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Education Committee  
February 23, 2010

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[LB920 LB965 LB1028]

The Committee on Education met at 1:30 p.m. on Tuesday, February 23, 2010, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB1028, LB920, and LB965. Senators present: Greg Adams, Chairperson; Gwen Howard, Vice Chairperson; Brad Ashford; Bill Avery; Abbie Cornett; Robert Giese; Ken Haar; and Kate Sullivan. Senators absent: none. []

SENATOR ADAMS: (Recorder malfunction)...surely we'll have more participants as the minutes wane on. To begin with today, let me introduce the committee, those members who are here. To my far right is the committee clerk, Becki Collins and if you would, as you come up to testify, if you choose to testify in whatever capacity it might be, I would ask that you have filled out the testifiers application first and those are found at the back by each of the doors; bring them up and hand them to Becki, if you would, before your testimony begins. And then as you begin your testimony, if you would state your name and spell your last name for the record so that Becki gets that very clearly. Next to her would be Senator Ashford and next to him Senator Giese from South Sioux City. Next to Senator Giese will be Abbie Cornett from Bellevue; the committee legal counsel, Tammy Barry, right next to me. I'm Greg Adams representing the 24th District. Next to me is the Vice Chair of the Committee, Senator Howard; Senator Sullivan from Cedar Rapids; Senator Avery will be here in a moment from here in Lincoln; and from the Malcolm area, Senator Haar; and that is our committee. Before we start in on the three bills that we have today, let me remind you that I'd like very much for you to turn your cell phones off if you haven't already so that there's no interruption of testimony today as we proceed through this. And we will use the lights; we always do and given my take for how many testifiers we may have today, we'll go with the five-minute rule on the lights, Becki. So with that, we're going to start today's hearing with LB1028; Senator Louden. []

SENATOR LOUDEN: Good afternoon, Chairman Adams and members of the Education Committee. My name is LeRoy Louden, the last name is spelled L-o-u-d-e-n and I represent District 49. Today I bring before you LB1028 which is a bill to address the situation of elementary education for children that live a long distance from a school facility. In rural areas and especially in the Sandhills of western Nebraska, we're now busing children 45 miles and sometimes more, one way to a consolidated school plan. I'm talking about children kindergarten on up. Children have to be on buses in my area before 7:00 a.m. Mountain Time and many times these children have had to travel 10 or 15 miles to meet the bus. Can you see the hours these children are put through to receive an education? I would venture to say that present school systems is expecting young children to put in more hours than many people do at working at jobs. Thus I introduced LB1028 to allow parents and interested individuals to form an elementary school in their community. Many of these schools that have small children, a long distance from school, will be forced to homeschool. As LB1028 is written, it will take

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dedicated and very interested people to form a charter school. They have to find funding; find a teacher; and have agreements that they have at least five children that will attend the school. The only revenue that the charter school receive is the average per pupil cost on the number of pupils that agree to enroll in the charter school. At the present time, Nebraska doesn't have any laws allowing any kind of a charter school to be formed. Charter schools can receive federal grants if states have legislation to allow their formation; hence if people wish to form charter schools, they will have to apply for grant money not only from federal sources, but also from private sources. Since I've been in the Legislature some seven years ago, as 2003 the state aid to education is risen from \$700 million in 2003 to well over \$900 million and nearly a billion dollars this last year. In the same time frame, we have over 1,500 fewer teachers. I'd ask what is wrong here? Are we trading teachers for truck drivers? Are children learning 40 percent more with fewer teachers because we have 40 percent higher costs? Can you tell me and the citizens of Nebraska that we are getting more for the money spent than we were seven years ago. Fifteen hundred fewer teachers in Nebraska is also another problem with the retirement system for the teachers; they have to apply \$6 million or so a year to keep the Teachers' Retirement System viable. By cutting down on the number of teachers, the retirement system is somewhat jeopardized. All of these issues need to be addressed seriously. The NEAR bill is still in committee as it required more money from the district. LB1028 puts most of the fund raising on the people forming the district and that is the difference between the NEAR bill and LB1028. I would say you now have two options before this committee to perhaps address this headlong rush of the elementary school system, as I say, into elementary hell. And I use that description because as these elementary schools are closed, communities literally dissolve. People with children won't move into an area that doesn't have a school system that is user friendly. There's legislation that allows the state to give money to distribute to a district for an elementary site allowance and that hasn't stopped school districts from closing elementary sites; as I've just received word here in the last week that a school 15 miles south of Hay Springs with 21 students that would be closing and of course the students will be bused. What have we been doing...what we've been doing isn't working. And I say now, will charter schools work? And I don't know; but will it be detrimental to have the legislation? What harm can this legislation cause if this is in there? Has to take dedicated people in order to form this...these charter schools. Can anyone point out the adverse consequences of a charter school? Would you rather have homeschools formed where the teachers aren't certified nor do they contribute to retirement funds and are very loosely controlled by the State Board of Education. This is the alternative is what we're looking at; we either go with our K-12 system and bus them miles or else these people homeschool. There's nothing in between and this is what I would ask that LB1028 is a different alternative. I would urge you to advance this bill to General File as I believe this is a very important issue for our local people, especially our children. I thank Senator Adams and members and I would be happy to answer any questions.  
[LB1028]

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SENATOR ADAMS: Thank you, Senator Louden. Are there questions for the Senator?  
Senator Haar. [LB1028]

SENATOR HAAR: Yes. You brought the homeschools into the context here, could a  
group of families right now get together and form a homeschool if they wanted to?  
[LB1028]

SENATOR LOUDEN: As far as I know they can, yeah, there's...I think anybody can form  
a homeschool whether there would be a group of families or a single family. [LB1028]

SENATOR HAAR: Okay. And so how do you...how would you contrast that then with  
the, you know, if you had a group of parents homeschooling together versus that group  
of parents forming a charter school, what would be difference? [LB1028]

SENATOR LOUDEN: Well the difference would be in homeschooling they don't have to  
have a certified teacher. [LB1028]

SENATOR HAAR: Okay. [LB1028]

SENATOR LOUDEN: I mean there's no rules or regulations on that. Most of those  
people, is my understanding, that do homeschool usually join an organization that helps  
them along; but that was the difference...that's the reason I went ahead with this charter  
school. These teachers would be governed under the same thing that your teachers that  
belong to...districts belong to; they draw wages, they...their retirement is paid in, and do  
the whole thing and that's the reason we're trying to get some...some control over  
what...who you have teaching these schools. [LB1028]

SENATOR HAAR: Okay. Thanks for that clarification. [LB1028]

SENATOR ADAMS: Senator Avery, did you have a question? [LB1028]

SENATOR AVERY: Thank you, Mr. Chair. Typically these charter schools are  
exempted from the same kind of rules and regs that govern public schools, generally;  
what kind of exemptions are we talking about with your proposal? [LB1028]

SENATOR LOUDEN: Well I don't know because I didn't realize they would be exempted  
because they would be under the State Board of Education with the rules and  
regulations that probably go out there. I think if you look in the bill, they have to go along  
with the No Child Left Behind, the ESU, the...and the whole bit as you look through that  
bill in there that public schools have to. I don't know as the bill is written to exempt them  
from those types of situations. [LB1028]

SENATOR AVERY: But generally charter schools are exempted from a lot of the rules

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that apply to other public schools which is one of the motivations for forming charter schools. [LB1028]

SENATOR LOUDEN: Um, I don't know. We don't have any laws governing charter schools in Nebraska now do we? [LB1028]

SENATOR AVERY: We don't yet, no. [LB1028]

SENATOR LOUDEN: And this is what I'm working on here is to find...if there has to be some more regulations than what's in this bill, I would certainly be willing to look at that; but I... [LB1028]

SENATOR AVERY: But your intent is not to avoid regulation by the state or avoid regulation by the Board of Education. [LB1028]

SENATOR LOUDEN: None whatsoever. And I'd have to look through this right now because I don't know just what section that's in, but I think that's in here outlining what they have...the rules they have to follow which is similar to public schools. [LB1028]

SENATOR AVERY: Thank you. [LB1028]

SENATOR ADAMS: Senator Sullivan [LB1028]

SENATOR SULLIVAN: Thank you, Senator Adams. Senator Louden, have you...I assume, or do I assume correctly, you've had some interest expressed by some of your constituents for doing this? [LB1028]

SENATOR LOUDEN: Well, yeah, for seven years, various deals. Yeah, we've...every time one of these local schools is closed out there, why, there's people wondering why we can't do something else. And every year we lose one or two schools. We lost...couple years ago we lost Ashby and those people were trying to figure out a way to form their own school system; you know, they were about 15 miles from Hyannis and children came in somewhere around 20-some miles each direction into the town, you know. And then, of course, they were supposed to be picked up with buses and that sort of thing. But...and then as this school closed, here the other day, like I said, south of Hay Springs, why, yeah, one of the constituents called up and wondered what can we do to keep that school open. The board...they got enough people on the board to vote to close the school and it was closed, simple as that. And they're receiving elementary site allowance for that school. Now they're going to lose that elementary site allowance, but it didn't seem to make any difference. Senator Adams and I, we worked on that here in past years thought that would help stem some of the flow of that. We even set that up so I think that site allowance was outside their levy limit or something like that. Didn't make any difference. It's gone, it's gone and they'd rather have a bus and...as I pointed

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out, we have over 1,500 fewer teachers now than we did seven years ago. And yet we're spending, what, \$280 million more for state aid than we were seven years ago? And I did ask the state board...or the Education Department how many bus drivers do we have now compared to seven years ago. Well, nobody keeps track of that. So I'm wondering, are we...where are we getting for the money we're spending for education? Are we getting education or are we getting bus drivers? Well if we got fewer teachers, I would have to think about that a little bit because it doesn't show that we are getting more education. [LB1028]

SENATOR SULLIVAN: You indicated in your testimony that if a state has legislation to enable charter schools that there are federal monies available. Do you have any idea how that works or...and that in this case, would it be up to the charter school to go after those grant monies? And is that what form they're in? [LB1028]

SENATOR LOUDEN: My understand...yeah, I think some other people can perhaps testify on that a little better than I can. I've looked into what we can, and yes, those schools would have to apply for that themselves. But if you don't have laws for charter schools, then they can't apply for it. [LB1028]

SENATOR SULLIVAN: Okay. Thank you. [LB1028]

SENATOR ADAMS: Other questions for Senator Louden? Well, Senator Louden, it begs the question, got to ask it; and you and I have tossed this around over and over again. It seems to me that in the last couple of years you've gone over and above to try to accommodate folks in your area, the elementary site allowance, the exemption from budget authority, all of those kinds of things, and yet, as you have told me in private conversations and you've admitted over the mike, school districts are still closing these schools. So, let me ask you the same question that I've asked you many of times in the hallway and elsewhere, the people that are closing these schools are the farmers and the ranchers. They're the ones that have to put their kid on the bus and got to drive the distance, that understand the geography, probably, outside of you, better than anybody else in this room, so why are they closing them? [LB1028]

SENATOR LOUDEN: Usually cost for one thing, most of those that are...like Hyannis doesn't get any state aid, so that elementary site allowance doesn't mean whiff to them. And so it's a matter of lowering their taxes and trying to hold their consolidated elementary plant in one piece there. They spent a million bucks for, what do you call it, using this underground water system to heat and cool the place; they spent over a million dollars on that, you know; and they're down to, you know, 75 or 80 students. So consequently, if they can keep hauling them into there, why they can justify that expense somehow or another. And they seem to think that they can haul these kids down the highways now. I can't believe that people that have children will think of that; but you have school board members that are looking at the cost...cost of operation and

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that's what drives some of it. Hay Springs, why that...why they did that up there, I don't know. I haven't talked to those people enough to know why they would close the school with 21 students out there and haul them into the town school unless...I've known the Hay Springs people that live in Hay Springs for years and I know they do their best to try and hold that town together. If they ever lose that school out of there, the town is nearly gone. This is happened to Rushville. Rushville's high school got taken away from them here a few years ago and I'll tell you what, the town is going down the tube in a hurry because all they have now is the elementary school and I think some of these other towns can see that handwriting that they got to do their best to hold that school in that town or else they don't have the town. Now why you can't go ahead and have these...most of these elementary sites, like that, are...about the sixth grade is all the higher that those kids will probably go there. Most generally, when they start getting into the seventh and eighth grade, people find ways for them to come into these more consolidated school systems and everybody has to get involved in sports or something else by then; but most of the time we're talking about K through 6 or 7, some place in there like that. [LB1028]

SENATOR ADAMS: Okay, fair enough. Are there other questions for the Senator? Seeing none, thank you. Proponent testimony. First proponent? [LB1028]

KRISTEN EGGERLING: Thanks Chairman Adams and committee. I'm Kristen Eggerling and I represent Nebraska Cattlemen today. Eggerling is E-g-g-e-r-l-i-n-g. I am here speaking in support of the concept of LB1028. The organization of the Nebraska Cattlemen have many members who are in situations where they have children that have to travel 60 miles one way to kindergarten, for example, a two-hour ride to and from school each way each day and are looking for some solutions or some options or some creative ways of managing the situation that came about when many of the Class 6 districts were closed. One of the things...or some of the things that the Nebraska Cattlemen appreciate about this bill and are that important to our organization are that it is something that would be funded through some federal grant money rather than property tax. Obviously, Nebraska Cattlemen members own large amounts of property; property tax increases really affect their bottom line and their struggle to survive. Another thing that we really appreciate about this concept is that the school itself has to apply for and maintain accreditation so that it isn't just somebody starting up a school somewhere; it actually has to follow the rules and regulations of the public schools would have to follow as well. And they have to show progress and growth in academic achievement within that school to maintain their accreditation. Another thing that we appreciated about this is that it is...it does have things in the bill relating to all the things that public schools are required to address: IDEA, the No Child Left Behind curriculum standards, the Quality Education Accountability Act, those are all pieces that are actually spelled out within this bill that the cattlemen organization appreciated, because, once again, it's...we feel it would be an opportunity for a quality education, not just an education for students. And then again that academic growth requirement. We also, as

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an organization, Nebraska Cattlemen, appreciate local control, the issue of local control; we realize why many districts needed to be merged or closed at times and that was necessary and proper in some areas; but that there are still areas of the state that don't have good solutions for the hardships that have come about because of some of the mandatory school reorganization. And as the Nebraska Cattlemen, we appreciate that opportunity to have some more local control kind of put back into place. The Nebraska Cattlemen also stands squarely behind public education; we support public education very strongly in our policies, in our discussions, in our personal feelings, and so this isn't an opportunity for the cattlemen to go out on a limb and say we're not, you know, we're against public education or property tax or whatever the issue. This is the issue of providing an option for parents who are in situations that are creating very difficult situations for their children and for the families in the area. [LB1028]

SENATOR ADAMS: All right. Are there questions? Senator Sullivan. [LB1028]

SENATOR SULLIVAN: Thank you, Senator Adams. What's your thought about...I guess I'd call it the bricks and mortar of these charter schools using existing facilities or what? [LB1028]

KRISTEN EGGERLING: I think in many cases that was...that's a discussion that has been taken...it has taken place, I should say, with members of our organization that there are buildings that are now sitting empty that were used for these purposes. There also have been people that have brought up ideas, you know, can we just go out a hire, you know, three or four families, hire a teacher and figure out a place to put the building... put the school, trade a building, a portable type of a situation, so I think there's lots of opportunities and options for people. I also think that while this bill would open up for everyone across the state to possibly do this, I do think that in the situations where some...those buildings have been vacated and those districts have been closed, this would allow maybe opportunities for those areas to reopen, but maybe not a huge statewide number of new buildings or new schools. [LB1028]

SENATOR SULLIVAN: With respect to the funding of these schools, if I understood Senator Louden correctly, and then your reference to property taxes, you don't see the charter school concept fitting into the state aid formula? [LB1028]

KRISTEN EGGERLING: I believe according to the way the bill is written, it's a combination of federal grant money and that people would have to apply for and receive to run the school and Senator Louden's comment about providing state aid from the school for the students that are attending that school. That's my understanding. [LB1028]

