

Using Regional Coalitions to Address Socioeconomic Isolation

A Case Study of the Omaha Metropolitan Agreement

A CHHIRJ Case Study

by Jennifer Jellison Holme, Sarah Diem,
and Katherine Cumings Mansfield

May 2009

*Charles
Hamilton
Houston*

INSTITUTE FOR
RACE & JUSTICE

HARVARD LAW SCHOOL



USING REGIONAL COALITIONS TO ADDRESS SOCIOECONOMIC ISOLATION: A CASE STUDY OF THE OMAHA METROPOLITAN AGREEMENT

By Jennifer Jellison Holme, Sarah Diem, and Katherine Cumings Mansfield

May 2009

As the nation's schools grow more racially and economically segregated, elected leaders in Omaha, Nebraska recently chose to counteract this trend. They forged a regional plan that brings together 11 school districts and creates a cooperative "Learning Community." The purpose of the school restructuring and governance plan is to reduce school inequality, increase social cohesion and ameliorate socioeconomic isolation in the region. The little known story of Omaha offers important and inspiring lessons for elected leaders, community groups and ordinary people who aspire to reduce inequality, enhance educational opportunity and harness the potential of diversity.

In May, 2007, Nebraska's governor signed this law, which is significant for several reasons. First, the agreement secures commitment of socioeconomically distinct school districts – including one urban and other suburban districts – across two counties to an inter-district desegregation plan, all without a court order. Second, the Learning Community will be funded not through a legislative allotment, but, remarkably, through a more stable tax-sharing plan. Third, the law moves away from more typical fragmented forms of local control, which often exacerbate inequality. Instead, the law establishes a regional governing council to oversee construction of inter-district schools of choice and educational support centers in high poverty communities.

Regional solutions to reduce inequality are not new. However, no government has created a plan on a scale as large as Omaha's. The Omaha region's cooperative agreement to address the worsening isolation of its urban schools takes on particular import given the demographic shifts during the previous three decades. During this time, most school segregation in large metro areas occurred between separate school districts rather than within the same district. Thus, if educators wish to reduce racial and economic isolation, cooperative agreements such as Omaha's, between school districts, are often the only way to achieve it. This case study, "*Using Regional Coalitions to Address Socioeconomic Isolation: A Case Study of the Omaha Metropolitan Agreement*," takes us through the legislative and community process that created this groundbreaking plan. The careful study also explores some of the vulnerabilities that could undermine this plan's success. People and organizations interested in regional equity will surely be watching the events in Omaha as they unfold over the coming months and years.

This case study is released with a companion Powerpoint presentation that summarizes key findings. People may use the Powerpoint slides without charge or permission. We hope people find this work useful in their efforts to raise awareness and find solutions to increasing inequality and worsening segregation in America's metropolitan areas.

Susan Eaton
Research Director
Charles Hamilton Houston Institute for Race
& Justice at Harvard Law School
Email: seaton@law.harvard.edu

USING REGIONAL COALITIONS TO ADDRESS SOCIOECONOMIC ISOLATION: A CASE STUDY OF THE OMAHA METROPOLITAN AGREEMENT

By Jennifer Jellison Holme, Sarah Diem, and Katherine Cumings Mansfield

CHARLES HAMILTON HOUSTON INSTITUTE FOR RACE AND JUSTICE • CASE STUDY • MAY 2009

In May 2007, Nebraska's governor signed into law an unprecedented piece of legislation requiring 11 public school districts in the Omaha, Nebraska metropolitan area to form a cooperative "Learning Community." The agreement is momentous on several grounds. First, it is distinctive in that it has secured the commitment of all 11 school districts across two counties to an inter-district socioeconomic desegregation plan, all without a court order. The second historic aspect to this agreement is that it will be funded through a new tax-sharing plan, by merging 11 local school districts into a shared metropolitan tax base. Another notable aspect of this plan is its establishment of a regional governing council that will implement the agreement and oversee the construction of new inter-district schools of choice and support centers in high poverty communities.

Regional solutions to reduce inequality are not novel. However, none have been attempted on the scale of the Omaha effort.

The Omaha region's cooperative agreement to address the growing isolation of its urban school system takes on particular import given the demographic changes that have occurred in most major metro areas over the past three decades. During this time, segregation in large metro areas has shifted mainly from *within* district segregation to *between* district segregation (Clotfelter, 2004). Thus, if educators wish to reduce racial and economic isolation, cooperative agreements between school districts are the only way to achieve it.

This agreement was not forged easily. It emerged after years of conflict between the central Omaha Public School District and the suburban districts that surround it. The areas of contention included where school district boundaries would be drawn, resources, and racial and economic segregation. Intense political negotiations among school superintendents of the 11 districts and key members of the state legislature ultimately led to the current agreement. Republican Governor Dave Heineman signed the agreement in May, 2007. (It was slightly modified by legislation a year later.)

At this writing, the plan is in its beginning stages, starting with the election of the 18-member regional governance council in November of 2008. The plan holds great potential as a model for regional equity and cooperation, but in its current state, it is fraught with vulnerabilities that threaten to undermine it.

The goal of this report is to understand the negotiations and debate that led to the Learning Community legislation. This allows us to learn how metropolitan regional solutions may be similarly framed and proposed in other areas, and also identify the variables that such proposals may involve. The findings of this report are based upon in-depth interviews with policy-makers, leaders, and community advocates who participated in the development of the Learning Community.¹ This report also draws on the detailed news coverage provided by the *Omaha World-Herald* newspaper, as well as state legislation, legislative testimony, court documents, and other media reports.

Part I of the report provides the historical context behind the development of the learning community. Part II lays out the provisions of the legislation. Part III analyzes the process by which the agreement was reached, identifying some key strategies that proponents of regional agreements must address. Part IV details the challenges and threats to implementation, and Part V identifies potential areas for further research as the Learning Community goes forward.

I. History: The Development of the Learning Community

In the early part of the 20th century, most central city school districts enrolled students from an array of racial, ethnic and linguistic backgrounds. While these students were regularly separated from one another by school district policies and practices, urban school districts in this era tended to retain a significant proportion of middle class families—and middle class whites in particular—within their boundaries.² This diversity of population meant that both the tax bases of city school systems as well as public support for schools themselves were strong.

By the 1940s and 1950s, the suburban housing boom, in tandem with racial discrimination in lending and housing, began to draw middle-class white families out of cities—first as a trickle, then in a flood. New suburban communities sprouted up around central cities. But most state laws (especially in the Northeast and Midwest) did not allow central cities to expand their boundaries and “capture” the new middle class suburbs into their tax bases. Instead, when middle class white families moved to the suburbs,

¹ See Table 1 in Appendix for a list of interviewees.

² Clotfelter, C.T. (2004). *After Brown: The Rise and Retreat of School Desegregation*. Princeton, N.J.: Princeton University Press.

they stepped over the city lines into autonomous and racially homogeneous municipalities with similarly autonomous, homogeneous school districts. Urban school districts were left behind with an eroding tax base and a growing share of students who lived in poverty. With the population shift, political support for city schools declined and as a result, had little power to create change.³

The Omaha Public School District was no different from its peers in other metropolitan areas. Officials there watched the middle-class families flee to the suburbs. In recent decades, school officials had been struggling to serve growing numbers of low-income students, all with declining resources.⁴ Yet, an unusual state statute set in motion a series of events that has led to one of the most innovative attempts to cope with this so-called “cycle of regional polarization” in which urban and then inner-ring school systems slip into decline as ever more far-flung suburbs siphon the region’s wealth and tax dollars.⁵ The story of how this solution was reached offers some insights into how similar agreements might be forged in other contexts.

1. As the City Grows, So Shall the School District: The Politics of School District Boundaries in Omaha

The story of the Learning Community began with a state statute enacted in 1891, statute 79-409. It required that “each incorporated city of the metropolitan class in the State of Nebraska shall constitute one Class V school district.”⁶ The state of Nebraska has only ever had one metropolitan class city (currently defined as cities with populations greater than 300,000)⁷: the city of Omaha. Under the state statute, then, the city of Omaha’s boundaries and Omaha Public School District boundaries were required to be one and the same.

Because the Nebraska state law permitted metropolitan-class cities (again, Omaha) to annex land⁸—a relatively unusual right in a Midwestern state—the 1891 statute meant that as the city of Omaha annexed land to capture

new population growth, the boundaries of the Omaha Public Schools (OPS) expanded along with the city. As the Omaha metro area grew in population during the early 1900s, more than doubling in population from 1900 to 1940,⁹ the city regularly annexed land. Throughout that time, the Omaha Public School District boundaries regularly expanded as well.

In the late 1940s, the suburban housing boom swept across the nation as veterans with young families were given federal funds to purchase new homes in the suburbs. During this period, African Americans were discriminated against and prevented from purchasing homes in exactly the places where whites were buying and building up wealth. In Omaha, as in many other major metro areas, the largely white, middle-class suburban communities grew up around the city center. By 1947, anticipating the westward growth of the city and school system (the city is bordered on the east by a river, to the south by a county boundary), several predominantly white suburban neighborhoods joined together and formed an independent school district. The same year, the legislature passed a law that explicitly exempted this predominantly white and wealthy school district—called “District 66” (also known as “Westside Community Schools”)—from annexation by the Omaha Public Schools.¹⁰

Meanwhile, the city of Omaha continued to annex land as the suburban population grew westward, looping around the protected District 66. Yet by the 1960s, the city began to meet growing resistance to its annexation efforts as the battles over city and district boundaries became increasingly contentious and tied up with battles over race and social class.

The first such resistance came in 1967, as the city of Omaha began annexation proceedings to incorporate the predominantly middle-class, white city of Millard. Millard launched an intense campaign of resistance, and in an effort to ward off annexation, Millard itself annexed additional land in a hope that it would become too large of a city to be annexed. At the same time, Millard took the city of Omaha to court. In an illustration of the racial tension underlying the annexation fight, during this period, a confederate flag was taped to the city’s “Millard, City of Progress” sign.¹¹ In 1971, the U.S. Supreme Court declined to hear Millard’s case, and as a result, Millard was annexed into the city of Omaha.

³ Briggs, X.D. (2005). *The Geography of Opportunity: Race and Housing Choice in Metropolitan America*. Washington, D.C.: Brookings Institution Press; Clotfelter, 2004; Orfield, M. (2002). *American Metropolitanities*. Washington, D.C.: Urban Institute Press.

⁴ Particularly outside the south, although southern districts are beginning to experience similar problems (Clotfelter, 2004.)

⁵ Orfield, 2002. See also Drier, P., Mollenkopf, J. & Swanstrom, T. (2004). *Place Matters*, Wichita, KS: University of Kansas Press.

⁶ Neb. Rev. Stat. 79-409, *NAACP v. Heineman* Complaint 6/16/06.

⁷ Statute: 14-101, <http://uniweb.legislature.ne.gov/laws/statutes.php?statute=s1401001000&print=true>

⁸ Nebraska Rev. Stat. 14-117.

⁹Center for Public Affairs Research (2007, September). *Nebraska Historical Population Report*, Omaha, NE: University of Nebraska Omaha. <http://www.unomaha.edu/cpar/>

¹⁰ Burbach, C. (2005, November 28). “’70s Decisions Haunt OPS” *Omaha World-Herald*.

¹¹Burbach, 2005.

The city of Omaha had won its battle with Millard and was allowed to expand. However, the Omaha Public Schools did not exert its right to expand its boundaries per statute 79-409. There are no official explanations for this on public record. However, the general consensus was that this lack of action was due to political pressure to keep the predominantly white and middle class districts separate from the more racially diverse OPS. Some also believe that the growing recognition that OPS would be ordered to desegregate was the cause of the intense, albeit not publicly recorded, political pushback. As OPS Superintendent John Mackiel reflects: "I certainly have my own opinions as to why a 12-member [OPS school] board hadn't done in the early 70's what it had done years before, and I'll even suggest, I don't believe they should have... had [to do] anything. The reality of it is, this was the policy, this was the practice, it had been established as part of law...there should not have been any separate action required, needed, and I'm suggesting none took place. But I find it interesting with the exception at the very time that the integration movement in the Omaha Public Schools was going on, you find the records silent with respect to any conversation about that at all."

By the time OPS started court-ordered busing in the fall of 1976, its student population had already declined significantly. The district enrolled 63,931 students in the fall of 1971. Just five years later, the student population fell by 10,000 to 53,825 in the fall of 1976.¹² During the same period, the Millard Public Schools, which OPS silently opted not to annex, grew: from 5,153 to 9,138 students.¹³ These trends could not be attributed entirely to whites' fears about desegregation. The westward migration of suburban housing and office developments, a declining birth rate, and the construction of a major interstate fueled decline in OPS and growth in the suburban schools.¹⁴

The annexation issue did not quite die completely, however. The annexation mantle was carried on by David Stahmer, a state senator from Omaha who, in 1973, introduced a bill to merge Omaha with several suburban districts. Three years later, in 1976, Stahmer filed a lawsuit to merge the city and suburban schools.¹⁵ Both efforts failed and had little to no political support. Even OPS wasn't a public advocate of annexation, since at the time

officials were focused on peaceful integration and avoiding the violence and hostility of other cities such as Boston.¹⁶

By the late 1970s, the demographics had begun to shift within OPS as a steady stream of white middle class families moved outside OPS boundaries into newly constructed suburban communities. As a result, OPS began to experience a steady decline in white enrollment (see Figures 1, 2 & 3 in Appendix).

By 1979, Stahmer had lost his court battles to incorporate suburban districts into OPS.¹⁷ Later, in the mid-1990s, Omaha school board members discussed merging with suburban districts, but nothing came of those talks.¹⁸ Although the court declared OPS unitary in 1984,¹⁹ and thus ostensibly free from the vestiges of discrimination, the district continued to implement a desegregation plan until 1999.²⁰ Officials continued to operate a choice-based SES-integration plan at that point.²¹

2. Growing Poverty, Tax Breaks, School Choice and School Finance

Through the late 1990s and early 2000s, OPS's share of white and middle class students continued to decline. This decline was a result, in part, of suburban migration, a process that occurred in most metro areas. This decline in white and middle-class enrollment was also fueled, many believe, by the inter-district school choice policy enacted in Nebraska in 1989²² that allowed students to freely transfer between school districts.

This policy, called "option enrollment," was enacted by many states in the late 1990s in an effort to foster competition among school districts and thereby result, it was posited, in improvement for all districts. The law did include provisions that granted districts under desegregation plans the right to deny transfers that would harm the district's racial balance. While the Omaha Public Schools utilized this authority to stem the flow of whites from the district, this authority ended when the district ended its mandatory desegregation plan in the 1998-99 school year.

¹⁶ Burbach, 2005; Hoy, 1978.

¹⁷ Burbach, 2005.

¹⁸ Ibid.

¹⁹ NAACP v. Heineman, Complaint filed 5/16/06, U.S. District Court for the District of Nebraska.

²⁰ Ibid.

²¹ Omaha Public Schools (April, 1999). *The Omaha Public Schools Student Assignment Plan*.

²² Saunders, M. & Goodsell, P. (2005, Nov 11). "OPS has no option but to let whites go." *Omaha World-Herald*.

¹² Hoy, F.A. (1978, December). *A Study of the Relationship Between the Declining Enrollment and Desegregative Litigation in the School District of Omaha, Nebraska*. Unpublished Doctoral Dissertation: University of Nebraska at Lincoln.

¹³ Burbach, 2005; Hoy, 1978.

¹⁴ Ibid.

¹⁵ "Consolidation Not a New Idea" (2005, June 7). *Omaha World-Herald*.

It soon became clear that the open enrollment policy served as an escape route for white and high achieving students who resided within the boundaries of OPS. As Mackiel, the OPS superintendent, observed, the law permitted suburban schools to draw white middle class kids, as well as athletes: “[the law] said to white families, you don’t even have to move, you don’t have to be inconvenienced to pack up and step across the line, you just send your white student who doesn’t qualify for free and reduced lunch to any suburban...and by the way, do a correlation study, a punt, pass and kick, and see if there’s a correlation how far a kid can throw a football, do they just happen to opt into suburbia.”

A 2005 analysis conducted by the city’s major newspaper, the *Omaha World-Herald*, supported this assertion. The analysis found that three-fourths of the 2,700 students who chose to leave OPS under the option enrollment plan in 2005-06 were overwhelmingly, and disproportionately, white and higher-income.²³ Our own analysis of OPS data also confirms these findings (See Figures 4 through 8 in Appendix.)

