

Learning Communities:

A New Nebraska Solution
to the Age-Old Problem
of Segregation and Inequity

Where did it all begin?

Omaha school districts might say in 2000, when the only true urban district (OPS) faced the tough choice between funding teachers or text books

After a few years of failed legislative initiatives, 4 districts with high poverty and high ELL count sued the state arguing that the finance system was discriminatory.

In addition, when the city of Omaha decided to annex an area that contained a nearly-100% white small school district, OPS, which has 75% of the black student population in the entire state, sought to enforce a long-standing state statute that said the city school district's boundaries were coterminous with the city's own boundaries.

This brought long-standing racial divisions deeply engrained in the state to the fore.

History in the Making

- Omaha has a charged history of racism
 - Race Riots of 1968
 - Home of Malcolm X
 - In 2008, in a Unicameral of 49 Senators representing 1.7 million persons, 209,000 of whom are Black or Hispanic (13% of the population), there was one Black Senator and one Hispanic Senator (4% of Senators)
- This carried through to in the Legislative response to the finance litigation and the OPS effort to enforce “one city one school district” statutes.
- The Omaha community and the Unicameral were in an uproar. The Legislature sought to pass legislation that would freeze school boundaries and create cooperation between Omaha districts.

History in the Making, cont.

- BUT...the only black Senator took the stance that the state had abandoned its minorities, and the only solution was to split OPS into three racially-identifiable districts, White, Black, and Hispanic, and introduced an amendment to that end.
- The Unicameral agreed and passed the split into law, on the basis of race.
- The Black community divided sharply – a final confrontation between the philosophies of Malcolm X and Martin Luther King
- The Hispanic community sued in state court.
- The NAACP and individuals of all races sued in federal court.
- The state court enjoined implementation of the legislative split.

Talking the Talk

- **Nebraska made national and international headlines, but it wasn't pretty:**
 - <http://www.colbertnation.com/the-colbert-report-videos/181830/april-19-2006/tip-wag---tom-cruise-and-katie-holmes>
 - Neapolitan Race-Cream
 - The Rosa Parks of Resegregation
- **The ensuing dialogue, however, put the issues of race and poverty starkly in front of the community in a new way.**
- **The major state paper ran a series on the issue and noted:**
 - Omaha is known far and wide as the home of Warren Buffett, one of the wealthiest men on the planet.
 - It boasts the headquarters of five Fortune 500 companies, the most for any U.S. city its size.
 - Yet among America's 100 largest metro areas, Omaha has the third-highest black poverty rate.
 - Worse yet, its percentage of black children in poverty ranks No. 1 in the nation, with nearly six of 10 black kids living below the poverty line.

Omaha World Herald, April 2007

“And this is in a metro area that is otherwise prospering, with a gleaming new convention center and arena, new high-rises filling out the skyline and national retail and restaurant chains by the dozens coming in to set up shop.

In fact, only one other U.S. metro area, Minneapolis, has a wider economic disparity between how black and white residents fare.

The endemic poverty in Omaha's black community is catching thousands of children in an all-too-familiar spiral: school failure, poor choices, kids having kids, violence, unemployment and hopelessness.”

Whites richer, blacks poorer

While Omaha's white and Hispanic populations both have higher incomes compared to the national median for those groups, income for Omaha's blacks is well below that of U.S. blacks.

White



Hispanic



Black



NOTE: 2005 median household income, adjusted for cost of living differences in Omaha

SOURCES: U.S. Census Bureau; UNO Center for Public Affairs Research

THE WORLD-HERALD

Initial and Subsequent School District Involvement

- When OPS sought to expand its boundaries, and the ensuing legislative split along racial lines was proposed and passed in the Legislature, suburban metro districts went on record in support of the legislation
- They also had district public meetings that made a record of racial animus among constituents.
- The largest suburban district acknowledged on its website that it had grown quickly and dramatically as a result of people moving out of OPS when OPS implemented a court-ordered desegregation plan.

Initial and Subsequent School District Involvement, cont.

- When the NE Courts intervened, the litigation alleged de jure segregative motivation by districts. Everyone became familiar with
 - **Milliken v. Bradley, 418 U.S. 717 (1974)**
 - The Seattle and Louisville school integration cases
 - **Parents involved in Community Schools v. Seattle School District No. 1 et. al.**
 - **Meredith v. Jefferson County Board of Education**
- School Districts began to understand they could come up with a voluntary plan or they might face a non-voluntary one. The Superintendents of the 11 metro districts came together to advance legislation to integrate.
- The Omaha Public Schools also continued to litigate the school finance formula as discriminatory on the basis of race.