SENATOR SULLIVAN: Okay. [LB1028]

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SENATOR ADAMS: Senator Haar. [LB1028]

SENATOR HAAR: Um, the concept of local control is probably one that comes up more than anything else in the Legislature and it can be used to justify just about anything you want. So how do you see...if a local school board has decided to consolidate and that's local control, how does this become more local control? It just sounds like there's a group of people that didn't agree with that and so now they want to call that local control. [LB1028]

KRISTEN EGGERLING: And I see what you're saying; I see your point. I guess in my opinion and the discussions we've had as an organization, local control, really, it's a term that I'm using in reference to being able to maybe look at a one-size-fits-all type of situation that doesn't fit all. We have in the state of Nebraska...I live southwest of Lincoln here, there are schools that were in this area that certainly were inefficient and could have...you know, the students needed to go to Lincoln Public Schools or Crete or whatever district; but there also are places within the state of Nebraska that those mandatory closures, mandatory reorganizations that took place within the past few years that was not the best fit for that local situation. And so that's what I'm meaning is that can we look at an option about putting something back in an area where it really has created a hardship for the people that live in that area to attend the school district that is 60 miles or more away. There are members in our organization that are 140 miles from their county seat, you know, from town, basically. [LB1028]

SENATOR HAAR: And then you talked about lowering property tax for some people; do you see that once people decided to do a charter school, then they wouldn't have to pay that portion of the property tax? [LB1028]

KRISTEN EGGERLING: I don't believe I said lowering property tax. If I did, I misspoke. What I was referring to was that this is not creating a new property tax. In the past there has been...a couple of years I have read a bill related to the elementary attendance regions that actually allow people to override the property tax levy and add on a little bit of a property tax to fund that as that was kind of another option of how to deal some of the sparsely populated areas. In that situation, obviously, property tax increase would fall to the landowner which is largely the people that farm and ranch in those areas. And so this situation did not do anything more with the property taxes. It didn't lower it; it didn't raise it; it just left it status quo. [LB1028]

SENATOR HAAR: And then finally, you said dollars would come from federal government setting up charter schools; is that a permanent source of revenue or eventually would it depend more and more on property tax and... [LB1028]

KRISTEN EGGERLING: Well the way the bill is written, there's nothing...they don't...there's no allowance for any type of issue dealing with property tax at all. The

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only thing in the bill is requiring whoever wants to begin a charter school to apply for and receive federal money to do that...federal grant money. And it could also be, I guess, Senator Louden, I think, said private grant money as well. [LB1028]

SENATOR HAAR: Yeah, my impression is that the federal money for charter schools is more startup money and not long-term funding. [LB1028]

KRISTEN EGGERLING: Right, I think you're correct. But then at that point, obviously, would be the responsible of the people involved...the responsibility of the people involved to obtain further funding if they wanted to continue the school. And in the bill, it also did say every three years it had to be reviewed for accreditation purposes. [LB1028]

SENATOR ADAMS: Senator Avery. [LB1028]

SENATOR AVERY: Thank you, Mr. Chair. So let me see if I get this straight. You would want to use the property tax authority to fund your schools, right? [LB1028]

KRISTEN EGGERLING: Fund what school...you mean public schools? [LB1028]

SENATOR AVERY: No, to fund the charter school. You talked about grant money I know. [LB1028]

KRISTEN EGGERLING: Right. The only comment that I made about property taxes was that this particular bill did not levy any new property taxes over and above what currently is there to support this school. [LB1028]

SENATOR AVERY: Right, I know. [LB1028]

KRISTEN EGGERLING: It relied on other types of funding. [LB1028]

SENATOR AVERY: But do you envision in taking any money from what is now available for public schools? [LB1028]

KRISTEN EGGERLING: In my opinion that's not the...that was not the purpose of this bill was to create a competition between a charter school and a public school. And the Nebraska Cattlemen organization supports public schools; we want to continue to fund public schools; it's just a matter of not...and continuing to increase the amount of funding that's coming from the property tax area. [LB1028]

SENATOR AVERY: But most charter schools are in direct competition with public schools; in fact, the concept of the charter school is that you create these educational units, we call them charter schools, they then compete with public schools and often the

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case is made, see we can do it better than you can, and there are all kinds of other things that go with that, you know, is usually open mostly to a select group of students and these are not students that really want to be in the public schools for whatever reason and in many parts of the country those reasons aren't very nice. You know about that. [LB1028]

KRISTEN EGGERLING: Um-hum. [LB1028]

SENATOR AVERY: But that's not what you're trying to do. You're just trying to open up opportunities for kids to have schools that are closer to where they live? [LB1028]

KRISTEN EGGERLING: Exactly. I am actually a former 14-year public school teacher here in Lincoln Public Schools until I had my children and now I stay home with them. And I totally understand what you're saying. As a teacher I remember hearing charter schools and thinking here's another thing that somebody is putting out there saying public schools aren't doing their job or we could do this better or that better and it's kind of a fight that you had to always, you know, another thing you had to sort of fight against as a public school teacher. And in my opinion, the purpose of this particular bill in the state of Nebraska is not the same purpose as maybe a charter school situation in Colorado or, you know, other states that have a large number of charter schools; because, again, the concept of this bill is what the Nebraska Cattlemen support, the fact that it provides an option for people to solve a situation that's creating a detriment for them and for their children in the distance that they travel to and from school and the inability that they're having being able to hire people to come work on their ranches because the schools are such a great distance that it's a difficult sell to get families to want to come to stay there. [LB1028]

SENATOR AVERY: I really do sympathize with you on that point. But when we've discussed that in this committee many, many times, but if you...you're talking about writing a law; can't be just applied to District 49. [LB1028]

KRISTEN EGGERLING: I understand that. [LB1028]

SENATOR AVERY: It's got to apply throughout the state and do you...are you at all concerned about what this might mean to public education outside District 49? [LB1028]

KRISTEN EGGERLING: Yes, I don't live in that district. I live, actually, just southwest of Lincoln here a ways; and so the first thing I think about is what may happen, you know, in some places around where I live if you open that up. So I don't know that it's maybe a perfect solution, but maybe there are ways to make it apply more specifically to sparsely populated areas for example; you know, and I'm not a person who writes legislation so I can't sit here and do that, but certainly those thoughts have crossed my mind and as an organization we understand that a law for the state of Nebraska applies to the state of

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Nebraska. [LB1028]

SENATOR AVERY: But you would...you would expect funding through the state aid formula? [LB1028]

KRISTEN EGGERLING: Well that's the way the bill was written. [LB1028]

SENATOR AVERY: But with five students, calculation of need is not going to be very high, is it? [LB1028]

KRISTEN EGGERLING: Right, and so then that's where the grant, you know, writing a grant would have to come into play which happens all the time in education now. [LB1028]

SENATOR AVERY: But when the grant money runs out, then what? [LB1028]

KRISTEN EGGERLING: Then you would...then you would be back at square one. So it would be your job to make sure the grant money didn't run out and find any source that you possibly could to fund it. [LB1028]

SENATOR AVERY: It might be our job then to come up with alternative funding, that's what I worry about. [LB1028]

SENATOR ADAMS: Are there other questions? Yes, Senator Howard. [LB1028]

SENATOR HOWARD: Thank you, Chairman Adams. I remember when LB126 was passed; I'm sure Senator Loudon does too; it was the first year I was down here. The argument for that bill was that there were too few students in the schools and we couldn't afford to keep those buildings running with, in some cases, 10 or 12 students. Do you have a cutoff point? Is there a number of students that would be required in order for a charter school to profitably or...to maintain financially? I know that the intent is not to make a profit, but to be able to break even to operate the school? [LB1028]

KRISTEN EGGERLING: The bill's limit is no fewer than five. I can't speak to, you know, exactly what number that should be. I just know, like I have stated, that in some areas, you know, five students or six students or ten students, are all there are. And so that's not their fault or their doing. [LB1028]

SENATOR HOWARD: No, no. [LB1028]

KRISTEN EGGERLING: It's just their particular geographical situation and so I don't know the answer to that question other than what is in the bill as far as the minimum. I think there should be a minimum. [LB1028]

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SENATOR HOWARD: Okay. That was the difficulty at that point because...in 2005, because there were a diminishing number of students in those schools and financially it became just not possible to do that. [LB1028]

KRISTEN EGGERLING: And I guess my only comment would be is that efficiency is great, but we still are dealing with children's lives and so...and families and so you have to look at when that outweighs the efficiencies and how you can manage that and what options there are to be able to manage that. [LB1028]

SENATOR HOWARD: Well I think Senator Loudon makes a very good point when he discusses the offset in transportation costs. I mean, I don't think we really have those figures to compare as what did we supposedly save in the consolidation but what do we spend in transportation. Just if you just do the dollars alone. [LB1028]

KRISTEN EGGERLING: Um-hum. [LB1028]

SENATOR HOWARD: Thank you. [LB1028]

KRISTEN EGGERLING: Yes. [LB1028]

SENATOR ADAMS: Other questions? But before you get away I have to ask, I don't mean to pick on you, I'm going to ask you the same question I asked Senator Loudon because you're a representative of the cattlemen, local control, Senator Haar brought it up, why don't members of your group who serve on these boards and who vote for the board members see this issue the same way Senator Loudon does that lives out there. There are options available with elementary site allowance; Senator Loudon worked last year on LB545 to get a budget allowance there so what's your membership not seeing? [LB1028]

KRISTEN EGGERLING: Well I think that just the conversations that took place, I guess, last fall and just kind of first bringing up this issue of parents not wanting to be in a situation where they have to home school their children and wanting to have them be able to attend an accredited school, I think that was kind of the beginning point of, you know, what do we do? We haven't been able to maintain the districts as it was because of...for whatever reason, whether it was the funding issue, a state aid issue, an enrollment issue, a distance issue, a statutory issue of things that have happened in the past, and so I think there's a group of people that live in these sparsely populated areas that are really looking for an alternative to try to solve some of the problems that have taken place when those districts were closed. [LB1028]

SENATOR ADAMS: Because the school board that they've elected doesn't see it the same way? [LB1028]

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KRISTEN EGGERLING: Well I don't know that it's so much the school...the closings that are taking place now as it is the ones that were mandatory a few years ago with Class 6 districts being closed. That's really where this began. And now we're seeing, obviously, there are other situations. I believe the Hay Springs one I read in the newspaper that the teacher was retiring and they were concerned about trying to hire another teacher so now is the time to kind of close that so; and there's other issues, obviously, that come up, but the Class 6 and Class 1 closings were really where this all began. [LB1028]

SENATOR ADAMS: Thank you. Are there any final questions? Seeing none, thank you then. [LB1028]

KRISTEN EGGERLING: Thank you. [LB1028]

SENATOR ADAMS: Next proponent? Next proponent? Then we will move to opposition testimony. I take it these guys are all in opposition. [LB1028]

JERRY HOFFMAN: Chairman Adams, committee members, my name is Jerry Hoffman, J-e-r-r-y H-o-f-f-m-a-n. I'm here representing the Nebraska State Education Association. We are in opposition to LB1028. It's not without empathy for the families who live in the sparsely settled areas of Nebraska who put their children on a bus and travel 45-plus miles to a school. I know for myself I have three children and imagine that it would be quite difficult that they're spending more time in a bus and school than, maybe, I spend at work some days. But nevertheless, I do want to address some of the core issues that LB1028 does raise from a statewide education policy perspective and how charter school legislation in this context is not the proper solution. This LB1028 while is driven by some problems within the sparse areas does create some solutions that may have unintended and likely unforeseen consequences across the state. The most severe consequences of this charter school legislation is that it may permit parents to create a school for the sole purpose of moving their children out of an existing public school system, a prekindergarten, kindergarten through eighth grade, that is based on race and socioeconomic status as opposed to the educational needs of the children. Again, this is a statewide perspective and that by removing and isolating students in a school that is disconnected from the social and educational fabric of a local school system is not good for the children and their education. In terms of state education policy, the NSEA does support quality public PK-12 schools for every student and that lawmakers, such as yourselves and those who have come before you, have worked diligently to enact state policy that establishes the necessary goals and objectives to educate the children of this state along these following principles: one, which has already been identified by this committee in this hearing today is local control and that its local school boards are in the best position to evaluate and determine the educational alternatives for students who may not be adequately served in "the mainstream" of the public school system locally.

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Secondly, professional educators, teachers, paraprofessionals, education support professionals working in partnership with principals, the school board, the community in every local school district are well educated and skilled in the design and delivery of innovative curriculum and instruction to meet the educational needs of students. The third is that curriculum and instruction must be designed with the primary goal focused on optimizing student achievement. As we work through the race to the top and the whole standards movement at the state level that is paramount importance. And the fourth piece is sufficient resources; that is sufficient resources at both the state and the local level to support the goal of providing quality public PK-12 schools for every student. Now the current aid formula, as has already been identified with TEEOSA, provides an elementary site allowance to address the higher cost of serving students in these remote attendance centers. Just to make reference to Section 79-1007.15 and specifically trying to put the context of LB1028 into, again, the issues that revolve at the local level. In this school year, 2009 and 2010, the Gordon Rushville School District in Sheridan County received over \$800,000 for an elementary attendance sites. This suggests that either the funding is inadequate; this, that is, LB1028, would suggest that either the funding is inadequate or the Gordon Rushville School Board is choosing to close the elementary attendance sites for reasons other than state aid; in either case, this is a local decision. There are ways to address the problems that Senator Loudon is intending to address with LB1028 at the local level. We do feel that it raises statewide public policy issues and it is for that reason that NESAs are opposed to LB1028. With the yellow light I would be happy to entertain any questions that you might have. [LB1028]

SENATOR ADAMS: Thank you, Jerry. [LB1028]

JERRY HOFFMAN: You're welcome. [LB1028]

SENATOR ADAMS: Are there questions? Senator Sullivan. [LB1028]

SENATOR SULLIVAN: I think Senator Ashford had a question. [LB1028]

SENATOR ASHFORD: Go ahead. [LB1028]

SENATOR SULLIVAN: Thank you. Jerry, you said that there are ways to solve this issue at the local level; can you elaborate a little bit? [LB1028]

JERRY HOFFMAN: Well there are ways to look at educational innovation that may meet the needs of the students in some parts of the state, as well as other parts of the country. There are school districts that look at magnet programs, elementary programs, focus programs, specifically at the elementary and/or secondary level. There is also, I know with the lottery funds, a host of grant opportunities available to do distance learning. And distance learning or distance educational techniques may be an innovative method to look at the delivery of instruction to students in the sparse areas.