While the district appealed to the legislature in spring 2005 to add special language protecting their right to deny transfers out of the district that would harm racial balance, the legislature did not act.²⁴ By 2007, the Omaha metro had grown more segregated, particularly by income. While the proportion of students on free and reduced price lunch in OPS grew, other districts, such as Elkhorn and Bennington, experienced declines in the percentage of students on free and reduced price lunch (See Figures 9 through 12 in Appendix).

At the same time that OPS was losing white students to the suburbs through option enrollment, the district’s tax base was also slowly eroding. This was due, in part, to the fact that the OPS boundaries were frozen and incorporated a much smaller geographic area than the boundaries of the city of Omaha itself. OPS was, therefore, prohibited from leveraging the relatively higher-valued land outside its borders—land that was still within the city of Omaha’s limits. At the same time, OPS was also hurt by the city’s economic development policy and specifically the city’s efforts to revitalize its downtown corridor. This economic development strategy granted tax breaks to businesses and corporations in an effort to lure them downtown. These tax breaks—called “tax increment financing,” in which the tax rates were dramatically reduced and then gradually increased—meant that, for years, OPS was shut out of any

additional revenue. OPS attorney Elizabeth Eynon-Kokrda describes the impact of those deals:

...say a new business wanted to...redevelop a building that needed help downtown...the new development in the older areas of town tended to qualify for a tax forgiveness that nothing out in the western side, where the new development was, was necessarily qualifying for. There might have been some, but according to the law you had to be actually renovating, not just plowing down a cornfield.

Nebraska’s school finance system did not compensate for these problems. Instead, many in OPS believed the state actually discriminated against OPS and other high-poverty districts like it. OPS raised a number of complaints about the finance system with state legislators: first was the taxing lid, which restricted the ability of districts to collect revenue over and above the previous year. The second problem was the spending lid, which also restricted districts’ spending over previous years. Together, these lids prevented OPS from fully taxing and then even using the tax base that it did have. The third problem was the state’s method of paying for high needs students, as officials wouldn’t get to declare—and thus get funded for—students until the following year. This meant that districts with significant increases in high needs (low socioeconomic status and English Language Learners) had to essentially pay up front for the growth. It was soon difficult to catch up. The state legislature did allow districts to pass levy overrides. But it was more difficult for OPS—a politically beleaguered urban school district—to do this than more smoothly-functioning suburban school districts could. OPS’s efforts to appeal to the legislature to remedy these problems were unsuccessful. As a result, OPS, in 2003, joined several other high poverty districts in the state and sued the state, challenging the state finance system.²⁵

By the early 2000s, then, OPS was faced with several problems that vexed other urban districts across the nation: a discriminatory finance system, option enrollment laws that siphoned off predominantly white and middle class students, being landlocked without the ability to expand, vulnerability to economic development deals that hurt its ability to raise revenues, and growing concentrations of poverty.

Urban districts are typically left little recourse to cope with these problems. However, Nebraska state statute—the 1891

²³ Saunders, M. & Goodsell, P. (2005, Nov 11). “OPS has no option but to let whites go.” *Omaha World-Herald*.

²⁴ Ibid.

²⁵ “Timeline of the Metro Learning Community Council” (2008, October 29). *Omaha World-Herald*. http://www.omaha.com/index.php?u_page=2835&u_sid=10471909

law—had dealt Omaha Public schools a trump card that it used with the hope of igniting lasting change. This alone did not lead to the current learning community compromise; this compromise stemmed from years of negotiation and bargaining and ultimately cooperation on the part of superintendents, school boards and legislators. Yet the existence of this “trump card” did set these events into motion, by allowing suburban officials to see the need to compromise and to discern their own self-interest.

3. One City, One School District: The Beginning of the Learning Community

As the OPS school finance lawsuit made its way through the courts, Omaha began annexation proceedings to take in the territory of yet another suburb, the city of Elkhorn. This was the first such effort in 30 years. Omaha’s Superintendent John Mackiel recalled picking up a newspaper article about the pending annexation, which reported:

...as this annexation occurs, the fire department will become part of the Omaha fire department, the library system will become part of the library system, the parks and recreation system will become part of the parks and recreation system of Omaha, but the school district of Elkhorn will remain the school district of Elkhorn, and a very simple question, why?

While the city of Omaha was pursuing annexation of Elkhorn,²⁶ OPS officials did not consider whether or how the 1891 statute could be used to incorporate Elkhorn’s schools into Omaha. Indeed, the old 79-409 statute had not been used in more than 30 years, and its existence had been nearly forgotten.

The statute, however, came to the attention of OPS officials when, in late 2004, OPS attorneys discovered in a “technical cleanup bill” an effort to strike statute 79-409 from the record books, thus eliminating OPS’ right to annex land.²⁷ There is considerable controversy around the responsibility for the proposal to repeal this law, and no one has claimed direct responsibility. State legislators claimed that efforts to remove statute 79-409 were part of an innocent effort to eliminate statutes that were no longer used. OPS officials felt the intent of that effort was not so benign. When OPS officials learned of the effort to remove

²⁶ The annexation was characterized as a “race” as Elkhorn sought to annex enough land and population to become too large to be eligible for annexation, a “race” which began on Feb. 21, 2006. The city of Omaha ultimately won. (“Timeline” 2008).

²⁷ NAACP v. Heineman, Complaint, 5/16/06.

this language, they officially requested that it not be stricken.

By the end of the legislative session, the Legislature had not taken any action on the matter. At that time, the OPS administration recommended to the OPS school board that it employ the 1891 statute to annex all territory within the city boundaries. On June 6, 2005, the board passed a resolution directing the administration to “take all necessary steps to assure that all schools organized or existing within the city of Omaha are under the direction of OPS.”²⁸ The resolution called for annexing 21 schools within the Millard district and four schools within the Ralston district.²⁹

Newspaper publisher John Gottschalk describes the reasons for the OPS decision:

We have this enormous concentration of problems, we have a lid that we can’t really tax ourselves enough to fix, we have a legislature that is ignoring every effort that John Mackiel and the Omaha School Board could make to try to explain that you cannot remediate these problems for the same cost that you deal with a kid that’s intact. And it got worse, and worse, and worse, and worse. And finally out of desperation...OPS decides to go forth through this...one city, one [school] district.

The outcry, he recalls, was enormous: “My God, you can imagine the roar, and the place went up in smoke.”

4. The Beginning of the Learning Community Concept: Integration and the Common Levy

The legislature and its education committee immediately became the locus for a solution to this problem. As Gottschalk notes: “everybody rushes to the legislature to solve our problem, ‘cause that’s the way we do it in Nebraska.” Ron Raikes, the chair of the education committee at the time, recalls the stalemate and the lack of workable solutions during this controversy:

So here we are, you know, you’ve got Omaha Public Schools, which...I have some sympathy for the arguments they present. I also have sympathy

²⁸ *Ibid.*

²⁹ “Timeline” 2008; “Online Extra: The One City, One School District Battle” (2006, January 24). *Omaha World-Herald*. Accessed [2/27/09]: http://www.omaha.com/index.php?u_pg=1640&u_sid=1474935

for at least some of the arguments...of the suburban school districts.... [H]ere we are in little dinky Nebraska and Omaha, and so on, I mean, all these places in the country you have this issue and surely there's been a lot of smart people and surely they've come up with several ways to deal with it, and so all we need to do is go out and find out those ways and just pick the best one and we're home free. That didn't work.

By late summer of 2005, the superintendents of the suburban districts of Westside, Elkhorn, Millard and Ralston had formed a coalition to oppose the One City, One School District effort. They held public meetings, which provided a forum for the tremendous vocal opposition from suburban communities. Many say the outcome of the gubernatorial primary and ultimate election was influenced by the controversy, as a less popular candidate surged from behind in large part due to his support of the suburban opposition to OPS.

While superintendents publicly held meetings to fight the effort, they also began work with Raikes and the education committee to create an alternate proposal. It was out of these superintendents' efforts that the idea of an inter-district desegregation program was born. In an attempt to formulate an alternative proposal to the One City, One School District resolution, the superintendents visited other cities that had implemented inter-district desegregation plans, including Minneapolis, Hartford, and Milwaukee.³⁰ As Ken Bird, the superintendent of Westside recalls,

And so we just pulled in some old contacts that I had and went to those three communities, brought back the different models, met with Ron Raikes, started talking about solutions rather than...you know, boundaries are one thing, but let's acknowledge in here that there are ways for school districts to collaborate, to better serve young people, and to meet the...I'll use integration, not race based, we were struggling with race based or economic based, it didn't matter, but there was an effort to say to our communities and to the legislature, we're willing to be part of a solution in here, but we're not willing to give up our boundaries.

The initial concept of the learning community was set forth in legislation introduced by Senator Ron Raikes on

³⁰ Saunders, M. (2005, October 31). "Suburbs Get in Integration Mix" *Omaha World-Herald*. Accessed [2/27/09]: http://www.omaha.com/index.php?u_page=2798&u_sid=2055675

January 10, 2006. The legislation attempted to resolve the boundary dispute by freezing all district boundaries in place, thereby ending OPS's One City, One School District quest. The legislation also instituted the common levy, which Raikes felt important. It also included provisions that required the establishment of focus schools, which drew students from across the region and that were designed to "create an economically diverse learning environment."³¹ Raikes summarizes the core reforms he sought to include in the first Learning Community bill:

You need a common financial base...you need to reflect, in the funding of school districts, the characteristics of the students that are actually served in that district, and you can't have a deal where we can...use our...strong valuation base to make sure that my kids, even though not at risk kids, get educated very well, and your kids, are...oh, gosh, that's too bad, but that's all you've got...You needed a community effort...that would include...what's conventionally thought of as education...advanced courses (AP), but...a component of it is diverse classrooms. Your educational opportunity is enhanced by having the opportunity to go to class with a diverse group of students...

In this proposal, Raikes sought to freeze school district boundaries while at the same time addressing some of the issues of concern to officials from Omaha's Public Schools, particularly inequitable funding. This proposal, then, incorporated the beginnings of what would become the learning community legislation: the organizational cooperation of all 11 districts across the two county metro area with a common governance structure, a common tax levy, and some plans for creating more economic diversity in schools through the authorization of focus schools which were regional magnets designed to reflect the diversity of the metro area. The diversity provisions in the introduced legislation, however, were relatively weak and many believe actually worsened OPS's situation: the legislation eliminated the racial balance controls on the existing option enrollment plan, and did not require any socioeconomic balance outside of focus schools.³²

The same day LB 1024 was introduced, State Senator Gail Kopplin introduced legislation (LB 1017) on behalf of the suburban superintendents. His proposal also froze district boundaries in place thus ending the One City, One School

³¹ Revised Committee Statement: LB 1024, Nebraska State Legislature, page 11, January 30, 2006.

³² Revised Committee Statement: LB 1024, Nebraska State Legislature, January 30, 2006.

District efforts of OPS and buttressing the autonomy of the suburban districts. This legislation did, however, propose instituting stronger SES-based integration provisions into the existing option enrollment legislation.³³ This legislation was not adopted but many of the provisions were included in the legislation that passed several years later.

5. The Chambers Amendment and Omaha's Time in the National Spotlight

Raikes' LB 1024 took a dramatic turn in early April of 2006, when he recalls reading in the newspaper that Senator Ernie Chambers, a long time senator representing Omaha who has frequently opposed the Omaha public school system, had declared that he would not let 1024 move forward. As Raikes says of Chambers' opposition to 1024: "[Chambers] doesn't like OPS but he did not want the suburban districts beating OPS, if you will."

Senator Raikes recalls talking to Senator Chambers about his opposition to LB 1024, and recalls arguing to Senator Chambers that if LB 1024 did not get passed by the end of the legislative session, "the day we adjourn you're gonna have petitions circulating in the suburban districts, suburban areas of Omaha, which basically are gonna say that you cannot change school district boundaries unless there is a majority vote on both sides of that boundary in order for that to happen, and that's gonna become part of the constitution, and when that becomes a part of the constitution, we are done, there is nothing that we can do to address this situation."

Senator Raikes recalled trying to come up with a way to gain Senator Chambers' support, and thought that he could satisfy Chambers' desire for more community input within the historically black community of North Omaha by including a provision for greater local control.

He recalls telling Senator Chambers:

[W]ith the learning community you're basically financially putting all the resources together in one unit, and then you're allowing individual school districts to operate within that so that...you're tearing down the walls between school districts, so you could have a community governance of a school district in north Omaha.... And I can remember him saying something like, 'So you're telling me that we can have a school

district in north Omaha?' He said, 'Well, this body, the Legislature, would never do that.' I said, 'Well, maybe not.' And he said, 'Well, they would never...even if they would, they would never do it this session.' Then he says, 'You haven't even drafted it.' I said, 'No, but, you know, I can get something drafted.' So, we drafted the ill-famed amendment, and I was heading up the floor the next day and...I said, 'Well, you asked for this amendment, and here's the amendment.'

On April 6, 2006, LB 1024 was amended with AM 3142, the amendment that Chambers supported, which specified that Class V districts (the only one of which in the state was the Omaha Public Schools) be divided into new districts organized around two to three high school buildings, "having attendance areas which are contiguous and whose student populations share a community of interest."³⁴ As Ben Gray, Chair of the African American Achievement Council, observed, as result of segregated housing patterns, and the segregation of students residentially within OPS, "there was no way for the breakup to occur other than along racial lines."

With the amendment, the Legislature passed LB 1024 on April 13, 2006 on a vote of 31-16. The governor signed it into law later that day. As Millard's superintendent Keith Lutz noted, as a result of the legislation, "our boundaries were riveted, and OPS was split into three."

The community outcry was immediate, and the story quickly drew national attention. Stories about the breakup of OPS into racially identifiable districts were carried in the *New York Times*, on *PBS News Hour*, even on *The Colbert Report*. Demonstrations against the new legislation erupted across the city. In protest, The Council of Great City Schools cancelled its national conference, which had been scheduled to take place in Omaha later that year.

On May 16, representatives from the NAACP, along with Omaha Public Schools supporters (including the African American Achievement Council), appeared in federal court to oppose splitting OPS along racial lines. On August 16, the Chicano Awareness Center also filed a lawsuit in state court challenging both the law's striking of the desegregation protections in the open enrollment law, as well as the voting provisions within the law. On September 8, the US Commission on Civil Rights held hearings in Omaha on the issue.

³³ Nebraska State Legislature, LB 1017, January 10, 2006. (99th legislature, 2nd session).

³⁴ LB 1024, AM 3142. 4/6/2006; "Timeline" 2008.

Some OPS supporters believe that the amendment that required the breakup of OPS was a retaliatory measure to punish OPS for its One City, One School District resolution. Raikes, however, defends the amendment as a necessary compromise to keep the issue on the table. Without the compromise to satisfy Senator Chambers' concerns, Raikes believes, when the legislative session ended there would have been an effort to amend the state constitution via petition to eliminate the One City, One School District statute and, as a result, the ability of the Legislature to address the matters of inequity and segregation would have been eliminated. Raikes reflects:

We only had two or three days left in the session, I mean, for him to filibuster is easy, and again, my feeling was...that if we did not get something in statute, that the petition effort was going to begin and that would have eliminated our opportunity...to do much of anything.

By the fall of 2006, the bad press generated a growing wave of pressure among business leaders, religious groups, and activists to repair the bad image and reach a resolution. Some had also expressed fear that a court might impose a legal solution over which the state would have little control. OPS Attorney Eynon-Kokrda recalls:

Equal protection violations require an intentional act of discrimination...Well, let's stop and think. Could this be a *de jure* act...what's going to be the result of that? And people started thinking, and what they said is, holy-moley, we're gonna get the courts to tell us how to deseg[regate] ourselves again, who do we want to tell us how to deseg[regate], the judge or us? And as that sunk into suburban school districts....Do we want the court to tell us what to do, or do we want to take it into our own hands? Now, that's what the suburban schools were thinking. They're running over to people saying, "fix it." Now, you will have heard probably that Senator Raikes said in at least one article, and he probably said it elsewhere, he kept getting, quote, *Milliken v. Bradley* thrown in his face.

In September of 2006, the state court judge presiding over the Chicano Awareness Center's lawsuit put the Learning Community on hold temporarily to study the issues of the case.