Business Leaders Got Involved

- They saw the writing on the wall in terms of economic growth and success of the city of Omaha
 - A group of highly-wealthy individuals, including Warren Buffett, his daughter Susie Buffett (a public schools and early childhood education advocate), Dick Holland and many others became outspoken, and organized a private foundation, Building Bright Futures, linking its success upon legislative support for a unified community.
 - The OWH Editorial Board didn't like the funds of schools being spent on litigation and supported an equitable solution by the Legislature to move forward

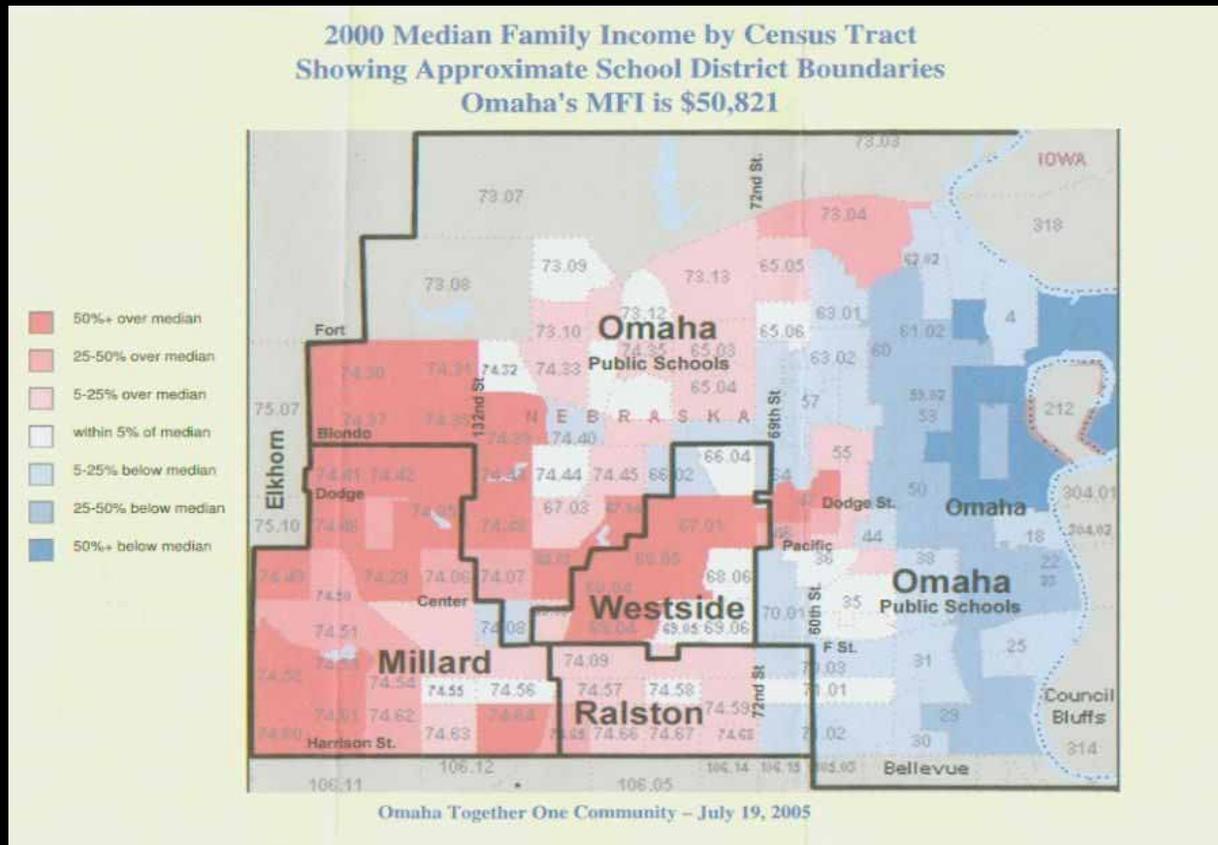
What did the Legislature Face?