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That doesn't necessarily mean that every home has a satellite TV or is tuned into the Internet without any dynamic connection with the teacher, but it is a innovative alternative to look at as opposed to...I think you had mentioned bricks and mortar of the elementary school site. Those are all some general examples of what innovation might look like. [LB1028]

SENATOR SULLIVAN: So then how much interaction, if any, does the department have with a district that either is looking at a situation of possibly closing an elementary site or after the decision is made do they have...does your department have any interaction with that district? [LB1028]

JERRY HOFFMAN: Oh, I'm not with the Department of Education. [LB1028]

SENATOR SULLIVAN: Oh, excuse me. Sorry, but are you aware? [LB1028]

JERRY HOFFMAN: I...you know, I would have to honestly say that I am not aware of how... [LB1028]

SENATOR SULLIVAN: Okay. [LB1028]

JERRY HOFFMAN: I do know that my understanding of the Department of Education and the way it relates with local school districts on accreditation and Rule 10 Standards, I would presume, and I'm not a Rule 10 expert, I would presume somewhere within that framework there is a way in which the state department interacts with the local school district on such matters. [LB1028]

SENATOR SULLIVAN: And does your...your association probably wouldn't get involved in any way I presume. [LB1028]

JERRY HOFFMAN: Well, that's not necessarily the case; I know that the NSEA, the Nebraska State Education Association does have a good close working relationship with the State Board of Education, as well as the commissioner's office and staff members in regard to Rule 10 and other rules and regulations that the department administers in order to ensure that there are quality schools throughout the state. So I would...if I understand the question right, Senator, that wouldn't...I don't think we would be precluded from those conversations, but would want to be part of that conversation at looking at some solutions. [LB1028]

SENATOR SULLIVAN: Thank you. [LB1028]

JERRY HOFFMAN: You're welcome. Thank you. [LB1028]

SENATOR ADAMS: Senator Ashford. [LB1028]

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SENATOR ASHFORD: Jerry, why do you think President Obama is so supportive of charter schools? Do you have any...yeah now...(laughter) [LB1028]

JERRY HOFFMAN: You're going to hold me on the record. [LB1028]

SENATOR ASHFORD: Well I guess...I guess...let me step back a second. [LB1028]

JERRY HOFFMAN: Yeah. [LB1028]

SENATOR ASHFORD: Just ask it this way; I mean one of the things that is most impressive to me about the President is the years that he spent in Chicago working in the neighborhoods and working with various groups, school groups and so forth, and he's made...campaigns on and talks a lot about the need for choice in education and makes it part of the race for the top as something he's going to look at; his administration giving raise to the top grants, why do you think that is? I mean, if you don't have an opinion that's fine. [LB1028]

JERRY HOFFMAN: Well, um, hmm, I usually have an opinion, (laughter) but let me answer the question in this... [LB1028]

SENATOR ASHFORD: Have you thought about it...have you thought about the fact that...I don't want to (inaudible) I'm interested in your answer. I mean if... [LB1028]

JERRY HOFFMAN: Here's my answer, and I'm going to base my answer on work that I did in Chicago as a community organizer for a neighborhood organizing group. And I think that the reason Senator...President Obama and in particular Commissioner Arne Duncan is looking at charter schools is because it does grow out of the needs of the inner city in Chicago where public schools have just absolutely failed students in those areas to find alternative ways of reaching out or providing other education opportunities to students where the communities are ravaged by poverty, by crime, and therefore it's reflected, our school systems are a mirror in many ways of our social structure. And those school systems are, in fact, failing. I do not see a parallel here in Nebraska where...in this context of LB1028 where there is that kind of failure to deliver educational quality to students. But I do believe that that's why President Obama is so focused on charter schools when the Annenburg, Walter Annenburg committed \$450 million of his own money here years back to look at the role of charter schools and other models for urban reform. I think that left a very strong impression on the President about how to approach that. Now from a community level in Chicago, I can tell you that the parents and community residents of those neighborhoods where the Chicago Public School District closed those schools and opened up charters out on the fringes of the community and then started busing kids out there, it literally was a community uprising to ensure that the existing... [LB1028]

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SENATOR ASHFORD: Wasn't that more the private for transformation (inaudible).  
[LB1028]

JERRY HOFFMAN: Yes. [LB1028]

SENATOR ASHFORD: That was more of a result of the project for transformation.  
[LB1028]

JERRY HOFFMAN: It certainly was. [LB1028]

SENATOR ASHFORD: That was the affordable housing project...and I'm not...I'm aware  
of that as well. [LB1028]

JERRY HOFFMAN: And they're very interrelated. You improve homes, you improve  
communities, you improve schools. [LB1028]

SENATOR ASHFORD: Right and I agree with you, what happened with the Project for  
Transformation was there was a dislocation of numbers of people out of the projects  
into...and initially Section 8 housing and then back into mixed income initiatives, but in  
that transition there was a lot of dislocation, new gangs forming, bad situations  
occurring. I agree. But if you take a situation like Omaha where it's the third most violent  
city in the United States, more violent than Detroit as it relates to blacks, to  
African-Americans, I mean, it's breathtaking to me that that's the situation we live in and  
I'm not suggesting or asking you to say that charter schools are going to change that. I  
don't necessarily believe that either, but I...but I think I see parallels between Chicago  
and the Project for Transformation and what was done in affordable housing in Omaha  
trying to tear down the projects to the point where...we've torn down all the projects in  
north Omaha, except for one, Spencer Homes, and that... [LB1028]

SENATOR GIESE: You're right and that's where you used to go. [LB1028]

SENATOR ASHFORD: And Senator Cornett knows a lot more about this than I do, but I  
see a lot of parallels and when Arne Duncan is talking about...when he is talking about  
charter schools, but he's also talking about flagging kids in the schools as early as  
possible to intervene, those are very similar situations between Chicago and Omaha,  
even though the Omaha situation is maybe less intense and smaller in scope. [LB1028]

JERRY HOFFMAN: None the less, it's their experience. [LB1028]

SENATOR ASHFORD: Very similar experiences though. [LB1028]

JERRY HOFFMAN: Exactly, and needing to find some solutions to that problem.

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[LB1028]

SENATOR ASHFORD: Right. And all I...and all... [LB1028]

JERRY HOFFMAN: It's community based. [LB1028]

SENATOR ASHFORD: And all I'm suggesting...Jerry, I'm suggesting to you is I think it's going to take bold initiative; whether it's charter schools or something else. It's going to take bold initiative because the situation in Omaha is beyond a crisis. It's a catastrophe, actually. And Senator Louden makes a great point. I mean he's talking about his part of the state where there's been a huge change in population of the schools and of the area and his population...his neighbors are trying to deal with that. In Omaha, you know, and I'm not saying NESAs or the schools have to solve every problem, but we're in real, real, real trouble in Omaha and I don't know. [LB1028]

SENATOR ADAMS: Senator Cornett. [LB1028]

JERRY HOFFMAN: I agree, yeah. [LB1028]

SENATOR CORNETT: I was going to say, my line of questioning was going to be along what Senator Ashford's was... [LB1028]

JERRY HOFFMAN: Okay. [LB1028]

SENATOR CORNETT: ...in that you...in your opening, you're talking about how these chart...and...like I...like Senator Ashford, I don't know if a charter school is the answer, but in your opening you said that these schools could be used or abused in regards to starting schools so maybe you would not see integration or kids wouldn't have to go to school; parents could choose where their kids go to school and maybe not with a certain group that they didn't like. But the same situation on a bigger scale existed in Chicago in a lot of aspects when we're talking about the metropolitan area. Senator Ashford mentioned that we've got the third highest violence rate among African-Americans, but we also have the number one dropout rate, am I not correct? [LB1028]

SENATOR ASHFORD Yeah. [LB1028]

JERRY HOFFMAN: Number one dropout rate in the state or? [LB1028]

SENATOR CORNETT: No, in the country. [LB1028]

SENATOR ASHFORD: ...in the country and number one in minority unemployment...youth unemployment. [LB1028]

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SENATOR CORNETT: And I guess I see a problem in the logic where you say that this was devised or these plans came out of Chicago for some reasons that we're facing in Omaha that the school system has failed to a certain extent or has failed with a particular group. I guess I don't see how you can oppose it on that basis. [LB1028]

JERRY HOFFMAN: Um. Let me... [LB1028]

SENATOR CORNETT: And like I said, I don't know if charter schools are the answer... [LB1028]

JERRY HOFFMAN: Right. [LB1028]

SENATOR CORNETT: ...but in your opening statements, you made it sound like charter schools were against minorities, but that's exactly what's being used or utilized to help minority graduations in cities with similar circumstances. [LB1028]

JERRY HOFFMAN: Right; let me clarify my opening remarks then to see if this is helpful. In the way that LB1028 is written, any three residents may come together to form a charter school... [LB1028]

SENATOR CORNETT: That's based probably on the rural aspect. [LB1028]

JERRY HOFFMAN: Very much so; but if it were to be written in law, it's... [LB1028]

SENATOR CORNETT: So would you support it if there was a separation between rural and urban in regards to numbers and alleviating your concerns? [LB1028]

JERRY HOFFMAN: Well I think it would go beyond...no, I would not say that at this point. [LB1028]

SENATOR CORNETT: Okay, so you would eliminate the... [LB1028]

JERRY HOFFMAN: But I would eliminate...if I were to look at some things to replace, one would be to, again, to focus on local control rather than having an application go to the State Board of Education only; that it needs to be rooted in the local community; that is the local school board in this case. [LB1028]

SENATOR CORNETT: So, let me just ask you this; since you said you came from a background in Chicago, do you see that charter schools have helped in Chicago? [LB1028]

JERRY HOFFMAN: Oh, that...um... [LB1028]

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SENATOR CORNETT: That's kind of a yes or no. Do you see an improvement in the education system? [LB1028]

JERRY HOFFMAN: You know, I wasn't there as an evaluator of whether they worked or not; I was a community organizer for a period of one year helping parents to try to wrestle around this issue of schools being closed in inner-city Chicago and being moved out to the fringe. So whether or not the charter schools are working in Chicago or working for those students in Chicago, I don't have any basis to answer that question really. I mean I could do some quick research on it and...I mean, I might get research on one side that says it's working and research on the other that says it's not. [LB1028]

SENATOR CORNETT: Or that some are working and some aren't working. [LB1028]

JERRY HOFFMAN: Exactly. Oh, I don't think that...I don't think it... [LB1028]

SENATOR CORNETT: And I've seen the statistics on the number of charter schools that perform as well, the same and then worse than public schools. [LB1028]

JERRY HOFFMAN: As a public school. Yeah. I think it would be intellectually dishonest for me to sit here before this committee and say that charter schools have been a failure in places like Chicago. That's just not true nor am I here to make that statement. We're just not based on any foundation for me at all. What I am saying and wanting to reinforce is that as LB1028 is currently designed, that the ability for three parents, conceivably, or three residents to come together and form a school and petition the State Board of Education as opposed to working through a local school board structure, that's a problematic feature of it. [LB1028]

SENATOR CORNETT: Thank you. [LB1028]

SENATOR ADAMS: Other questions? If not, thank you, Jerry. [LB1028]

JERRY HOFFMAN: Thank you very much. [LB1028]

SENATOR ADAMS: Is there other opposition testimony? [LB1028]

JOHN BONAIUTO: Senator Adams, members of the committee, John Bonaiuto, J-o-h-n B-o-n-a-i-u-t-o, executive director of Nebraska Association of School Boards. We've looked at this bill and in its present form we were trying to be as positive and look at it as positively as we could as what kind of an option and understanding what Senator Loudon is trying to deal with, but the potential of having statewide ramifications really troubles us and so we appear in opposition. I'd like to start my testimony by saying as I look around this table many of you were here when we were struggling with the reorganization issue and I want to tell you how much we appreciated the fact that you

deferred to local boards when you were forming K-12 systems and looking at having to make site decisions and that those local boards have taken the law that was very difficult to get past and try to implement that in the spirit that you intended it to be implemented. They've listened, they've worked with our communities; it's not easy to close sites. And some boards have been patient in making those decisions and sometimes have allowed a small number of students to work through the site; or if there has been some other reason that they have found necessary to close that site, then they have made that decision. But when you look at the size of the schools and if there is a site that's in a reasonable distance and there is room in the town school or the larger building, that facility, to accommodate students, boards are trying to provide the best curriculum, the best instruction and bring the students in to the larger site, many times allows that to happen. So it is not easy, but boards are working with that and I believe that, from what I observe, what I hear, that it is being done in the way you had intended it to be done. I would say that in looking at this bill that I know the state board and the department need to be involved in these decisions when we're looking at the state policy, but local boards are the closet policymakers and the state board and the department look and create the rules for the school boards to follow. So, I will get into that piece a little later with a position that our delegate assembly has taken on this issue. One of the concerns I have with any legislation that might look at options for helping students that are needing assistance in remote areas; reducing the revenue to already strapped or struggling districts is a problem and that's what this does. This pulls not only students away from small districts that need those bodies, but it pulls money away also. However, having said all that, there may come a time when we need to look at a broader solution or that we need to look at the discussion that you just had dealing with other options within metropolitan areas or within cities, within rural areas, and so our delegate assembly has taken a position on charter schools and NASB would support legislation that required the charter schools involved with any aspect of K-12 education to be sponsored by a public school district be located within the boundaries of such public school district and be accountable to the sponsoring district for their student achievement finances and operations. So again, getting back to that local board to be very much involved with that. Right now in Nebraska I don't know that we need charter schools, but there may come a time when this type of solution is something that we'll need to take a look at. With that I'll conclude my testimony. [LB1028]

SENATOR ADAMS: Thank you, John. Are there questions? Senator Haar. [LB1028]

SENATOR HAAR: What would be the difference between a public...or a charter school and a parochial school? I mean, if you had a small group of parents, couldn't they actually form a parochial school? [LB1028]

JOHN BONAIUTO: Senator Haar, your question gets to the heart at some of the things that, I think, that we heard in discussions when this body was struggling and dealing with the issue of how should Class 1s and Class 6s fit in a larger structure; some of the

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Class 1s were very...they had students that were very similar; not a lot different than the parochial schools or private schools than the fact that there may not have been a specific religious component. [LB1028]

SENATOR HAAR: Um-hum, um-hum. So the main difference here would be charter schools would get public funding, whereas the private school... [LB1028]

JOHN BONAIUTO: You know what, in states that have charter schools that is, you know, the funding issue and accountability issues are what you see most of the discussion about. [LB1028]

SENATOR ADAMS: Senator Sullivan. [LB1028]

SENATOR SULLIVAN: Thank you, Senator Adams. John, can you shed a little light on...I know you can't speak for individual school boards, but can you tell us a little bit more about what a board might consider when they arrive at a decision to close an elementary site like out in the sparser areas? [LB1028]

JOHN BONAIUTO: Well it...geography as far as distance that students have to travel is always a concern. How long is it reasonable to keep a youngster on a school bus? And so that is a great concern. Many times it is a matter if...if a teacher is leaving or a teacher is retiring, do you hire someone to work in that location or if the students...if you have room in an already existing site that you have staffed, should you just bring those students to that site? And that's a big part of it right there; allowing more efficiency to occur in that district and so it's a struggle. I see communities that would love to have more students. I know Senator Louden's area well and the geography is difficult. I mean, students...it's their districts that would...that would love to get together, but they're too far from each other to have that happen. So it...but I think in the future we're going to have to look at creative ways to have districts work together and provide education to a broader geographic area. It's the learning community on a different scale, if you will, under different circumstances. But the things aren't going to get better as the population and the students are moving around in those rural areas. [LB1028]

SENATOR ADAMS: Are there other questions? John, in reality, and I'm not an expert in educational...all the educational law, but the position that your delegate assembly takes, I believe it could happen right now. [LB1028]

JOHN BONAIUTO: Senator you... [LB1028]

SENATOR ADAMS: I mean, the difference is, a charter school versus charter-style schooling, if school district A decided tomorrow that they wanted to identify a particular building and encourage charter-style schooling in that building, that could happen right now. [LB1028]

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JOHN BONAIUTO: You are correct, Senator. [LB1028]

SENATOR ADAMS: The exception would be that it would happen under the guidance and financial accountability of the existing school district, am I right? [LB1028]

JOHN BONAIUTO: You are right, Senator. [LB1028]

SENATOR ADAMS: Okay, thank you. Are there other questions? Thank you, John. Is there other opposition testimony? [LB1028]