6. Resolution

By November 2006, it had become clear that the suburban superintendents had broken through their impasse and begun serious negotiations.³⁵ A November 20, 2006 story in the *Omaha World-Herald* reported that the superintendents had revealed they had been meeting privately in recent weeks, and had presented the results of their talks to Governor Heineman, the speaker of the legislature, the chairman of Education Committee and Senator Chambers. However, they did not publicly present the details of the draft plan. The meetings involved Superintendents John Mackiel, Ken Bird (Westside Community Schools), Ken Riley (Gretna Public Schools), Keith Lutz (Millard Public Schools) and Roger Breed (Elkhorn).³⁶ On November 29, 2006, the newspaper reported that the superintendents laid out a proposal to resolve the issue, which ultimately contained many of the integration provisions contained in the new learning community law.³⁷

On January 17, 2007 Senator Raikes introduced a revised Learning Community law in the form of LB 641, which became the basis for the permanent Learning Community legislation. Legislators debated the details of the bill through the spring. On May 24, 2007 the Legislature adopted the LB 641 plan on a vote of 33-14.³⁸ According to the *World-Herald*, the only school district in the Learning Community that did not endorse the bill was Papillion-La Vista. By September 12, 2007 the state education commissioner certified the Learning Community. A new bill was adopted in April 2008 that modified the implementation of the legislation, LB 1154, and it was passed on April 2, 2008 by a vote of 30-15.³⁹ LB 1154 was signed into law on April 14, 2008 by Governor Heineman. The core elements of LB 631 and LB 1154 are described below. Importantly, the legislation rescinded the split of OPS, instituted new and stronger SES-based integration provisions, and modified the finance structure in terms of meeting the needs of at-risk students. As a result of this legislation, the Chicano Awareness Center dropped its

³⁵ Robb, J. (2006, September 28). "OPS asks suburbs to keep talking." *Omaha World-Herald*.

³⁶ Robb, J. & Reed, L. (2006, November 20). "Schools Dispute Moving Toward Resolution." *Omaha World-Herald*.

³⁷ Saunders, M. & Goodsell, P. (2006, November 29). "New Schools plan preserves boundaries" *Omaha World-Herald*.

³⁸ Robb, J. & Saunders, M. (2007, May 27). "A Reference Guide to LB 641." *Omaha World-Herald*. Available: http://www.omaha.com/index.php?u_page=2798&u_sid=2391221

³⁹ "Timeline" 2008. According to the legislation, members representing odd-numbered LC districts begin with a two-year term while even-numbered district representatives take on a four year term; thereafter all members are elected on four year terms. (LB 1154).

litigation against the original LB 1024, and OPS dropped their finance lawsuit against the state.

II. What is the Learning Community? A Look at the Law's Provisions

Together, LB 641 and LB 1154 enacted the present-day learning community law, which requires that a learning community be created within "each city of the metropolitan class" in the state.⁴⁰ A Learning Community may also, per LB 1154, be established in rural areas at the request of at least three school boards of districts that are either are "sparse" or "very sparse" (as defined under state law) or have a minimum combined total of 2,000 students. These rural Learning Communities must include all districts in the counties of the participating districts. A Learning Community may also be established at the request of three boards of districts with a combined total of 10,000 students. These arrangements do not require the participation of all districts in the county.⁴¹ The legislation freezes school boundaries in place as they existed on March 1, 2006 (for the Omaha metro specifically) thereby putting to rest the One City, One School District claim by OPS.⁴²

The Omaha Learning Community, as it now stands, is characterized by the following features:

1. Regional Governance: The Learning Community Coordinating Council

The legislation establishes the Learning Community Coordinating Council (LCCC) to govern and operate the new Learning Community. The LCCC is an 18 member elected board: 12 members are elected via a general election, with 2 each elected from 6 electoral sub-districts. These members are elected via "limited voting." The hope is that this increases the chance for diversity among LCCC representatives by allowing an unlimited number of people to run for election within a sub-district. The top two vote-getters within the sub-district win. This limited voting strategy, in theory, enables members of particular interest groups to "cluster" their votes around a particular candidate.⁴³

Each of the six sub-districts' school board members appoint the other six members through local school board caucuses. The LCCC also has 3 non-voting members (added by LB 1154) for districts that did not win an elected

seat. In addition, the 11 district superintendents form an advisory non-voting council that meets four times a year.⁴⁴

The LCCC has the authority to levy (as detailed below) and distribute a common levy for the general funds, special building funds, and for capital projects approved by the LCCC.⁴⁵ The LCCC is also charged with approving focus schools and programs, with implementing a diversity plan, and with conducting school information fairs to "provide students and parents the opportunity to explore the educational opportunities available at each school in the learning community and develop other methods for encouraging access to such information and promotional materials."⁴⁶ The LCCC is also required to establish a procedure to receive community input, and to mediate disputes between member districts. The LCCC also has the authority to collect, analyze and report data on student enrollment and achievement.⁴⁷

Under the legislation, the LCCC will be divided into 6 achievement sub-councils, which will be comprised of the 3 representatives from each electoral district.⁴⁸ The law requires that each sub-council shall meet as necessary, at least once per school year. Each sub-council is charged with developing diversity plans within its election district "that will provide educational opportunities which will result in increased diversity in schools in the election district."⁴⁹ The 6 achievement sub-councils are also charged with administering elementary learning centers, and with reviewing and approving "poverty plans" and "Limited English Proficiency (LEP) plans" for schools within their sub-districts.⁵⁰ These plans are written documents that are required of each of the school districts that receive funds (or "allowances") for students in poverty or who are considered Limited English Proficient under the law. Poverty plans are required to specify how the districts will address attendance, mobility, parent involvement, access to social workers, teacher mentoring professional development, and summer school. The plans also require an evaluation plan to ensure the methods have been effective. Limited English Proficiency plans are required to address how LEP students will be identified, how they will be instructed and assessed. LEP plans also require evaluation plans.⁵¹

⁴⁰ LB 1154.

⁴¹ Ibid.

⁴² Ibid.

⁴³ It was this provision that won the support of Senator Chambers for the final LC bill.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ LB 641.

⁴⁹ LB 1154.

⁵⁰ LB 1154.

⁵¹ LB 641.

2. Tax Sharing and a Common Levy

The learning community legislation establishes a common levy, which is a tax-base sharing plan: the levy is assessed across the property wealth of all the districts combined, then re-distributed back based on need. This common levy will be phased in starting in 2009/10 and will be fully implemented, per LB 1154, by 2012/13. According to University of Minnesota Professor Myron Orfield, an expert on regional governance, this type of tax base sharing arrangement across an entire metropolitan area has been tried only in one other metro area: the Minneapolis-St. Paul (Twin Cities) metro. The Twin Cities plan, however, consisted of sharing a portion of commercial-industrial tax capacity since 1971.⁵² The Learning Community, by contrast, requires sharing the entire tax base of the entire metro.

The way the levy operates is as follows: the maximum amount that school districts are allowed to levy under state statute is \$1.05 per \$100 of assessed property value. Within this \$1.05 limit, the LCCC has the authority to levy a minimum of \$0.90 to a maximum of \$0.95 per \$100 of assessed value. This levy is then applied to all the property value across the Learning Community, and then redistributed back to districts based on their need as determined by the new school finance law, LB 988. The LCCC also has the authority to levy up to an additional \$0.02 for every \$100 in assessed value for a special building fund, which is distributed to districts within the LC on a per pupil basis. This special building fund is intended to provide districts with funding for building repairs that may not be significant enough in amount to request a bond issuance.⁵³

Local school districts retain some levy authority because they are then allowed to levy the difference between the LCCC levy and the \$1.05 maximum permitted by state law. This allows property wealthy districts to maintain some of their tax base advantages.

Outside the \$1.05 maximum, the LCCC has the authority to levy an additional \$0.05 per \$100 of assessed value to fully fund the construction of elementary learning centers and for up to 50% of capital costs of construction for school district projects approved by the LCCC (i.e. focus schools, etc.). This money is not redistributed back to

districts, but kept by the LCCC to finance the construction.

The legislation also grants the LCCC \$500,000 for the first year of operation and \$1 million in subsequent years for LCCC functions, including payments to LCCC board members and other operating expenses. The LCCC may use the learning community funds for: 1) the administration of the learning community; 2) the administration and operation of Elementary Learning Centers (ELCs); 3) supplements for extended hours for teachers in high poverty schools (greater than 35 percent of students qualifying for free and/or reduced price lunch); 4) transportation of low-income elementary school parents to school functions; and 5) pilot projects enhancing the academic achievement of elementary students, particularly those who face challenges due to poverty, limited English skills, and mobility.⁵⁴

ELC programs must undergo financial audits. The law requires that evaluations of the effectiveness of ELCs and pilot projects be conducted.⁵⁵ Any private funding donated to the ELCs will be donated to the LC itself and included in such audits.

3. School Diversity and Reduction of Socioeconomic Isolation

Learning Communities are required by law to develop "Diversity Plans." These plans are intended to detail the ways in which the Learning Community will "provide educational opportunities which will result in increased diversity in schools across the learning community."⁵⁶ These plans may be "revised from time to time."⁵⁷ The Learning Community must create these plans by December 31 of the first year of the LC (2009).

The law states "the goal of the diversity plan shall be to annually increase the socioeconomic diversity of enrollment at each grade level in each school building within the learning community until such enrollment reflects the average socioeconomic diversity of the entire enrollment of the learning community."⁵⁸ The law requires that each LC-wide diversity plan include specific plans for each sub-district, which shall be approved both by the achievement sub-councils as well as by the larger 18-member LCCC.⁵⁹

⁵² Orfield, 2002, pp. 106-08.

⁵³ Personal Communication, Tammy Barry, Legal Counsel, Education Committee, February 28, 2009; LB 1154 & LB 988; "Learning Community Basic Concepts", Tammy Barry, Education Committee Counsel, 2009.

⁵⁴ LB 641.

⁵⁵ LB 1154.

⁵⁶ LB 641.

⁵⁷ LB 1154.

⁵⁸ LB 1154 & LB 641.

⁵⁹ LB 1154.

The LCCC is required to report to the Education Committee in the legislature by December 1 of each even numbered year on the “diversity and changes in diversity at each grade level in each school building within the learning community and on the academic achievement for different demographic groups in each school building within the learning community.”⁶⁰

The diversity plans will include voluntary choice-based programs that are “subject to specific limitations necessary to bring about diverse enrollments in each school building in the learning community.”⁶¹ These limitations for non-focus schools and programs include giving preference—after sibling preference—“to students that contribute to the socioeconomic diversity of enrollment at each school building.” This “may include establishing zone limitations in which students may access several schools other than their home attendance area school.”⁶²

Students who *do not* contribute to the socioeconomic diversity may also enroll if capacity remains after the diversity provisions have been filled. These students will be selected on a random basis. Students who are ineligible for transfer are students who have violated conduct or discipline rules.⁶³ Any student accepted has the right to matriculate through the school.⁶⁴

The law defines a student “who contributes to the socioeconomic diversity of enrollment” as a student who: 1) does not qualify for free or reduced-price lunch if the chosen school has more than the LC-wide average of free or reduced-price lunch eligible students; or 2) does qualify for free or reduced-price lunch when the chosen school has fewer than the LC-wide average of free or reduced-price lunch students across all buildings in the learning community.⁶⁵

Capacity

The law requires that “to facilitate the open enrollment provisions,” every year each district shall have the authority (and control) to establish a maximum building capacity, “pursuant to procedures and criteria established by the learning community coordinating council.”⁶⁶ Thus the LCCC has some input over capacity determinations.

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ LB 1154 & LB 641.

⁶⁶ LB 1154.

Focus Schools & Magnet Schools

Any members of a learning community may establish “focus programs, focus schools, or magnet schools pursuant to the diversity plan developed by the learning community coordinating council.”⁶⁷ These schools may be included in “pathways across member districts pursuant to the diversity plan.”

Focus schools do not have an attendance area and are designed “so that the socioeconomic diversity of the students attending the focus school reflects as nearly as possible the socioeconomic diversity of the student body of the learning community.” A focus school has a “unique curriculum with specific learning goals or teaching techniques different from the standard curriculum” and “is housed in a building that does not contain another school program.”⁶⁸

The law defines a magnet school as one with a “home attendance area but which reserves a portion of its capacity specifically for students from outside the attendance area who will contribute to the socioeconomic diversity of the student body of such school and which has a unique curriculum with specific learning goals or teaching techniques different from the standard curriculum.”⁶⁹

Finally, the law defines pathways as focus programs, or focus or magnet schools, with “coordinated curricula based on specific learning goals or teaching techniques.”⁷⁰ These pathways can involve “every member school district” in participation in pathways “across member school districts.”⁷¹ In other words, pathways consist of magnet or focus schools from different levels (elementary, middle and high school) that teach coordinated curricula. Students have matriculation rights to go through each of these coordinated programs. Pathways can cross different districts: for example, students can start at an elementary focus school in OPS, transfer to a middle focus school that is part of the same pathway (and thus has the same curricular focus) in Westside District, and ultimately attend high school within the pathway at Millard district.

If districts collaborate on a focus school, they must designate a primary or “home” district which “shall maintain legal, financial, and academic responsibility for such focus program, focus school, or magnet school.”⁷²

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² Ibid.

The law specifies that: “Enrollment in each focus school or focus program shall be designed to reflect the socioeconomic diversity of the learning community as a whole.”⁷³ The selection of students will come at random from two pools of applicants: students eligible for free or reduced price lunch and those who are not eligible. If more capacity exists, then students will be selected at random up to the number of available spaces.⁷⁴

Students who graduate from a school within a pathway are required to be allowed to attend the “focus program, focus school, or magnet school offering the next grade level as part of the pathway as a continuing student.” Upon matriculation to the next school, that student will no longer be considered a student of the host focus school, program, or magnet district.⁷⁵

Grandfathering of Current Students

Students currently attending a district under option enrollment (the prior inter-district transfer plan that had led to the flight of students out of OPS, and which is discontinued effective with the Learning Community) have the right to continue and also the right to matriculate to the next grade-level school in the district.⁷⁶ Students from districts outside the LC have the right to “option in” to the LC, and students in the LC have the right to “option out” to a non-LC district. However, option enrollment will no longer operate within the LC.

Information, Applications, and Deadlines

The application deadline is “on or before March 15” beginning in the second year of the LC, which will be March 2010. School districts must make decisions on or before April 1 that year. Districts can accept or reject students based upon “the capacity of the school building, the eligibility of the applicant for the school building or program, the number of such applicants that will be accepted for a given school building, and whether or not the applicant contributes to the socioeconomic diversity of the school program.”⁷⁷ Districts must notify students in writing.

Transportation

The law requires that school districts that are members of learning communities provide free transportation for

students attending their district if they are transferring via open enrollment, qualify for free or reduced-price lunch, and live more than one mile from the school. The law also mandates that transportation be provided to students who do not qualify for free or reduced-price lunch if the student contributes to the socioeconomic diversity of the school (and lives more than 1 mile away.) The law also provides free transportation to all students attending focus schools or magnet schools (with the 1 mile provision.) Districts may (but are not required to) provide transportation to any “intra-district student.”⁷⁸ Parents are not required to provide information about their child’s eligibility for free or reduced-price lunch. However, if they do not present the information then the student is assumed not to qualify for transportation funding.

Districts may opt to provide reimbursement for transportation, called a “transportation allowance” for the miles traveled beyond 3 miles from residence.⁷⁹

Reporting Requirements

By September 1 of the second year of the Learning Community (2010), districts are required to provide to the LCCC “a complete and accurate report of all applications received, including the number of students applied at each grade level at each building, the number of students accepted at each grade level at each building, the number of such students that contributed to the socioeconomic diversity that applied and were accepted, the number of applicants denied and the rationales for denial, and other such information as requested by the learning community coordinating council.”⁸⁰

As stated above, the Education Committee is to receive every even-numbered year, by December 1: the “diversity and changes in diversity at each grade level in each school building within the learning community and on the academic achievement for different demographic groups in each school building within the learning community.”⁸¹

4. Elementary Learning Centers

The Learning Community is required to establish Elementary Learning Centers, which are centers that are intended to provide social and academic support services to children and parents outside of school hours (i.e. parental reading skills, English classes for families, or health centers.) The LC is required to establish “at least

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ Ibid.

⁸¹ Ibid.

one” ELC for every 25 high-poverty elementary schools – elementary schools “in which at least 35 percent of the students attending the school who reside in the attendance area of such school qualify for free or reduced-price lunch.”⁸²

Achievement sub-councils are charged with developing plans for these Elementary Learning Centers. The plan for the center will detail the services to be provided, and in developing the plan the sub-council is required to “seek input from community resources and collaborate with such resources in order to maximize the available opportunities and the participation of elementary students and their families.”⁸³

The sub-council may recommend that services be provided through contracts or grants to entities other than school districts, but may include collaborative arrangements between these groups and school districts. The sub-council may also recommend that the ELC serve as a “clearing house for recommending programs provided by school districts or other entities and that the elementary learning center assist students in accessing such programs.”⁸⁴

Each ELC is required to have at least one “facility” located in an area with a high concentration of poverty. Programs offered by ELCs may be offered in the ELC facility or other facilities including school buildings.

