

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

[LB440 LB547 LB641]

The Committee on Education met at 1:30 p.m. on Monday, February 5, 2007, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB547, LB440, LB641, and gubernatorial appointments. Senators present: Ron Raikes, Chairman; Gail Kopplin, Vice Chairman; Greg Adams; Brad Ashford; Bill Avery; Carroll Burling; Gwen Howard; and Joel Johnson. Senators absent: None. []

SENATOR RAIKES: Good afternoon, and welcome to this hearing of the Education Committee of the Nebraska Legislature. We're pleased you could be here today. We have three bills to hear. They were posted on the outside of the hearing room door, and we will hear them in that order. We are going to have a little bit different procedures today than we sometimes do in order to try our best to accommodate all of those who want to testify, and also at the same time honor your time commitments and try to make things as efficient as we can. We got a confirmation hearing? Oh, okay. Actually the first thing, I will amend my...we do have a confirmation hearing that we're going to...we're going to do that first, right? Okay, we're going to do the confirmation hearing first. But, once we get through with the confirmation hearing, we will proceed to hearing testimony on the three bills. We will do that. We will have the bills introduced by a member of the Legislature. That will be followed by proponent testimony, opponent testimony, and neutral testimony. Now we do use a light system. You, as a testifier, will have three minutes for your testimony, and please try your best to honor that, again, for the benefit of everyone involved for efficient use of the time. When you come to testify, part of your three minutes needs to be used to tell us who you are and to spell your last name, if you would. And the reason for that is that we do transcribe these hearings and we want to do the best job we can with that transcription. Moving on, cell phones, please disable your cell phones so that they aren't an interruption. I don't know of anything else I need to warn you of in advance. Oh, I do too. On the bills today, following the introducer's comments, we will restrict the testimony on each side of the bill, that being proponent, opponent, and neutral, to 45 minutes. Now that doesn't mean you need to take the whole 45 minutes, but once we get through with 45 minutes of testimony on the proponents' side, we will switch to the opponent side and like that. I do need to introduce our committee and the staff. On my far right is our committee's legal counsel, Tammy Barry; next to Tammy is Senator Brad Ashford, from Omaha; next to Senator Ashford is Senator Gwen Howard, also from Omaha; we have Senator Carroll Burling, from Kenesaw; to my immediate right is Matt Blomstedt, who is our research analyst for the committee; I am Ron Raikes, I represent District 25; to my left is our committee's Vice Chair, Senator Gail Kopplin, from Gretna; next we have Senator Greg Adams, from York; next to him Senator Joel Johnson, from Kearney; and then not present quite at the moment is Senator Bill Avery, from Lincoln; and our committee clerk is Kris Valentin. So with that, I guess I should maybe mention for the committee a thought for the day. You know, it seems as though we have some very serious issues to deal with and certainly one of them is today, but when we have the opportunity to claim credit for success, we

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

should do so. And it seems to me at least on a temporary basis, we're on top of this global warming thing (laughter). Okay, let's move to our confirmation hearing, and Larry Teahone. []

LARRY TEAHON: Teahon. []

SENATOR RAIKES: Teahon. Sorry. Larry has been appointed to the Board of Trustees of the Nebraska State College system, term beginning January 5, 2007 to January 1, 2013. As is our custom, Larry, if you would introduce us to yourself and to your interest in this position. [CONFIRMATION]

LARRY TEAHON: Okay. My name is Larry Teahon, L-a-r-r-y T-e-a-h-o-n. I am from Chadron, Nebraska. I am here today to ask for your consideration for reappointment to the Nebraska State College Board of Trustees. Chairman Raikes and members of the committee, I thank you for allowing me this time today. I have served on the board for six years prior to this reappointment. I am the chair of the Fiscal and Facilities Committee at the current time. I look forward to serving the needs of our youth for another six years. I believe in the mission of the Nebraska State College system to keep our enrollment an open system, make it accessible and affordable, and at the end of the day provide a high quality education. I would ask that you look at my resume. It has changed since the first time around. I was the city manager of Chadron when I was appointed back in 2000. The last two years I have worked at Crow Butte Resources in Crawford as the safety environmental health coordinator. With that, I will entertain any questions. [CONFIRMATION]

SENATOR RAIKES: Okay, Larry. Do we have questions for Larry? Senator Burling has one. [CONFIRMATION]

SENATOR BURLING: I don't really have a comment. I just want to let you know what you've done, I appreciate your community work and community service, and thank you for being willing to serve on this another term. [CONFIRMATION]

LARRY TEAHON: Thank you. [CONFIRMATION]

SENATOR RAIKES: Larry, thinking about our community college system, the state college system, and the university system, exactly what roll do you think the state college performs that can't be done or isn't done by the other two components? [CONFIRMATION]

LARRY TEAHON: I think we provide a unique opportunity for first generation students, our campus sizes are smaller, the affordability issue, we're not as expensive as it would be to go to the university. We serve a different mission. We are a fine arts, liberal arts school, and I think with that we provide accessibility and affordability. [CONFIRMATION]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

SENATOR RAIKES: Okay. The trend in the total number of students served in the state college system over the last five years, do you know what that is? [CONFIRMATION]

LARRY TEAHON: Our enrollment is up over the last couple of years. We are about 8,000 strong right now in the three systems. [CONFIRMATION]

SENATOR RAIKES: Okay. Well, I don't see any other questions, so again, let me add my thanks to your willingness to serve in this position and thanks for being here today. [CONFIRMATION]

LARRY TEAHON: Sure, thank you for affording me the opportunity. [CONFIRMATION]

SENATOR RAIKES: Do we have any proponent testimony? [CONFIRMATION]

LARRY TEAHON: A lot more people than the last time I was here (laughter). [CONFIRMATION]

SENATOR ASHFORD: I think you've done a great job. [CONFIRMATION]

LARRY TEAHON: I was kind of scared. [CONFIRMATION]

SENATOR ASHFORD: I would never have come in here under these guys. [CONFIRMATION]

SENATOR RAIKES: I don't see any more proponents, though, Larry. You can...please. Yeah. [CONFIRMATION]

LARRY TEAHON: Thank you. [CONFIRMATION]

SENATOR RAIKES: Stan, come on up. [CONFIRMATION]

STAN CARPENTER: Chairman Raikes, members of the committee, my name is Stan Carpenter. I am chancellor of the Nebraska State College system. That is S-t-a-n C-a-r-p-e-n-t-e-r, and I just want to say that Larry has been a terrific board member for us for the last six years, that he carries a lot of weight and responsibility as chair of the Finance and Facilities Committee. As you know, we have put a lot of money into the system, the capital, a perspective for the last four or five years, and he has basically been in charge of that for the board of trustees. He oversees our monetary side of the house, oversees our audits, and he has just been a terrific asset to the board, been a terrific asset to me, and he has been a terrific asset for us students as well. So I hope that you will consider him positively, and I would be happy to answer any questions. [CONFIRMATION]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

SENATOR RAIKES: Okay. Thank you, Stan. Questions for Stan? I don't see any. Thank you, Stan. [CONFIRMATION]

STAN CARPENTER: Thank you, Chairman Raikes. [CONFIRMATION]

SENATOR RAIKES: Any other proponents? Any opponents? Any neutral testimony? All right, that will close the hearing on the confirmation of Larry Teahone. Excuse me, Teahon, wasn't it? [CONFIRMATION]

LARRY TEAHON: Yeah. [CONFIRMATION]

SENATOR RAIKES: I am sorry, Larry. Teahon, and we will move to the introduction by Senator Kopplin of LB547. You know, while Senator Kopplin is moving around to the stand, I will mention one other item of procedure that I didn't mention before. I do, in fact, have a list of testifiers which I will call on, so if you would please come as I call, and that will include proponent, opponent, and neutral side. When we get finished with those, anyone who isn't on the list is certainly welcome to testify at that point. So, Senator. [CONFIRMATION]

SENATOR KOPPLIN: (Exhibits 2 & 3) Okay. Well, good afternoon, Senator Raikes and members of the Education Committee. My name is Gail, G-a-i-l Kopplin, K-o-p-p-l-i-n, and I represent District 3 in the Legislature. I am here today to introduce LB547, the Nebraska Student Advantage Act, and an accompanying amendment to clear up drafting errors and clarify some intent language. I received the proposed bill late in the process time and in my rush to get the bill to the bill drafters on time, a number of errors were undiscovered. I certainly will work with the committee to clear up these and any others that may be found. During the last session, I believe we challenged our educators to bring in other ideas regarding LB1024. I think they have accepted that challenge. I am sometimes referred to as the water carrier for the superintendents. Intending to suggest, I suppose, that I am bumbling old man, and I am okay with that because I am kind of a bumbling old man (laughter). But I am proud to present the superintendents' ideas to you. They worked through their differences, engaged in spirited debate, compromised, and formed an idea and proposal with a benefit of children in mind. So what are these ideas they wish to present? Instead of learning community of LB1024, the 11 schools districts and Douglas and Sarpy Counties would keep their distinct identities while working cooperatively to increase equity and student achievement. All school district boundaries would remain as they are, and Omaha Public Schools would remain one district. Instead of the governing board set up in LB1024, governance in the Nebraska Student Advantage Act would come from a superintendents' exec board and a student achievement council made up of members elected by and from elected school board members of the 11 school districts. The common levy required by LB1024 is not in this proposal, but may not be out of the