BRIAN HALSTEAD: (Exhibit 1) Good afternoon, Senator Adams, members of the Education Committee. For the record my name is Brian B-r-i-a-n, Halstead H-a-l-s-t-e-a-d here on behalf of the State Board of Education and the Nebraska Department of Education in opposition to LB1028. I'm having distributed to you a letter written by the state board outlining their opposition to the bill. I think it will speak for itself. In response to a number of questions I've heard or statements I've heard in the testimony. Number one, there was not a single Class 6 school district that was closed because of LB126. So I think the person there just misspoke. They were all converted to either Class 2 or Class 3 school districts. Gordon and Rushville merged on their own; they brought forth the petition to combine the Gordon and Rushville school districts. Those local boards made the decisions to create that situation. With respect to private denominational and parochial schools in Nebraska, anyone can start them. They have the option of either meeting Rule 14, approval requirement, or Rule 10, accreditation requirements, and there are a number of private denominational and parochials that accredited. The difference is, they receive no public funding. Under this bill, as we look at it in Section 11, the public school district where this charter is located is going to have to provide funding to that charter school. They're also going to have to provide the transportation of the students to the school. So again, it's going to be a taking of money from a public school district for the charter in that regard and that's clearly a point of opposition. And then in response to the comments that Senator Adams in question, we have charter schools in Nebraska. The Lincoln Public Schools has focus schools, the Zoo School, the Entrepreneurial School, they can already be done. Most states that have charter schools created them because they had, from our perspective, very rigid processes, statutes and regulations in place that dictated exactly how everything should be done in the school which is not the approach Nebraska has ever taken. We give a great deal of latitude to local school boards to design the curriculum, design the focus in the building, so arguably, we have a number of schools here in Nebraska whether it's in Lincoln, it's up in Millard, Pappillion, La Vista, Omaha Public Schools that are already chartering their focus on particular topics. So, with that I'll end my testimony; I'll try to answer any questions you might have. [LB1028]

SENATOR ADAMS: Thank you, Brian. Senator Sullivan. [LB1028]

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SENATOR SULLIVAN: Now I've got someone from the Department of Education. So, but basing my question on some comments that Mr. Hoffman had made, if there are alternatives and creative approaches to dealing with providing quality education in sparsely related...or sparsely populated areas, how does the department interact with a school board that's looking at having to deal with that situation either before they make the decision to close or afterward? [LB1028]

BRIAN HALSTEAD: Senator, I can't speak to personal knowledge on this. I mean, the large portion of what I think Senator Loudon is addressing is the elementary buildings, the few students. So in that regard, I know we have numerous conversations with school districts. It's more at the high school and middle school level in dealing with the offering of a good curriculum, finding enough teachers in the mathematics, science areas where it takes some higher degree of specialties that we have in Rule 10 the ability to do what's called synchronous or asynchronous courses; synchronous would be the distance-ed piece of it, the television or whatever; asynchronous, Internet-based courses. I'm not sure there's a large body out there of asynchronous courses at the kindergarten, first, second, third, fourth grade level; it is more designed as you get to the ninth, tenth, eleventh and twelfth grade level where there is a greater specialization. But there...I am sure there are conversations that go on. Obviously, Rule 10 has certain requirements for elementary buildings. You have to have certain staff endorsed in the right areas; elementary education. There is a library media component to that, so you have to have on-site certain numbers of books and all of that. I would suggest probably most of the discussion we're going to have with school districts is, okay, have you thought about these ideas for sharing resources, service units, educational service units would be an opportunity where you may be able to get some of the services from the service unit instead of you, the district, having to staff or provide the very service itself. So those would be some of the options that would be available. But in the sense of...we at the department don't control opening or closing of buildings. We usually find out after the school year is over with when we do our data collection and prepare for the next year. Okay, how many of your data places are going to be open in the fall is when we start seeing the list of closings of buildings and that's usually sometimes the first we know about it. [LB1028]

SENATOR SULLIVAN: And with respect to data collection, getting back to Senator Loudon's comment, apparently there is no data at the department that talks about the transportation issues, transporting children. [LB1028]

BRIAN HALSTEAD: Well there is some transportation data we're going to collect. There's going to be the financial data on that. I don't know that we keep track of the exact number of school bus drivers in the state. Licensure is done by the Department of Motor Vehicles, so I'm sure they can tell you the number of individuals who hold the bus permits or licenses to operate... [LB1028]

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SENATOR SULLIVAN: But as far as miles of children being transported different...  
[LB1028]

BRIAN HALSTEAD: I'd have to check on that, Senator, we may have some of the millage information. [LB1028]

SENATOR SULLIVAN: Okay. [LB1028]

BRIAN HALSTEAD: I don't know that I can tell you the distances a particular child is going travel, but we may know how many miles or how much the school district is expending for bus transportation in that regard. I know we do a transportation allowance calculation in TEEOSA and as I sit here right now trying to remember where we get all our data, I don't know all of the data that we're going to collect on transportation. We do collect number of buses; we do collect number, I believe, miles for the school district. We know whether the district operates it or they contract with somebody to operate it; so there is a number of transportation information we get; but I can't tell you how many miles a child in Rushville has to ride a bus, that's probably going to be a little too individualized. [LB1028]

SENATOR SULLIVAN: Thank you. [LB1028]

BRIAN HALSTEAD: Yep. [LB1028]

SENATOR ADAMS: Anyone else? Thank you, Brian. [LB1028]

BRIAN HALSTEAD: You bet. [LB1028]

SENATOR ADAMS: Next opponent. Any other opposition testimony? We'll take neutral testimony then. Welcome. [LB1028]

PAM REDFIELD: (Exhibit 2, Exhibit 3) Mr. Chairman, members of the Education Committee, for the record my name is Pam Redfield, R-e-d-f-i-e-l-d, I am the executive director of Education Opportunity Nebraska and I'm here at the written request of Senator Loudon to provide technical advise on LB1028. In 2006, LB126, a bill eliminating Class 1 schools passed. I not only voted for that bill, I was a cosponsor of that bill. I believe then and I continue to believe that it was a necessary policy change that protected the entire state funding system from court challenge over significant issues. What has changed? Well, a statewide referendum to repeal LB26 was placed on the ballot, not by moneyed interest from outside of Nebraska, but by concerned citizens of this state. The referendum was success by a large margin: 56 percent to 43 percent. It passed in 91 of 93 counties. I have distributed to you the results of that and I've also broken it down by your district. Douglas and Dakota Counties were the only counties

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that it did not succeed and, in fact, it was a margin of less than one half of one percent in Douglas County. This is what the people are telling its elected officials; that we do care about small children; we do care about distance and even though we live in urban areas of the state, we do have concerns for our brothers and sisters who live in more sparsely populated areas of the state. The question which Senator Loudon then brings to you is whether there is a vehicle to adhere to the will of the people expressed on that ballot without reconstituting a policy which may, in fact, drive us into some kind of court challenge. Education Opportunity in Nebraska was asked to address the essential elements of a charter school legislation to ensure quality education. We have, in fact, carefully studied this and we know that some states have done a better job than others in crafting their legislation. We know that charter schools generally serve more low income students and more minority students than the general population. In fact, they are not schools that were created for white flight. They were, in fact, schools that were created to serve minority populations who were not succeeding in some of our urban schools. For this reason it is important to compare the student achievement in the district that that student would be and I've also attached for your attention some information on charter schools in New York City. You can see the charter schools scores; you can see the school that they would have attended next to it; and then the citywide averages and they have actually been more successful than others. These are public schools. Charter schools are public schools. They're not in competition with charter schools. They are another avenue, just like Westside or Millard or OPS or Ralston, are all public schools. We are in this together; we are not in competition with one another; we're here to serve the citizens of Nebraska. I've given you also New Jersey and Massachusetts because we've been doing a math curriculum project and in doing that we were looking at the scores of the charter schools to see, in fact, whether they did better or they did worse. We found that just like any other public schools, some do better than their poverty would predict and some do worse. But in fact, we found that in New Jersey that the...we actually have the rate of schools that did worse in charter schools. So the question is, whether in fact, we would be providing a inferior education to the children in these sparsely populated areas. And I think that you, as a group, can be assured that under the oversight of the State Board of Education that we would not be misserving these students; that we would, in fact, guarantee them that. So the remaining question, and then I will conclude, is whether, in fact, LB1028 actually contains the necessary elements for a reliable charter school framework for the state. First it's a seven mile rule. It is very restrictive. It will not be used across the state. It will only be used when, in fact, there is a distinct distance factor for students. The State Board of Education is charged with the authority to grant the charters; they will oversee it; thus schools will be responsible to adhere to all of the rules of law; the federal accountability factors. Third, adequate insurance and financial accountability are required. A charter school must comply with all of those elements to ensure the health and safety of those students. Fourth, and most important, a charter school may renew its charter only if it meets or exceeds the achievement results of the nearest public school based on individual growth model. And let me give a hypothetical example of

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how a teacher is the best one to decide how much time is required in a classroom for a subject; if we are very restrictive in our rules and we require a certain number of minutes for PE or for some other class, drug education, the teacher may have to give up time that she would devote to math or to language instruction. The teacher is the best one to determine how many. And charter schools have been very innovative in bringing those extra time factors that the students may need. So I think that it provides for a revocation of a charter if, in fact, the minimum number of students is not maintained and if, in fact, there are any other concerns that the state board would find that there was a circumstance that would require it. I think it has been carefully crafted and in passing you should know that The Race to the Top Nebraska has applied \$123 million from the federal government. We do know that the President and Arne Duncan are looking for states in this competition for those funds who actually do have charter schools so as a bonus we actually got more dollars from the federal government as a result of that. I think that's a win-win for all. So with that I would be happy to address any questions. [LB1028]

SENATOR ADAMS: All right. Are there questions? I guess not. [LB1028]

PAM REDFIELD: Thank you. [LB1028]

SENATOR ADAMS: Thank you though for your testimony. Is there any other neutral testimony? [LB1028]

SUSAN DARST WILLIAMS: (Exhibit 4) Hi. I'm Susan Darst Williams, W-i-l-l-i-a-m-s. I am a parent from Elkhorn, the mother of four. Three of them are in their twenties and then we had "Whoopsie Daisy" Williams at age nine. So I've been able to watch the evolution of education for a long, long time. And I wanted to tell you that as a parent, because my hubby and I have enough money, we were able to exercise school choice when we wanted to. We were living in District 66 and we wanted to move to Elkhorn so we just bought a house there so we made our school choice because we were able to afford it. And then when Maddy, our youngest was going to enter kindergarten I had begun to learn a lot about phonics-only based reading instruction and I wanted her to go to a kindergarten and first grade that had Phonics Only as their system of reading instruction and Elkhorn didn't have that. At the same time you guys were talking about having Omaha be one school district and I didn't want that to happen so I went to the Elkhorn Public Schools Foundation and suggested that we could raise money and start a phonics-only kindergarten in one of the new grade schools that opening up and that we could bring in 20 percent of the student body could be low-income kids to get some diversity out in Elkhorn and 80 percent would be residents and that I figured it would cost \$20,000 to do the curriculum that would be based on the Core Knowledge system which is a great curriculum and to provide transportation for the kids who would have to be coming so far and to prove that with the right curriculum kids from any economic background could excel just the same. And the district said, well, that's not really the

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way we set up our curriculum, and they turned me down. So then I went to a lot of my friends and tried to start up a multifamily attended center home school. I think Senator Avery mentioned that. And everybody wanted to do it, but when we figured out how much it would cost, it would be about five or six thousand dollars per family to really do it well. We were going to even have parents work part-time in it and have a lot parent involvement, but we just could not make the numbers come out right. And so we ended up putting Maddy in Trinity Christian School for half day kindergarten and full-day first grade. It was \$3,600 for the full year. At the same time, Elkhorn's cost, I think, were around \$8,000 a year. So for \$3,600 we paid it out of our pocket and then we put her in public school, Elkhorn, once she was reading well. And she's now in fourth grade and reading at the ninth grade level. And I really do think a lot of it was the phonics-only reading instruction that she started with. Well, after the Von Maur shooting I got worried about what was happening with kids and having been a writing mentor with the Boys and Girls Clubs I saw how lousy actually their language skills were. Even at the eighth grade the kids couldn't write on the second grade level, spelling errors and so forth and I also taught at UNO, and so I got really worried about what was going on. So I decided to try to do what little I could so I started an after-school nonprofit called After School Treats and we have a Web site, [afterschooltreats.com](http://afterschooltreats.com) and I've gone into Ralston and north Omaha and several other of our lower income after-school programs, Camp Fire, and have worked with the kids and given them creative enrichment. And the number one thing that I draw out that is that these kids really need charter schools. I've passed around a note with a lot of research that I've done on charter schools including some very interesting rural charter schools and I just have to say that if all these states surrounding us have come up with workable charter school laws, why can't we? I sure would have liked to have had it available to me. I have a friend in twin cities whose daughter went to the performing arts charter high school and now is in a really fancy program back east because of that advantage. And I have another friend in Fort Collins, Colorado whose kids were doing Shakespeare and all kinds of wonderful, classical projects which are just not available in the one-size-fits-all public schools. And so as a matter of social justice for the inner-city kids and a matter of economic development for rural Nebraska I strongly support that we do whatever educational innovation we can do. And you guys have the power to do it and I hope you will. [LB1028]

SENATOR ADAMS: Thank you. Senator Ashford. [LB1028]

SENATOR ASHFORD: Susan, good work. [LB1028]

SUSAN DARST WILLIAMS: Thank you. [LB1028]

SENATOR ASHFORD: But I think we have a lot of what...it would have been nice if you had had with the focus schools and there's nothing...I'm familiar with the Minneapolis performing arts charter school. We, in Douglas County, and the metro area can do exactly the same thing with a focus school. We can...if it's Westside or Elkhorn; if

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Elkhorn wants to...you know this, I'm sure; that if... [LB1028]

SUSAN DARST WILLIAMS: Yeah, it's so far to go, that's the deal. [LB1028]

SENATOR ASHFORD: But if Elkhorn wants to start such a program, the learning community would...and they convince the learning community that's it's a good idea to do theater arts that Elkhorn could do it and own it and there would be diversity of 33 percent of the students would be free and reduced lunch and half the cost of the school would be paid for by the entire metro area. I think that's very similar to what's going on in Minneapolis; because in Minneapolis that's a public school. [LB1028]

SUSAN DARST WILLIAMS: It's a high school. [LB1028]

SENATOR ASHFORD: Right. [LB1028]

SUSAN DARST WILLIAMS: My heart is for pre-four, you know, the preschool kids to about grade two. [LB1028]

SENATOR ASHFORD: But to get to your other issue on phonics... [LB1028]

SUSAN DARST WILLIAMS: Yeah. [LB1028]

SENATOR ASHFORD: ...is, you know, I'm familiar with what Mrs. Clark did, has done and did in her lifetime over in Rockbrook and I don't...and it's really a fabulous program. And I know Ernie, our former colleague, Senator Chambers was very interested in Mrs. Clark's efforts and yet it seems to me that very legitimate request is to form a school along the lines of what you're talking about; get support from the learning community; help the funding and maybe get private donations. Honestly, I think we can do it now. [LB1028]

SUSAN DARST WILLIAMS: You do? [LB1028]

SENATOR ASHFORD: I do. [LB1028]

SUSAN DARST WILLIAMS: But I've tried and I couldn't get it done, you know. I tried to do... [LB1028]

SENATOR ASHFORD: But I bet you can though. If you... [LB1028]

SUSAN DARST WILLIAMS: Nah. [LB1028]

SENATOR ASHFORD: But I mean, I...honestly, I'm not trying to be flip about it. [LB1028]

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SUSAN DARST WILLIAMS: I know. [LB1028]

SENATOR ASHFORD: I think that if we figure out a way to bring together the best concepts of charter schools and the best concepts of focus schools into one, we can do theater arts; we can do phonics; we can do health care, there's ideas about a health care focus school at UNMC. Those...the pieces are in place, I think, and so I just...thank you for what you're doing. [LB1028]

SUSAN DARST WILLIAMS: Oh. you're welcome. You know, I think that kids spend such a small fraction of their time in the classroom; we've got to look at the whole big picture like the Harlem Children's Project and my concern about this law was that I agreed with the little-bitty kids, I don't like them being in a bus, just as I wouldn't want Maddy to go out. [LB1028]

SENATOR ASHFORD: Right, right, right. [LB1028]

SUSAN DARST WILLIAMS: We thought about sending her, you know, to a school far away and that's no good. But when you get into older grade school, that's okay. [LB1028]

SENATOR ASHFORD: But yeah, but I do think...I honestly think the vision behind the...at least in the metro area, and I think we need to apply it to the entire state, is the learning-community concept across the entire state so that we can create focus schools in...even in small rural areas or in smaller rural areas or underserved areas or sparsely populated areas. But also, down in north Omaha, I mean, when we started the Learning Community, I thought it would be great to have Westside to have a charter...or focus school in north Omaha to do ... [LB1028]