III. Forging Regional Solutions in Education: What Lessons Can Be Drawn?

This legislation is path-breaking in a number of ways: it sets up an inter-district desegregation plan without court order that involves all districts across an entire metro and applies to all of those districts; it creates a tax-sharing plan to fund the program, a plan that has never been attempted on this scale in public education; and it establishes the first elected regional educational governing body with significant powers to administer programs.

There are two close cousins to Omaha’s Learning Community, neither of which matches the scale or scope of the Nebraska effort. The first is Minneapolis’ West Metro Education Program (WMEP). WMEP was founded in 1969 as a voluntary consortium of 11 districts in the Minneapolis metropolitan area “to cooperatively address integration issues.”⁸⁵ This consortium, however, is not funded by tax dollars but relies on school district per-pupil

contributions.⁸⁶ School districts that are members of WMEP are participants in the Minneapolis voluntary inter-district transfer plan (The Choice is Yours) that allows low-income students from Minneapolis to transfer to suburban schools (based upon availability.) This transfer plan resulted from a 2001 settlement of a lawsuit and is based upon SES alone. As a result, many students who participate in the program are white.⁸⁷ The desegregation program is funded through state and federal grants.⁸⁸ WMEP itself operates several magnet schools of choice.

Another program that is akin to the Omaha plan is Hartford’s Capitol Region Education Council (CREC), founded in 1966 to work with 35 school districts across the Hartford metropolitan area. Hartford has a court-mandated inter-district transfer program based on race, and which is funded by the state. Because the integration plan is the result of the settlement of a court case, the bulk of the program administration’s authority falls to state agencies. As a result, while CREC does have a governing council, it does not have authority to make decisions about the integration plan or about school construction in the metro area. CREC itself is entirely dependent upon grants and funding from local districts.⁸⁹

Other states have implemented equity-minded school finance reforms: either in response to voluntary action or state court cases, many states have increased the portion of state aid allocated to school districts through revenue-sharing programs. Others have crafted some limited inter-local arrangements to enable districts to profit from cooperation, but these arrangements typically involve only sharing a proportion of tax revenue.⁹⁰

Until the Learning Community legislation was passed, however, just one other metropolitan area had tried tax-base sharing: the Minneapolis-St. Paul metropolitan area. According to Myron Orfield at the University of Minnesota, regional tax-base sharing has advantages over

⁸⁶ Dr. Dan Jett, Superintendent, WMEP, personal communication, 3/9/09.

⁸⁷ Holme, J.J. & Wells, A.S. (2008). Beyond urban borders: How NCLB could provide meaningful choice to children in failing schools. In R. Kahlenberg (Ed.) *A Century Foundation Edited Volume on the No Child Left Behind Act*. New York: The Century Foundation.

⁸⁸ Aspen Associates (2006). *Minnesota Voluntary Public School Choice Evaluation Brief*, 200405. Accessed [2/27/09]: <http://education.state.mn.us/mde/static/009403.pdf>

⁸⁹ CREC (2008). *Making Connections: CREC Annual Report, 2007-2008*. Hartford, CT: CREC.

⁹⁰ Connelly, C. L. (2006, November 3). “Revenue-sharing trend growing among local communities in Ohio.” *Columbus Business First*. (Citing the “win-win” arrangement among local school districts in Franklin County sharing a portion of tax revenue. Accessed [1/3/09]: <http://columbus.bizjournals.com/columbus/stories/2006/11/06/focus3.html>

⁸² Ibid.

⁸³ Ibid.

⁸⁴ Ibid.

⁸⁵ <http://www.wmep.k12.mn.us/>

increased state aid when applied to education: 1) it increases resources available without compromising local control over tax rates; 2) it promotes more cooperative and efficient land use and development by reducing the need for governments and school districts to compete with one another; 3) it off-sets the need for states to design complicated formulas to cope with vastly different contexts, particularly rural school districts.⁹¹ In addition, Orfield argues, tax-base sharing is more effective than state aid formulas in reducing inequality between jurisdictions, while at the same time it is more cost-efficient in that less state aid is required.⁹²

The Minneapolis-St. Paul metro tax-base sharing plan required cities to contribute a proportion of their tax capacity (specifically “40% of the growth in the value of its commercial-industrial tax capacity since 1971”⁹³) to a regional pool. The Learning Community, by contrast, requires that 100% of all types of taxable property (residential, commercial and industrial) be placed in the regional taxing pool.

Clearly, then, the Learning Community is unique in its design and features and in its comprehensive approach in addressing resource sharing, integration and coordinated services. Some could argue that the circumstances in Nebraska were so distinct that they cannot be applied to other contexts, and that the One City, One School District statute (statute 79-409) was the unique trump card that enabled OPS to push these reforms forward.

However, it is important to note that while Omaha did yield a big “stick” with 79-409, it did not guarantee results. By using that statute, OPS ran a risk of being shut out of the legislative process entirely. Victory in the courts would have been highly uncertain. Senator Raikes noted the real possibility that the legislature would entirely eliminate statute 79-409 through legislation and leave OPS with only legal recourse.

The solution that emerged from the political battles and controversy that began with One City, One School District involved other factors, above and beyond 79-409, that facilitated the agreement. These factors, detailed below, could feasibly be applied in other contexts by people and organizations that aspire toward regional solutions in public education.

⁹¹ Orfield, 2002, pp. 105-106.

⁹² Orfield, 2002, p. 108.

⁹³ Orfield, 2002, p. 107.

1. Messaging, Media, and Framing the Problem: Highlighting the Role that Boundaries Play in Producing Inequality

Before the One City, One School District effort, policy conversations in Omaha mirrored ones in most other metropolitan areas. They typically focused on the dysfunctions and worsening problems of “failing” urban schools. The weak public and political support for the city’s public schools and other urban districts across the U.S. largely reflected—and exacerbated—the racial and economic distance between districts, and became a “city vs. suburb” conversation. For example, in Omaha, as in other states, the city schools earned little traction on complaints about school finance, segregation, or equity, because they are so isolated that there simply is not a political coalition to support them.

Yet what the One City, One School District resolution did is begin to change the debate and bring in questions of tax resources, racial isolation and the distribution of poverty to the conversation. OPS school board president Sandra Jensen noted that when they passed the One City, One School District resolution:

We defined the problem, we said there’s racial isolation, socio-economic isolation, we don’t have the resources to do what we need to do...so that it gets to all the children, so we defined the problem. We came up with the policy, where it is we wanted to go, and then we executed it, and we did it without worrying about...what our futures would be...we said, we’re doing it because this is what is best, best for kids, but best for the community...

Other metropolitan areas do not have the same policy tools that the Omaha School Board was able to use in starting this conversation: many school districts in the country are already contiguous with school boundaries, and those that are not are unlikely to be able to rely upon a statute like One City, One School District. And the few that may have this right would be unlikely to exercise it given the political risks such a strategy would involve.

How can this message about boundaries, then, get framed in contexts in which the One City, One School District issue or statute does not apply? One key resource is the media: many credit the city’s major print newspaper, the *Omaha World-Herald*, with playing a significant role in shaping and enhancing the policy conversation through

stories about poverty and racial isolation. OPS board president Sandra Jensen recalls:

The *World-Herald* did an outstanding article that basically said, we haven't come anywhere at all, as a society we haven't touched this problem, it still exists.

The paper is also credited for avoiding the lure of sensationalism. When it came to the aftermath of the One City, One School District resolution, OPS Superintendent Mackiel recalls that the paper instead kept focus on the issues that the One City, One School District resolution sought to address:

...It's very easy to...garner pictures of flush-faced people yelling at a superintendent, and then forming opinions about hostile takeovers, and using the language that kept the focus away from race and poverty and fairness and justice.... But what the print media did, when you go into the *World-Herald* archives, I believe that a significant contribution, if I were able to award a Pulitzer Prize, I would give it to the *World-Herald*, for their study of poverty in Omaha.

In addition to the *World-Herald's* series on poverty in the Omaha metro area, the paper also regularly published stories updating the public on the status of the stream of policy proposals before the legislature about the learning community and about the school finance debate, often on the front page. The paper also frequently published "reference guides" to particular pieces of legislation in easy-to-interpret "frequently asked questions" format. The paper's publisher, John Gottschalk, played a key role in facilitating conversations between the superintendents (as described below) and also regularly published editorials that applauded progress and encouraged action. Nearly everyone interviewed gave tremendous credit to the role that the paper played in framing the debate, keeping the public informed, and prodding the superintendents, legislators and the governor into action.

2. Superintendent Leadership and Collaboration

Most people interviewed concur that the learning community agreement would not have been forged without the leadership and collaboration of the superintendents in the metro area. Conversations between superintendents across a metropolitan area are rare: most superintendents only sit down with one another at state-level or regional superintendents' associations. Rarely do

these conversations 1) involve superintendents from a given metro alone; nor are they 2) focused on solving problems within a given metro region; and 3) rarely do they focus on substantive issues of revenue sharing or diversity.

Some of the superintendents in the Omaha metro had previously gotten together as part of a metropolitan collaborative called the Metropolitan Omaha Educational Consortium (MOEC), which consisted of the seven largest districts in Douglas County. Under the umbrella of MOEC, superintendents even crafted inter-local agreements that could be financed without being subjected to the taxing lid. Yet none of these discussions or arrangements dealt substantively with issues of finance equity or racial isolation.

It was only in the aftermath of OPS's One City One School District resolution that substantive talks began among superintendents. Initially, the conversations involved a coalition of suburban superintendents formed to oppose OPS. Ironically, it was out of this group that proposals for inter-district desegregation initially arose in an effort to offer an incentive for OPS to drop its One City One School District resolution and allow suburbs to preserve their boundaries. As stated previously, this proposal was incorporated into the initial learning community legislation.

The Chambers amendment, that altered the initial learning community law (LB 1024) by carving up OPS, widened the divide between the suburban superintendents and Mackiel. However, by fall 2007 one of the key suburban leaders, Ken Bird, and Mackiel met at the prompting of the publisher of the *Omaha World-Herald* newspaper, John Gottschalk.

The policy proposals that emerged from those conversations were facilitated by the involvement of the former speaker of the legislature, Kermit Brashear, who was hired by *World-Herald* publisher Gottschalk to help translate the policy proposals into legislative language.

As Mackiel reflects:

We sat down and simply said, we know what the right thing to do is, we all are paid employees of particular school districts, but let's set that aside and look at education policy, let's look at principles....And what I can tell you is that the principles that are ultimately contained in every piece of legislation were crafted, drafted, hammered out. On Saturday mornings, John Gottschalk, I'll be forever beholden, hired an

individual who is now in private practice, who had been legislative speaker, who did the technical side of this, who—as educators we do diagram sentences, but we’re not very adept at crafting legislation.

The superintendents’ ability to forge ahead with negotiations was facilitated by the fact that most of the local school boards had vested their superintendents with authority to make policy. This seemed to simplify, and therefore aid, the negotiations that ultimately led to the final learning community legislation. The superintendent of Westside Community Schools at the time, Ken Bird, recalls debates as to “should the school board members be involved or should the superintendents be involved, and my position was this was...we’ve got too many school board members, too many different personalities, let your administration handle this.”

Superintendents from three school districts – Elkhorn, OPS, and Westside – also showed their support for the concepts within the learning community legislation by creating a demonstration “focus school” ahead of the official start of the learning community. OPS Board president Sandra Jensen notes:

The school happens to be located in District 66, it’s centrally located, it was under-utilized, they had the space, they did interviews, a team of people did interviews for the principals. It’ll be staffed by teachers from across the different districts, and we are saying, ‘before we’re told we have to do it, look what can be done.’

The superintendents’ leadership, therefore, has been critical in crafting and drafting the legislation, and in marshalling political support across the metro area.

3. Creating Interest Convergence: The Common Levy

One of the main reasons that the Learning Community legislation was supported by the governor, superintendents and legislators from across the state was the shared interest in the common levy created by the Learning Community law. The reason the levy was initially included in the legislation, according to Senator Raikes, was not only to provide more equity in terms of revenue, but also to create a shared sense of financial responsibility across all 11 districts, thereby quieting complaints about the cost of inter-district desegregation and focus schools.

When the common levy was included in the legislation by Senator Raikes, it wasn’t immediately apparent what impact the levy would have upon different districts in the metro area. Yet the common levy did create a shared interest between OPS and suburban districts that had growing levels of poverty and communities with low tax valuations. The *Omaha World-Herald* analyzed the new levy system and assessed which districts would gain and lose under the system. Senator Raikes recalls of the analysis:

The *Omaha World-Herald* had a series of articles about winners and losers, which weren’t my favorite...but one of the things that was interesting about that was...they were focused on how the funding would change...and [how] these school districts would get more, these school districts would get less.... But at any rate, the ones that got more money served 75 percent of the students and 90 percent of the at risk kids.

This levy was reluctantly supported by suburban superintendents. The superintendent of suburban Millard School District, Keith Lutz, reflects: “We don’t like to look at winners and losers, but it’s about money and you’ll live and die without the money, and we come out better than most. So if you’re a large school district, and you’re growing, and your poverty and minority numbers are growing, you’re gonna come out a winner, and we are, and we did, and we will.”

Because the legislation allows smaller communities to form learning communities and raise funds through common levies, legislators representing rural school districts also voiced their support. As *Omaha World-Herald* publisher Gottschalk recalls, many rural communities had been declining in the state, and the Learning Community legislation was seen as a way to save many of these communities:

All of a sudden at the end of this debate [on the final Learning Community law] this rural senator stood up and that answer was, if you have 2,000 students in this domain that you get together, yes. And the light bulbs that went on were...you mean, I don’t have to lose my school, I can keep my social institution, you know, if I can get 2,000 students, we’ll figure how to collectively run this and collectively tax this...

The common levy also created savings for the state, according to an analysis conducted by the *Omaha World-Herald*, which notes that:

The state would save money under the common tax levy, which forces property-rich districts in Douglas and Sarpy counties to share their tax bases with less affluent districts. Currently, the state uses its aid payments to help equalize resources among districts. Under the new system, local property taxes would be shared among the districts, reducing the amount of equalization money needed from the state.⁹⁴

Yet the common levy is not supported by all of the suburbs, particularly by those that are projected by several different analyses – one by the *World-Herald*, another by school districts themselves – to lose funding (although it remains unclear whether these losses will be significant given the increase in state aid that will be funneled to growing districts.)⁹⁵ It is likely that these suburbs will challenge the levy through the legislature, and possibly through the courts.

4. Walking the Line: Advancing Regional Equity While Preserving Local Control

One of the greatest appeals of this legislation across multiple constituencies is the balance it strikes between regional equity and local autonomy. While the learning community fosters tax sharing and integration, it also allows local school districts to maintain their boundaries as well as local authority over budgeting and curriculum. In addition, the voluntary inter-district desegregation program provides choice-based options that appeal to parents with different goals.

The finance structure also provides “something for everyone” by providing support to low wealth and high poverty districts, while at the same time allowing the high wealth districts to maintain some of their taxing advantage. As Senator Raikes notes:

We maintain that in the learning community, so the high valuation districts don't give up every advantage of their high valuation. In that discretionary levy, they get to levy on the valuation base they have in their school district, and if that happens to be high per student, they get the advantage, if it's low per student, then they don't.

⁹⁴ Goodsell, P. & Robb, J. (2007, July 8). “Financial loss is a sore point in seven districts.” *Omaha World-Herald*.

⁹⁵ Robb, J. (2008, December 11). “Stakes Get Clearer For Schools: Smaller Districts Likely See Blow to Wallet.” *Omaha World-Herald*.

In the end, the idea is, as Senator Raikes notes, that school boards maintain their autonomy while fostering cooperation across the metro:

You still have individual school boards, each district is governed individually, but they all become a part of the learning community, which has a governance. You know, the idea is that school districts still have a competitive relationship. You want to, in fact, foster that, you want school districts to compete with each other in providing the best opportunities for students and thereby attracting the students, and so on, but you also want them to cooperate with each other in the sense of these students that live in east Omaha, or wherever they happen to live, are, in fact, students that we're all responsible for, so we all need to have programs to serve those students.

Senator Ashford argues that the regional governance created a synergy among residents in the metro area:

Though you're gonna get political arguments, you're creating another level of government, but you're actually...addressing a costly system of failure, a failing system is costly. So even if you're adding a little bit of extra government and it may be costly to do that, you're saving all sorts of social costs, and other costs involving in failing students.