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

picture as there is a statement requiring a study of the inclusion of a common levy. The financial aspects of this proposal need to be stripped from this bill and reworked by amendment if we can. The cost of full implementation of the ideas in this proposal could be high. An exact figure would depend on how and when some of the ideas would be implemented. As written, without an infusion of new state aid money, the bill would shift state aid into the metro area at the expense of other districts in the state. That was never my intention and needs to be changed. People are working on a solution right now. School finance in the long run is deserving of a new study. We need to take a look at the complete things. The financial aspect of my bill is not really unlike LB1024, which we have not completely figured out yet what the cost would be. The emphasis of the proposal before you is on children and success in school. The student achievement council is charged with monitoring student achievement. Yearly, school districts must determine building capacities in all buildings on an agreed-upon method of calculation, and space available must be marketed to families throughout the region in an effort to encourage student movement. A student voluntary inclusion plan is created with an aim of having a balanced enrollment of socioeconomic diverse students in all buildings. Transportation needs of children are addressed, but whereas LB1024 paid the costs of all children, this proposal would limit paid transportation to students who contribute to balancing the socioeconomic makeup of the school district. Professional development programs must be developed. These would be programs targeted specifically to strategies for differentiated instruction, creation of inclusive learning environments, and closing achievement gaps. Every school in the two-county area must participate in at least one joint entity project creating a magnet pathway, a focus school, a focus program, or an academy of excellence. The State Department of Education would establish an assessment and reporting plan covering the tracking of individual students in areas such as assessment, attendance, graduation, cost of programs, and needs of children in poverty or who have limited English proficiency. The Governor will appoint a state achievement coordinator who will participate with the student achievement council in the evaluation of programs and services which assist in closing the gap in student educational attainment between at-risk and not-at-risk children, and the cost of implementing such programs in order to give all students an equal opportunity to achieve educational outcomes. LB547 is the product of hard work and discussion on the parts of the superintendents in Douglas and Sarpy Counties. Some of these individuals are here to testify, and I will leave the explanation of the intricacies of the plan to them. Senator Raikes and committee members, this concludes my opening for LB547. Thank you for the opportunity to appear before you. [LB547]

SENATOR RAIKES: Thank you, Senator. Questions for Senator Kopplin? Senator Howard has one. [LB547]

SENATOR HOWARD: Senator Kopplin, am I right to understand that we don't yet know the cost of this? [LB547]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

SENATOR KOPPLIN: A complete cost, that would be correct. [LB547]

SENATOR HOWARD: When will that be possible? When would you estimate that that will be possible? I remember in the floor discussion on LB1024, even when we were voting on that bill, we didn't know the cost. [LB547]

SENATOR KOPPLIN: And I don't expect it will come any quicker on this, and we are still debating on LB1024 what the exact costs are. Some of this depends on when programs are implemented, how quickly they are implemented and those kinds of things. It is very difficult to give you a bottom-line figure. [LB547]

SENATOR HOWARD: Thank you. [LB547]

SENATOR RAIKES: Any other questions? [LB547]

SENATOR ASHFORD: Just a quick one. Senator, the finance package that you're talking about, the committee that would study this, is there a benchmark date in the bill for when that committee would meet and when it would make its findings? [LB547]

SENATOR KOPPLIN: There are a couple of possibilities. I will be introducing a bill to take the present TEEOSA apart and reestablish a new plan based upon the new needs that Nebraska has, and that has some date certainties in it. But there are other possibilities out there of committees being formed, perhaps, by the Governor's Office or something like that. I could not answer the date on those, but the bill that I will present to you does have date certainties. [LB547]

SENATOR ASHFORD: Obviously, from your statements, you would have no particular objection to having that committee, however it is made up, meeting quite quickly to try to ferret out the...I don't want to belabor this, the point is that I am making is that I think we're in a crisis in Omaha. The poverty in parts of the city of Omaha is critical. As a result of that poverty, we're seeing results which are not up to any of our standards, and I have to say that I think money is a significant part of that. And getting to the issue of how we're going to help these poverty students close that gap as quickly as possible is a huge issue to me. And having seen it on a day-to-day basis for a number of years working in the housing area, it is a severe crisis. I feel badly for my city every day because of this disparity, and I do appreciate you bringing the bill and the thoughtfulness that you have given to it. But I would like to see the funding element addressed. [LB547]

SENATOR KOPPLIN: Senator, I agree with you, but I would broaden a little bit. There are areas of poverty, pockets of poverty throughout our state. They need to be addressed. There are large pockets of non-English speaking children throughout our state. We need to approach that. That is a different issue, and yet it isn't

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

a different issue than this because it is all tied together. We don't have great answers on funding in LB1024. We don't have great answers on funding that I'm proposing. We don't have great funding answers for the state of Nebraska, and I don't care whether it is my bill down the road or somebody else's, it needs to be approached. [LB547]

SENATOR ASHFORD: And I admire your work in this area, Senator, and I agree with you that it is a statewide issue. Getting everybody together on it as soon as possible would be something that would be important. Thank you, Mr. Chairman. [LB547]

SENATOR RAIKES: Any other questions for Senator Kopplin? Thank you, Senator. We will now turn to proponent testimony, and let's try to be finished with that about five minutes after two. So first we welcome Rebecca Valdez. [LB547]

REBECCA VALDEZ: Thank you. Mr. Chair, members of the committee, good afternoon. My name is Rebecca Valdez, V-a-l-d-e-z, and I am the executive director of the Chicano Awareness Center. The center is one of the primary litigants against LB1024. I come in support of LB547 and in opposition to LB641. LB547 represents the hard work of the education leaders in the Omaha area. When LB1024 was enacted last year, the Governor stated, he signed the bill to start a dialogue to make people work together. At the time, the metro school districts were sharply divided. Over the last few months, those leaders have responded by working together for the well-being of the children. The CAC applauds these efforts. LB547 brings people together, it brings our children together, it addresses a student achievement gap, and is inclusive and integrative. This bill treats Omaha as one community, like Lincoln and the other cities in this state. While not perfect, LB547 is a solution that addresses the major concerns that Chicano Awareness Center has raised in court. These are: a fair governing structure for education in Omaha, breaking down borders, borders that currently limit both educational and economic opportunities, borders that divide our community and our children. The CAC believes the other bills dealing with this problem do not accomplish these goals. We believe enactment of LB547 in its present form would remove the legal cloud over the Omaha school dispute. We do not believe LB641 would remove the cloud. The CAC did not go to court to challenge LB1024 lightly. However, consistent with our mission, we felt compelled to address the harm to Latino children LB1024 would cause, destruction of OPS's student assignment plan, and the outright elimination of OPS itself. Let me underscore one thing, the CAC does not want to continue litigating. We want the problem solved for the sake of our children, all of our children in the Omaha area. Why? Lawsuits mean money spent, lots of money on lawyers. The state has already spent great sums of taxpayer dollars on lawyers to defend LB1024. I ask this committee, shouldn't we be spending our time, energy and money on the children, bringing the Omaha community back together? I think so. LB547 leads us in the right direction. It is unfair to residents of Grand Island, York, Scottsbluff, and elsewhere in having their tax dollars spent defending LB1024 when the problem can be solved and the waste of tax dollars can be stopped. The vast majority of the Omaha

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

metro supports LB547. The plaintiffs and defendants in the Omaha litigation are on the same side in this debate. This bill does the right thing. It puts kids first, not politics and litigation. It is a fair approach, innovative, and inclusive. I am generally familiar with the other bills being considered. The bills offered this legislative session by Senators Raikes and Chambers will continue to divide, to isolate, and I am sorry to say, to discriminate, perhaps in an unconstitutional way. These bills include essentially the same concepts that have caused lawsuits and waste of too many public and private dollars. We need a solution, not the next needless fight. This year is different than last. Consensus in Omaha now exists to solve this problem for the children, the community and taxpayers of Nebraska. Let's join with the educators who know this problem best and pass the bill the Governor called for a year ago, that legislators expressed hope for a year, and put the fighting to an end. Let's pass LB547. Thank you. [LB547]

SENATOR RAIKES: Thank you. Questions for Rebecca? Don't see any. Thank you for being here. [LB547]

REBECCA VALDEZ: Thank you very much. [LB547]

SENATOR RAIKES: Next testifier would be Dr. John Mackiel, if he is here. Yes, he is. [LB547]

JOHN MACKIEL: Good afternoon. [LB547]

SENATOR RAIKES: Welcome. [LB547]