(a) A drastic racial divide among school districts in the **same city** and metro area

SCHOOL DISTRICT	% F/R Lunch	% Minority
Bellevue	24	22
Bennington	7	0.6
Douglas County West	36	10
Elkhorn	6	0.6
Gretna	7	3
Millard	11	11
Omaha	62	59
Papillion – La Vista	17	13
Ralston	40	29
South Sarpy	17	0.4
Westside (District 66)	20	16

What did the Legislature Face?

(b) A vast wealth split across the Omaha metro area



What did the Legislature Face?

(c) a statewide integration issue as well as a metro issue

- The number of ELL students in NE grew more than 200 percent between 2000-2005.
- Only 12 other states reached or exceeded that level.
- Those numbers compare with a nationwide increase of just 57 percent during the same period.
- The Facts
 - Families of school-age English-language learners are consistently more socio-economically disadvantaged than those of their peers.
 - ELL youths are half as likely to have a parent with a two- or four-year college degree and much more likely to live in a low-income household.
 - While two-thirds of ELL youths have a parent who holds a steady job, their parents typically earn much less than those of non-English-language learners.

What did the Legislature Face?

(d) a divided community and state

- The question the Legislature asked was “what is most important to you?”
- The answer given by all the suburban districts in the metro area was “preservation of our school boundaries and unique school district identity.”
- The answer given by districts with high minority and poverty enrollments across the state was “equity and integration.”

What did the Legislature Face?

(e) Evidence that voluntary integration with controls works as long as there is a large enough community of diversity

- OPS had a socio-economic integration plan which creates greater racial diversity in all of its schools.
- It wasn't "perfect" and was struggling because of the decreasing diversity in the district
- Integration is accomplished in OPS by giving students choices for school attendance in three areas: students may choose their home attendance school, several schools located in "cooperative zones" and magnet schools.
- The student plan is promoted through the district; it offers varied programs and services that are attractive to students throughout the district; it offers transportation to assure students can make choices other than their home school; it is monitored and adjusted regularly based on enrollment to assure diversity throughout the district.

Chart illustrating that voluntary integration in OPS works (includes all OPS elementary schools located west of 72nd Street).