SUSAN DARST WILLIAMS: Um-hum, that's what I wanted. Have a long-term management contract. [LB1028]

SENATOR ASHFORD: ...you know, that was something we actually thought about. [LB1028]

SUSAN DARST WILLIAMS: Yeah. [LB1028]

SENATOR ASHFORD: So anyway. [LB1028]

SUSAN DARST WILLIAMS: Oh I think we need the law anyway just to keep the door open. [LB1028]

SENATOR ASHFORD: Okay. But I think we got the law, I guess, is what... [LB1028]

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SENATOR ADAMS: Are there other questions? Senator Sullivan. Not going to let you get away yet, Susan. [LB1028]

SENATOR SULLIVAN: Can you tell me what exactly a hybrid school is? [LB1028]

SUSAN DARST WILLIAMS: Well that's a...on the model of like a university, perhaps, that's one picture of it. The child might be at home with mom or dad from Monday, Wednesday and Friday and might ride the bus into school Tuesday and Thursday and part of the day could be an online instructional program. That might work for rural Nebraska. In north Omaha a hybrid school opportunity for older kids might be along the model of the Cristo Rey High School in south Omaha which is a Catholic school, but the kids only go part of the day. I think they're done at 1:00 and then they all have jobs and then they pay for their own educations and it's a pretty successful deal. That's another example of school that we couldn't do under our current laws unless we had the freedom and flexibility of a charter law. [LB1028]

SENATOR SULLIVAN: Thank you. [LB1028]

SUSAN DARST WILLIAMS: You're welcome. [LB1028]

SENATOR ASHFORD: I think you can. [LB1028]

SUSAN DARST WILLIAMS: You can? [LB1028]

SENATOR ASHFORD: Yes. [LB1028]

SUSAN DARST WILLIAMS: Well you're the man. [LB1028]

SENATOR ASHFORD: No, no. No, everybody here, I mean, everybody in this room supports, I think, supports focus schools. [LB1028]

SUSAN DARST WILLIAMS: I know. So let's do it. [LB1028]

SENATOR ASHFORD: Okay. [LB1028]

SENATOR ADAMS: Are there other questions? Seeing none, thank you, Susan. [LB1028]

SUSAN DARST WILLIAMS: Thank you. [LB1028]

SENATOR ADAMS: Is there any other neutral testimony? [LB1028]

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DOUG NABB: I said I wasn't going to speak and then I had an epiphany and it's way out there, believe me. My name is Doug Nabb, N-a-b-b. I'm a registered lobbyist for Fremont Public Schools; however, I'm speaking today for myself. The epiphany occurred in regard to the fact that Senator Louden's problem is we all concentrate on taking the kids to the school and I'm trying to think totally outside the box and it's going to be way out in space somewhere; why not take the school to the kids? And I say that because I had an experience this summer; I was in a small town called Alice Springs in Australia. And Alice Springs is the center of a place called the School of the Air. They teach less than 200 students; I want to say it's a hundred and fifty-some students. They had the pictures of all the students on the wall and we watched them teaching them. It started out as the School of the Air which was strictly on radio. The area they're teaching these 150 students or so is an area four times the size of Nebraska. So it's considerably larger and a lot more sparse. And Alice Springs is a beautiful little town, it really is. And I watched them teaching from their studios there. Each kid has computers and packet learnings and they go out in the air once a week to serve the ranches where they're at and it was interesting the interaction that was going on between the students and the teacher in the studio. It was really amazing to see. Now I know the devil is in the details and I'm not privy to the details, so I'm not going to throw those out at you. I can only tell you what I know. But the bottom line is, they've been doing this for sixty-some years. Fact is, they had their anniversary last summer. I think it was the 70th, but I could be wrong. The bottom line is, they're doing a wonderful job with it; they bring the kids into Alice Springs twice a year to have an Olympics-type of thing that...academic olympics and also physical olympics and it's really a great situation. I'd only wished I'd been there for that to see that taking place. But that's what they're doing and it isn't going to get any better in rural Nebraska; so maybe we need to think outside the box and I'll be pilloried by some of my constituents for it, but that's...I'm thinking outside the box. [LB1028]

SENATOR ADAMS: Thank you, Doug. Are there questions? [LB1028]

SENATOR ASHFORD: Well that's wonderful that he's thinking outside the box. The devil...the details are the problem. [LB1028]

DOUG NABB: I understand. [LB1028]

SENATOR ASHFORD: I mean the details are the obstacle, we got to get over that and do...and get to the solution. [LB1028]

DOUG NABB: Well and I would think if they can do that in Australia and I was also in New Zealand and they have something along the same line, if they can do that in those two countries, and New Zealand's education system is second to none, we should be able to do it here in Nebraska. But the bottom line is, we continue to think about bringing the students to somewhere; maybe we need to think about going to the students.

[LB1028]

SENATOR ASHFORD: Cool. [LB1028]

SENATOR ADAMS: Thank you, Doug. Any other neutral testimony? Please. Welcome. [LB1028]

KATHERINE ENDACOTT: (Exhibit 5) Senator Adams, members of the committee, my name is Katherine Endacott, E-n-d-a-c-o-t-t of Pleasant Dale. And I'm here today as a private citizen, but also as a former teacher, a former member of the State Board of Education, a former member of the Southeast Community College Board and an executive who sells...who is part of a company that sells curriculum both to public schools, private schools and charter schools. And in this most recent position in my life, I've had to learn all about charter school legislation because we serve in our company students in all 50 states. And it's been quite interesting to me because I've had a conversion experience about an epiphany, as the previous speaker said, about charter schools and their role in creating change and innovation. I'm sharing some documents that we've used internally in our own company to educate employees about charter schools. And we serve a number of students across the United States and about 25 percent of the students we serve are actually enrolled in charter schools. We've learned, for instance, that 40 states have charter legislation which enables them to create publicly funded schools that have small focus, the way we've talked about it this afternoon, that have special interests that have tremendous parent and community support. And the interesting thing about that, as a former State Board of Education member as we talked about all the rules that we set up for schools, it appears that the charter school movement has flourished because some of the rules have been set aside so that experiments can flourish; so that innovation can flourish. And I know that as a former educator, in my early days as a teacher in the Crete Public Schools and also in the Lincoln Public Schools, the notion at the end of the year was: ah, if the teachers could only run the school; if we could just think...we know so many ways to do things. Well, in many cases the charter school people who are starting schools are educators; are teachers who want to operate without the same rules and regulation. So I'm applauding the committee in thinking about focus schools, about hybrid models, about distance learning, about the kinds of online asynchronous programs, this is extraordinarily important for a small state with a sparse population. It's also vitally important, we're seeing, because many of our customers are urban. Half of our schools that we serve in the New York City Schools are charter schools and they've come together; most are formed by educators or people who are community activists or people who have a vital belief about some aspect of education and they all have a focus that allows the students to work together with a common vision and a common purpose and a sense of...that they are special and unique. And I'm excited about the charter school movement; I've excited about the focus school movement, because we're seeing it working in so many different kinds of communities. And, frankly, for us it's excellent

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business; we like being a company that can provide curriculum in lots of different places and see that it flourishes in all of those. So thank you very much. [LB1028]

SENATOR ADAMS: You're welcome. Are there questions for this testifier? Thank you for your time today. [LB1028]

KATHERINE ENDACOTT: Thank you. [LB1028]

SENATOR ADAMS: Is there any other neutral testimony? [LB1028]

ANNE DUDA: Hello. My name is Anne Duda, I'm with the Platte Institute, that's A-n-n-e D-u-d-a. I just wanted to come up and give you guys a couple of answers to some questions you asked earlier, particularly on the funding. You had some questions on how it would...the funding would work; and the funding will be coming partially from the school districts; it's going to be 100 percent of the district's average student cost. However, there will be no building financing that's not going to be covered so that they are not able to fulfill that with what they receive; they will not be able to operate and if a charter school cannot operate, it has to close down. If it does not have enough students, it has to close down; and if it is not meeting the requirements academically, it has to close down. That was really my only answer and I also wanted to be here to see if you had any other questions that I might be able to answer. [LB1028]

SENATOR ADAMS: I have a question for you right away. [LB1028]

ANNE DUDA: Um-hum. [LB1028]

SENATOR ADAMS: I may have missed it, did you had your registration sheet to Becki? [LB1028]

ANNE DUDA: No, I'm so sorry. I didn't know I need one. [LB1028]

SENATOR ADAMS: Well then we'll quickly finish up with you. [LB1028]

SENATOR ASHFORD: We have to stop the whole hearing then. (Laughter) [LB1028]

ANNE DUDA: Oh, I'm so sorry. This is my first time. [LB1028]

SENATOR ADAMS: We're going to quickly finish up. [LB1028]

SENATOR ASHFORD: Evacuate the Capitol. (Laughter) [LB1028]

ANNE DUDA: All right. Will do. [LB1028]

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SENATOR ADAMS: Before you leave, would you leave that with her? [LB1028]

ANNE DUDA: Of course. [LB1028]

SENATOR ADAMS: Now, are there questions? Senator Avery. [LB1028]

SENATOR AVERY: It is my understanding that the Platte Institute actually is solidly behind charter schools. [LB1028]

ANNE DUDA: You are correct. [LB1028]

SENATOR AVERY: Well neutral testimony is not... [LB1028]

ANNE DUDA: I'm sorry, I was...I did say this was my first hearing. I was informed by my boss, John McCollister, that we cannot make an official position and that we need to be making a neutral position on this specific bill. [LB1028]

SENATOR AVERY: And what is the reason for that? [LB1028]

ANNE DUDA: I believe it is because we're 501(c)(3). Thank you. I apologize. I'm new at all of this. [LB1028]

SENATOR AVERY: Okay. Um... [LB1028]

ANNE DUDA: If you would like, I can go sit back down and will not answer any more questions if you do not... [LB1028]

SENATOR ADAMS: Some how I think you'd like that, but you're not getting away yet. (laughter) Are there any other questions for this testifier? Yes. [LB1028]

SENATOR ASHFORD: Just briefly...and it doesn't matter whether you filled out the form right this very second, but your thrust is that the public school funding can...would follow the student into these charter schools and not to pay for a building so that if the charter school failed that the money would then just go back to the public school coffers, is that what you're... [LB1028]

ANNE DUDA: You are correct and on another point, the funding does follow the student. So they are only receiving as much money as they have students; there is no...if it's \$10,000 per student and they have 10 students, they only get \$100,000 to operate for that year. [LB1028]

SENATOR ASHFORD: But they do...they would get \$100,000. [LB1028]

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ANNE DUDA: Correct, because they had the 10 students at \$10,000. [LB1028]

SENATOR ASHFORD: Okay, let me just ask you one question and that's this: theoretically if a neighborhood in north Omaha, high poverty area wanted to form a focus school in their neighborhood and there would be a request under some law to do that that was not now in effect, but could be, do you sense or does John, you speak for yourself, you don't need to speak for John... [LB1028]

ANNE DUDA: Appreciate it. [LB1028]

SENATOR ASHFORD: ...but do you sense that...might there be a problem...part of the concern that I have about north Omaha schools is that if we create a new school, another option, theoretically it's not a bad idea to have choices; and Sacred Heart certainly fulfills a choice and so forth; but if...is there a concern or fear that it would...that such a school would take from the public schools, you know, sort of the best and the brightest of the public schools and the public schools would be left with those kids that have most of the issues...do you have a concern about that? How would you answer that question? [LB1028]

ANNE DUDA: I do not have a concern on that, because based off of the research that we've seen at the Platte Institute, the academic demographics are usually pretty equal. It is. You usually do have children in all the percentiles; in the top and the bottom, as well as in the middle. [LB1028]

SENATOR ASHFORD: So you don't think the data supports that fear. [LB1028]

ANNE DUDA: No, I don't think that it does. I think that what will happen though is that the students that want to succeed will be the ones that are most likely to leave because they have to make the choice to leave their public school. [LB1028]

SENATOR ASHFORD: Thank you. [LB1028]

ANNE DUDA: So the students have to make a choice since that makes them a little different than regular public school students. [LB1028]

SENATOR ADAMS: Other questions? Senator Avery. [LB1028]

SENATOR AVERY: I'm a little bit puzzled. The money follows the student, right? [LB1028]

ANNE DUDA: Correct. [LB1028]

SENATOR AVERY: But the student has to be somewhere; it has to be in the classroom.

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[LB1028]

ANNE DUDA: Correct. [LB1028]

SENATOR AVERY: Right. Are you talking about a physical setting, something like a school within a school where you could have a group of charter students within a public school building and the money would go to fund their education separate from what money would go to educate the rest of the school? [LB1028]

ANNE DUDA: Uh, no. If I'm understanding you properly, no. What would happen was...it is a completely separate school building from the traditional public schools, as you think of it, although it is a public school; it's just that the financing is a little bit separate. With the general public schools, they have a big funding formula that includes their facility costs. With charter schools, they're only...only the money for the students, there is no facility cost...or that's not paid. [LB1028]

SENATOR AVERY: And the charter school would be available for anybody who chose to attend it? [LB1028]

ANNE DUDA: Correct. [LB1028]

SENATOR AVERY: Would there be state regulations of the sort that I brought up earlier with Senator Louden? [LB1028]

ANNE DUDA: No, there would not be; because it would operate under the same regulations for admittance as a regular public school so they would not be able to discriminate against any students unless a regular public school could discriminate against them. [LB1028]

SENATOR AVERY: Okay. So how would you...how would you acquire the building? [LB1028]

ANNE DUDA: Well that's up to the board of directors that decides to make the charter school. For this legislation it's three people; those three people when they get together they have to decide where their building is going to be and they have to make sure it's a building that they can fund. [LB1028]

SENATOR AVERY: And they would be using the hundred... [LB1028]

ANNE DUDA: Right, that was just a figure that I just threw out, but yes, they would be using...they would have to be using that money that followed the student to cover both education and building costs. [LB1028]

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SENATOR AVERY: Okay. [LB1028]

SENATOR ADAMS: Any other questions? If not, you're finally off the hook. [LB1028]

ANNE DUDA: All right. I'll fill this out and turn it in. [LB1028]

SENATOR ASHFORD: Say hello to your dad though. [LB1028]

ANNE DUDA: I will. Thank you. [LB1028]

SENATOR ASHFORD: Tell him you did a good job. [LB1028]

SENATOR ADAMS: Is there any other neutral testimony? [LB1028]

RHONDA STUBERG: I didn't register either. [LB1028]

SENATOR ADAMS: Go right over there to the corner and grab a sheet, over by the door. [LB1028]

SENATOR CORNETT: It's like a classroom, isn't it. [LB1028]

SENATOR ADAMS: It's just like my classroom. And we'll go ahead and let you testify and then you can fill that out and hand it to Becki, okay? [LB1028]

RHONDA STUBERG: Okay. Well I wasn't going to say anything either, but I just couldn't stand it. It's been ten years and I just had to get back up here again. Ten years ago I worked... [LB1028]

SENATOR ADAMS: Could you state your name and spell it for the record? [LB1028]

RHONDA STUBERG: RHONDA STUBERG, R-h-o-n-d-a Stuberg S-t-u-b-e-r-g. [LB1028]

SENATOR ADAMS: Thank you. [LB1028]

RHONDA STUBERG: And I was an advocate at that point in time for charter legislation and worked very hard to get charter legislation passed and it didn't happen. So I ended up starting a school of my own in north Omaha and it's called Apollos Prep School and I felt a great need for it because of the kids that I work with don't get their needs met where they've been in the past. And I worked for kids in residential treatment facilities like Boys Town and Cooper Village and Uta Halee and all those different places and I saw that they just didn't fit. And I wanted to do something about it; so when I didn't get the charter legislation, I started the private school. I've been doing that for ten years and