JOHN MACKIEL: Members of the Education Committee, my name is John Mackiel, it is M-a-c-k-i-e-l, and I am the superintendent of the Omaha Public Schools, and this marks in a sense a tenth anniversary. It has been ten years that I've appeared before you either directly or indirectly addressing the issues that were referenced earlier, the disparities within the education community at Omaha, and this is the first time. I am sure in a spirit of an anniversary celebration that I am proud to say that I am representing the Omaha Public Schools, Bennington, District 66, Douglas County West, Elkhorn, Gretna, Millard, Papillion-LaVista, and South Sarpy Public Schools. And I come to you in support of LB547. Senators, this represents the work of nine school superintendents who have come together diligently over the past several months to seek an educationally grounded solution to the challenges in the metro area. We have been here as a result of circumstances that I do want to reference. And despite the dynamics or whether or not we were here by chance that the historical boundaries brought us together, or whether it was more indirect, whether it came about through social construction, racial steering, zoning, or private discussions that resulted in an extreme racial, socioeconomic segregation in our community, and what we know as a fact is that it impacts student achievement. And the solution that we advance for your consideration is a commitment to addressing the impacts of education in our community. Since 1997,

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

the school district of Omaha has proposed and supported no less than 20 legislatively grounded recommendations for equity, integration, and we believe this one offers the hope that maybe the other 20 did not. The Governor did indeed sign LB1024, and he stated and I quote, "more than anything, LB1024 should act as a conduit to encourage constructive dialog," end quote, are proud to be part of a most constructive dialog. Today the majority of the schools throughout Douglas and Sarpy Counties are united, and we come to you in support of LB547. If I can hasten to say in the minute I have left that whispers of criticism and direct solicitation of opposition to this bill notwithstanding, we ask that you consider it based on its merit, based on its commitment to an integrated educational experience, based on its commitment to student achievement. Senators, this would be a landmark in this nation to mandatorily require the integration of the public schools in a two-county area. We know that racial isolation, socioeconomic isolation, impacts student achievement. We do indeed have a recommendation. We ask for your serious consideration of LB547. Thank you. [LB547]

SENATOR RAIKES: Thank you, Dr. Mackiel. Questions? Senator Howard has one. [LB547]

SENATOR HOWARD: Thank you, Mr. Chairman. Dr. Mackiel, I have long appreciated your commitment to children in the Omaha area, and as Senator Ashford pointed out, there are a lot of disparities, and you have taken on a hard, hard job, and I admire your commitment to academic excellence. You and I had the opportunity to discuss the additional use of resources by way of master's level social workers in the intercity schools. I know that at this time you are using that resource in terms of practicum students down at Liberty Elementary, and I would appreciate if you could share how beneficial you feel that has been. [LB547]

JOHN MACKIEL: Senator Howard, glad to. First of all, I want to hasten to say that it is as a result of the leadership of a board of education, the Omaha community, and the commitment of nine boards of education that we come before you this time. Absolutely. The types of challenges facing young people, just in the process of growing up. The more safety nets, the more networks of support we have, we have a wonderful working relationship with the University of Nebraska at Omaha social workers. They play an intricate part in addressing the issues that young people face very quickly. From birth to age 18, young people spend only 9 percent of the time in school. Ninety-one percent of the influence on the life of a child from birth to age 18 comes outside the classroom walls. The more individuals that are focused on the lessons of the classroom, the better, and indeed social workers are playing an initial part. We have pilot programs, we have practicum experiences, and again, they too are serving to encourage what we are here to advance, and that is outstanding student achievement. [LB547]

SENATOR HOWARD: Well, and especially in light of the fact that here in the state of Nebraska, we have almost 8,000 children who are in foster care, who are in out of home

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

care, and this resource certainly can help those children have the opportunity for academic achievement. And I appreciate your commitment to that, and I would like to look forward to social workers being in the intercity schools. [LB547]

JOHN MACKIEL: Absolutely. [LB547]

SENATOR HOWARD: Thank you. [LB547]

JOHN MACKIEL: Yeah, thank you. [LB547]

SENATOR RAIKES: Senator Ashford. [LB547]

SENATOR ASHFORD: Thank you, John, for your testimony. I just ask this, I don't personally feel like we should be micromanaging what we do in Omaha, but I turn to you to ask you, if you were just to think about three things that you could do that would make it better, that would close the gap, just three or four things very quickly? [LB547]

JOHN MACKIEL: Depends. [LB547]

SENATOR ASHFORD: What would you do that is not being done now necessarily, or even maybe parts of it that you believe would change things in Omaha for the better? [LB547]

JOHN MACKIEL: Sure. Senator, I do believe that all three would be reflected in LB547, and I would begin with the following. That is a reaffirmation that we address this issue one student at a time. We all offer 100 yards of quality educational experience in all 11 school districts, and whether or not a child comes on the 1 yard line to school, whether they have had books in the home, whether they have been to the museum, whether they have had a rich literature environment is, again, going to make a determination where they end up at the end of 13 years. Early childhood education in integrated educational experience, we know what racial isolation, socioeconomic isolation does. It isn't a secret that 45 percent of the kids in the Bronx graduate, and 95 percent of the youngsters in Long Island graduate. It is about the opportunities. LB547 creates opportunities, ensures an equitable distribution of resources, and again, is committed to preserving in the metropolitan area that common school experience where all youngsters from all backgrounds come together. [LB547]

SENATOR ASHFORD: And I appreciate that. But you, yourself, you are very much an expert in this area. What do you think that we can do policywise, not necessarily with LB547. I appreciate LB547, what you are doing. What would you do to make things better, to close the gap in the next five years, let's say? [LB547]

JOHN MACKIEL: Sure. Senator, beginning with, again, early childhood education,

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

looking at the educational needs of every child, not hesitating to break away from a 179 days school, 1,030 hours, recognizing that the unique life experiences of youngsters dictate the amount of time, the type of training and development that a teacher needs to meet the unique needs of young people. Again, LB547 offers us the database from which to analyze on a individual basis the unique needs of young people, extended school day, extended school year, the safety nets that we refer to by way of individuals that impact the lives of youngsters all coming together. Senator, I wish I could sit here and say there is one or there are three. It is a comprehensive approach that we need. [LB547]

SENATOR ASHFORD: Well, it is a good answer. You, all of the other superintendents here, are the experts. We are not. I am not. Senator Kopplin is. I am not. Senator Raikes is, but I am not. But all I know is what I see and have seen for ten years working in north Omaha and south Omaha. We just need to see things get better, and we have to look to you and the other superintendents to make it better, because our city is going to sink if we don't. Right? [LB547]

JOHN MACKIEL: Indeed. I believe that the educational component and the vibrancy of an education community truly impacts the economics of that community. Indeed. [LB547]

SENATOR ASHFORD: Thanks, Senator. [LB547]

SENATOR RAIKES: Senator Howard. [LB547]

SENATOR HOWARD: Thank you, Senator Raikes. I wanted to just take a moment while we are here together to thank you for how receptive you have been to issues that I have brought to you regarding my neighborhood association, especially regarding the reopening of Yates School. You have always taken the time to sit down and work with the neighborhoods and to try to move forward on providing this resources that neighborhood group feels is very vital to them. So thank you. [LB547]

JOHN MACKIEL: Thanks, Senator. We believe we are a partner in that journey in terms of families and young people. Thank you. [LB547]

SENATOR RAIKES: Senator Avery. [LB547]

SENATOR AVERY: Thank you, Mr. Chair. Am I right that this bill would eliminate the learning community concept? [LB547]

JOHN MACKIEL: Senator, actually it builds on the learning community concept. We took the framework that was presented in LB1024. Each of us had been responsible for a certain number of square miles. We didn't dream of the possibility of engaging in a

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

conversation on a one-county basis, much less a two-county basis, and so, no, we took full advantage of the opportunity presented in LB1024. [LB547]

SENATOR AVERY: But you eliminate the council. [LB547]

JOHN MACKIEL: No, Senator, we replaced it with a council that, number one, is responsible for a number of school districts. What we had in place was a council of 11 board members, each responsible for their own community, and what we have done is we have modeled it after the State Board of Ed, after the Unicameral, and to say, how do we begin to break down provincialism? How do we begin to carry on conversations about all youngsters? You do that by putting in place a structure that places an individual in a role and a responsibility for all youngsters, regardless of the school district they might be attending. So this structure puts in place boards of education members who have already been elected by their constituency, make them, for the first time, responsible for not only youngsters in their school districts, but youngsters throughout a quadrant of approximately 25,000 young people, making policy decision in academic achievement, integration, and oversight of grants that bring about magnet schools. So it builds and, we believe, expands on the positive things that LB1024 presented. [LB547]

SENATOR AVERY: Does it preserve the concept of distributing the resources on the basis of need? [LB547]

JOHN MACKIEL: Senator, the governance structure does not. The call that we have, and my colleague from Gretna will be addressing that more precisely in terms of the finance. That is ultimately the goal. What I can assure you is that the preservation of that concept exists in the Omaha Public Schools. The commitment that is reflected in terms of recognizing the unique needs of youngsters is reflected in spirit in LB547, but the actual mechanism we are anxious to get about within the next three to six months to have a solution and an assurance to the very issue you are raising. [LB547]

SENATOR AVERY: It is a key issue. [LB547]

JOHN MACKIEL: Very much so... [LB547]

SENATOR AVERY: And I think that was something that Senator Ashford was trying to get at. [LB547]

JOHN MACKIEL: ...and, Senator, that is what brought us here. If we are candid and we step back and say, how did we get here? It was through the...whether it was the inability to address that issue, we believe that we have a spirit and a confidence that exists right now that we can move that dialogue where it needs to be. But when you step back and you sort through, the reason we are here before you is that issue had not been

