

The two most significant components of **local formula resources** for school districts are local property tax capacity and other local revenues collected. These components account for over 93 percent of local formula resources statewide. Property tax capacity is determined by assuming a rate of \$1 per \$100 of adjusted value, after adjustment per § 79-1016. Other local taxes, fees and miscellaneous revenues also contribute formula resources to school districts, including the most significant local revenues: motor vehicle taxes, state apportionment of school land earnings, public power sales taxes, interest earnings, prorated motor vehicle, and local fine/license fees.

LB 545 and LB 5, 2009 Neb. Laws, moderated previously enacted formula increases.

*See Appendix J, Tax Equity and Education Opportunities Support Act Certification of 2009/10 Aid.*

**(F)(2) Ensuring successful conditions for high-performing charter schools and other innovative schools (40 points)**

The extent to which—

- (i) The State has a charter school law that does not prohibit or effectively inhibit increasing the number of high-performing charter schools (as defined in this notice) in the State, measured (as set forth in Appendix B) by the percentage of total schools in the State that are allowed to be charter schools or otherwise restrict student enrollment in charter schools;
- (ii) The State has laws, statutes, regulations, or guidelines regarding how charter school authorizers approve, monitor, hold accountable, reauthorize, and close charter schools; in particular, whether authorizers require that student achievement (as defined in this notice) be one significant factor, among others, in authorization or renewal; encourage charter schools that serve student populations that are similar to local district student populations, especially relative to high-need students (as defined in this notice); and have closed or not renewed ineffective charter schools;
- (iii) The State's charter schools receive (as set forth in Appendix B) equitable funding compared to traditional public schools, and a

commensurate share of local, State, and Federal revenues;

(iv) The State provides charter schools with funding for facilities (for leasing facilities, purchasing facilities, or making tenant improvements), assistance with facilities acquisition, access to public facilities, the ability to share in bonds and mill levies, or other supports; and the extent to which the State does not impose any facility-related requirements on charter schools that are stricter than those applied to traditional public schools; and

(v) The State enables LEAs to operate innovative, autonomous public schools (as defined in this notice) other than charter schools.

*In the text box below, the State shall describe its current status in meeting the criterion. The narrative or attachments shall also include, at a minimum, the evidence listed below, and how each piece of evidence demonstrates the State's success in meeting the criterion. The narrative and attachments may also include any additional information the State believes will be helpful to peer reviewers. For attachments included in the Appendix, note in the narrative the location where the attachments can be found.*

Evidence for (F)(2)(i):

- A description of the State's applicable laws, statutes, regulations, or other relevant legal documents.
- The number of charter schools allowed under State law and the percentage this represents of the total number of schools in the State.
- The number and types of charter schools currently operating in the State.

Evidence for (F)(2)(ii):

- A description of the State's approach to charter school accountability and authorization, and a description of the State's applicable laws, statutes, regulations, or other relevant legal documents.
- For each of the last five years:
  - The number of charter school applications made in the State.
  - The number of charter school applications approved.
  - The number of charter school applications denied and reasons for the denials (academic, financial, low enrollment, other).
  - The number of charter schools closed (including charter schools that were not reauthorized to operate).

Evidence for (F)(2)(iii):

- A description of the State's applicable statutes, regulations, or other relevant legal documents.
- A description of the State's approach to charter school funding, the amount of funding passed through to charter schools per

student, and how those amounts compare with traditional public school per-student funding allocations.

Evidence for (F)(2)(iv):

- A description of the State’s applicable statutes, regulations, or other relevant legal documents.
- A description of the statewide facilities supports provided to charter schools, if any.

Evidence for (F)(2)(v):

- A description of how the State enables LEAs to operate innovative, autonomous public schools (as defined in this notice) other than charter schools.

*Recommended maximum response length: Six pages*

**(F)(2)(i)**

Nebraska statutes are silent with regard to charter schools. The statutes neither expressly authorize, nor expressly delimit charter schools. Due to the rural and small school nature of the vast majority of Nebraska school districts, charter schools are not an applicable model of public education in most areas of the state. In place of charter schools, Nebraska law permits great flexibility to school districts in the determination of curriculum offerings, which has permitted numerous school districts to create innovative schools and programs. In addition, Nebraska has a liberal enrollment option law, and a new Learning Community organization of school districts in the Omaha metro area. (See Section V – below). These actions work to keep options available for Nebraska school children, regardless of their location or resident school building or district.

**(F)(2)(ii)**

Not applicable.

**(F)(2)(iii)**

Not applicable.

**(F)(2)(iv)**

Not applicable.

**(F)(2)(v)**

Nebraska public school children have many opportunities to attend schools outside of the neighborhood where they live. These opportunities include the enrollment option program, specialized intra-district schools, and the new Douglas-Sarpy County Learning Community, which provides for expansion of magnet and focus schools throughout a two county areas made up of 11 school districts and creation of elementary learning centers that are available to any family in the two county area.