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I'm also now...I'm on the same campus on 45th and Bedford as the Omaha Street School and I'm their principal also. So I see a lot of kids that just haven't made it in other public schools. That doesn't say the public schools aren't doing a good job, you know, again it isn't competition, it's...there's so many kids that are dropping out and not making it that I just couldn't sit around and see that happen and I figured there would be some way that I could open a school and help some of those kids that weren't getting the help they needed. And I feel that we're doing a good job; but the toughest thing is money. You know, we spend a lot of our time asking people for money that, you know, that effort could probably be spent more on finding better curriculum and, you know, just doing the things you need to do to have a good facility for the kids and so forth and so on. So I'm just saying that a charter law would allow for some of those kinds of things to happen for those kids that are falling through the cracks and there's a lot of them. If you look at some of the results from testing and so forth, there's still, in certain areas of the state, that are like 49 percent that are below a proficient reading level. There's something wrong there; there's something...there should be some different ways that we can reach these kids. And I would just ask you to consider those possibilities, because they are working in other places; otherwise, we wouldn't have seen the increase. They're continuing to grow; they had just gotten started when I first started doing my research on it. I'm a little rusty on what's going on out there now, but they are expanding and growing and I would say that if that's the case, why, you know, why shouldn't they still be around and still growing? So it should be something you should really seriously think about. [LB1028]

SENATOR ADAMS: Are there questions? Senator Sullivan. [LB1028]

SENATOR SULLIVAN: Thank you. So you are a private, nonprofit? [LB1028]

RHONDA STUBERG: Yes. [LB1028]

SENATOR SULLIVAN: Okay. [LB1028]

RHONDA STUBERG: And the school that I started was for preschool, or, is for preschool and elementary age kids and we average about 30. So it's very small and the biggest problem that I have is the population that I serve is low income. So oftentimes they have relatives help them pay for the tuition and so forth. It's just...it's difficult. [LB1028]

SENATOR SULLIVAN: Thank you. [LB1028]

SENATOR ADAMS: Senator Avery. [LB1028]

SENATOR AVERY: How many teachers do you have? [LB1028]

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RHONDA STUBERG: Well we have 30 kids so I have a preschool teacher and I have an elementary teacher and since the...I did have four teachers, but I had to let two of them go because of the last year or so, I think economy had something to do with it. You know, we lost students so I had to get rid of teachers; and it's just kind of a...an up and down thing. [LB1028]

SENATOR AVERY: So how do your...you say your students come from low income families; how do they pay for the tuition? [LB1028]

RHONDA STUBERG: Good question? [LB1028]

SENATOR AVERY: Do you have scholarships? [LB1028]

RHONDA STUBERG: Well there is scholarships. I have some that have children scholarship to the Children Scholarship Fund that's here. They still have to pay a little bit of tuition and usually they just...I don't know, family members pitch in and help. It's very low; it's on a sliding scale. It's not very much. [LB1028]

SENATOR AVERY: Do you have a way of evaluating the performance of these students? Do you track them as they go beyond your school... [LB1028]

RHONDA STUBERG: Uh, no. [LB1028]

SENATOR AVERY: ...into higher grades... [LB1028]

RHONDA STUBERG: No. [LB1028]

SENATOR AVERY: ...to see how well they're doing? [LB1028]

RHONDA STUBERG: No. But I do test them. [LB1028]

SENATOR AVERY: So you don't really know if you're doing a good job or not. [LB1028]

RHONDA STUBERG: I test them annually. Yes. With a...every year. I test them with CAT Scores. [LB1028]

SENATOR AVERY: But you know how they're doing when they leave your school... [LB1028]

RHONDA STUBERG: Yes, yes. [LB1028]

SENATOR AVERY: ...but you don't know how they do after that? [LB1028]

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RHONDA STUBERG: No, there's really no way to track them. [LB1028]

SENATOR AVERY: That would be good information to have. [LB1028]

RHONDA STUBERG: Um-hum, it would. [LB1028]

SENATOR AVERY: Because you're testifying in the neutral capacity, but I suspect that you... [LB1028]

RHONDA STUBERG: Well I'm neutral because I'm not, obviously, this particular law would not help the urban areas because of the distance. [LB1028]

SENATOR AVERY: The seven-mile rule. Yeah. Okay, thank you. [LB1028]

RHONDA STUBERG: Yeah. Um-hum. [LB1028]

SENATOR ADAMS: Are there other questions? Senator Ashford. [LB1028]

SENATOR ASHFORD: Rhonda, I've known you a long time and you have done miraculous work and the...in north Omaha and the dropout rate is horrendous. And so all I know is I know what you have done; what you have accomplished and I'm sure many of those children have succeeded in the last ten years since leaving your school. [LB1028]

RHONDA STUBERG: Well the preschool we're hoping will catch some of those kids, because, typically, you know, your dropout status doesn't start at seventh or eighth grade. [LB1028]

SENATOR ASHFORD: Right. [LB1028]

RHONDA STUBERG: It's...they've started to fail in their reading skills way back in second and third grade and if you can start...I see amazing things. I didn't know that kids could learn so much in preschool. But if you get them reading-ready at that point in time, you just see them sail. And then you're not going to have those problems. [LB1028]

SENATOR ASHFORD: Right. And so many of them come to you that are...and they're not...they are behind and you have to bring them up to that level. Isn't that generally correct? [LB1028]

RHONDA STUBERG: Yes, yes. They need a lot of one-on-one. [LB1028]

SENATOR ASHFORD: Yeah. [LB1028]

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RHONDA STUBERG: The high school is a whole different story. I mean, often times...we do graduate kids, we are accredited...or I guess...approved, this...with Rule 14. But they're...a lot of them are so far behind by the time they get there, you know, we do the best we can. We graduate some; others will get to where they feel really good about themselves and they go back to the public school. And so it's kind of a nice little... [LB1028]

SENATOR ASHFORD: I mean, one of the things, Mr. Chairman, that is just amazing in this state is how little data we have and how hard and how difficult it is to access what Rhonda has been able to accomplish. It would be so important for us in this committee to know how those children did and what were some of the things that you did, which I know are very positive, what did that mean to those children going forward? I think...sometimes I think we're afraid of getting information... [LB1028]

RHONDA STUBERG: It's tough to get information... [LB1028]

SENATOR ASHFORD: Yeah, very tough. [LB1028]

RHONDA STUBERG: ...because it's such a transient group. [LB1028]

SENATOR ASHFORD: And that's because we don't...well that there, they're mobile... [LB1028]

RHONDA STUBERG: Yes. [LB1028]

SENATOR AVERY: ...and they go from school to school to school, but that's the challenge. But without the data, it's difficult. But anyway, thank you for what you do. [LB1028]

RHONDA STUBERG: I love my job. [LB1028]

SENATOR ADAMS: Are there other questions? Thank you. Appreciate it. [LB1028]

RHONDA STUBERG: Um-hum. [LB1028]

SENATOR ADAMS: Are there...is there any more neutral testimony? Senator Louden to close then. [LB1028]

SENATOR LOUDEN: Well thank you, Senator Adams, and members of the committee. I thank you for your attention to this matter. Also thank the testifiers today. I thank some of them more than I would thank some of the other ones. (laughter) I call it like I see it. Also while I'm at it, there was some testimony that was in opposition that questioned

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about Gordon Rushville closing some schools and I hadn't hear that yet. And they also testified that they receive \$800,000 of state aid for elementary site allowance and I don't think that's right either because last year they didn't get any state aid and this year they were entitled to some, but I don't think it's \$800,000 because that school that they're closing up by Hay Springs, we're told they would get \$76,000 in elementary site allowance and that included 21 students. So, there was a question about where the numbers come from. I'd be interested to find out if those were exactly correct. When we talk about LB1028, I think it was brought up that it wasn't something that would work all over the state of Nebraska. And perhaps it wouldn't, but we try to make it work the best we can; but I can tell you what, it will work a lot better than LB126 did all over the state of Nebraska because LB126 is actually plum destroyed elementary education out in our rural areas of the Sandhills. We did away with all those independent districts they called Class 1s that were under the high school district supervision. I mean, they were a K-12 district and with local control on those local areas and so we didn't have all this mileage and this busing that goes on. And I do notice that they talked about the funding. I think the Department of Education person mentioned it would be taking money from public schools and really it isn't taking any money; in fact, it's probably bringing more money into the state of Nebraska because in order to operate these schools they have to apply for some grant money; so there's more money actually would be coming into that district for the same amount of students because all the money that those students will receive from the district is really the money they're entitled to and that's a cost per pupil that goes with the student. In other words, as one of the testifiers said here towards the last that the money follows the student and that's...that's all it's all about. They're not taking any more; not taking any less. If they don't go to the charter school, they'll go back to the original school in their district and that's the money that...that's the cost per pupil in there. So I don't see it as it's taking money away from the public school system at all. And as far as any concern about getting the smarter kids coming to these, I don't think that will happen because we're talking about rural areas where there isn't any place else to go to school. And I know there's concern about if they start one of them, then you'll have people coming from miles away to put their kid in that charter school. Well the way the bill is written, you got be within about seven miles; if you're living within seven miles of another school, why that would kind of put you out of the picture, near as I can understand the way we tried to describe the bill. With that, and then the Department of Education mentioned that they didn't...they concerned about the additional expense that they would have to create a...that would be created for the Department of Education and I guess the first thing that popped into my mind when they said it would additional expense; good lord, they closed, what, two hundred and some Class 1 schools. They're down to 253 districts now; so why do we have additional expense? You should have been able to let go of a bunch of people if you cut your numbers of school districts in two. But I'm sure they didn't; but nonetheless, I wouldn't see where that would impact that Department of Education any. With that, why I thank you for your attention. If this isn't exactly the right way to go about this, I think if you can see ways to amend it or something, I have no problem with that. But I do think we have to do something and we

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don't have charter school legislation in Nebraska now, the way I read it anyway. And so I think something needs to be done. We need to address the problems that we have out there in those rural areas of letting people form their own districts. And when you mention why, as some of them mentioned that they...school boards should be the ones to allow those districts to be formed, well when you stop and think, the districts are the one that closed the school to start with. So that's the reason it was set up that they would...these charter schools would petition the State Board of Education was a way to get the thing started. I think it is something that somewhere the gentleman said we have to think outside the box. And somewhere along the line, you're going to have to do something. We can't sit here for now, it's been what, about six years now, we've sat here and said, no, we're going to run it just like we are; the cost has went up, what, 40 percent or whatever, and we have fewer teachers, probably have fewer students. I didn't look the number up on the students; but what we're doing probably isn't going down the right road. So, somewhere along the line, fellas, you're going to have to grab the steering wheel and see if we can divert a train wreck. With that I would answer any questions and thank you for your time. [LB1028]

SENATOR ADAMS: All right. Are there any final questions for Senator Louden? Thank you, sir. [LB1028]

SENATOR LOUDEN: You bet. Thank you. [LB1028]

SENATOR ADAMS: Thank will close the hearing on LB1028 and we'll proceed on, Senator Haar, with LB920. As we're making this transition, may I see a show of hands of how many people wish to testify on LB920? Am I seeing all the hands on LB920? John Bonaiuto, you going to testify on LB920? (laughter) All right. Okay. Thank you. Senator Haar, you're up. [LB1028]

SENATOR HAAR: Chairman Adams and members of the committee, my name is Ken Haar, K-e-n H-a-a-r and I represent District 21. I want to start off by talking about health and safety. There's a program that DHHS has called "Walk to School". It's an opportunity to make walking and bicycling...walking and bicycling safer for children and to increase the number of children who choose to walk and bicycle. And some of the goals that should remind everyone of the tremendous health benefits of regular daily walking and to encourage youth to actively commute to school. In other words, walk or bike. And I found a press release from October 2 of last year in which the mayor and the Nebraska's First Lady and Lincoln Public Schools superintendent all attended this event encouraging the public to participate in International Walk to School Day. The annual event promotes pedestrian safety, physical activity, and concern for the environment and so on. And then there's the International Walk to School organization and so on. Okay, that's a great picture; getting kids to walk and bike more because as we know the rate of obesity is increasing in the United States and kids are spending much more time watching television when they should be walking and bicycling. That's a great picture.

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Okay, now here...and in fact, Lincoln...the city of Lincoln is working with Lincoln Public Schools to get...encourage kids to walk and bike to school. Okay, now contrast this with highway...with the new Schoo middle school where if you walk to school or bike to school and this is in middle school that you have to cross Highway 34 and Fletcher. That's when I come in everyday from Malcolm; traffic is coming up to that traffic light at 60 miles an hour; there's a time of the year when the sun is shining right in your eyes; when you go home...or when you come to work and when you go home. And the traffic...or the school has encouraged and they're working with parents to...really, as the only way to get the kids safely to school is to drive their kids to school. So they're carpooling their kids to school to get them from the Highlands, and so on, to Schoo Middle School safely. It's also created traffic jams because once you get to Schoo Middle Schools there's also YMCA building to it and so there's people going to YMCA and kids going to school and parents are carpooling them and it's a lot of traffic. And so the school has encouraged parents to drive their kids to school. Well, there are a lot of parents in that neighborhood who would like to see their kids walk and bike to school and these are middle school kids who don't always have the best judgement unfortunately. And so I got very interested in this issue; fairly emotionally interested in this issue because these are our kids walking and biking safely to school. And so I had a number of meetings. At one meeting I had some parents, I had somebody from the Lincoln Public Schools, somebody from the city, somebody from the county, and somebody from the state. And folks, it was like a circular firing squad. Everybody pointed at everybody else and said, it's not my problem. The school said our only responsibility is once the kids get into school. We don't want to be building roads and sidewalks. The city said, gee, you should have let us know that you were building a new school in plenty of time to get all this done. And the county was sort of saying, well, we really didn't know about it. And so the parents are sitting there and they're still concerned, even though nobody has responsibility for getting their kids who walk and bike safely to school. In fact, we had one city engineers at one of the meetings who said, you know what, if people just...if motorists and students followed all the rules, we wouldn't have any problems. Here's traffic coming 60 miles an hour up to a stop light and, of course, there's a crosswalk there and kids can see the stop light and this traffic engineer's approach was if everybody followed the rules, we wouldn't have a problem. Well if everybody followed all the rules, we wouldn't have police, we wouldn't have state patrol and all those other things. Well, usually I don't rant and rave too much, but at one of the meetings I think I ranted and raved and said, by god, somebody's got to take responsibility for this safety of these children who want to walk and bike to school. And to his credit, Mayor Beutler stepped up and said I will establish a speed zone and so when the weather clears up and stuff like that, there will be a light that slows traffic from 60 miles an hour to 45 miles an hour near that intersection and just recently the city is going to try running a bus that will run through the neighborhood and then go to school...Schoo School and come back. So I want to really thank the Mayor for doing that. The final solution is probably some kind of overpass that will go over Highway 34 including traffic to get in and out of Fallbrook from the Highlands, but that's a number of

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years away. So I got very, like I say, emotional involved in this issue in my district and then I find out that there are other places like if your kids go to Roper and I think Roper is the correct school, it's south Lincoln, if they want to walk to school, they have to walk in a ditch to get to school, otherwise, parents have to transport them by car. And so we thought and I talked to the parents a lot, I attended a number of meetings, and there's an interesting model and when a new school is built the fire marshal has to come in and okay that school, otherwise it can't open. And so this bill is an attempt of similar kind of model to say that basically there has to be a plan and that plan has to be implemented for the safety of children and motorists before a school can open. The second part, if you look at the statement of intent, would be to require each school board to create a transportation safety committee to look at current issues and issue a report in 2013. For example, that would point up that in Roper School if your kids want to ride or, you know, if they want to walk to school, I guess they could ride in the road, but if they want to walk to school, they have to walk in a ditch, okay. To identify those places where it's not safe for children. Now for a new school, they would have to have, again, transportation safety committee come up with a plan and that plan would have to be adopted and implemented before this new school could open. Again, back to the whole idea, we're trying to get kids to walk and bicycle to school; we want that to happen safely, even if they're too far to walk or bike, it has to be safe. I know there's going to be a lot of opposition from various entities of government who will either tell you it's already happening or it's not necessary, but I would say if it's already happening, how could School School open with kids having to cross Highway 34 with traffic coming at them at 60 miles an hour? Now, I know this bill will not go anywhere this year because it's not a priority bill of mine; I have a different priority bill and it won't be a priority bill of the committee and I really didn't try very hard to recruit supporters, but I'll be back next year with a room full of parents and we'll bring this up again next year. Thank you very much. I'd be happy to answer any questions. [LB920]