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

addressed previously. [LB547]

SENATOR RAIKES: By way of introducing our next speaker, who is superintendent of Westside...sit down, please... [LB547]

JOHN MACKIEL: When you said superintendent of Westside, I knew, Senator. [LB547]

SENATOR RAIKES: You mentioned that you have been here a number of times before, and I would confirm that you are accurate. In almost all of those trips, you have said that one of the extreme difficulties for OPS is the state's net option policy in the fact that Westside, a bordering district on the west, nonequalized district, uses the net option funding program of the state. You have suggested several different ways to get rid of that, but yet in LB547 that remains? [LB547]

JOHN MACKIEL: Senator, first of all, you are absolutely right that we have appeared before you. I don't think I was specific with the name, though it became apparent in my dialogue, but it had to do with the ability to integrate the Omaha Public Schools and the impact that was happening. We, for 25 years, had a clause in the integration plan of the Omaha Public Schools that took into account very specifically race. When that was changed to a socioeconomic variable, the ability to control in terms of the youngsters and their race, in the case for 25 years, the socioeconomic went away. We came before this committee asking for consideration that be placed back in. So I was here before you with respect to the ability to integrate the Omaha Public Schools socioeconomically. Number two, I want to hasten to say that in the dialogue and the discussion, the option enrollment funding is on the table. Dr. Bird can speak eloquently for himself with respect to the commitment that the District 66 community school district had made, recognizing the impact on all of the 11 school districts, the 9 that are reflected in LB547. But that is not off the table, Senator. And we recognize that in order... [LB547]

SENATOR RAIKES: It is not off the table, but there is no commitment to doing it. [LB547]

JOHN MACKIEL: I can assure you that the commitment is reflected in the three- to six-month plea that we had in here to simply say the only request that was made, and the analogy of a light switch was used, to simply say on Monday option enrollment net funding exists, and on Tuesday it is gone is not going to serve the young people in metropolitan area at all. There is a strategy, there is a plan, and, again, that commitment has been articulated clearly by the District 66 community school that we are in this together. There is a recognition of the needs. There is a recognition that the commitments to move resources where youngsters have the greatest need, and what we are ready for is how to bring that about. So, Senator, I would say that there is a commitment to make absolutely sure that whatever the resources as they are defined, that the right decisions are made, and the mechanisms to accomplish that are put in

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

place. [LB547]

SENATOR RAIKES: Okay. Thank you. [LB547]

JOHN MACKIEL: You bet. [LB547]

SENATOR ASHFORD: I am sorry, Senator Raikes, but I have to just...and John, we have had this conversation and you have been very candid in your answers. But I do represent Westside and I represent OPS, a position I was in years ago as well, which is sort of a unique position to be in, in this kind of debate. And I have served on the option enrollment committee at Westside, District 66, and I know we were committed, when I was there, to promoting integration in our schools. Is it the position of Omaha Public Schools to promote integration by allowing or by permitting or encouraging students that wish to chose attending Millard or District 66 that they be permitted to do so? Is that something that you believe in? [LB547]

JOHN MACKIEL: Yes. Senator, the very specific approach in LB547 outlines five tried and true methodologies that exist across this country. Option enrollment happens to be a vehicle in terms of young people literally making choices. We believe that, again, the choices that are being made, and I noticed a North High School letter jacket here, the choices that young people are making to attend North High School are having an integrative effect. They are having a positive impact on student achievement. The choices that young people can make throughout a two-county area, indeed, will integrate, and again, affect student achievement. Absolutely, and what we are putting in place is a commitment to control and to assure that that type of movement does take place. [LB547]

SENATOR ASHFORD: Thank you. Thanks, John. [LB547]

JOHN MACKIEL: You bet. [LB547]

SENATOR RAIKES: Thank you, John. [LB547]

JOHN MACKIEL: Thank you. [LB547]

SENATOR RAIKES: Ken, I tried to welcome you here. [LB547]

KEN BIRD: (Exhibit 4) And what a welcome it was. Good afternoon. I am Ken Bird, that is B-i-r-d, superintendent of the Westside Community Schools. I appreciate the opportunity to testify before this committee today, Senator Raikes. And I am testifying as Dr. Mackiel did on behalf of Millard, Omaha Public Schools, Elkhorn, Bennington, Douglas County West, South Sarpy, Gretna, Papillion, and of course Westside Community Schools. Since the passage of LB1024, metropolitan education leaders

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

have spent thousands of hours discussing education in our community and coming up with a plan today that we are presenting to you--a plan that we believe is in the best educational interests of metropolitan Omaha children and the children throughout the state in the long run. School districts are clearly here together, and we clearly understand LB547 has some technical problems and some drafting problems, and we stand ready to work with you. My goal is short and sweet here today. I am going to give you a brief overview of LB547 and hopefully answer some of the general questions. Primary objectives of LB547: reduce the achievement gap for all students in the Omaha metropolitan area. Provide an equitable educational opportunity throughout the implementation of a voluntary inclusion program. Secure the current boundaries. Establish appropriate governance and funding mechanisms. As we looked at LB1024, we identified several obstacles. I am not going to dwell on those. If you will go your handout on page 3, you will find some of those outlined for you, and you can look at those at your leisure. My primary focus is on this legislation and is about student achievement. We recognize there are gaps, opportunity gaps and achievement gaps in the Omaha area. That is not unique to Omaha, to our state and nation. Under LB547, we would establish a data collection system to identify achievement gaps and monitor progress. We would increase our focus on students with limited language needs, limited language learners, and our focus on children living in poverty. We would create a statewide achievement coordinator whose position would have the responsibility to hold schools accountable for reducing the opportunity gap, and helping find solutions to closing this gap in our schools as they fail to meet achievement benchmarks. The central part of this legislation, also, is our teachers. It is critical that our teachers be dealt with and provided the best opportunities they can. We believe we can improve teacher training programs through a strong professional development program, and we can prove teacher programs by having programs that allow them to have some incentives for achieving national certification, or to working longer school years or school days. A variety of things. Our second focus on the voluntary inclusion plan, and this is voluntary only in the part of parents. All 11 districts in the metro area would be required to participate. We would have focus schools, academies of excellence, and so on, that I think would be very helpful. We believe that it is essential that the current boundaries of each of our school districts be maintained regarding the governance structure. We have a student achievement council of superintendents executive board, and interlocal agreements that would be the foundation for our governance structure. They are outlined on page 14 of your handout. And finally the funding. The funding of LB547 would be dramatically less than the funding in LB1024. Transportation costs would be reduced significantly. I will use Millard as an example. Millard's estimated costs were \$3 million under LB1024, they are \$300,000 under LB547. We would ask for funding for professional development for staff, and for some marketing of the programs. A year ago, we lived in an atmosphere of confrontation. Today we share a spirit of cooperation, and LB547 reinforces this cooperation under this approach. It is going to be more efficient, more effective. In conclusion, let me emphasize again, we have worked hard. And we have taken the message of the 2006 Legislature in LB1024; it has

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

not been ignored. We embrace those positions, and we enhance them with LB547. Today we believe the metropolitan Omaha area is on the threshold taking great strides that will ensure all children in our schools receive a great education. We ask for your support on LB547. [LB547]

SENATOR RAIKES: Thank you, Ken. Questions? Senator Johnson has got one. [LB547]

SENATOR JOHNSON: Is there any place, I haven't heard anyone mention so far today our educational service units. Is there a place in this plan for those or are they deleted, I guess might be the best word? [LB547]

KEN BIRD: No, Senator Johnson, they are certainly not deleted in our plan. Certainly there is a place for them in ESU 3 and ESU 19, and I think we could open dialogue with the existing ESUs to see how they can best support the two-county effort. Clearly ESU 3 represents more districts in the Douglas and Sarpy County area, so that presents a little bit of an issue for them. But Dr. Kettlehut at ESU has been open and willing to work with us, has been involved in a lot of our discussions. In ESU 19 representing the Omaha Public Schools solely gives us an opportunity to meld those resources together and create a great dialogue. [LB547]

SENATOR RAIKES: Senator Ashford and then Senator Avery. [LB547]

SENATOR ASHFORD: Just let me follow up just follow up on the option issue for a moment. And I know that our school system at Westside has approximately 20 percent free and reduced lunch students, and I know you are committed to getting to the 33 percent in our conversations, of 30 percent free and reduced lunch. How long is that going to take Westside to get there and how do you get there? How do get from 20 percent to help ease the burden at OPS, how do we help OPS get there quickly to ease the burden? [LB547]

KEN BIRD: Well, certainly it may be quicker for us than it is for Elkhorn, who has a different demographic. So I think the plan as we look at moving towards the objective of 33 percent is a journey. We are not going to have it happen in two years or five years in specific districts. [LB547]

SENATOR ASHFORD: It might at Westside. [LB547]

KEN BIRD: It might in Westside, certainly, Senator Ashford. And I think what we would do, I know what we would do. We have talked as the executive committee of outlined in LB547 would create those time lines, and we would each subscribe to those and we would document our efforts to move forward. First and foremost, it takes the collaborative effort you heard from Dr. Mackiel, the willingness to work together. It takes