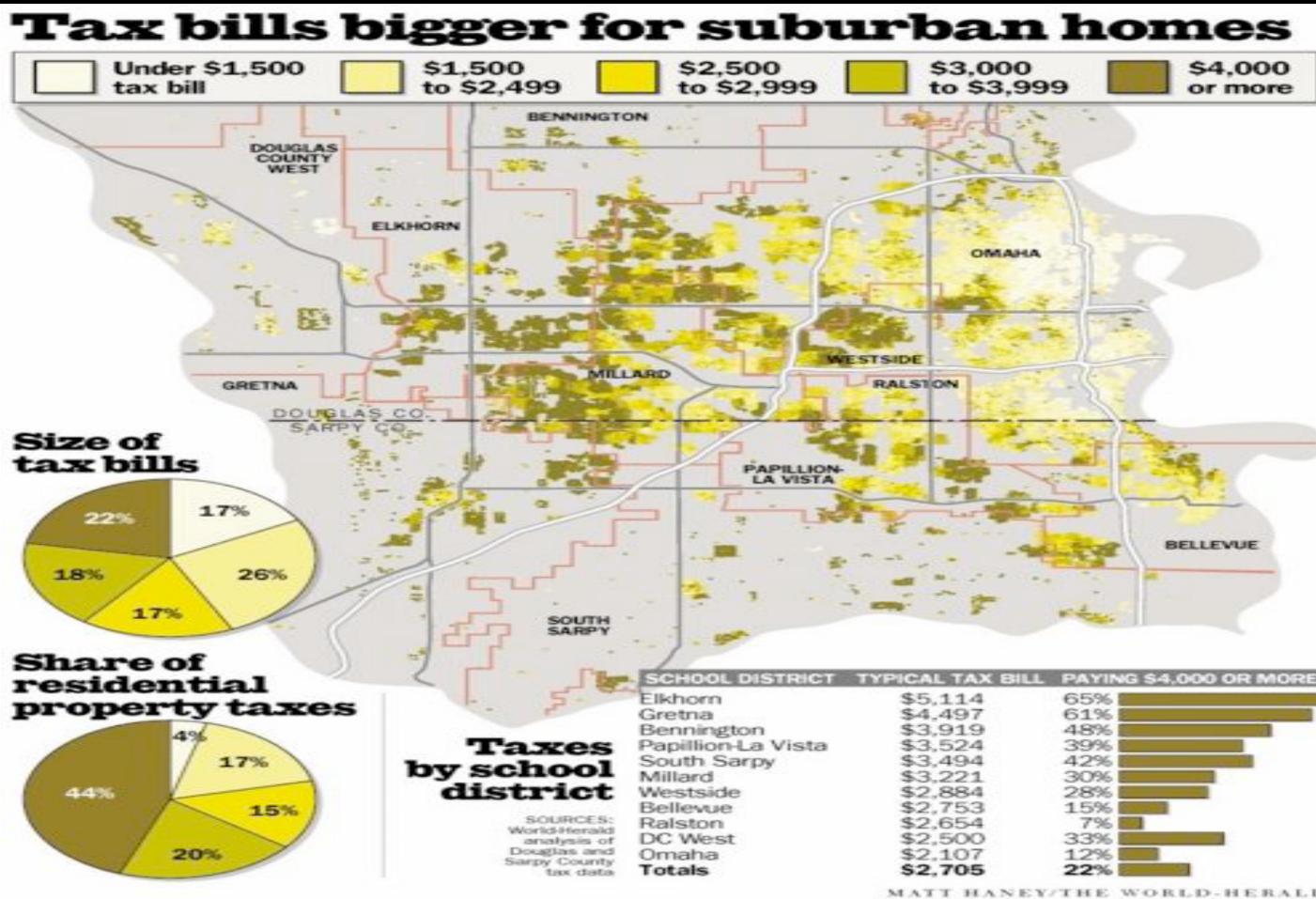
School	% F/R lunch in home attendance area	% F/R lunch ACTUAL due to student assignment plan	% of Academy* students in home attendance area	% of ACTUAL enrollment composed of Academy* students
Adams	39.6%	42.8%	0%	16.9%
Boyd	29.0%	36.9%	0%	12.2%
Columbian	4.8%	13.3%	0%	12.1%
Dodge	40.1%	39.3%	0%	6.7%
Edison	43.8%	43.3%	0%	16.4%
Fullerton	8.4%	14.1%	0%	10.2%
Joslyn	19.3%	25.6%	0%	6.3%
Oak Valley	47.1%	43.5%	0%	12.6%
Prairie Wind	40.4%	33.6%	0%	0.8%
Picotte	7.9%	11.8%	0%	1.4%
Sunny Slope	34.5%	34.4%	0%	7.0%

Academy students are students whose home school has 70% or more of its students eligible for F/R lunch. All 23 Academy schools are majority minority schools (the majority of students are minority students.) All Academy schools have small class sizes.

