Section 79-4,123 (Learning Community Reorganization Act)
Section 79-4,124 (Learning Community Reorganization Act)
Section 79-4,125 (Learning Community Reorganization Act)
Section 79-4,126 (Learning Community Reorganization Act)
Section 79-4,127 (Learning Community Reorganization Act)
Section 79-4,128 (Learning Community Reorganization Act)
Section 79-4,129 (Learning Community Reorganization Act)
Section 79-10,126.01 (Class V in learning community funds and levies)
Section 79-2101 (learning community definition)
Section 79-2102 (establishing learning communities)
Section 79-2102.01 (learning community coordinating councils)
Section 79-2103 (distribution of learning community appropriation)
Section 79-2104 (learning community coordinating council powers)
Section 79-2104.01 (learning community advisory committee)
Section 79-2104.02 (learning community use of funds)

Section 79-2107 (school district boundaries for learning communities)
Section 79-2110 (diversity plan)
Section 79-2110.01 (open enrollment)
Section 79-2111 (elementary learning centers facilities)
Section 79-2112 (elementary learning center executive director and employees)
Section 79-2113 (elementary learning center establishment)
Section 79-2114 (elementary learning center services and programs)
Section 79-2115 (learning community funds)
Section 79-2116 (elementary learning center employee terms and conditions)
Section 79-2117 (achievement subcouncils)
Section 79-2118 (diversity plan)
Section 79-2119 (coordinating council insurance)
Section 79-2120 (certification of free or reduced-price lunch students)
Section 79-2121 (plan to reduce absenteeism)

Kate Sullivan, Chairperson