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

good data. We have in our legislation here the ability to define capacity across all districts and work together. So we can set benchmarks based on those capacity studies and set time lines to prescribe that legislatively without having the data seem a bit awkward and problematic for us. The commitment is in there structurally. [LB547]

SENATOR ASHFORD: But the steps are in there. [LB547]

KEN BIRD: The steps are there, and it would be built off the data of knowing how much capacity you have. And in Westside, the committee will hear this tomorrow, we have about 1,900 option students. We have good variety of students in poverty, students that help with our socioeconomic mix. We would focus on those students as priorities. If we have 20 spaces available in kindergarten programs at Rockbrook Elementary School in Westside, the first 20 slots would go to students in poverty. And we would work together. [LB547]

SENATOR ASHFORD: And is that your commitment to do that? [LB547]

KEN BIRD: Absolutely. [LB547]

SENATOR RAIKES: Senator Avery. [LB547]

SENATOR AVERY: Yes, thank you, Mr. Chair. Does this document here, some 16 pages appended to your comments, represent best current thinking on the issue in your opinion? [LB547]

KEN BIRD: The short answer is yes, Senator Avery. That is the power point presentation that the superintendents are giving, certainly around the metro area. We just reviewed this same presentation with the State Board of Education today. [LB547]

SENATOR AVERY: And is that reflected in LB547? [LB547]

KEN BIRD: Yes, sir. [LB547]

SENATOR AVERY: On page 15, on state financing, this report states appoint a commission to study the, underlined study, the current state aid formula which may, underline may, include the consideration of a common levy. That doesn't sound to me like you are committed to it. [LB547]

KEN BIRD: I appreciate that, Senator. We are committed to it. It would be up to that commission to study it. Our recommendation would be that they include the common levy. If the common levy is good for Douglas and Sarpy County, maybe it is good for other counties in the state. And to take Douglas and Sarpy County as a pilot program or a guinea pig for that concept, and not knowing how it could positively or adversely affect

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

the state aid formula statewide doesn't seem right. We are committed to having the common levy as part of that study, but I can't speak on behalf of that committee. The commission that would be established, that would be our expectation. [LB547]

SENATOR AVERY: And it was the expectation of LB1024. [LB547]

KEN BIRD: It was the expectation that Douglas and Sarpy County have a common levy. [LB547]

SENATOR AVERY: Okay. Thank you. [LB547]

SENATOR RAIKES: Isn't it the case that only metro area school districts would have 100 percent reimbursement by the state on marketing plans? [LB547]

KEN BIRD: Under this bill, that is how we would have that developed for... [LB547]

SENATOR RAIKES: So is that fair to Grand Island? [LB547]

KEN BIRD: ...if they have a learning community. Another group that would have a learning community would be my expectations, Senator, speaking for myself that that would apply. [LB547]

SENATOR RAIKES: So what you are saying then is that if there is a learning community, than it is a different set of rules apply. [LB547]

KEN BIRD: Yes, then it would be a bit of a different set of rules there. I am sorry. Yes. [LB547]

SENATOR RAIKES: Okay. All right. [LB547]

SENATOR ASHFORD: I was just going to follow up, would you have any objection then, Ken, to a prescription to say that there shall be a common levy and it shall address the following issues, and leave it up to the committee to determine what that common levy should be for a period of time? As a matter of policy, getting to Senator Raikes's question, can we not set forth that there are certain costs that clearly should be borne by all 11 districts, or no? [LB547]

KEN BIRD: Personally speaking for the Westside Community Schools and myself, I can't say that. I don't know that the common levy is the correct solution to be part of a state aid formula. I would agree with Senator... [LB547]

SENATOR ASHFORD: Or that there are costs that are common costs that should be addressed somehow, either through a common levy or through state aid? [LB547]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

KEN BIRD: Certainly, and once Senator Raikes and many of us have talked about, is a common levy on capital improvements. [LB547]

SENATOR ASHFORD: Well, that is what I was getting at, for example. [LB547]

KEN BIRD: Yeah, there may be real value there, and for those types of costs, we don't know. The concept came to us late. All we are suggesting is let's study it. Let's step back from it and not just discard it. [LB547]

SENATOR ASHFORD: But clearly state aid doesn't cover capital costs. [LB547]

KEN BIRD: Yes, sir. [LB547]

SENATOR ASHFORD: And if we are going to address, and I think John Mackiel was absolutely right, to talk about centers of excellence and focus schools and academies and so forth and so on. To some extent, that is going to involve capital construction. There is no capital construction money in state aid. It would seem to me that the only place you are going to be able to get it is from some sort of common levy. [LB547]

KEN BIRD: Personally, again, I believe that that makes a lot of sense. Again, we would just suggest that be part of the study, although I know there has been dialogue in support of that concept certainly for the capital improvement side. [LB547]

SENATOR ASHFORD: Thank you, Senator Raikes. [LB547]

SENATOR RAIKES: Senator Adams has got a question. [LB547]

SENATOR ADAMS: From the outside looking in at this it would seem, and correct me if I am not thinking right, the student achievement gap, somebody had to have known about that before LB1024. The issues of integration, surely that was a point of concern before LB1024. So is it fair to say that it was money that brought about LB1024, and if it is, without a fixture like potentially a common levy, are we going to be right back here revisiting this a few years from now over money again? [LB547]

KEN BIRD: I wish I knew the answer to that, Senator Adams. Money and boundaries certainly came together to create the perfect storm that brought us here. There is no doubt in my mind from that. The achievement gap is not, as I said in my opening comments, not isolated to the Douglas/Sarpy County area. You can go to some of the poorest rural parts of our state or other major cities in our state and the achievement gap exists. We have to find a way to address it. It is something that haunts us all. We are trying to bring the focus back to us on that. The state aid formula and how it is utilized is, as Senator Kopplin suggests in his legislative bill you will hear coming up in

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

weeks, is obsolete in many of our minds. Let's start with the blank page and make sure it has its right focus. The common levy seems to be a concept to set aside Douglas and Sarpy County and deal with it over here. Well, we ignore the other 91 counties. You know, all we are suggesting is let's step back and look at it. Common levy may percolate up as the most wonderful concept ever. We are just not ready to say that. Let's look at it. Maybe with a blank page, maybe a blue ribbon panel would come up with a wonderful new solution to equitable funding of education in our state. We have struggled with TEEOSA, and Senator Raikes appropriately has reminded me of net option funding for years, and my friend from Omaha has reminded me of that also. But we are willing to set that all aside as we ask you to set aside the common levy and start with a blank page and study it in a focused period of time, and bring back to this body a really meaningful process and formula for funding education that will work statewide. Not to, again, isolate Douglas and Sarpy County into a different formula that we don't know how it affects state aid. We would commit, we have put thousands and thousands of hours into this, I guarantee there are educators from across the state that would stand up and go into a study of the finance formula in a very aggressive way also.
[LB547]

SENATOR RAIKES: Thank you, Dr. Bird, and next, Dr. Kevin Riley from Gretna.
[LB547]

KEVIN RILEY: My name is Kevin Riley, R-i-l-e-y. I am the superintendent of the Gretna Public Schools, and I am testifying in support of LB547. For the past nine months, the superintendents have been on a dead sprint. It was December before we were able to forge a joint statement. At Christmastime, we were trying to take our joint statement and put it into a bill form. We first saw the drafted bill on the last day for bill submittal. The drafted bill does not accurately depict our discussions, nor our intent regarding state aid to schools. That is our mistake. We apologize that this has caused so much commotion in the past week. We spent little time talking about finances. We never felt that the financial plan should be designed by us, but rather best be done as a statewide collaborative effort. I will tell you what we did discuss. We felt that we need to hold harmless the \$28 million in LB1024 that was earmarked for children of poverty, limited language, and rural students. The basis of our discussion really centered around this statewide study of the current funding formula, and in December we talked about three to six months so that we would have something completed before the end of this legislative session. That study would include colleagues from across the state, members of the Education Committee, the Governor's Office, Appropriations Committee, etcetera, and their responsibility would be to set short-term and long-term goals. An example of a short-term goal that could help school districts right away would be to move limited language payments from two years in arrears to one year in arrears. That is one of the things that we had discussed. But not once in our discussions did any superintendent ask what is in it for me, and as a unified group of Douglas and Sarpy County school districts, not once did we ask what is in it for us. It has truly been a

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

selfless approach to the issues at hand. We ask that you amend our bill to reflect that intent. We know we are at a critical juncture in the history of our state. It is no longer a time for division and gamesmanship, but rather a time for collaboration and statesmanship. We have a governor, a speaker, and a chairman of the Education Committee who are firmly committed to the education of young people in this state. You have a vice chairman of the Education Committee who himself was a child of poverty, started his career in a one-room schoolhouse and ended as a superintendent of schools. We have a senior senator who is passionate about the education and achievement of children of poverty. Everything is falling into place. The first step was LB1024. We believe the second step is an amended LB547. We think we should take the third step together. [LB547]

SENATOR RAIKES: Thank you, Kevin. Questions? Just one about the organizational aspects. I think Dr. Mackiel made the point about the mandated diversity in the schools, 33 percent. When would you expect Gretna to become 33 percent poverty students? [LB547]