5. Building on Existing Inter-Local Agreements

The inter-local tax levy and arrangement may have been successful because it was built originally upon long-standing tax incentives within Nebraska state statute to encourage cross-district cooperation – allowing districts that do collaborate to raise funds for the joint effort over and above the levy lid. The three districts' demonstration focus school utilized this provision in state law to form an inter-local to begin the first “demonstration” focus school ahead of the official start of the learning community, as mentioned above. As OPS attorney Elizabeth Eynon-Kokrda notes:

...and they picked the principal from one, they picked teachers from all three, and they entered into what's called an inter-local agreement, which school districts have authority to do, and the inter-local agreement basically said anything that one of you can do, anybody in your inter-

local can do. So, a school district has authority to do a new school, an inter-local can do a new school. And the idea behind the inter-local agreements was to get people to cooperate, and it used to be that inter-local agreements were outside of the tax base, that was the incentive.

Many states already have inter-local provisions and incentives built into their tax structure, providing a potential platform upon which to build further cooperation across districts.

6. Community Advocacy: The Role of the Philanthropic Community, the Business Community, and Local Organizations

Although the Omaha Public Schools had the support of a number of advocacy groups and the philanthropic community, it was not until the introduction of the Chambers amendment that various constituencies mobilized to become involved in the conversation. As state Senator Brad Ashford reports, in the aftermath of the Chambers amendment splitting up OPS into what would have been racially identifiable school districts and the national outcry:

I mean, people were embarrassed, the business community was embarrassed...the *New York Times* article, there were some other things written about it, and it embarrassed the city fathers, so to say.

Omaha's major business leaders engaged in quiet political support: as Ken Bird notes, "We asked them to stay out of it politically." However, at the point at which the superintendents had reached their final agreement on a solution post-Chambers amendment to, as Senator Ashford put it, "[p]ut OPS back together again," they used their leverage to help push through a political solution. They got together and made a trip to the Governor's mansion to make their case, as John Mackiel, Superintendent of OPS, recalls, with a solution in hand: "we literally got on a bus one night, these are guys that I would never have a...it was a CEO, Peter [Michell], very wealthy individuals, Warren Buffet, Dick Holland, all, bless their hearts, got on a bus on a winter night, we drove down to the governor's mansion to a dinner, Ken Bird from District 66, myself, simply saying, we have a solution, we're working this thing out, if you can endorse it."

The community advocacy groups also played a big role in putting legal pressure on the state to press for action. Several community organizations filed lawsuits, including

the local NAACP, the African American Achievement Council, and the Chicano Awareness Center. Each used its political weight and resources to fight the Chambers amendment and testify in favor of the Learning Community legislation. As Rebecca Valdez, Executive Director of the Latino Center of the Midlands, formerly the Chicano Awareness Center, recalled, the decision to become involved meant a great deal of political risk for their organization: "I'll be truthful. The board agonized about what is this going to do for our funding? Are people going to say, we shouldn't be doing this?"

Superintendent Mackiel believes strongly that the pressures from these organizations contributed a great deal to the final legislation:

There isn't any doubt in my mind that had it not been for the philanthropy component, had it not been for editors in the newspaper, had it not been for advocacy leaders of this community, had it not been for long-standing institutions that advocated for kids, specifically the NAACP, Chicano Awareness Center, all coming together and saying, as a result of awareness, through understanding, lessons that had been communicated for years, I don't believe for one moment we would be at this point.

The other key role played by the philanthropic community was its effort to collaborate in support of the learning community effort. Many people interviewed cited the key role played by Building Bright Futures, which was supported by many major philanthropists within the Omaha metro area including Susie Buffett and David Sokol. Their first major philanthropic initiative was called "Building Bright Futures," and it was, in many ways, created alongside the learning community in support of "wraparound services" that the school districts themselves don't have the resources to provide, including before and after school programs, as well as early childhood education. Eynon-Kokrda observes: "[Building Bright Futures] happens to be very high donor people who want to do wrap-around services to make Omaha a stronger place, they want to do this in part because they know a strong school system makes a viable community."

The Building Bright Futures initiative also held community-wide task forces on a variety of issues to gather community input and consensus. These included major news outlets, community groups (including teachers, parents, religious leaders, and business leaders) and residents from across the metro. Together these task force

“town hall meetings” had 765 attendees.⁹⁶ These meetings then became the basis for the initiatives of Building Bright Futures.

The other major initiative is the “Bright Futures Foundation” which is a separate entity that focuses on college readiness and access. The Bright Futures Foundation, also supported by the same philanthropists as Building Bright Futures, declares its mission: “To identify Metropolitan Omaha area students of need and promise who will graduate from high school, help them enroll in institutions of post secondary education, and provide assistance as needed to graduate.”⁹⁷

What is distinct about these efforts is their explicitly regional focus: because these efforts were formed in many ways to compliment the Learning Community, they are purposefully avoiding the goal of being Omaha-centric. Their efforts have sought to involve and support at-risk children across the metro area.

As Sandra Jensen reflects:

I mean, it’s gonna take a huge commitment of dollars, and community buy-in.... That is a very important piece to highlight, is that we are looking at community people across the metropolitan area who really believe in all children having the same opportunities, putting their money there, being willing to volunteer their time, and they don’t all reside in the Omaha Public Schools, because they get the big picture.

7. Leveraging the Accountability System to Get Political Support for the Plan

Another key factor in the passage of the Learning Community legislation was the provision for expanded school accountability. The state of Nebraska had been a lone hold-out under NCLB, hanging on under threat of federal sanctions to its system of locally determined standards and assessments. (The state education commissioner’s protracted battle with the federal government about the state’s accountability system, in fact, kept the commissioner out of the conversations about the learning community law entirely.)

As OPS attorney Elizabeth Eynon-Kokrda notes of the prior system:

The reasons the feds are so after Nebraska is we had no accountability, in terms of apples to apples, there were no standardized standards, and no standardized tests of any kind. So what we found doing research is that one school district that said, here are all our proficient kids, another school district would have called them beginning, and another school district would have called them advanced on the same exact numbers, which is ludicrous.

This lack of a defined system of accountability within the state meant that the advocates of the learning community had a strong “bargaining chip” when pushing for the legislation’s passage, particularly in garnering the support of the more conservative members of the legislature.

The legislation establishing a system of statewide assessments, LB 653, was signed into law on May 31, 2007, just one week after the LB 641 compromise Learning Community legislation was signed. LB 653 required that the state board of education develop a state-wide system of standards with aligned state-level assessments to “implement a statewide system for the assessment of student learning and reporting the performance of school districts and learning communities.”⁹⁸ This legislation also required the state to implement a state-wide data system with individual student identifiers. This meant that each student’s progress could be tracked across all districts. This legislation was developed in part as a response to pressure from the US Department of Education, which fought with Nebraska against its district-developed standards and assessments.⁹⁹ The legislation, however, only required that the state tests be administered in three grades.

It was not until April of 2008 that the legislature completely ousted the state’s district-level assessments in favor of a uniform standards and testing system required in grades 3 through 8 and once in high school.¹⁰⁰ In response to this legislation the state commissioner of education, Doug Christensen, who had been resisting uniform assessments, resigned.¹⁰¹ The legislation, LB 1157, was signed by Governor Heineman on April 10, 2008.¹⁰²

⁹⁶ LB 653, Committee Statement, page 1.

⁹⁹ Ash, K. (2008, March 19). “Nebraska Bill Would Boost State’s Test Status.” *Education Week*. <http://www.edweek.org/ew/articles/2008/03/26/29nebraska.h27.html>

¹⁰⁰ LB 1157.

¹⁰¹ Ash, 2008.

¹⁰² LB 1157.

⁹⁶ Building Bright Futures (2008, January 30). *Building Bright Futures Community Town Hall Meeting Summary Report*. Omaha, NE: Building Bright Futures.

⁹⁷ <http://www.bffoundation.com/>

The legislation requiring a uniform system of standards and accountability, according to many interviewed, was a key in marshalling support for the Learning Community among legislators and the business community.

IV. Implementation: Issues and Challenges to be Addressed

As of this writing in March of 2009, the Learning Community is at the “starting line.” On November 4, 2008, a total of 53 candidates ran for the board of the learning community¹⁰³ and the 12-member board was voted in via limited voting,¹⁰⁴ with two members elected from each of six electoral sub-districts.¹⁰⁵ The Learning Community Council’s additional six members were selected on November 20, as all of the 59 school board members of all 11 districts caucused within their six election sub-districts to select the final members. Districts that do not have representation on the LCCC through the election or caucus process are granted the right to appoint a non-voting member to the council for a two-year term. The districts of South Sarpy, Bennington and Douglas County West, all small districts, did not get a board member seated to the learning community council and their school boards each respectively chose one non-voting member to serve on the LCCC.¹⁰⁶ The total number of council members, including the 18 voting and three non-voting, is 21.¹⁰⁷

When the Learning Community takes effect, each of the six sub-district representatives will form “achievement sub-councils” in charge of “integration and achievement issues within their election wards and communities, no matter which school districts those arise in.”¹⁰⁸ The sub-councils will also be in charge of the elementary learning centers.¹⁰⁹

On January 8, 2009 the learning community was officially established.¹¹⁰ The first meeting of the larger 21-member Learning Community occurred that same month. The LC must create new education resource centers by July 1, 2009, and the deadline for the metro integration plan is December 31, 2009.¹¹¹ The finance structure begins in 2009-10 and is phased in over three years.¹¹² The integration plan will begin in March of 2010 (the deadline for students to apply under the new open enrollment law will be March 15, 2010). The finance structure is fully implemented in 2012-13. Voting members are authorized to receive a per diem of up to \$200 per day for council and sub-council meetings, for up to \$12,000 per year. The state will provide \$500,000 for 2008/09 and another \$1 million in 2009-10.¹¹³

The following challenges must be addressed as the implementation of the Learning Community law moves forward:

1. The Common Levy and Funding Cuts

The common levy has gained some political support among districts that were initially resistant to the Learning Community legislation. But it has also been one of the more contentious aspects of the law. When the law was enacted few people had a concrete idea about how the levy would play out. As stated earlier, the *World-Herald* conducted an analysis that showed that some districts would gain and others would lose under the plan: the “winners” were those that were growing districts that served growing numbers of high poverty students. The support of districts was also off-set by state pledges to provide additional aid to all districts, thereby indirectly off-setting any losses that district may have incurred.

However, a recent story by the *World-Herald* reported on a new study conducted by a collaborative of districts, which projected that the majority of districts would have lost funds had the levy been instituted this year, while just three would have gained.¹¹⁴ The *World-Herald* reported on the story but also reported on the weaknesses in that report’s analysis: the fact that the legislature didn’t consider the fact that the losses experienced by districts would be off-set by the ability of the districts to increase their tax rates, or the changes in state aid provisions that,

¹⁰³ “Timeline,” 2008.

¹⁰⁴ Limited voting increases the likelihood of a diversity of representation on the council: it allows one person a vote for any candidate running in a particular district. This type of voting enables people to lend more strength to their vote by “clustering” around a particular candidate if they so choose.

¹⁰⁵ Robb, J. (2008, October 29). “The learning community is under way.” *Omaha World-Herald*. Available at http://www.omaha.com/index.php?u_page=2798&u_sid=10472092

¹⁰⁶ Robb, J. (2009, January 5). “Council’s 3 nonvoting members appointed.” *Omaha World-Herald*.

¹⁰⁷ Robb, J. & Saunders, M. (2008, November 21). “Learning Community representatives selected.” *Omaha World-Herald*. http://www.omaha.com/index.php?u_page=2798&u_sid=10493339

¹⁰⁸ Robb, J. (2008, October 29). “The learning community is under way.” *Omaha World-Herald*.

¹⁰⁹ Ibid.

¹¹⁰ “Timeline,” 2008.

¹¹¹ “Timeline,” 2008.

¹¹² “Timeline,” 2008.

¹¹³ Robb, J. (2008, October 29). “The learning community is under way.” *Omaha World-Herald*.

¹¹⁴ Robb, J. (2008, December 11). Common property tax levy may divert big sums from suburbs in efforts to aid Omaha students. *Omaha World-Herald*.

the article notes, “could make the changes a financial wash for growing districts such as Papillion-La Vista, Elkhorn, Gretna and Bennington.”¹¹⁵ The two districts that were projected to be the biggest losers were the smaller districts of South Sarpy and Douglas County West, which according to the article are appealing their case to the legislature. According to the article, one state senator said the committee should look further into extending the phase-in period for the levy.¹¹⁶ As of this writing, a number of legislative proposals are being considered that would extend this phase-in period.¹¹⁷

2. No Targets or Timelines for the Implementation of the Diversity Requirement

One of the biggest weaknesses in the law is the lack of clear targets and timelines for the diversity provision. As stated previously, under the law: “*The goal of the diversity plan shall be to annually increase the socioeconomic diversity of enrollment at each grade level in each school building within the learning community until such enrollment reflects the average socioeconomic diversity of the entire enrollment of the learning community.*”¹¹⁸

However, there are no specific targets or goals, nor are there requirements for concrete deadlines for meeting these goals. As stated previously, the legislation provides that the council reports progress to the Learning Committee every even-numbered year, and reports on academic achievement by demographic subgroup. However, beyond reporting there are no sanctions for failing to make progress on either diversity targets or subgroup achievement (beyond the accountability provisions that will likely be developed in a revamped state law.)

Omaha superintendent Mackiel notes that he had hoped for targets, but he is still heartened that even the goals for diversity are now codified in law:

...you continue to chip away at making these goals that can be realized. Because at some point the question is gonna be asked...where are you, and the bottom line is, we now have another tool in place, avenues to address concerns, the remedy

¹¹⁵ Ibid.

¹¹⁶ Ibid.

¹¹⁷ Robb, J. (2009, February 24). “Learning community schools still divided over dollars.” *Omaha World-Herald*. Accessed [2/25/09]: http://www.omaha.com/index.php?u_page=2798&u_sid=10571485

¹¹⁸ Laws 2007, LB 641, § 51; http://www.nebraskalegislature.gov/laws/browse_chapters.php?chapter=79 (emphasis added).

and the fix, and if, in fact, no action is followed by no action, is followed by no action, we can begin to see that that isn’t gonna withstand the scrutiny, and that’s why I remain optimistic.

3. Potential Weaknesses in the Diversity Provisions

Another issue that could create problems that diversity provisions within the law are based purely upon socioeconomic status. This is not guaranteed to reduce racial isolation and has the potential to make it worse if not carefully monitored: the evidence from the Choice is Yours transfer program in Minneapolis shows that whites disproportionately take advantage of the SES-based transfer program in that region, exacerbating the problem of between-district stratification there.¹¹⁹

While provisions in the law provide information and transportation to parents, the details of the ultimate policy will be critical. For example, the transportation policy requires that transportation either be provided or that parents be reimbursed. The reimbursement provision could make it difficult for low income families to participate given they: 1) may not have access to a car; 2) may be unable to afford the fuel or car maintenance; and 3) may be unfamiliar with the process by which to obtain reimbursement, or, in the case of non-English speaking parents, have difficulty interfacing with those who could help with that process.

With regard to information, the law provides that students must apply to the district to which they want to transfer. This could create barriers to access for students as they navigate the application policies of 11 different school districts. A more equitable application process could involve a common application clearinghouse within the learning community. Other possibilities for making the application process more equitable would be the creation of an application with a common format to be used across the different districts, as well as a common “clearinghouse” (i.e. a website or physical center) to make it easier for parents to obtain those applications.

The open enrollment policy also allows districts to allocate “unused spaces” to students who do not contribute to the socioeconomic diversity of a school. This provision could undermine the goals of the policy by allowing schools to fill slots that are easier to fill without doing aggressive outreach.

¹¹⁹ Holme & Wells, 2008.

Finally, the law does not contain provisions that require receiving schools to provide support to transferring students or professional development for teachers in terms of serving students from diverse backgrounds. These are matters that should be attended to by the LCCC.

4. Lack of Consensus Around Desegregation/Diversity Goals

One of the key threats to the implementation of the desegregation plan is the lack of consensus, based on the interviews conducted for this case study, on the need for integration. Although the interviews were not representative, the interviewees revealed a clear ambivalence about the need for the inter-district desegregation plan. This lack of consensus could pose a serious threat to the implementation of that aspect of the Learning Community law.