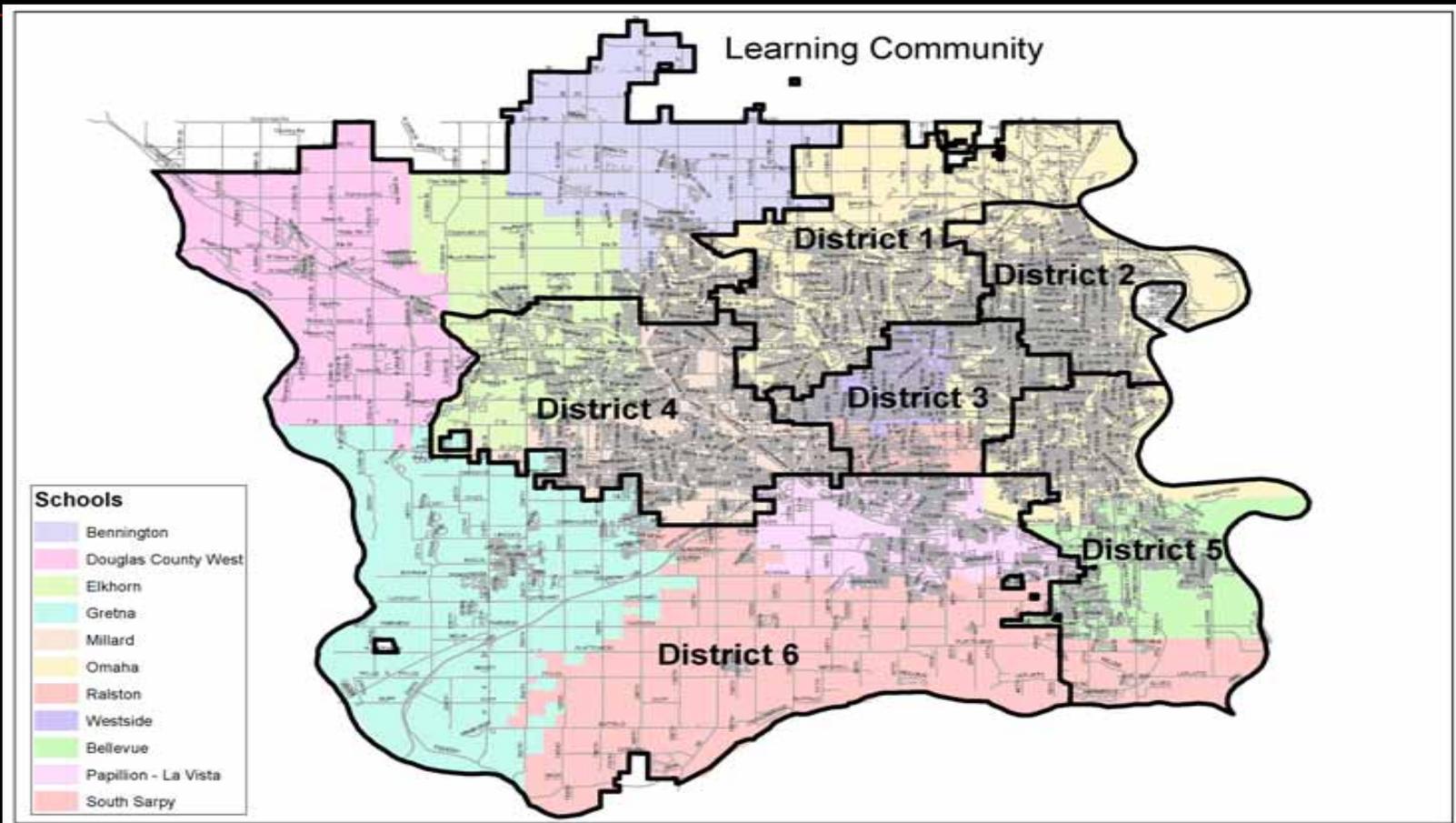
What did the Legislature do?

- The Legislature reviewed the voluntary integration plan by the 11 metro districts, but thought it didn't go far enough.
- The Legislature created learning communities throughout the state, mandated the LC in the metro area, gave specific requirements for any LC with regard to diversity, put an aggressive integration goal into statute, gave authority to LCCCs to accomplish it, implemented a common levy for each LC, and put financial incentives in to encourage LCs in other areas (focus school funds and the ability to levy an additional 5 cents per 100 of valuation for elementary learning centers and/or capital projects of individual school districts in LCs)

“Tax pattern illustrates school finance rationale” January 5, 2009 Omaha World Herald



Metro area LC required by statute: boundaries drawn by Election Commissioner - 6 subdistricts of about 97,000 people each
LCCC: 12 elected members, 6 appointed members, 3 non-voting members



KEY LC Purposes and Authority

- **Common levy for general funds and special building funds for member districts; shared on the basis of the “needs” formula for state aid.**
- **“Adopt, approve and implement an integration and diversity plan which shall include open enrollment and may include focus schools, focus programs, and magnet pathways”**
- **“Administer open enrollment provisions as part of a diversity plan developed by the LCCC to provide educational opportunities which will result in increased diversity in schools across the learning community”**
- **Approve focus schools**
- **Annually conduct school fairs for the entire LC**
- **Levy for, establish, and administer elementary learning centers**
- **Approve or disapprove poverty and LEP plans**
- **Establish procedures for community input and dispute resolution**

The Diversity Plan

- Provides for open enrollment with controls for diversity via “first preference” for those who integrate (socio-economics) and a statutory target to arrive at average socio-economic status of the community in every grade in every building, over time.
 - May include focus schools and programs
 - May include magnet programs, which may also include pathways across member districts
- Funding for transportation of students and focus schools provided via the state aid formula

Open Enrollment Requirements

- In all school buildings in the LC, subject to specific limitations necessary to bring about diverse enrollments which SHALL include
 - Giving preference at each school building to students that contribute to the socio-economic diversity of enrollment

and which MAY include

- Establishing zone limitations in which students may access several schools other than their home attendance area school

Contributing to Socio-Economic Diversity: it goes both ways...