KEVIN RILEY: Currently, we are 6 percent, Senator. That is a long ways from 33, as you know. We have talked about the integration plan by thinking about how other metropolitan areas have developed. If you look at Chicago area, it is hard to know when you have passed from Hoffman Estates into Schaumburg. You don't know because it is so highly and densely populated. Our metro area some day is going to be the same thing. Initially through a voluntary integration plan, which we are talking about, you are going to see just what you stated a few minutes ago, that it is going to start with those schools districts that are very close to each other. Parents tend not to send their children or opt to send their children three districts away. It tends to be the ones that surround them, and therefore it is going to take time. But if you look at how Omaha is developing, I believe that OPS is now 60 percent poverty. You have elementary schools, I believe the elementary level of poverty in Westside is 27 percent. Those of you from the metro area, did you ever think that would happen? Millard now has over 2,000 children of poverty. Would you ever think that would ever happen? No. It will move out. But the basis of this integration plan is that the school districts are going to be working together, and we are going to be working together as we grow and as those lights from the metropolitan area continue to move towards Gretna and Elkhorn and Springfield, and that we are going to be together from now on in terms of trying to reach those numbers. The answer to your question, it could be a generation, Senator. It could be ten years. There is no real way of knowing that, but it will eventually move our way. I believe Ralston right now is a 37 percent free and reduced. It just moves from the east to the west in our metropolitan area. [LB547]

SENATOR RAIKES: Just one other quick follow-up question if I could, Kevin. As near as I can tell, there is no sanction or any such thing in the bill that if a school district decided, look that is not really for us, we are not interested in going that direction. Is

there any sort of penalty or sanction that such a school district would face? [LB547]

KEVIN RILEY: Senator, we have talked a lot about the fact that we have a voluntary integration plan that we are all required to be involved in, and the voluntary piece of it is it places everything in the hands of parents. As Dr. Mackiel said, we are talking about tried and true measures of integration rather than forced procedures where parents have no say. I think we all can agree that parents know best for their children in most situations, and that is what we have attached ourselves to. But we all are required to be involved in it, and we believe that we should be setting goals together in terms of trying to make this happen. But do I expect a large number, a high percentage of free and reduced kids to opt into Gretna next year, no. It is going to take time. Just as option enrollment did in the early nineties. Everybody was talking as if was going to, again, light switch, everybody was going to be moving all over the state. It took time. In Gretna, we were one of the first schools in the state to option children in, and that was Senator Kopplin, when it was voluntary, the first few years. So we have been involved in that for a long time. It just takes time for that to occur. But the key is that we are going to be working together to obtain it. [LB547]

SENATOR RAIKES: Okay. Senator Ashford. [LB547]

SENATOR ASHFORD: Just a follow-up on that, and I am not going to argue economics and demographics with you. But I would suggest that some of those numbers are reflective of the city as a whole and how it has evolved. Westside has older communities in it on the north and south side. Ralston has older parts of that community, and obviously, OPS is the oldest part of the city. So it has less to do with movement than it has to do with people simply living in those areas and living in areas that are older and less affluent, which Westside has some of and Ralston has some of and, clearly, OPS does and you don't in Gretna. So I would just follow up with Senator Raikes's point, and that is that movement is key. That people from Ralston or students from Ralston should be able, for example, if they so desire to go to Gretna or other schools, because, quite frankly, it will take quite a while for the residential patterns...I don't want to make a speech, but it will take quite a while for the residential patterns in Gretna to reflect that same sort of change. And the other point is we don't, certainly as a community, we want to raise all ships. We don't want to have 60 percent of OPS students be free and reduced lunch, or 20 percent at Westside, or 37 percent Ralston. We want everybody to do better, to get better education, and so we don't want this to be a competition to see who gets the most. But the key, I think, is movement. The key is movement and giving children an opportunity to move around and make a choice. When we passed option enrollment, and I was in the Legislature at that time, the key to that was the idea of public school choice. That was the underpinning of option enrollment around the state. And in order for it to work, whether we call it option enrollment or one of the other things that Senator Mackiel said, there are five or six different ways of addressing this issue, option was the one we chose, movement is key to option

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

enrollment. So it can't take a generation. I can not take a generation. We have to have a better functioning...and I am not arguing with you. [LB547]

KEVIN RILEY: Yeah, I understand. [LB547]

SENATOR ASHFORD: And I understand what you are saying. We are talking about two different things, but it has got to be quicker than that. There has got to be an effective way of giving people public school choice to get back, no matter what we call it, the reasoning behind option enrollment in the first place. [LB547]

KEVIN RILEY: But you understand that movement alone does not necessarily improve education. [LB547]

SENATOR ASHFORD: Movement alone doesn't, but it is a key component... [LB547]

KEVIN RILEY: It can be. [LB547]

SENATOR ASHFORD: ...as is housing patterns... [LB547]

KEVIN RILEY: Absolutely. [LB547]

SENATOR ASHFORD: ...are a key component, but movement is, maybe it is one of the five things that John Mackiel talked about, but it is a key point. [LB547]

KEVIN RILEY: It is one of them, but student achievement is the key, and one of the pieces that we spent a great deal of talking about was our student data, a portion of this bill. Because we are talking about, as superintendents, not only throwing all the financial data on the table for the first time and discussing every piece of the financial formula, but also throwing all the student data regarding growth for children on the table, and then going back to the root cause of why someone isn't achieving. And what you are going to find are many, many types of things, and it could be the classroom, it could be a teacher, it could a principle... [LB547]

SENATOR ASHFORD: It is poverty. [LB547]

KEVIN RILEY: ...but as we get into things, such as attendance. When we get into those types of issues of attendance, poverty, then as a community what are we going to do? I think those are the key elements of this. [LB547]

SENATOR ASHFORD: And you have to have data. [LB547]

KEVIN RILEY: Correct. [LB547]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

SENATOR ASHFORD: I am just saying don't throw away movement as one of the data points, and I am sorry, John Mackiel, for calling you Senator Mackiel. That was a horrible slip (laughter). You should not have to take that home with you. I apologize. Thank you. [LB547]

KEVIN RILEY: Thank you. Yes, Senator. [LB547]

SENATOR RAIKES: Go ahead, Gwen. [LB547]

SENATOR HOWARD: Well, I certainly agree with Senator Ashford. I think if you are going to rely on housing patterns it will take a generation and more, because clearly if you have only got 6 percent at this time of free and reduced lunch, your community is not a community that is expecting a large of influx of children that have special needs. And I think in order to welcome those children, you are going to have to have some programs that really are inclusive of what their needs are, and I really would encourage you to go back and look at that and say, what are we doing now and what can we do in the future. [LB547]

KEVIN RILEY: Right, and again, don't assume that we are doing a better job of educating children than a school that is in the poorest part of town. There are many committed people... [LB547]

SENATOR ASHFORD: That isn't the point. [LB547]

KEVIN RILEY: I know. I understand. I understand, but we really feel the focus has to be on neighborhood schools. The education that is closest to home. If parents want to make that choice for their child to send them somewhere else, allow them to. We will be happy as room is set aside in the various school districts for this sort of thing. But we have to make sure that the resources are there for the neighborhood schools to do what they need to do. And so it is important that we not lose our focus that we can do this and this going to help, or this and this is going to help. Looking at the data on achievement is going to be huge as we go back to the root causes of what is the problem? Why isn't a child achieving? That is one of the huge pieces of our bill, and as we do that and we strengthen and give support to all the neighborhood schools that need it in the areas of poverty and limited language, that is when we will really begin to have an effect. [LB547]

SENATOR HOWARD: And I will tell you I have spent a great deal of time in the Omaha intercities schools, and especially working with foster-parents and special needs children who need every bit of assistance that they can get to have academic success, and I think Omaha Public Schools has done an amazing job... [LB547]

KEVIN RILEY: Absolutely. [LB547]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

SENATOR HOWARD: ... with what they have had to work with financially and the population that they have been given, and I think they can use every bit of support they can use from the schools that only have 6 percent free and reduced lunch population. [LB547]

KEVIN RILEY: Correct. [LB547]

SENATOR RAIKES: Thank you, Kevin. Next testifier is Brad Burwell. Beginning with next testifier, I am going to be a better person and do a better job, and I am going to have to start to enforce a little bit more strictly the lights, and committee if we could limit to one follow up, please. Otherwise we won't get through our list. Brad, welcome. [LB547]