5. Superintendent Turnover

Another threat facing the implementation of the learning community is the turnover of many of the school superintendents who had been involved in crafting the current agreement. As the *World-Herald's* former publisher, John Gottschalk, commented:

The thing that keeps me up at night is that we've lost Ken now from Westside, I'm scared to death that we'll lose John, Keith already agreed to keep out at Millard, Lutz already agreed, I think, to extend a couple three years ago, here are three big key guys that have been up one side and down the other of this thing and know it...we've got to get this thing on the ground, and it takes the goodwill and the experience, the knowledge and the commitment now to make it work.

6. No Child Left Behind Accountability Provisions

As NCLB currently stands, districts are not given any "safe harbor" when they take students from other districts, particularly students with lower test scores. This could be a disincentive for districts to take on harder-to-serve students.

Further, NCLB accountability does not take into consideration special schools such as focus schools. The learning community legislation does require that one district take "responsibility" for focus schools that are established collaboratively with other districts in terms of

both finances and student performance. However, the NCLB legislation does not reward districts for engaging in such collaborative arrangements.

7. Administrative Capacity

One key challenge, as identified by Kermit Brashear, former speaker of the legislature, is the enormous task of building the administrative capacity to begin the Learning Community, in terms of staff, meeting space, communication, and administrative support. Thus, it remains to be seen how the administration of this governing body will be coordinated.

V. An Agenda for Research

As the Learning Community is implemented, there is a clear need for researchers to document and draw lessons from the process. There is a need to track the implementation, to evaluate its progress, and to analyze student outcomes. Among the topics that should be considered in the research agenda are:

1. Governance: The LCCC is the first-ever regional governing body in education with significant powers. There is, therefore, a need to evaluate how the governance structure works both in terms of the LCCC, the sub-councils, and the superintendent advisory group, as well as the relationship between the LCCC and the local school boards.
2. Common Levy: School finance researchers should evaluate how this levy works in practice, as well as the way districts respond to the levy both in their own taxing behavior and in other dimensions of district decision-making.
3. Integration/Diversity: A comprehensive evaluation should be conducted of the integration plan, in terms of student applications, participation, transportation, capacity issues, support services for transfer students, finance, and most importantly student achievement. An analysis should be conducted of focus schools and programs, as well as the focus/magnet pathways.
4. Elementary Learning Centers: Researchers should evaluate the elementary learning centers in terms of services provided and use of resources, following achievement of students with and without services. Further, evaluations of the broader outcomes related to the services the

centers provide should be conducted (health, wellness, family resources, etc.)

5. **Achievement:** Student achievement needs to be measured across the Learning Community, including an assessment of the impact that the components of the LC have on achievement, including integration, extended school hours, and Elementary Learning Centers.
6. **The Politics of Metropolitan Collaboration:** The process by which these 11 districts collaborate both in terms of the formal governance of the LC (the LCCC), as well as the relationships of superintendents and school boards, and how this affects decision-making across districts within the region.

Research can play a critical role in evaluating the success of—and potentially making the case for—these kinds of regional solutions in other contexts. The type of collaboration involved in the Learning Community holds great promise for other major metropolitan areas. According to Ken Bird, former Superintendent of Westside Public Schools:

If other communities start with this in a synergistic consensus building way...learning from each other with a common goal of better serving the kids in Austin or in Denver, or wherever, I think we can break down so many artificial barriers...if we do this right. And it can be one of the more exciting times in education in our country.

About the Authors

Jennifer Jellison Holme, Ph.D., is an Assistant Professor of Educational Policy and Planning at The University of Texas at Austin. Holme's research focuses on the politics and implementation of educational policy, with a particular focus on the relationship between school reform, equity, and diversity in schools.

Sarah Diem is a doctoral student in Educational Policy and Planning at The University of Texas at Austin. Her research interests include the role of race and class in education, paying particular attention to how current voluntary choice-based socioeconomic status-based integration policies are working to ensure diversity in schools.

Katherine Cumings Mansfield, doctoral student in Educational Policy and Planning at University of Texas at Austin, has published and presented in a variety of interdisciplinary contexts. Mansfield's scholarship focuses on the politics of education and the intersection of gender, race, religion, and/or class with educational and/or vocational access and achievement.

Table 1: List of Interviewees & Interview Dates

1. Brad Ashford, Education Committee, Chair Judiciary Committee, 5/22/08
2. Ken Bird, Former Superintendent, Westside Public Schools, 5/21/08
3. Kermit Brashear, Former Speaker, 5/21/08
4. John Cavanaugh, Bright Futures Foundation, 5/21/08
5. Elizabeth Eynon-Kokrda, Attorney, Baird Holm, 5/22/08
6. John Gottschalk, former Publisher, *Omaha World Herald*, 5/19/08
7. Ben Gray, Chair African American Achievement Council, 5/20/08
8. Al Inzerello, former Assoc. Supt. of Finance, Westside Public Schools, Candidate for Learning Community Coordinating Council, 5/20/08
9. Sandra Jensen, President Omaha School Board, 5/19/08
10. Keith Lutz, Superintendent, Angelo Passarelli & Amy Friedman, Millard Public Schools 5/21/08
11. John Mackiel, Superintendent, Omaha Public Schools 5/21/08
12. Dwight Pedersen—former State Senator & candidate for Learning Community Coordinating Council, 5/21/08
13. Ron Raikes, Former Chair, Education Committee, 5/19/08
14. Rebecca Valdez, Director, Latino Center of the Midlands, 5/22/08

Table 2: Learning Community Timeline

1891	Statute 79-409 adopted, requiring that “each incorporated city of the metropolitan class in the State of Nebraska shall constitute one Class V school district.” ¹
1947	Anticipating the westward growth of the city and school system, several predominately white suburban neighborhoods join together and formed an independent school district. The same year, the legislature passes a law that explicitly exempts this predominately white and wealthy school district—called “District 66” (also known as “Westside Community Schools”)—from annexation by the Omaha Public Schools. ²
1971	The City of Omaha begins annexation proceedings against the city of Millard. Millard challenges the annexation in court. The U.S. Supreme Court declines to hear Millard’s case, and Millard is annexed into the city of Omaha.
1976	Court ordered busing begins in OPS.
1984	Court declares OPS unitary.
1999	OPS ends mandatory desegregation, instituting a choice-based SES integration plan in its stead.
2003	OPS joins with other high poverty districts in a lawsuit in state court challenging the state school finance structure.
2004	Technical cleanup bill is introduced that proposes to strike statute 79-409. Statute, however, is ultimately not stricken.
2005	June 6: OPS school board passes a resolution invoking the “one city, one school district” statute 79-409, thereby resolving to annex 21 schools within the Millard school district and 4 schools within the Ralston district that are within the city limits of Omaha. Suburban superintendents form a coalition to oppose the resolution.
2006	January 10: State Senator Ron Raikes, Chair of Education Committee, introduces initial Learning Community legislation, LB 1024. The legislation ends OPS’s “one city one school district” resolution by freezing all district boundaries, while proposing a common levy. The legislation eliminates the racial balance controls on the existing option enrollment plan, and does not require any socioeconomic balance outside of focus schools. On the same day Senator Gail Kopplin of Gretna introduces a proposal for inter-district desegregation by socioeconomic status, a proposal that is not adopted at the time.
2006	April 6: LB 1024 is amended with Senator Ernie Chambers’ amendment, AM 3142, which splits OPS into three racially identifiable school districts.
2006	April 13: On a vote of 31-16, LB 1024 (with AM 3142) is passed and signed into law.
2006	May 16: The NAACP files a lawsuit in federal court challenging the split.
2006	August 16: The Chicano Awareness Center files a lawsuit in state court challenging the split, the law’s elimination of the desegregation protections in the state open enrollment law, and the voting provisions with respect to elections of the Learning Community governing board.
2006	September 8: US Commission on Civil Rights holds hearings in Omaha regarding the split.

¹ Neb. Rev. Stat 79-409, *NAACP v. Heineman* Complaint 6/16/06.

² Burbach, C. (2005, November 28). “70s decisions Haunt OPS” *Omaha World-Herald*.

APPENDIX

- 2006 The judge in the state lawsuit puts a hold on the Learning Community legislation to study the case.
- 2006 November 29: The *Omaha World-Herald* reports that the superintendents from OPS and from suburban school districts had been meeting and had come up with an alternative proposal to LB 1024, which would reverse the breakup of OPS.
- 2007 January 17: Senator Raikes introduces a revised learning community law (LB 641,) that becomes the basis for the final Learning Community legislation. The legislation reverses the split of OPS, institutes a common levy, and institutes a choice-based inter-district SES-based integration plan, among other provisions.
- 2007 May 24: LB 641 passes on a vote of 33-14.
- 2007 September 12: The Nebraska State Education Commissioner certifies the Learning Community.
- 2008 April 14: LB 1154 is signed into law, modifying some of the implementation timeline with respect to the Learning Community.
- 2008 November 4: On election day, a total of 53 candidates vied for the 12 elected seats to the Learning Community Coordinating Council via limited voting. The remaining six seats were determined on November 20, after all 59 school board members from the 11 school districts caucused within their six election sub-districts. The boards of the three districts that did not get representation via the election process each appoint one non-voting member for a two year term.
- 2009 January 8: The Learning Community is officially established and the first meeting of the 21-member Learning Community Coordinating Council is held.

Future Deadlines Under the Law

- 2009 July 1: Education resource centers must be created
- 2009 Fall: The common levy structure begins (will be phased in).
- 2009 December 31: the integration plan must begin.
- 2010 March: The SES-based inter-district integration provisions will begin.
- 2012/13 The school finance structure will be fully implemented.

Figure 1: Omaha Public Schools
Number of Students Enrolled by Race/Ethnicity
 1971-72 to 2008-09
 (Source: Omaha Public Schools, 2009)

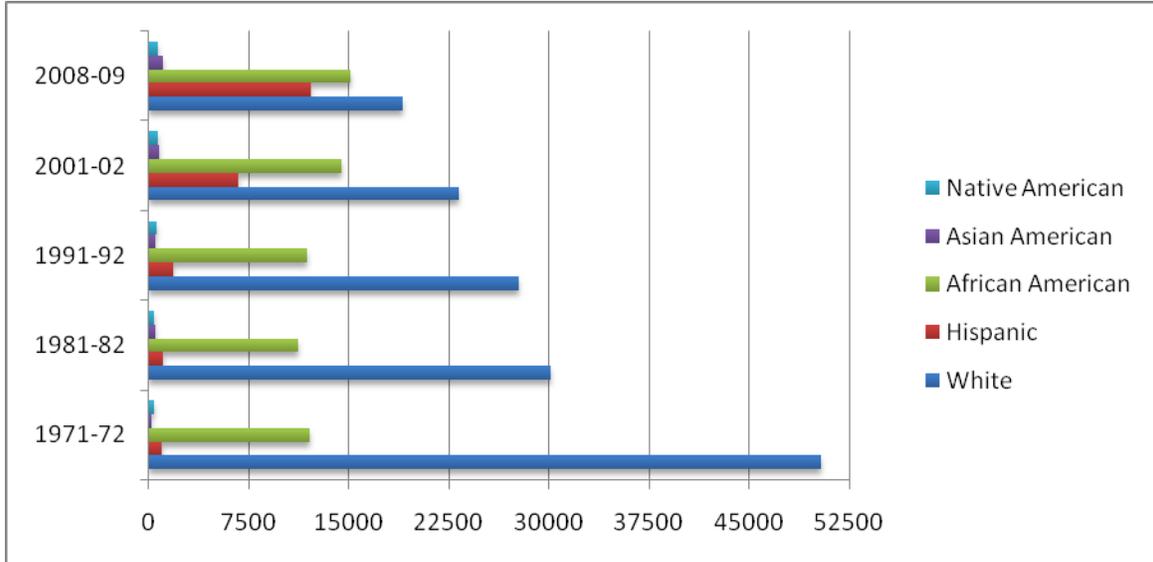


Figure 2: Omaha Public Schools
Percentage of Students Enrolled by Race/Ethnicity
 1971-72 to 2008-09
 (Source: Omaha Public Schools, 2009)

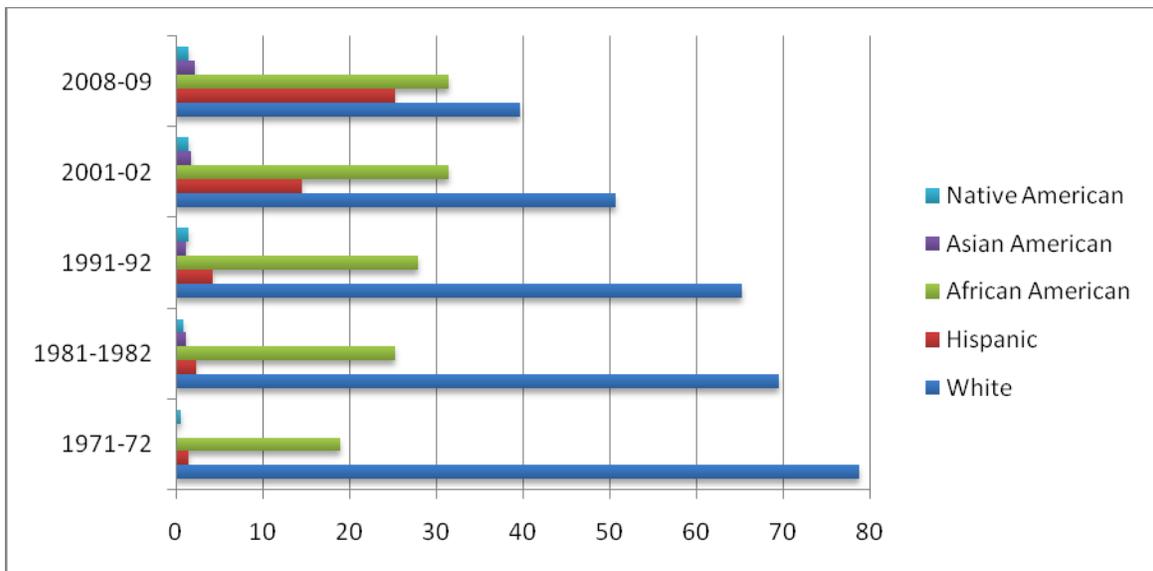


Figure 3: Omaha Public Schools
Net Change in Percentage of Students Enrolled by Race/Ethnicity
1971-72 to 2008-09
(Source: Omaha Public Schools, 2009)

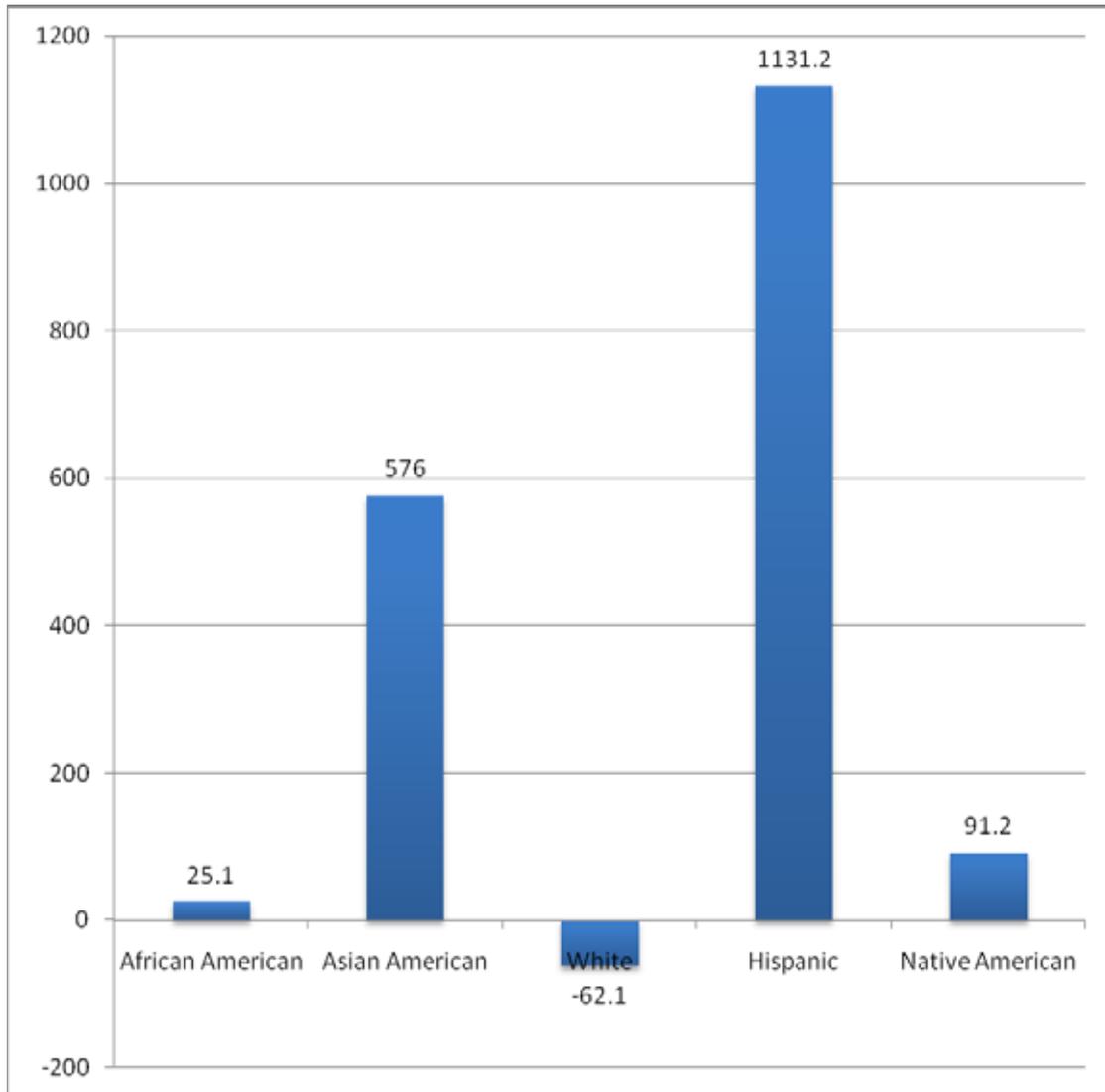


Figure 4: Nebraska Option Students
Number of Students Opting Out of Omaha Public Schools by Race/Ethnicity
 2002-03 to 2003-08
 (Source: Omaha Public Schools, 2009)