**Enrollment Option Program** Nebraska established an Enrollment Option Program in 1989 to enable any kindergarten through twelfth grade student to attend a school in a neighboring school district in which the student does not reside, subject to certain limitations. An option student is a student that has chosen to attend an option school district. Over the past ten years the number of Nebraska students annually taking advantage of the Enrollment Option Program has grown from 11,679 to 16,931 (5.9% of all students).

**Specialized Intra-District Schools** Nebraska law provides great flexibility to local school districts to create programs or schools that meet the individual interests and needs of students and families. Several school districts in Nebraska used this flexibility to created specialized schools responding to the wishes of students and their families. At the elementary level these innovative programs include the Core Knowledge School and Montessori School in the Millard School District, which has over 20,000 students in attendance throughout the district and is part of the ground breaking Douglas-Sarpy County Learning Community described below. Other school districts have developed career academies, such as the health careers academy in the Papillion

LaVista School District, which serves over 8,000 students, and Ralston School District, which serves over 3,000 students. Both the Papillion LaVista and Ralston School District are also part of the Douglas-Sarpy County Learning Community. In addition, the Papillion LaVista School District has created a science school associated with Omaha's internationally know Henry Doorly Zoo. Finally, the Lincoln School District, serving over 32,000 students created a fine arts school, a science school associated with the Lincoln Children's Zoo, and an Entrepreneurship Focus Program in partnership with Gallup, Southeast Community College, the University of Nebraska Lincoln Center for Entrepreneurship, and the city's Information Technology Focus Program.

**Douglas-Sarpy County Learning Community Options** The new Douglas-Sarpy County Learning Community is made up of eleven Omaha area school districts comprising over 1/3 of Nebraska's public school enrollment (over 100,000 students). This new political subdivision seeks to bring the eleven Douglas and Sarpy County School Districts into a cooperative partnership. The Learning Community concept was created in 2007 for three purposes: (1) to share resources (assessed valuation property taxes) via a common levy across all eleven school districts and thereby direct resources to districts with greater needs (poverty, ELL, and highly mobile students); (2) to expand opportunities and options for all students; and (3) to end metro area school district boundary disputes. The Learning Community Coordinating Council has recently adopted a diversity plan that provides for open enrollment in all school buildings in the learning community, subject to specific limitations necessary to bring about diverse student enrollment in each school building in the learning community. Diversity is defined in socioeconomic terms as being equal to the learning community-wide percentage of students who qualify for free and reduced price lunch which in 2008-09 was 37%. School districts are required to permit students throughout the two county area to transfer to any school they choose, subject to certain limitation. The goal, therefore, is for each school building to make progress toward having a diverse student population that mirrors the learning community wide percentage. Students that move the school building's diversity toward the learning community-wide percentage of students who qualify for free and reduced price lunch are given a priority in the learning community open enrollment process.

The Learning Community also has two other options for families. The first is the authority and levy capability to build or remodel facilities for focus schools that are operated by member school districts. The Learning Community Coordinating Council has the authority to approve focus schools and magnet schools proposed by member school districts. Focus and Magnet Schools have a unique curriculum (featuring areas such as leadership, technology, and health careers) and must be open to enrollment from all Learning Community students (as long as the student enrollment reflects the learning community-wide diversity as explained above). The second is the authority and requirement to create and operate Elementary Learning Centers. A minimum of one elementary learning center is required by statute for each 25 buildings with at least 37% of students qualifying for free or reduced-price lunches. Elementary learning centers must be open to all elementary–age children in the learning community and their families. Elementary learning centers, when opened, are to have programs designed to enhance the academic success of elementary students, including but not limited to intensive reading and math assistance outside the school day, assistance with parental reading/language skills, computer labs, mentors, and health services.

While the Douglas-Sarpy County Learning Community is new, its potential to raise the achievement level of all metro area students and close achievement gaps is high. The entire effort is focused on improved opportunities and learning for students who qualify for free and/or reduced price lunch, English Language Learners and highly mobile students.

**Magnet Schools and Programs** Nebraska’s largest school district, the Omaha Public Schools, operates a system of magnet schools (three at the high school level, six at the middle school level and eight at the elementary school level). The magnet schools are open to all students on a lottery basis with the intention of allowing students and families an option beyond their attendance area schools. Magnet schools, according to the Omaha Public Schools, provide students with unique opportunities and integrated educational experiences. The magnet areas vary per school. The district's three high school magnets, for example, are Information, Technology and Performing Arts at Omaha South High Schools; Math, Science and Engineering at Omaha North High Schools; and the Center for Academic, Research and Innovation at Omaha Central High School.