BRAD BURWELL: (Exhibit 5) Thank you. Good afternoon Chairman Raikes and members of the Education Committee. My name is Brad Burwell, spelled B-u-r-w-e-l-l. I am president of the Millard board of education, and I am here to summarize the governance structure as it relates to LB547, the Nebraska Student Advantage Act. There are three levels of governance. The first level is the Student Achievement Council. It is made up of six board members and the state achievement coordinator, which is a position that reports to the Governor. The board members are elected by the board members of the 11 school districts in Douglas and Sarpy Counties. Four are selected by quadrant based on population distribution, and two are selected at large. Their role is to meet twice a year to monitor and report on student achievement across the two-county area, resolve disputes that arise from the superintendent executive board, and oversee grants for projects under the Nebraska Student Advantage Act. The second level of governance is the Superintendent Executive Board, composed of all 11 superintendents in the two-county area. Their role is to meet regularly during the year to divide the two-county area into four quadrants, develop a common methodology for determining building capacity for the student voluntary inclusion plan, and create a marketing plan to encourage interdistrict transfers, and to coordinate joint professional development. Interlocal agreements form the third level of governance. Locally elected school boards working cooperatively will determine policy through the use of interlocal agreements. The type of agreements that would be formed include: focus schools to draw students from the entire two-county area. Academies of excellence such as a pre-K through 12th grade center in downtown Omaha to attract students whose parents work downtown. And magnet pathways which include a special program attracting students to elementary, middle and high schools in separate school districts. In conclusion, this governance structure relies on existing school governance structures and the use of interlocal agreements to provide a streamlined approach that focuses on the needs of students. It was developed cooperatively by ten superintendents in Douglas and Sarpy counties who acted in good faith after receiving encouragement by the Governor and Unicameral to try to improve on the learning community law passed

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

last year. The current governance structure in the learning community law requires a superboard that is more than half the size of our entire Unicameral. It would undoubtedly require hiring additional staff to manage the superboard. Coming to consensus with such a large group would be difficult, if not impossible. The solution for governance presented in the Nebraska Student Advantage Act relies on local control, existing structures, and the use of interlocal agreements. Thank you for your time. [LB547]

SENATOR RAIKES: Thank you, Brad. Questions for Brad? Senator Adams has one. [LB547]

SENATOR ADAMS: Now that there is a school board member in front of me instead of an administrator, I want to ask you straight up... [LB547]

BRAD BURWELL: You bet. [LB547]

SENATOR ADAMS: ...if the Millard Public Schools had a choice between retaining their local boundaries or their tax base, which would they take, one or the other? [LB547]

BRAD BURWELL: Local boundaries are the first, highest priority to us. [LB547]

SENATOR RAIKES: The governance plan seems to basically yield governance to the superintendents versus the board members. Would that be a fair appraisal? [LB547]

BRAD BURWELL: I don't really think so, in fact the Student Achievement Council actually made up of board members allows us to elect our own board members at that level. They are actually the overseeing council over the superintendents. They are the council that truthfully will resolve disputes in that. You will have six board members elected by fellow board members throughout the two-county area. I think that is an extremely important part of this organizational governance. [LB547]

SENATOR RAIKES: Okay. Any other questions? Thank you, Brad. [LB547]

BRAD BURWELL: Thank you very much. [LB547]

SENATOR RAIKES: Next testifier will be Shirley Tyree. Is Shirley here? Yes. Welcome, Shirley. [LB547]

SHIRLEY TYREE: Good afternoon. I am Shirley Tyree, T-y-r-e-e. First of all, I am a mother of four, I am a grandmother of ten, I am a great-grandmother of nine, and I have the honor of being the vice president of the Omaha Public School Board. I was asked to address this committee and I was pleased and honored. I thought, well what can I say to impress them. Then I found out, I realized that impressing you wasn't my issue; my

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

true feelings were. I don't like the slings and arrows of being flung at OPS, and from comments of some people who have approached me. I have others in the same camp with me. One 91-year-old gentleman asked me why, why would someone want to go back to the days he and other had struggled to rise above. He told me about the time that after he and a friend had heard that black people would be allowed to register to vote, they decided that this was an opportunity they did not want to miss. So they said walking to the closest town to the polling place, it took them all day. When they arrived there, they were told that the place was closed, they would have to come back, probably hoping that they would not come back. But the next day they went back. Luckily there was an influential gentleman there in the town that told the town people that they would be allowed to register--not vote, just register. This elderly friend who has seen things I could never imagine said that as soon as they had done what they had come to do, they left town. He does not, in his words, want to go back in time. Our children are able to attend schools in the neighborhood or across subdistrict lines--subdistrict lines. Yes, Omaha is divided into subdistricts, thanks to the efforts of Senator Chambers. If he had not fought so hard for them, there is a chance that I would not be here today speaking to you. But Omaha has always had integrated public schools. I was reared in educated in the intercity where schools welcome many races and culturally diverse groups. I spoke to a young man from Provo, Utah the other day, he is in a Ph.D. program at the Lincoln campus. He said he didn't know if the things that were working in Omaha would work in his state, but he wanted to find out. I invited him to visit any school in our district at any time. It seems that the wrath brought against OPS was the finance lawsuit. I agree with you that perhaps the suit should not have been filed. There should have been no reason for it. Financial equity should have been there all along, if for no other reason than it was the right thing to do. OPS has educated children through caring parents, educators, and generous community persons. Now it is time for the governing body of our state to assume its rightful place in educating children who will one day be the caregivers of all of us in one form or another. Just one more thing, LB547 has the potential to be a unifier. It encourages participation in professional development for teachers, it reaches out to the community to educate parents and children about all the choices before them. It is innovative, requiring the creation of interdistrict magnet pathways, focus schools, and academies of excellences. I urge the movement of LB547 out of committee. [LB547]

SENATOR RAIKES: Thank you, Shirley. Questions for Shirley? Just one, on finance, LB547 eliminates the weighting for elementary students that are in poverty in the aid formula. Does that concern you? [LB547]

SHIRLEY TYREE: It concerns me, but we are going to always...the Bible always tells us the poor will always be with us. So I think that is up to the Legislature to find ways to get around those types of things so that all children can be educated equally. [LB547]

SENATOR RAIKES: Okay. Thank you. Thank you, Shirley. Our next testifier is Darren

Siekman. [LB547]

DARREN SIEKMAN: (Exhibit 6) Thank you, Mr. Chairman. Senators, distinguished guests, my name is Darren Siekman, D-a-r-r-e-n S-i-e-k-m-a-n. I have been a member of the District 59, Bennington board of education for the past 5 years, serving as president for the past 2. I am also vice president of sales and marketing for Baleen Manufacturing. However, this afternoon I come to you as a parent of Allison, a ninth grader and Grant a sixth grader. Over the past eighteen months, a large amount of attention and focus has been placed on Douglas and Sarpy County school district boundaries and student achievement. LB1024 provides a foundation for these and other issues. However, LB547 is necessary to maximize the potential for achievement and cooperation that could exist within the 11 districts. A strong public school system is one of the cornerstones of the United States. The provision of a quality, free education has enabled us to have the most successful democratic government in the history of mankind. Our schools have achieved these ideals through passionate, caring, local leadership and governance. LB547 will provide the ability for the people closest to the challenges and shortfalls of our current system to begin to rectify these in an open, innovative approach, without additional regulatory burden that it currently exists within LB1024. For my family, the quest for a quality education led us to move to Bennington ten years ago. Our family certainly was not unique in the respect that school district boundaries were the driving force behind our place of residence. As you all have become painfully aware during the LB1024 debate, the existing statutes and school finance mechanisms did not provide educational flexibility, did not promote educational innovation, and certainly has not result in sufficient student achievement throughout the Omaha metro area. The trade off my wife and I chose ten years ago was to attend a smaller school district where we felt we would be closer to decision makers, be more informed of the educational process, and maybe even help influence the direction of the district. However, we knew that the scope of services provided by the district the size of Bennington were certainly less than those of neighboring districts. As it happens, we are fortunate enough to have students that were identified as high-ability learners. In our case, this has meant that we have been forced to find and fund enrichment activities for our children outside of their education at Bennington. My family is fortunate enough to have the time and resources to address the needs of my children. Other families are not this fortunate. The creation of interdistrict magnet and focus schools levels the playing field for every student in the Omaha metro area regardless of their socioeconomic status, the size or the locale of their school, and affords all families the best of both worlds. My personal example is really the icing on the cake as it relates to the full impact of LB547. Each of the districts is familiar with the challenges and opportunities that confront their schools. More importantly, the districts are already aware of their social fabric and unique needs, whether that community is Bennington, Benson, or Bellevue. LB547 allows us to cooperatively address the more problematic challenges of equitable student achievement and school finance in an educational, not political method. Student achievement and school funding are issues that did not become crises

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

overnight, yet through LB1024 we have tried to find a miracle cure for education. LB547 is the first by-product of educational leaders sitting down in an open and cooperative environment to improve education in the Omaha metro area. As a parent, I trust that these leaders are in the best position to develop solutions that benefit mine and all the kids in the metro area. You are to be commended for your work and action with LB1024, as it has facilitated and enabled the open and honest dialogue which did not exist before. The collaboration that has brought us LB547 not only addresses the shortcomings of LB1024, but provides framework for positive innovation. Please allow it to happen. Thank you for your time. [LB547]

SENATOR RAIKES: Thank you, Darren. Questions for Darren. I don't see any. Thanks for being here. [LB547]

DARREN SIEKMAN: Thank you. [LB547]

RON RAIKES: Chuck, Dr. Chevalier. Chuck, welcome. [LB547]