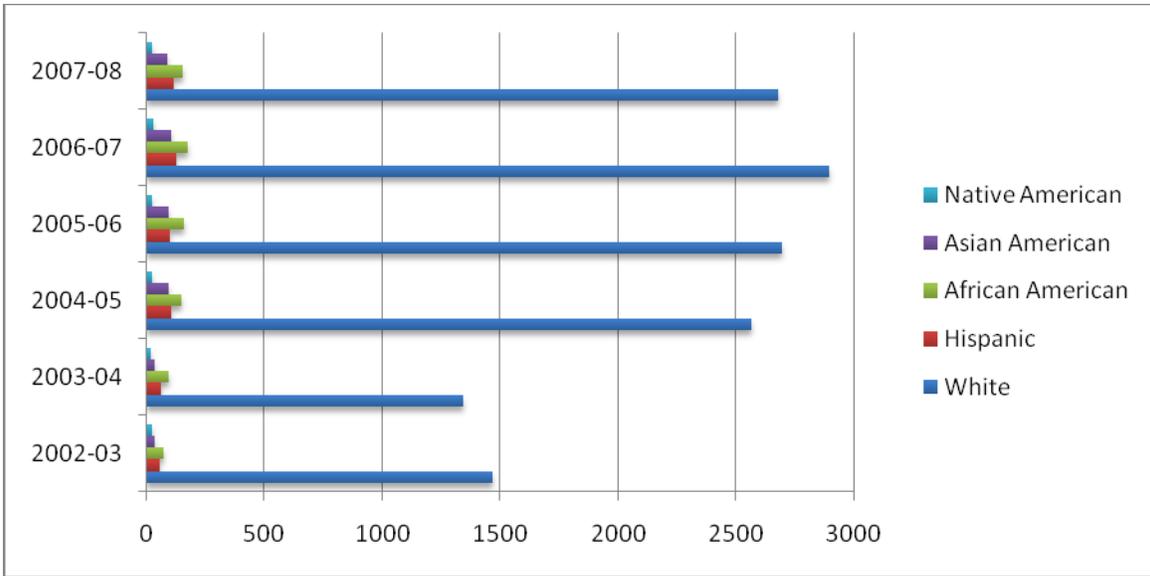


Figure 5: Nebraska Option Students
Percentage of Students Opting Out of Omaha Public Schools by Race/Ethnicity
 2002-03 to 2003-08
 (Source: Omaha Public Schools, 2009)

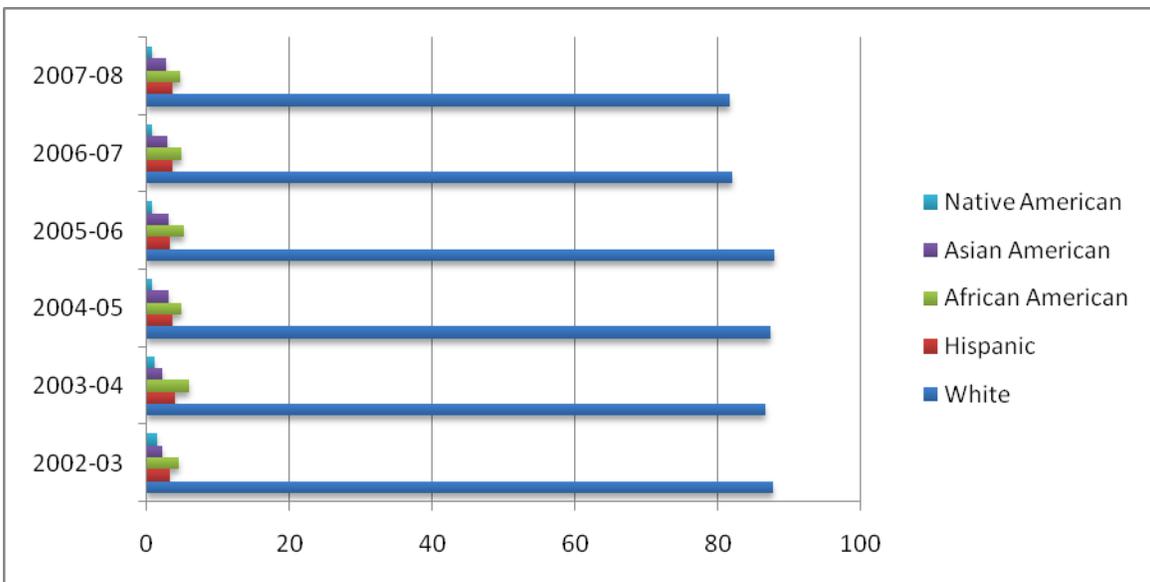


Figure 6: Nebraska Option Students
Number of Students Opting In to Omaha Public Schools by Race/Ethnicity
 2002-03 to 2003-08
 (Source: Omaha Public Schools, 2009)

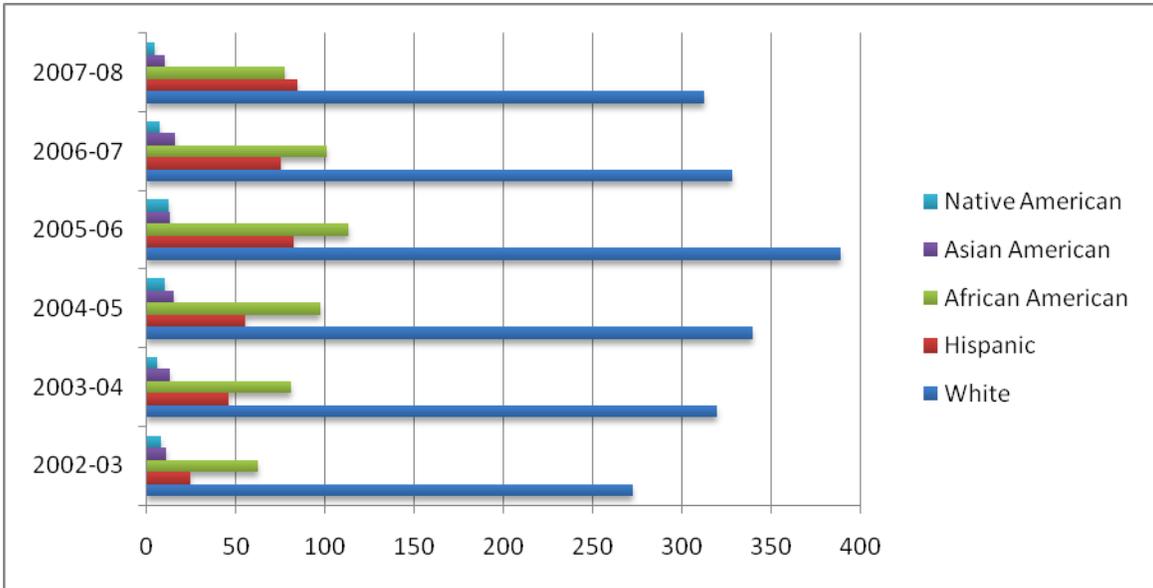


Figure 7: Nebraska Option Students
Percentage of Students Opting In to Omaha Public Schools by Race/Ethnicity
 2002-03 to 2003-08
 (Source: Omaha Public Schools, 2009)

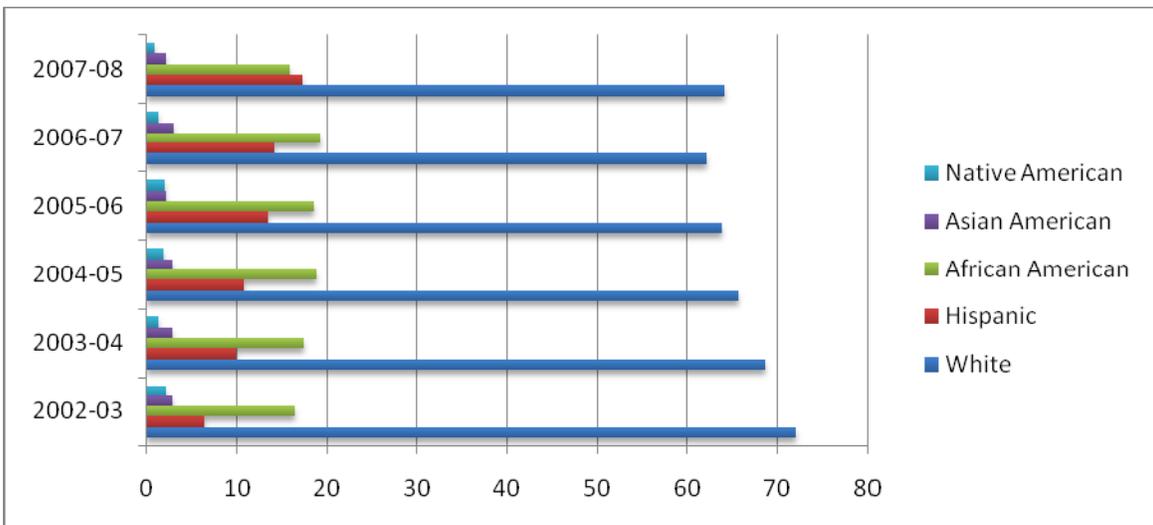


Figure 8:
Net Change in Number of Students Opting Out of Omaha Public Schools by Race/Ethnicity
2002-03 to 2007-08
(Source: Omaha Public Schools, 2009)

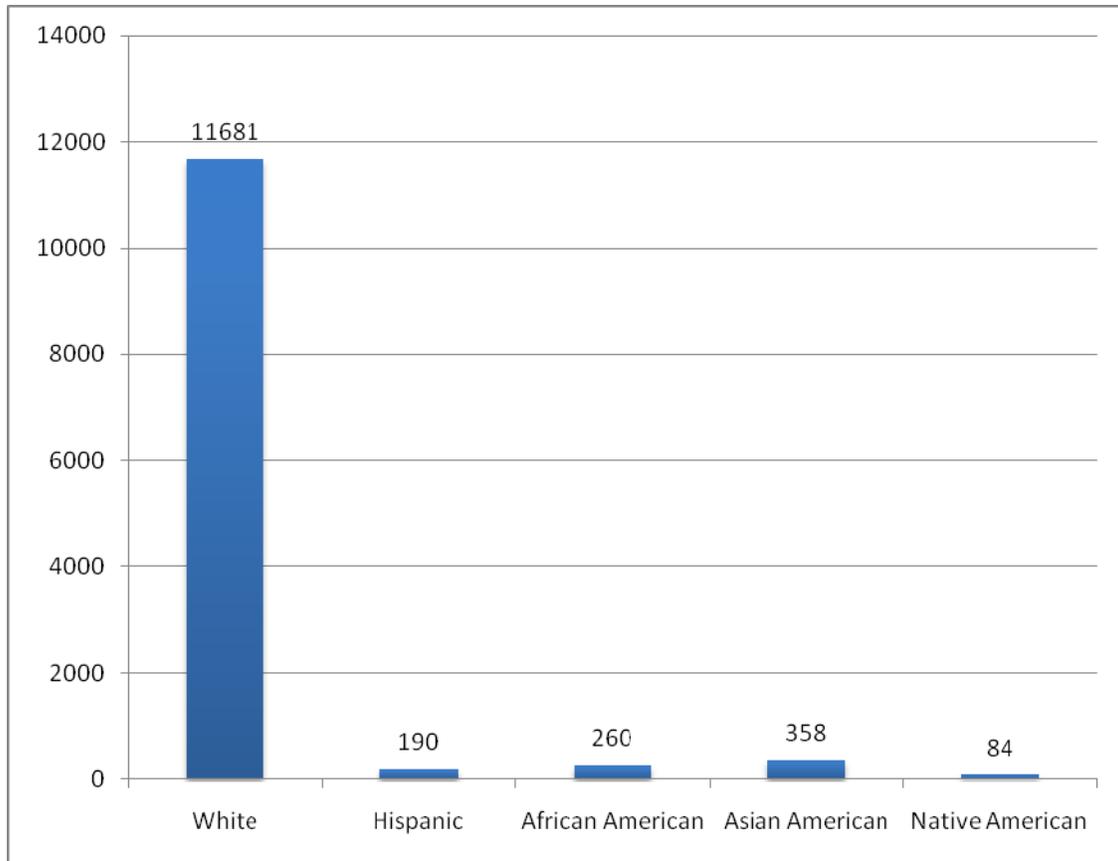


Figure 9: Omaha Public Schools
Number of Students on Free & Reduced Priced Lunch by Race/Ethnicity
 2002-03 to 2008-09

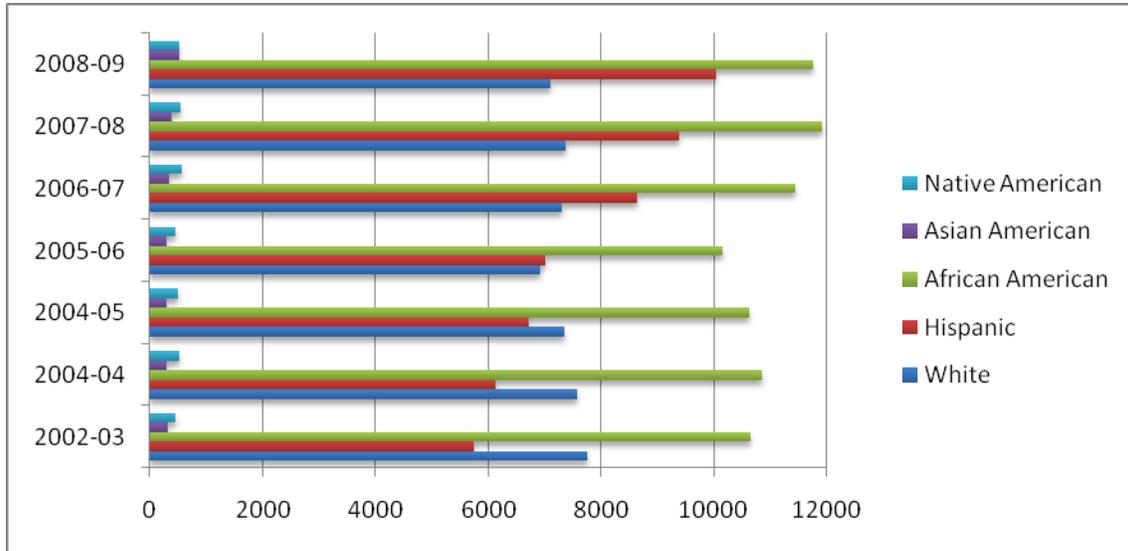


Figure 10: Omaha Public Schools
Percentage of Students on Free & Reduced Priced Lunch by Race/Ethnicity
 2002-03 to 2008-09
 (Source: Omaha Public Schools, 2009)