SENATOR HOWARD: Thank you, Senator Haar. Do we have questions for Senator Haar? Yes, Senator Sullivan. [LB920]

SENATOR SULLIVAN: Thank you, Senator Haar. So why should it be the state's responsibility as opposed to the local school district's? [LB920]

SENATOR HAAR: Well because the local school districts aren't taking care of it. And so I think it has...it...I think it can be a similar mandate just the way we mandate certain things in curriculum and so on. I think the safety of our children is a state mandate. I mean, deserves a state mandate. And again, if we didn't kids walking through the ditches to get to Roper or, you know, having to cross Highway 34, then I would say great, let's not bother with this. But I think it's one of those cases where we as a legislature have to step up and say, this is something you have to do; just like the fire marshal has to approve a school before it can open. [LB920]

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SENATOR SULLIVAN: You've indicated that obviously you're going to keep working on this;... [LB920]

SENATOR HAAR: Yep. [LB920]

SENATOR SULLIVAN: ...and will bring some parents with you next year. In the interim, do you think that maybe that in itself might prompt the local school district to take some action? [LB920]

SENATOR HAAR: I don't know. I would hope so, but again, and, you know, some of this isn't really anybody's fault, but everybody gets so busy and the city is so busy with its issues and the county is busy with its issues and the county has done some road construction out there to make School work, sort of after, you know, they did that relatively shortly before the school opened. Some of the sidewalks, you couldn't even walk all the way until right before school opened and those kinds of things. So this is just saying, you have to have a plan in place; it has to be implemented and then you can open the school. The fire marshal can come in and do that approval and then you can open the school; because I think that all these government bodies share the responsibility of safety for children: not just the city; not just the county; not just the schools. [LB920]

SENATOR SULLIVAN: Thank you. [LB920]

SENATOR HAAR: Yep. [LB920]

SENATOR HOWARD: Any other questions? Senator Avery. [LB920]

SENATOR AVERY: Thank you. [LB920]

SENATOR HOWARD: I read your mind. [LB920]

SENATOR AVERY: Did you talk to LPS about this bill? Did you have a conversation with the...anybody in the LPS administration about what they might be doing or what they might be contemplating. [LB920]

SENATOR HAAR: Oh we talked a lot about this bill, I mean not this bill, but about the situation to begin with. And, in fact, it was the...you know, not to single anyone out here, but it was the Lincoln Public Schools that said, basically, we don't have any responsibility until the kid gets to the building. Our, you know, safety getting to the school is the city's. And then the city says: well, but you're building way out there, you know, on the edge of town. And the county said, we didn't know this is happening. And so, and really the State Department of Roads doesn't have any responsibility, I think. I think it's got to be the schools, the city, and the county, you know, that are responsible

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for the safety of children. [LB920]

SENATOR AVERY: Is this a case of passing the buck? [LB920]

SENATOR HAAR: Well I use the word circular firing squad; I guess that's passing the buck. [LB920]

SENATOR AVERY: Circular firing squad everybody dies. [LB920]

SENATOR HAAR: Well I hope that's not the case. But the point is, yeah, I felt it was passing the buck. And again, eventually, Mayor Beutler stepped up. You know, and again, the schools were...the schools stepped up in as far as they were encouraging carpooling among the parents to get the kids to school. And the county, I believe, eventually will be participating in building the overpass that's required and the city will be too. There's even been a suggestion that maybe the city of Lincoln will look at all those areas in Lincoln where it's not safe for children to get to school and do one bond issue, you know, something...and fix those problems. So, yeah, it's kind of...we're saying, hey, the responsibility is with everyone and that's why if you look at this committee we've set up in the bill, and this may not be perfect, but we have somebody from the school board, from the PTA, city council, county board, chief of police, sheriff for the county, county engineer, city engineer. You don't just want to leave this stuff up to engineers, because they have books of rules. And again, it showed that that was a safe place to have kids cross. And so at some point you have to...as I ranted and raved and said, but where's the common sense? You know, where's the common sense in this situation? [LB920]

SENATOR AVERY: They used to have in the old days safety patrols. [LB920]

SENATOR HAAR: Right. In some schools, by the way, still do that and what we suggested at one of the meetings is that why doesn't the school run a bus through the neighborhood and then go to School School? Well, we don't have the money for that. Why doesn't the city do it? Well, because we don't have ridership. Now the city is going to try that. Why don't we have the safety guards? Well, because that puts an insurance burden on the schools. And I know there were a lot of places around the nation where they still have safety guards, they have parents, even some of the local public schools, one of the elementary schools I visited has parents are out there in their orange vests with a stop sign. [LB920]

SENATOR AVERY: Why are you so pessimistic about this bill? [LB920]

SENATOR HAAR: Uh, well, maybe I shouldn't be, but I did not prioritize this bill; that's why I'm saying, yeah, if it doesn't go this year, we'll be back next year with a room full of parents. Maybe next year it will be my priority bill. [LB920]

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SENATOR HOWARD: Any other questions? I don't see any. Oh, Bob, I'm sorry. [LB920]

SENATOR GIESE: Thank you, Senator Howard. [LB920]

SENATOR HOWARD: You bet. [LB920]

SENATOR GIESE: Senator Haar, I understand the merits of the bill, but one thing that I have learned and I'm sure all the education committee members are aware of that the thing that we hear over and over again from school boards are don't give us any more mandates and don't really tell us what we need to do. So, in that light, I think a better approach to the bill, possibly, would be that instead of going back and having school boards create a...and not that there's anything wrong with these committees, but just don't make it retroactive. Say as of 2013 you have to let the city know if you're going to build a school and take it; because we already have roads, that whole, you know, highways and bad situations like you're talking about exactly. But I think to go back and fix those and have a plan to do that is (inaudible) really that task is tough. [LB920]

SENATOR HAAR: Well, in response to that, again to my surprise, I found out that to get to Roper School kids have to walk...some of the kids have to walk through a ditch to get there if they want to walk. And so this uncovered other places. One of the excuses I heard and I just call this an excuse is, well, there are other places where it's not safe for kids either, you know. Okay, let's make a list of those places and let's take care of those. And so that's the purpose of that. We gave it until 2013 because that gives some time for this to happen. And actually, I think, ultimately, the pressure is going to come when these reports are published and parents see that there are places where their children are not safe. I also feel that this drive to get kids to walk and bike is just beginning and it's going to continue to grow because we have so much obesity. And I know that...I believe it's at Roper School, in fact, where one of the doctors, you maybe met him, Bob Rhoner (phonetic) and a number of people are working at that school to work on obesity, you know, specifically with parents and teachers and students and so, you know, walk through the ditch to get to school. [LB920]

SENATOR ADAMS: Any other questions for Senator Haar? All right, thank you, sir. [LB920]

SENATOR HAAR: Okay. [LB920]

SENATOR ADAMS: We will take proponents to the bill. [LB920]

SENATOR HAAR: Mr. Chair, I have a 4:00 phone call I must make, so I may be leaving. [LB920]

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SENATOR ADAMS: Okay. Are there proponents to the bill? Well then, opponents to the bill? Welcome. [LB920]

TOM HAMERNIK: (Exhibit 6) Good afternoon, Senator Adams and members of the Education Committee. My name is Tom Hamernik, H-a-m-e-r-n-i-k and I'm the school board president at Clarkson Public Schools and also a member of the Nebraska School Boards Association Legislation Committee. I do appreciate the opportunity to visit with you here today about LB920 and I am standing in a position of opposition to it. I, as a school board member and emergency medical technician and a grandparent, student safety is my top concern in and around the district. And I think within, especially our community, and I'm sure most other communities, it's a concern for our city council and our...all of the organizations within the city. And in that vein we worked very hard to try and resolve any issues that might arise. I'm not going to read all of my testimony; I know that you have a lot of testifiers left; but in Clarkson we have been working on a Safe Routes to School Grant for four years and we just found out that we had received it. We have one in Cross Street that funnels into the school that did not have a sidewalk and that was a problem and has been a problem for a long time. And we had cooperation from parents, from our parochial school, from our city council members, from businesses within our communities, and within our own fire and rescue department to try and push that and provide information to try and move that forward. It was about a \$300,000 project and without some sort of financial assistance, it simply wasn't possible to make that improvement in the city. As I said, I think there's a conscientious effort across our community and others to resolve transportation issues. Our parents have access to school administrators; the school board takes public participation at every month; the city council is accessible to our patrons, and so I believe there are avenues to resolve these issues. I understand Senator Haar's concern. I sympathize with it. I think in those cases we just have to bring pressure to bear on those entities to try and get that resolved. It is unfortunate that the decision was made in that case without the input of all the interested parties to not have a better transportation situation. But I don't believe that creating a state mandate for every school across the state of Nebraska and create this extensive committee structure; most of...many of our counties do not have county engineers; our cities don't have city engineers; those people are on retainer. In the case of the city of Clarkson, they have an engineer that comes from Wahoo at \$135 an hour. Recently they did a grading issue on a road project that for one meeting in Lincoln the preparation and the trip for that meeting cost the city \$1,400 and for...that's a big deal for a city the size of Clarkson and other communities of that stature. And so I think...I think it is...can be a lot of money to ask for the professional services and the preparation and things like that and to do it on an annual basis. Recently a Colfax County worked through our LEOP, local emergency planning...operations plan, it's a requirement by state law for our emergency services, that committee, there were 14 representatives, that committee we met 6 times over 10 months on our county operations plan. And hadn't we all...almost all been volunteers, the travel to those meetings it would have been a very expensive process for the county. And I think that's

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a very similar organizational structure to what's outlined in LB920. I do, however, believe that developing a student transportation plan for a new facility is very important and while I don't feel that the committee structure needs to be as extensive as outlined in LB920, I do think it needs to be a consideration and there are ways to have input...to have communications and input from the city and the county and all of the organizations that would be involved in providing safe transportation and safe routes to school for kids. And with that I'll close. I thank you for...thank you for your...the opportunity to speak with you and I thank you for your service to the citizens of Nebraska. [LB920]

SENATOR ADAMS: Are there questions? Senator Sullivan. [LB920]

SENATOR SULLIVAN: Thank you very much, Tom. Could you tell me again, or maybe you did, where you received the grant monies for your improvements? [LB920]

TOM HAMERNIK: I think it's a federal Safe Routes to School Grant and it is to promote walking and biking to school. [LB920]

SENATOR SULLIVAN: Very good. Thank you. [LB920]

SENATOR ADAMS: Other questions? Seeing none, thank you, sir. Next opponent. [LB920]

SCOTT WIESKAMP: Good afternoon, Chairman Adams and members of the committee. My name is Scott Wieskamp, S-c-o-t-t W-i-e-s-k-a-m-p. I am the director of facilities and maintenance for Lincoln Public Schools. I appreciate the opportunity to be here. I appreciate Senator Haar's bill here; it is a very important bill. I don't think anybody in this room would disagree that the safety of the children of Nebraska, regardless of the school district, is important to all of us. My background is architecture and planning and I design and develop school buildings across the state for 15 years prior to coming to Lincoln Public Schools 11 years ago. So I've been in this position for 11 years. I will say that planning is very important part of Lincoln Public School's process and a year after I took my position 10 years ago, I started up a conversation with the Lincoln/Lancaster County Planning Department and Steve Henrichson specifically. Since that time, for 10 years, on a monthly basis, Lincoln Public Schools hosts a meeting, a collaboration of government organization representatives. It is facilitated by the planning department at a staff level. On occasion the directors of some of those departments attend. This includes public works, which would be utilities and transportation; it includes people from planning; from parks and rec., from city libraries, Lincoln City Y, so a number of organizations are represented at that table on a monthly basis. Two years prior to the bond issue that we passed in February of 2006, we did a master plan update of all of our facilities and shortly thereafter, Doctor Gourley, our superintendent of schools created a student housing task force to start to develop the criteria for facility needs throughout our district. And we put together a plan of projects

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that would be part of that bond issue. That bond issue passed in February of 2006. Probably six months prior to that, the list of projects that would be on that bond issue was public; and even prior to that, this committee was continually to regularly meet on a monthly basis and talk about all of those projects. So it's not like this was new news to people within city government or county government or any other entities that were part of that process. That all being said, I will say that we, from a team perspective, are just as much a part of solving the problem as anyone else that I listed. We feel that deeply; we feel that on every project. My daily...my job daily is problem solving and these problems don't exist just based on one school being built; they happen every day. And so if we want to talk about this bill, one reason why we were opposed, and I don't envy your position, is the complexity of creating a bill or a law that impacts a small town that has a highway that bisects a small town; no different than a highway in north Lincoln or a railroad or any other obstacle. We have a number of attendance areas in our city that are bisected by highways: Highway 2, 84th Street, Cornhusker Highway, a number of our attendance areas are bisected by highways or main arterials or railroad tracks, and so we work very closely with the city to look at safe routes to schools. Are they perfect? By no means. It really takes a lot of effort, based on the school districts' part, on parents' part, on school administrators' parts to work out safe plans. But we can't control that 100 percent, but we work very hard to try to solve those problems. That's an important part of our job. As we plan new schools, cities are a lot different today; the density of cities years ago, a neighborhood school was not uncommon and you could walk to school; but with urbanization today, residential units are far more spread out and the size of an attendance area is much larger and you typically are going to have major barriers to cross; that kids are going to need to cross. And if we had to put a bridge over every one of those or a tunnel under each one of those, that would be a very expensive investment on the city's part. So, don't get me wrong; we'll take credit or whatever for our part of the problem and we'll sit at the table to solve those problems. But it is a very difficult problem to solve because we have in excess of 60 buildings and if we have to do that plan every year, that would be very cumbersome; it would take a lot of effort, a lot of staff effort; not just us, city, county, and a number of other organizations that are mentioned in that bill. So with that I'd be happy to answer any questions. [LB920]

SENATOR ADAMS: All right. Are there questions for this testifier? How accommodating is the city? When you sit down; and I'm not saying that just about Lincoln, but all cities, but you only know Lincoln, so when you sit down and you're revamping a school or you're building a school and you say to the city we need sidewalks here; it's off school property so it's not part of our bond issue; but we need sidewalks here and the city has the authority to create a sidewalk district or do the sidewalks themselves or impose an assessment, how accommodating? [LB920]

SCOTT WIESKAMP: I would say the city is very accommodating. I mean, the bottom line is it comes down to money a lot of times. But for instance the Roper situation where it was mentioned that kids walk in a ditch; that's West A Street. But when Roper opened

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and that was 15 years ago, and we looked at the developments to the west, we looked at safe walk to school routes and there is a sidewalk or sidewalks that you can travel from every location out there to get to that building. Is it the shortest route? Maybe not, but kids can take that sidewalk to get to that building; they do not have to walk in a ditch. So we look at those things very closely with the city and work very hard to try to accommodate. And like I said, it's not rocket science and it's not perfect in every problem that we solve; but they work very well with us and we do the best we can and the last thing we'd want is for some child to get hurt. I mean, that's the bottom line, I think we all feel that way, so they are very accommodating. [LB920]

SENATOR ADAMS: Thank you. Are there other questions? Thank you, sir. [LB920]

SCOTT WIESKAMP: You're welcome. [LB920]

SENATOR ADAMS: Are there other opponents? Welcome. [LB920]