- A student who contributes to socio-economic diversity means
 - a student who is **NOT** a student qualifying for free or reduced-price lunch, when, based upon official membership, the school building the student will attend has **MORE** students qualifying **FOR** free or reduced-price lunches that the average percentage of such students in all school buildings in the learning community

OR

- A student who **IS** a student qualifying for free or reduced-price lunch, when, based upon official membership, the school building the student will attend has **LESS** students qualifying **FOR** free or reduced-price lunches that the average percentage of such students in all school buildings in the learning community

Open Enrollment, cont.

- Notwithstanding limitations necessary to bring about diversity, open enrollment shall include providing access to students who do not contribute to socio-economic diversity of a school building, if, subsequent to the regular enrollment process that is subject to the limitations necessary to bring about diverse enrollments, capacity remains in a school building. In such a case, a student who applies to attend such school building shall be permitted to enroll at such building unless the student has otherwise been disqualified from the school building pursuant to the school district's code of conduct or related school discipline rules.

Facilitating Open Enrollment

- **Each school district determines maximum building capacity based on LC rules**
- **Each school district determines attendance areas for all school buildings except focus schools**
- **Parents apply to school districts on or before March 15; school districts accept on or before April 1, based upon:**
 - **Capacity**
 - **Eligibility of Applicant**
 - **Number of Applicants**
 - **Whether or not the Student contributes to the socio-economic diversity of the school building or program**
 - **Parents indicate on application whether or not student qualifies for free or reduced lunch; if no information is provided by parent, student is presumed ineligible**
 - **One “open enrollment” change per elementary, middle, and high school years**

Voluntary integration

An OPS idea for Douglas and Sarpy County schools

Parents could choose to send their child to a so-called focus school instead of the neighborhood school. Focus schools would have special academic offerings intended to draw students from throughout the two counties.

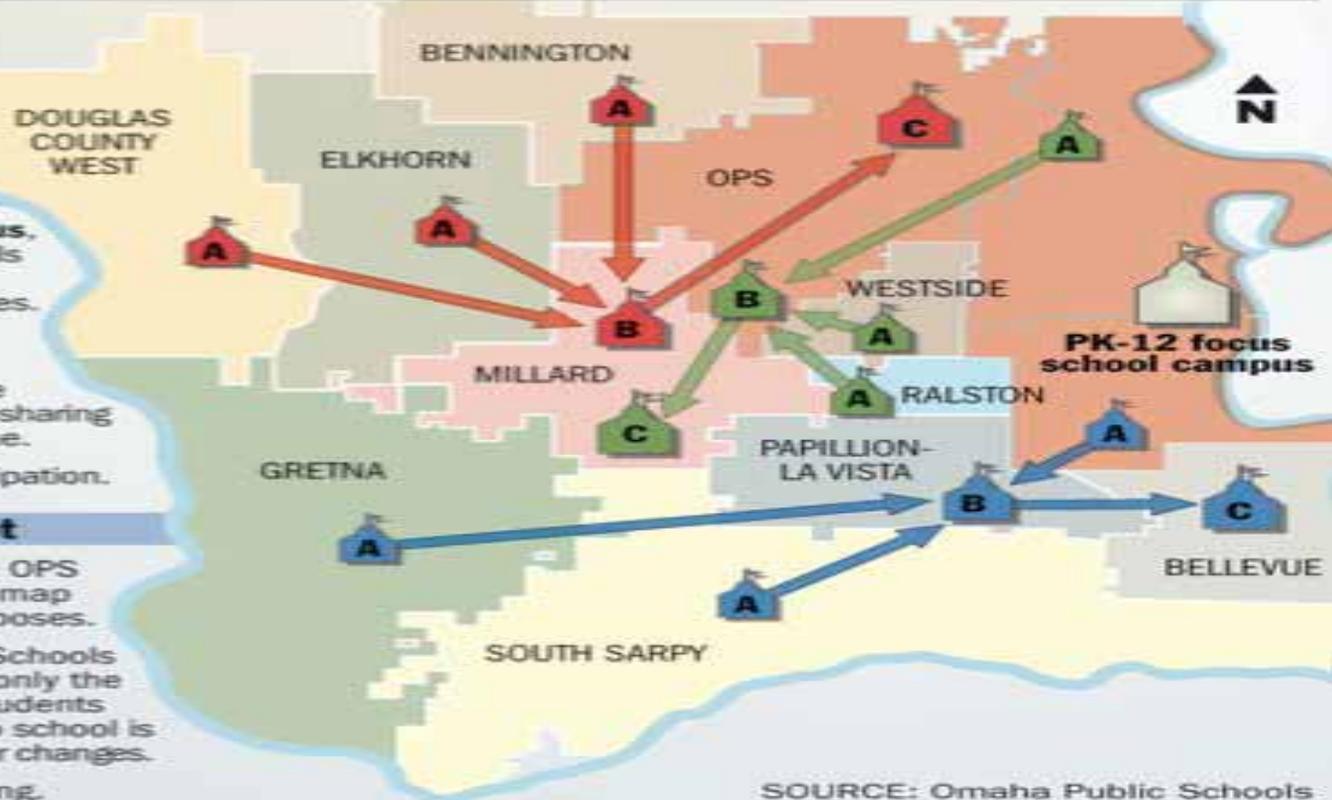
The groupings of schools (color-coded in red, green and blue) show how a student could go to one of several elementary schools **A** built around the same academic theme and then move on to a certain middle school **B** and high school **C** with that same academic emphasis.