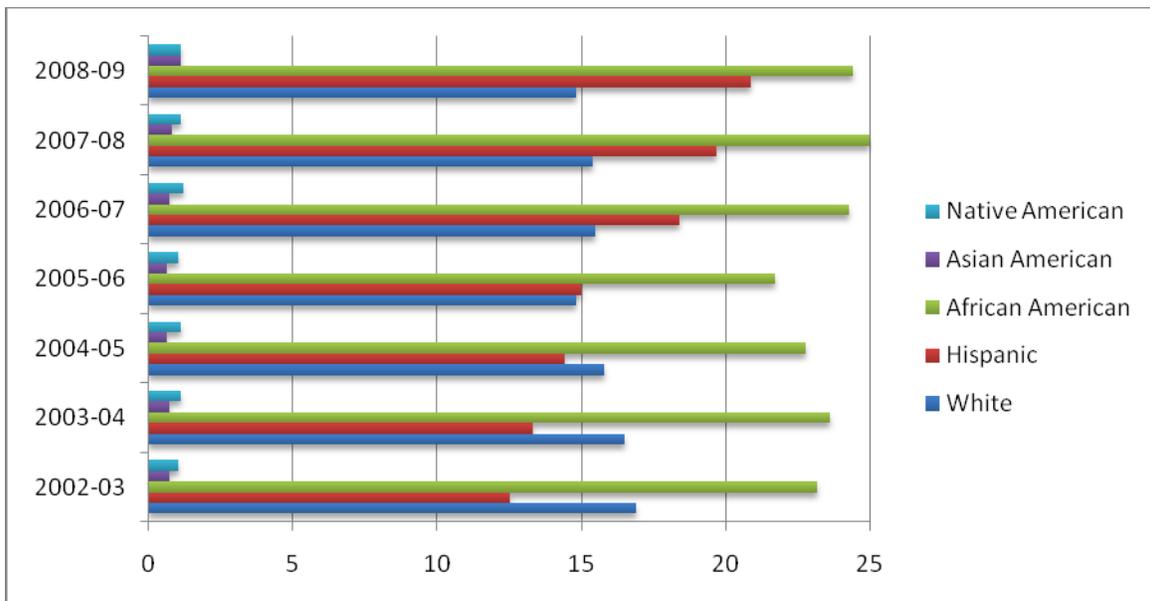
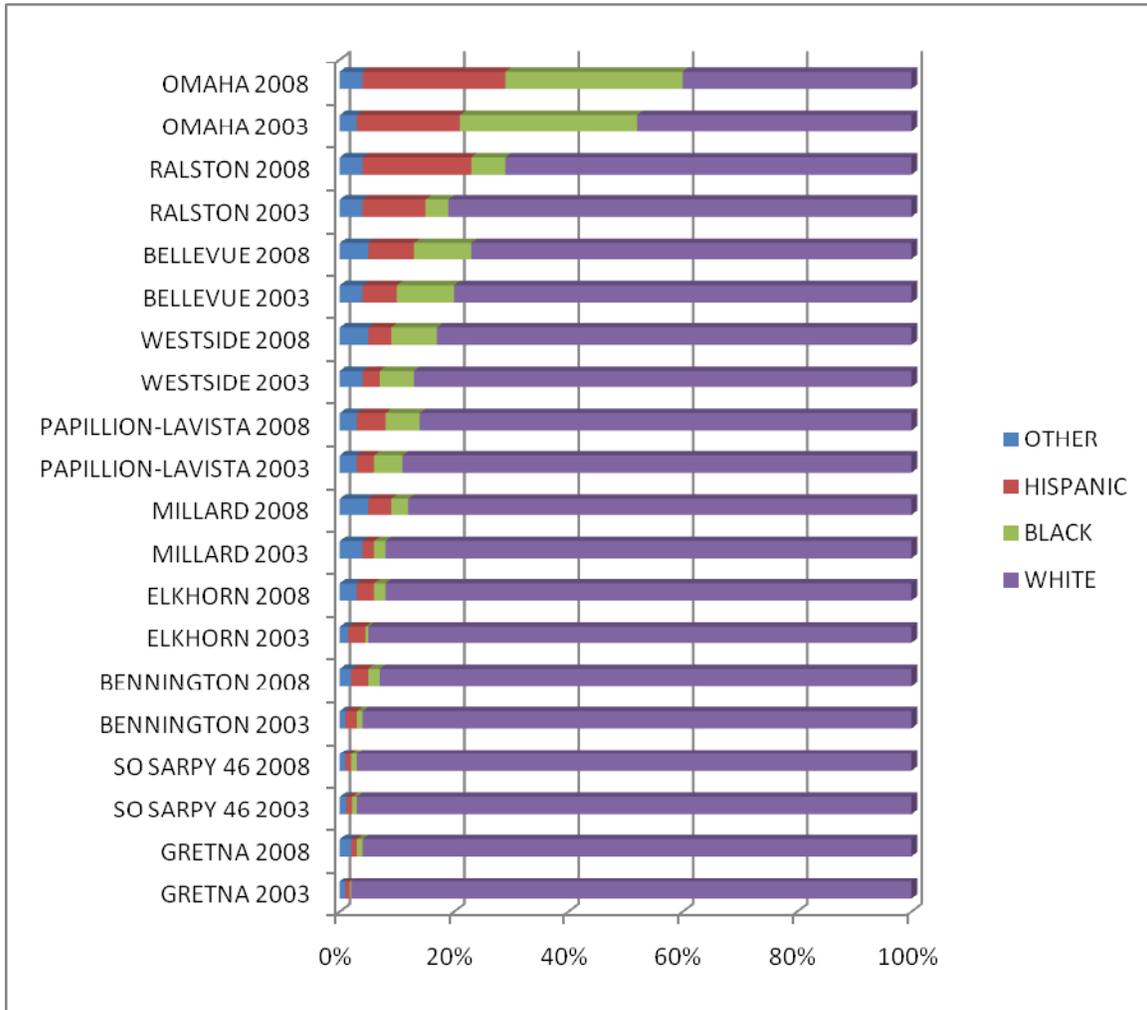


Figure 11: Omaha Metro School District Diversity Comparison
2003 and 2008

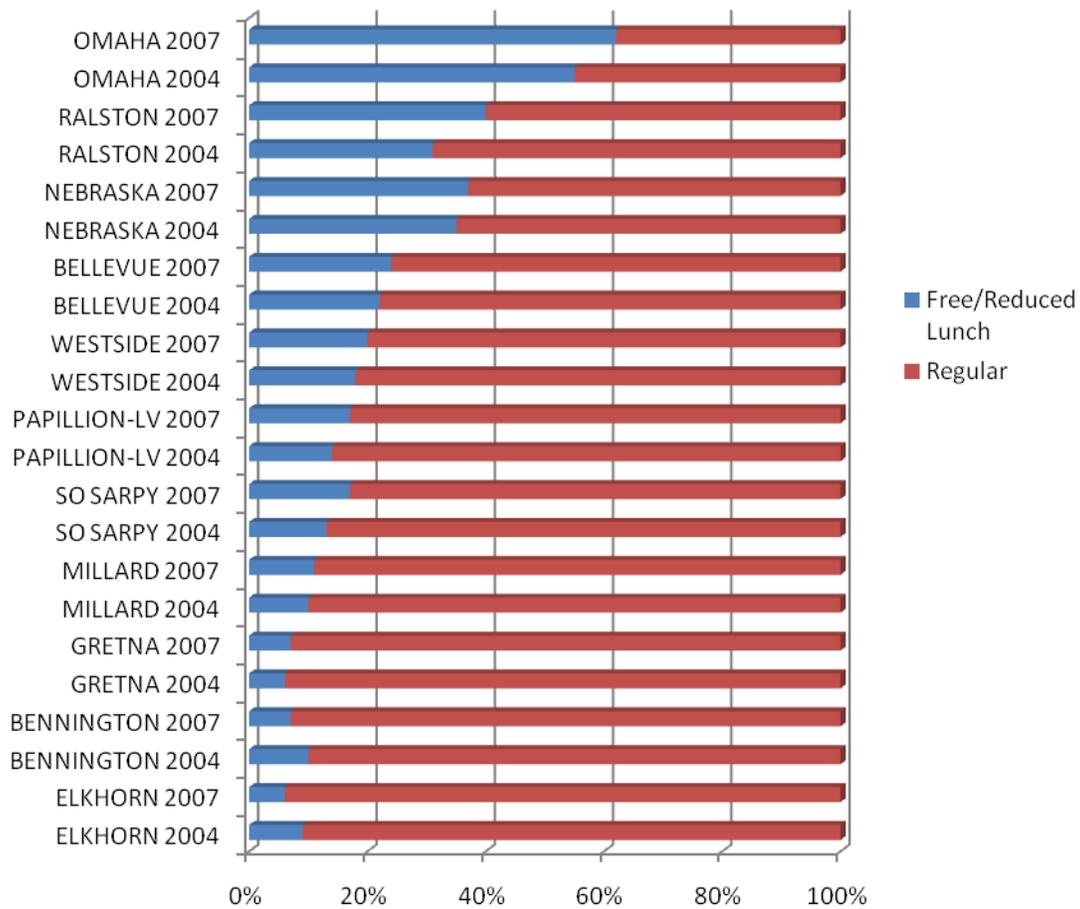


Sources:

Nebraska Department of Education. (2003). Education Support Services/Data Center 2003-2004 Membership by Grade, Race and Gender. Retrieved December 12, 2008 from <http://ess.nde.state.ne.us/DataCenter/DataInformation/Downloads/0304/MembGrade.pdf>

Nebraska Department of Education (2008b). Education Support Services/Data Center: 2008-2009 Membership by Grade, Race, and Gender. Retrieved December 12, 2008 from http://ess.nde.state.ne.us/DataCenter/DataInformation/Downloads/0809/MEMB_BY_GRADE_RACE_GENDER_Dec_2008.pdf

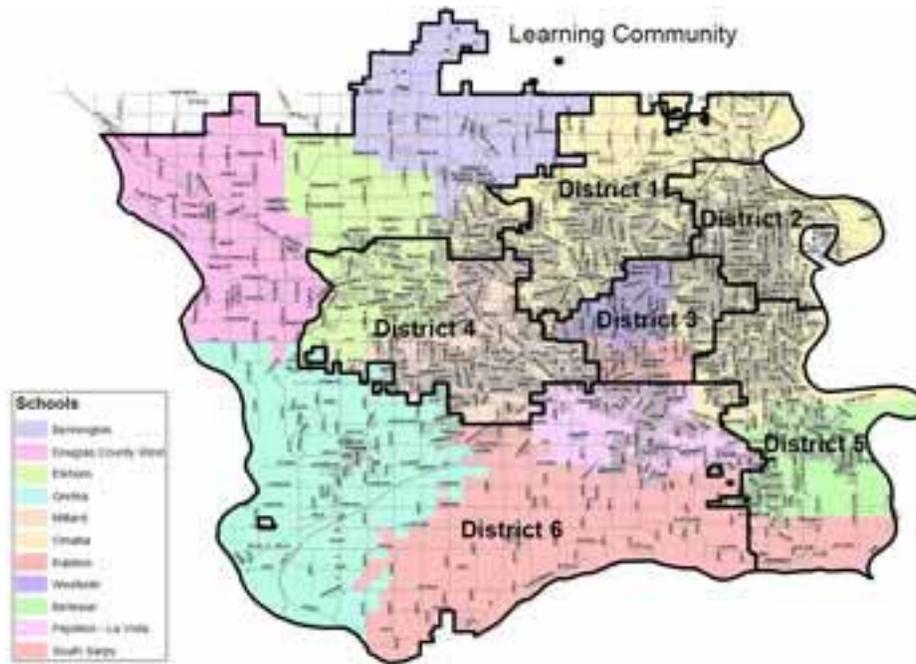
Figure 12: Omaha Metro School District Poverty Comparison
2004-2007



Source:

Nebraska Department of Education. 2007-2008 State of Schools Report: A Report on Nebraska Public Schools. Available at: <http://reportcard.nde.state.ne.us/Main/Home.aspx>

Figure 13: Map of the Metro Area Learning Community
(Source: Omaha World-Herald)



“Learning Community Basic Concepts” by Tammy Barry, Counsel, Ed. Committee, NE Legislature

Learning Community Basic Concepts

Combination of LB’s 1024 (2006), 641 (2007), and 1154 (2008)

- Political subdivision comprised of member school districts
 - Mandatory for school districts with headquarters in a county containing a city of the metropolitan class or in a county contiguous to such city
 - Optional for districts making a request by May 1 of each odd-numbered year if:
 - At least 3 districts will be participating and either:
 - The districts have a combined total of at least 10,000 students; or
 - All districts headquartered in at least 1 county will participate and either:
 - All participating districts are sparse or very sparse; or
 - The districts have a combined total of at least 2,000 students
 - Commissioner certifies new learning communities on or before August 1 of odd-numbered years with an effective date in January of the next odd-numbered year
 - Secretary of State facilitates the initial meetings of the coordinating council
- Governance
 - Learning Community Coordinating Council membership:
 - 12 members elected from 6 election districts
 - Each voter is allowed to vote for one member (limited voting)
 - 6 members are school board members appointed from the 6 election districts by the school board members residing in the election district
 - Additional non-voting members are appointed by the school boards of any districts that do not otherwise have a council member residing in the district
 - Achievement Subcouncils comprised of voting members from the election district
 - Develop diversity plan recommendations
 - Administer elementary learning centers
 - Approve or disapprove the poverty and LEP plans
 - Receive community input
 - Advisory Committee comprised of the superintendents of the member districts
 - Review issues related to open enrollment
 - Review focus programs, focus schools, magnet schools, and pathways
 - Provide recommendations for improving academic achievement
 - Provide input on other issues as requested
- Learning Community Coordinating Council duties:
 - Levy and distribute common levies to member districts pursuant to a formula
 - Levy and distribute levies for elementary learning center facilities and approved focus school or focus program facilities
 - Collect, analyze, and report data
 - Approve focus schools and programs
 - Adopt, approve, and implement a diversity plan
 - Administer open enrollment
 - Conduct school fairs to provide information about schools in the LC
 - Develop reorganization plans
 - Establish and administer elementary learning centers
 - Approve or disapprove poverty and LEP plans
 - Assist parents, citizens, and member districts in using mediation
 - Receive community input

- Diversity Plan
 - Provide educational opportunities in each election district to attract students from diverse backgrounds
 - Open enrollment, subject to limitations established by the learning community coordinating council to encourage diversity
 - Focus programs, focus schools, magnet schools, and pathways
 - Focus program – designed to promote socioeconomic diversity with a unique curriculum which may be in building with other programs, but which does not have an attendance area
 - Focus school – like a focus program, except housed in its own building
 - Magnet school – like a focus program or school, except it has a home attendance area and reserves some capacity for outside students who will contribute to socioeconomic diversity
 - Pathway – elementary, middle, and high school focus programs, focus schools, and magnet schools with a coordinated curricula
- Elementary Learning Centers
 - Learning Community Coordinating Council hires an executive director
 - At least one center for each 25 buildings with at least 35% of students qualifying for free or reduced-price lunches
 - Subcouncils submit plan for elementary learning centers in their election district
 - Open to all elementary-age children in the learning community and their families
 - Programs designed to enhance the academic success of elementary students
 - Examples: Intensive assistance with reading skills outside the school day, assistance with parental reading skills, computer labs, mentors, English classes for families, health services
- Funding
 - Common levy for member districts up to \$0.95 for general fund and up to \$0.02 for special building funds
 - Minimum general fund common levy in the state aid formula of \$0.90
 - Levy proceed distributed based on formula needs, with a 3 year hold harmless
 - Discretionary levy for member districts up to remainder of \$1.05 levy and any overrides or exceptions available to individual districts
 - Levy up to \$0.05 for up to 50% of the cost of a focus school or program facility and for up to 100% of the cost of an elementary learning center facility
 - The remainder of the cost of a focus school or program facility would be paid by the school district that will own the facility
 - State appropriation of \$500,000 for the first year and \$1 million thereafter for learning community functions
 - ESU core services and technology infrastructure funds
 - 50% of the membership of member districts attributed to learning community
 - 50% of the membership of member districts attributed to ESU
- Boundaries
 - The boundaries of member school districts may only be altered with the approval of the affected school districts, the learning community coordinating council, and the State Committee for the Reorganization of School Districts
 - Prior to establishment of the learning community, school districts that will become members may alter boundaries with the approval of the affected districts

The Charles Hamilton Houston Institute for Race and Justice

125 Mt. Auburn Street, Third Floor • Cambridge, MA 02138

Phone: 617-495-8285 • Website: www.charleshamiltonhouston.org