DAVID GRIMES: (Exhibit 7) Good afternoon. Thank you for allowing me to speak. I'm David Grimes, D-a-v-i-d G-r-i-m-e-s. I'm a farmer and a parent of four children; two that are still public school students in 8th and 10th grade and I'm also a member of the Raymond Central School Board and our school is a member of the Nebraska Association of School Boards and I'm here also speaking on their behalf this afternoon. I'm here to support school safety and to speak against LB920. Thank you. I'd like to tell...speak as briefly and quickly as I can organize my thoughts here to try to explain how we deal with transportation and the safety of our students at our school and how that relates to this bill and to try to persuade you that not only is LB920 not necessary, but I believe would be an inhibitor and a detriment to providing a safe transportation for school students. I'm also...our school board has subcommittees and I'm the chairman of the transportation subcommittee of our school board. How we handle safety issues and transportation safety issues and I guess also I should briefly describe our district. Raymond Central is in Lancaster and Saunders County, also includes parts of Butler and Seward County. Mostly we're in Lancaster and Seward County. The two counties are organized a little differently. Lancaster County has commissioners and county engineers; Saunders County still has township boards and so for the...dealing with the roads and things in the community we would get together with the local township board, usually something similar to myself, a farmer or a volunteer. Some of our students walk to school; some of our students walk to a bus stop; and many of our students, probably most of our students ride a school bus and then the older ones would drive to school. We have...our superintendent and our staff take care of the bus routes at school. They go over and try to create the routes that provide for the quickest transportation of students to school and also the safest. We are lucky to have a school resource officer at our school; he is a Lancaster County Sheriff's Deputy who splits his time between our school and a neighboring school and he's also a good resource if we have some problems with some traffic issues or safety issues. Again, how do we deal with

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transportation safety issues? Again, we have a transportation committee that's three school board members and we meet two or three times a year to go over everything from if the buses are wore out replacing them to dealing with things involved in getting...the transporting of kids to activities and to school. The superintendent and sometimes principals and the appropriate staff meet with us. Whenever a parent or any patron has a concern about safety as kids getting to schools, they either contact the principal at the school or the superintendent and I've also gotten calls. Whenever I get a call from a parent about any concern, I advise them...or ask them if they've contacted the school and then I also tell them that if it's all right with them I always take that concern to our superintendent and so that he can deal with it. When we have a problem with any type of transportation issue at the school, we'll...we have a lot of people we contact and we've...in my experience and being on the school board nine years, if we contact somebody with a concern about the safety of the kids, they always seem to act fast. You know, if I call the county and say my road doesn't have enough rock, maybe someday I get some rock. If a school bus driver, and this happened last week, goes up my road and about gets stuck in the morning; by that afternoon there's a load of rock dumped on that hill. We also contact and deal with the village clerk and the town boards. Our buses are inspected regularly by statute. All bus drivers are required to have commercial drivers' licenses. They submit to drug tests and of course are tested, background tests. My time is getting close to the end already, so I'll try to sum things up. It seems like a bill like this is trying to take some local control away from our local community and our school board and we believe that issues that are locally are addressed and dealt with best on a local level. All of the long list of people that are suggested to be on the safety committee are already at our disposal. If we have a problem and need something done, we can already contact them and they've always seemed to be responsive. I think it's wrong to try to react to a bad situation or a bad happening with a bill that affects the whole state. And I think a bill like this grows local government in a way that it sort of becomes bloated and it becomes...just makes it more difficult. A bill like this basically just would make our local governments more expensive, less efficient and much more unresponsive or less responsive to problems that arise. We can deal with them much quicker and much better already. Thank you. [LB920]

SENATOR ADAMS: Okay. Are there questions for this testifier? Thank you, sir. More opposition? [LB920]

JACK CHELOHA: Good afternoon, Chairman Adams, members of the Education Committee, my name is Jack Cheloha, first name is spelled J-a-c-k, the last name is spelled C-h-e-l-o-h-a. I'm the registered lobbyist for the city of Omaha. I want to testify in opposition to LB920 today. As the lobbyist for the city of Omaha I look at the bills; see if there's any interest in them; and then ultimately try to get them out to the appropriate city personnel to see, you know, what their interest is and then we formulate what position we'll take. So in this bill, as I read it, it requires our police chief to be a member of this committee, as well as the city council representative, when I heard back from my

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city council president I was refreshed by his honesty when he said: I'm not sure I would add anything to the committee. Normally most elected people think that they can solve a lot of problems or help out, but his response was I don't think I would contribute much, so I don't know why I would be on this. And so with that, at first I thought, well, that's fine, we can see if we can remove the council rep and just be neutral, but then I heard from my police chief and for the city of Omaha the police chief would be required to be not on one, not on two, not on three, but on four of these based on the overlapping districts within the city of Omaha. And so that it would really be a requirement on his time. You know, everybody is concerned a child's safety and we all want our children and residents of our city to be safe no matter where they go; we work, you know, with our schools regarding the development of the districts. Our traffic engineers are at their disposal to help deal with traffic flow. At numerous sites we'll have, you know, one-way traffic in the morning and then it will go the other direction in the evening to make pickup easier. We work with the schools regarding having...what do we call them, school resource officers. Those are more in line with safety issues within the school itself, but they're available to consult on traffic safety. You know, just because of the fact that we see this as an unfunded mandate and maybe establishing some type of bureaucracy that we really don't feel is necessary for those reasons the city of Omaha opposes the bill. [LB920]

SENATOR ADAMS: Okay. Thank you, Jack. Strange to see you in an Education hearing. [LB920]

JACK CHELOHA: This is my first appearance in the Education Committee this year. [LB920]

SENATOR ADAMS: Well we should have made it a lot tougher on you then. [LB920]

JACK CHELOHA: Oh, I know. [LB920]

SENATOR ADAMS: Are there questions for Jack? Thank you then. [LB920]

JACK CHELOHA: All right, thank you, sir. [LB920]

SENATOR ADAMS: Any other opposition? [LB920]

LARRY DIX: Senator Adams and members of the committee, for the record, my name is Larry Dix, I'm executive director of the Nebraska Association of County Officials appearing here today in opposition to LB920. Not that we're really opposed to the safety issues, but when I dig through the bill and look at this, a couple things I want to bring up and just point out to everybody. On here we've got a county board member; we have a sheriff; we have a highway superintendent; the example the gentleman gave from Raymond Central is that school district sets in Seward, Butler, and Saunders County. If I

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read this bill right, that allows counties to have six people on this committee as you read it because that's...you read it pretty definitively. We as counties will have more people on the committee than the schools will and so we just don't think that's quite the right basis. The other thing that throughout most of the testimony, we're hearing about what's going on in Lincoln and with Roper and Schoo and this and that, but I got to tell you, when you move outstate Nebraska it doesn't really make sense to have all of these committees and all of these areas where we are not developing; we're not changing any traffic patterns; there's no difference in flow how these kids walk to school, ride to school, get rides to school, what routes the buses go on, things like that, these have been pretty much decided. So I don't want to come here and just complain about a bill; you want to come here and say, well, what can you do better about it? Certainly I think Senator Giese made a point of saying, maybe this should only be looked at in the event that there are new schools, something new planned. I would tell you from the county's perspective, I really don't know why we would necessarily need to have anybody on the committee at all from the county's point of view. I think if there is an issue, certainly the county board is accessible; they can be brought into it. The highway superintendent can be brought into it. Another area that you may look at and say if this school is not being built in the county, if it's inside the city limit, there's no need to have county folks involved in that process. It's just sort of an overkill in that area. So those are the reasons why, you know, we brought up that we just don't think we really even need to be involved in it. Those are the reasons why we're here in opposition. I would tell you I think in the years that I've been executive director, I may have only been in front of the Education Committee one other time; I appreciate being here. With that I'll try to answer any questions anybody has. [LB920]

SENATOR ADAMS: All right. Are there questions for Larry? Anyone? Thank you, Larry. [LB920]

LARRY DIX: Thanks. [LB920]

SENATOR ADAMS: Any other opposition testimony? Neutral testimony? And Senator Haar is not here to close so we will end the hearing on LB920 and, Senator Sullivan, you are welcome to open on LB965. [LB920]

SENATOR SULLIVAN: (Exhibit 8) Good afternoon. Chairman Adams and fellow members of the Education Committee, I'm Senator Kate Sullivan representing the 41st Legislative District here to introduce LB965 which does two things: (1) it clarifies time lines for school boards when filling a vacancy on a school board; and (2) it adds the board member absence requirements to the statues which allow ESU boards to determine board vacancies. These requirements would mirror those used by school boards. The school board vacancy provision in LB965 does not make a major change in the law; it simply adds clarity. The current law for a school board vacancy says that if a vacancy occurs before the primary election in the middle of the vacated term, then a

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replacement shall be nominated at the primary election and be on the ballot in the general election for the remaining two years of the term. This language is confusing and it creates a problem if a vacancy occurs after the nonincumbent filing deadline but before a primary vote. LB965 clarifies this. If the vacancy occurs before the nonincumbent filing deadline, someone will run for the remaining two years of the term. If the vacancy occurs after the nonincumbent filing deadline, the replacement will serve the remainder of the term. This provides clarity to school boards when vacancies occur in the spring. The filing deadline triggers their action, not the primary election. The problem with the current law is that it says: if a vacancy occurs before the primary election, a replacement shall be on the ballot to serve the remaining two years. If this happens before the primary election, but after that nonincumbent filing deadline, two state laws come into conflict. They are in violation of the law if they don't have someone on the ballot, but they can't get someone on the ballot because it's after the nonincumbent filing deadline. The second provision of LB965 deals with the vacancies on educational service unit boards. Not a new subject for this committee, by the way. Current law for school board members says that if a member has more than two unexcused absences from regularly scheduled meetings, state law creates a vacancy in that position. The ESUs would also like this provision to apply to them. LB965 will change the law to apply the same standard to ESUs. So if an ESU board member has more than two unexcused absences from regularly scheduled meetings or a member is absent from the geographical boundaries of the ESU for a continuous period of 60 days at one time, unless excused by a majority of the remaining members, state law will create a vacancy for that position. Now there's another issue that we weren't aware of until Monday. The Westside School District is the only district in the state that uses a caucus system in place of a primary election to select school board candidates who then move on to the general election. You may have seen a small article about these caucuses which actually are being held today. It was in yesterday's Omaha World Herald and I have copies of the story for each of you if a page would like to...thank you. Now, under that situation their patrons then vote for the school board at a special general election held in conjunction with the primary for other offices in May. A little confusing, but it's true. So...and also, in addition, there is a technical amendment that becomes the bill which corrects this oversight in the drafting of the original bill. The technical amendment also adds language to Section 32-570(1) to clarify that a school board can excuse a member for both an absence from the district or missing meetings. That language is also mirrored in Section 79-1217(2). Now I will tell you, you're going to get a copy of this amendment when we go into Exec Session. I encourage you to adopt the technical amendment and advance LB965 to the full Legislature for consideration. It will make the process for filling school board vacancies clearer and provides much needed definition to ESU boards when determining whether a vacancy exists. I think you're going to hear some real live situations in upcoming testimony and also probably some people that can clarify any questions for you. So at this time I thank you for your interest and your time. [LB965]

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SENATOR ADAMS: All right. Thank you, Senator Sullivan. Are there questions for the Senator right now? All right, we'll begin with testimony then. [LB965]

SENATOR SULLIVAN: Thank you. [LB965]

SENATOR ADAMS: Proponent testimony? Welcome. [LB965]

SUZAN DeCAMP: (Exhibit 9) Good afternoon Senator Adams and Education Committee. My name is Suzan DeCamp, S-u-z-a-n D-e-capital-C-a-m-p. I am the school board president at Saint Paul Public Schools and I also serve as the president of the Nebraska Association of School Boards. I'd like to thank you for the opportunity to speak in favor of LB965 and I would like to thank Senator Sullivan for introducing this bill. Actually my testimony mirrors Senator Sullivan's, everything she just said, so I'm not going to add a whole lot. Other than maybe just to clarify; I know elections are held differently across the state of Nebraska, and therefore time lines for filing and deadlines are different. As an example, in my area we must...a nonincumbent must file for election by March 1. The primary election is held in May and then, of course, the general election is in November. So if there's a vacancy on the board that occurs prior to that filing deadline which is prior to March 1, then we would appoint someone to fill that term; but someone would have to run to be elected to fill the rest of that term, that two year period. And so they would have to file by the March 1 deadline. However, the current language does not specifically address what happens if the vacancy occurs between that filing deadline of March 1 and the primary in May. And we've had several calls. I know the Nebraska Association of School Boards' attorney has fielded many calls every spring regarding this situation. The law is not clear and they don't understand how this works. So this actually just clarifies; it puts into words that clarify what happens before the filing deadline and what happens after the filing deadline. If we have a vacancy that occurs between March 1 and the primary in May, we have appointed someone, but they have no way of running for that position and being elected because the deadline for filing has already passed and we have no way of getting anyone else on the ballot because that deadline has already passed. So actually we're in violation of the law because whoever is serving there hasn't run for election so there's a conflict of the two laws that deal with this in that case. I guess that's all I have. In closing I would appreciate your attention to this bill in order for school boards like mine to have some clarity on this and some guidance. I believe it really needs to be clarified. So thank you. I would answer any questions. [LB965]

SENATOR ADAMS: All right. Thank you. Are there questions for this testifier? [LB965]

SUZAN DeCAMP: Okay. [LB965]

SENATOR ADAMS: Thank you. [LB965]

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SUZAN DeCAMP: Thank you. [LB965]

SENATOR ADAMS: Is there more? [LB965]

JOHN WURDEMAN: (Exhibit 10) Chairman Adams and members of the committee, I appreciate the chance to visit with you today about LB965. My name is John Wurdeman, J-o-h-n W-u-r-d-e-m-a-n. I am the Nebraska Association of School Boards immediate past president and a board member at ESU 7 in Columbus. I would like to speak to you today about the provisions of LB965 as it relates to the ESUs and its board members. And to start I'd like to thank Senator Sullivan for agreeing to address this issue and as she already mentioned, it's been a concern for several years as far as how this relates to ESU boards. It's always seemed odd that ESU boards do not have the same provisions dealing with attendance at board meetings its...as school boards in this bill would remedy that situation. LB965 attempts to establish the same requirements for absent ESU members that school boards currently have. The target of the bill is board members who accumulate two or more consecutive, unexcused absences from board meetings or are physically gone outside the ESU for more than 60 days at a time. Now we realize things come up in people's lives which sometimes preclude attendance at these meetings. But there have been situations in the state where people are elected to ESU boards and then are not seen for long periods of times. Getting your absence excused is usually not a big deal once or twice, but when an absence becomes habitual, there should be some recourse for the rest of the governing board. LB965 would provide the same recourse that boards of education have with their absent colleagues. The NASB delegate assembly has passed legislative resolution on educational service unit board attendance which reads as follows: the ESU board members should be subject to the same statutory provisions as school board members relating to board meeting attendance. This bill makes sense and gives ESU boards a vehicle by which they can hold their fellow members accountable and make sure each of its members are engaged and active. We would truly appreciate your adoption of LB965 to help ESU boards navigate a path through these situations as they arise. I have copies of my testimony. Are there any questions? [LB965]

SENATOR ADAMS: All right. Are there questions for this testifier? Guess not, thank you. [LB965]

JOHN WURDEMAN: Okay. Thank you. [LB965]

SENATOR ADAMS: Is there any other testimony, proponent testimony? Is there opposition testimony? Oh, surely. Is there any neutral testimony? Senator Sullivan. [LB965]

SENATOR SULLIVAN: Thank you, Senator Adams. I would simply say that this legislation clarifies statute and makes life easier for school boards and ESUs and I

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would just urge your consideration of it. Thank you. [LB965]

SENATOR ADAMS: All right. Are there any final questions for Senator Sullivan?  
[LB965]

SENATOR ASHFORD: Thanks for taking care of Westside (inaudible). Sometimes I forget (inaudible). Their own senator doesn't look at it. I don't even (inaudible). I know it's important to them to have this caucus, but... [LB965]

SENATOR ADAMS: That will close the hearings for the day and we are going into Executive Session. Thank you all. [LB965]