What it is

- A series of focus, or specialty, schools established for integration purposes.
- Groups of schools – elementary, middle and high schools – sharing an academic theme.
- Voluntary participation.

What it is not

- A specific plan. OPS drew this concept map for discussion purposes.
- Specific sites. Schools on the map show only the possible flow of students among districts. No school is being singled out for changes.
- Mandatory busing.



Focus Schools and Programs

- Focus program means a program that does not have an attendance area and is unique and designed differently than the standard curriculum which may be housed in an existing school building
- Focus school means a school that does not have an attendance areas and whose enrollment is designed so that the socio-economic diversity of the students attending the focus school reflects as nearly as possible the socio-economic diversity of the student body of the learning community.

Magnet Schools and Programs

- Magnet pathway means a location in which elementary, middle, and high school magnet schools are placed;
- Magnet program means a program which offers coordinated elementary, middle, and high school programs and services that are unique and have specific learning goals in addition to the standard curriculum; and
- Magnet school means a school having 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 socio-economic diversity of the student body of such school.

Enrollment for Focus Schools

- School district selection of students for focus schools and programs shall be on a random basis from two pools of applicants, those who qualify for free or reduced lunch, and those who do not.
- The percentage of students selected for focus schools from the pools shall be as nearly equal as possible to the percentage of the student body of the learning community who would be in that pool.

Transportation under the LC Diversity Plan:

- FREE, if a student lives more than a mile from the school and:
 - Transfers pursuant to the open enrollment provisions and qualifies for free or reduced lunch OR contributes to the socio-economic diversity of the school building
 - Is attending a focus school or program
 - Is attending a magnet school or program
- Does not prohibit a school district from providing transportation to any intradistrict student

Accountability

- The LC annually publishes statistics on changes in diversity at each grade level in each school building within the learning community.
- The LC reports to the Education Committee and the Legislature every other year on progress
- The LC reports on the academic achievement of students throughout the LC

LC Achievement Sub councils

- Each “election district” is a sub council area and all three LC members in it develop diversity plan recommendations with the goal of increasing diversity in the schools in that election district and play a part in the approval of finance-aid required “poverty plans” and “ELL plans”
- The LC plan must include specific provisions for each election district

FUNDING

- **School Funds: distribution of common levy for general fund and special building fund to individual districts in the LC is set via statute**
 - Based on proportional need of each district, set via a student base that is augmented via numerous allowances, including poverty, ELL, special education, transportation, focus school, etc.
- **Focus school or program allowance**
 - Equals an additional weighting of 10% (of statewide average cost) for each student attending a focus school or program
- **Metro LC Funds**
 - Approximately 1.5 million for operations
 - Approximately another 1.8 million from former ESU funds
 - Approximately 20 million in additional possible levy for elementary learning facilities or for “up to 50% of the estimated cost for capital projects” which may include focus schools and programs or schools/programs that will otherwise specifically attract a more socio-economically and culturally diverse student body
- **State Aid Formula: provided on the basis of need in the entire Learning Community and distributed via a set formula that includes a “base” and then numerous allowances, including a poverty allowance and an ELL allowance which provide funding up front as long as required statutory elements for a poverty plan and an ELL plan are met**