CHUCK CHEVALIER: (Exhibit 7) Mr. Chairman and senators, I am excited to be here this afternoon to talk about student achievement to you. Thank you for letting me testify on LB547. My name is Chuck Chevalier, C-h-e-v-a-l-i-e-r. I am the superintendent of schools at South Sarpy School District 46 and represent our district and 8 other districts in Sarpy and Douglas Counties. First, let me thank the leadership of Senator Kopplin who has allowed this bill and these concept to be discussed and heard. I want you to know I stopped by the kindergarten at Springfield Elementary before I came this morning so I could remind myself of why we are here, and that is those kids and student achievement. I want to keep the focus on that. I am also going to blame your colleague Senator Chambers a little bit, who I listened to speak at the civil right commission hearing last fall. and at that day I realized that this session I was going to end up at this table and I was going to say we need to pass a bill regarding student achievement and the achievement gap. And here I am today to say that. I think this bill in its goal has a lot in common with the goals of other state senators, of the school districts and educators around the state. But I would like for you to dream for a second, if you will, with me and see what could happen if this law is enacted. Let's take a look at the Kiewit Center at UNO, and let's put a high school, a 9-12 building, right next to that Kiewit Center at UNO. We could be in partnership with UNO on that, and we would have 400 kids, let's say, go to that school. One hundred and thirty-five of those seats would be reserved for students of poverty. Wouldn't that be an exciting venture to do? All 11 districts could send kids to that school. Now you might say, what is in it for Sarpy County kids? What is in it for South Sarpy kids? That is part of the answer. We couldn't do that program at South Sarpy by ourselves, but maybe three or four of the kids from South Sarpy would go to that focus school. There are a lot of dreams out there that I am going to skip because the yellow light is already on. (Laughter) But I want you to know that there are a lot of possibilities out there where we can get into all kinds of...I think if you tip over

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

the domino of working together, it can go and broaden out to other public entities. We talk about social workers in schools. I was just at a meeting in Sarpy County for drug and alcohol awareness, and I thought why aren't we having this as a Douglas/Sarpy County meeting? We can have all kinds of meetings like that, and we can include private grants into this system as well. For those and a lot of other reasons that I would love to tell you some day, I would like for you to support LB547. [LB547]

SENATOR RAIKES: Okay. Thank you, Chuck. Questions for Chuck? Okay. Thank you. [LB547]

CHUCK CHEVALIER: I know that was quicker than three minutes. [LB547]

SENATOR RAIKES: For the dream you could share. All right. Mike Dulaney. Mike. [LB547]

MIKE DULANEY: Senator Raikes, members of the committee, my name is Mike Dulaney, D-u-l-a-n-e-y, and I represent the Nebraska Council School Administrators, a statewide organization of which some of the individuals that came before you today are members. We want to applaud the school boards and the superintendents that were involved in the hard work that it took to produce LB547. We would also like to thank Senator Kopplin for taking the bill and bringing this to your attention. We endorse the fact that LB547 would put an end to the boundary issue that was so evident and prevalent last year. We would like to see the current district boundaries remain the same. We also acknowledge that LB547 addresses one of the major issues that was brought out in LB1024 last year, and that is student achievement, the opportunities of students, the equity of student opportunities and so forth. We do not want to endorse a bill that would produce hardship to any other school district. We are not able to support some of the components in LB547 that would, for example, hurt the Fremonts and Lincolns and Scottsbluffs and Gerings and other. And we believe, we really do believe that those individuals behind this legislation do not want to hurt any other school district also. So what we had want to do is commend to you that the school finance components of LB547 be looked upon as issues that can be discussed, and that we would also support some type of study, a comprehensive study on school finance would be a good idea. And for example, just as an example, we certainly wouldn't want to have components where allowances within the formula that apply to some school districts and not others. That probably would not be a very fair way to deal with school finance, and I think those that were a part of this legislation recognize that. So with that, I will conclude my comments. [LB547]

SENATOR RAIKES: Okay. Thank you, Mike. Questions for Mike? Thanks for being here. John. [LB547]

JOHN BONAIUTO: Senator Raikes, members of the committee, John Bonaiuto,

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

B-o-n-a-i-u-t-o, executive director of Nebraska Association of School Boards, appearing as a proponent this afternoon. This was hard for us because we went back and forth on the finance issue without question, had many discussions with Senator Kopplin, and appreciate the amendment and the spirit in which everyone involved has really tried to make assurances that the finance issue will not come back to haunt us or bite us sometime in the near future. Because as an organization, everyone of these school districts are our members, but we have hundreds of members across the state and could not advocate moving state aid from some of our members to other members. At our delegate assembly in Omaha, which is a one-district one-vote type of delegate assembly, my organization passed two resolutions. One deals with local control of K-12 public education, that NASB believes that public K-12 systems should be organized to serve the communities throughout Nebraska without arbitrary size limits or a single model, which would not fit our state's varied communities. NASB opposes legislation arbitrarily limiting the size of districts and would hope to support bills like this that would allow Omaha to be and remain a single district. And so my members are very sensitive to having districts split up or reorganized without the local district having a say in it. The other resolution that was passed was the independent school district resolution that realizes that we must support the independence of established school districts, but we also believe that the Legislature should seek to give these independent districts the resources that they need, whether they are in the metro area or in greater Nebraska, to serve the students that the districts are responsible for, and that any legislation should allow these independent districts to maintain their right to governance, direct curriculum, and to allocate those resources. So again, this is the boundary issue. I think that for our members, and with one-vote one-member in our delegate assembly, this was not something that was directed by Omaha or Millard or Westside, but board members across the state understand the importance of having the local determination for your school district. We appreciate the spirit that this bill is being introduced with cooperation and would hope that that cooperation would allow for some collective working with policymakers and the governing boards and the administrator involved to find a solution between now and the end of this legislative session. With that, I will conclude my testimony. [LB547]

SENATOR RAIKES: Thank you, John. Questions? You mentioned that the state should honor the independence of a school district and should provide them funding. Is it all right for the state to require cooperation among districts? [LB547]

JOHN BONAIUTO: And I think that that is happening with this bill. [LB547]

SENATOR RAIKES: Well, my specific question is it your position that the state is out of line if they require that? [LB547]

JOHN BONAIUTO: No, we are having the cooperation. I think that LB1024 was a motivator for getting people in a cooperative mood. (Laughter). [LB547]

SENATOR RAIKES: Okay. Boy, and we are politicians. Listen to that. Ben Gray. Welcome, Ben. [LB547]

BEN GRAY: (Exhibit 8) Thank you, sir. Mr. Chairman, members of the committee, my name is Ben Gray. I am the cochair of the African American Achievement Council. It is an organization that works closely with the Omaha Public Schools to try and solve the problems of the achievement gap that we have sat here and talked about on a number of occasions for a number of years before this committee and others. So we are in the process of working with the district to do that. The booklet that I have handed out to you, I am not going to address right away. It is yours to keep. I am going to make a couple of comments about it towards the end because I think it is important if we are going to talk seriously about achievement, then those are some of the things in that booklet that we are going to have to take a look at if we are really going to solve the problem of achievement. First let me say that I am in support of LB547, but it is conditional support. First of all, I agree with Senator Ashford that there needs to be some benchmarks in place in order to...because as a person of color I have heard over the years, and I have been here for quite a few years now, individuals talk about we are going to do this for the community and that for the community and so for that and so on. And somehow even with the best of intentions, sometimes those things never happen. So I am going to want to see in that bill some benchmarks or some guidelines as to when we are going to do what, and set some kind of hard and fast rules as to what we do and when we are going to do it, the integration piece of that. I am a little concerned about when you are talking about the common levy. If you are going to use the common levy as a means of funding schools, as long as it is not intended to be the cure-all for the concerns and the problems that face African American, Latino American, and Native American students. The common levy, nor will the \$28 million that was in LB1024 even come close to solving those problems. So if it is going to be used as a method of funding school districts with still an understanding that there needs to be significantly more dollars for African American, Native American, and Latino American students, and English language learners then I am okay with that. But if you are going to use that as a mechanism to say the funding has been solved, that borders on the ridiculous to me. So with those two caveats, I would be in support of LB547. Now in terms of the booklet I have given you, the African American Achievement Council along with the Native American and Latino Councils have worked collaboratively for a number of years to take a look at, to address, to be in the classrooms with teachers, with students, working with them on a daily basis to find out what the needs are, what problems these students face, how do we address those problems, what we need to do, and what it is going to cost. In that booklet is going to describe for you a lot of what it is going to take if we are going to close the achievement gap, and if we are actually going to serve students and not do lip service as I feel in some instances has been done. So with that booklet, if you really want to get at the achievement gap, if you really want to solve it, that is one of the ways to do it. I am in conditional support of LB547 with those caveats, that there be

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

some sort of benchmarks so that we can determine when people are going to go where or when it is going to be available, and as long as we are not going to say that the common levy is going to solve the problems for the school districts because especially as it relates to the Omaha Public Schools and the minority students there, it won't even come close. Thank you. [LB547]

SENATOR RAIKES: Thank you, Ben. Questions? Senator Ashford has one. [LB547]

SENATOR ASHFORD: Ben, thank you for your points. And I consider you a friend of many years, and I admire what you say and I listen to you and I have for a long time. Let me ask you this, it is a key question for me. I have worked with children in north Omaha for ten years and you have worked with children in north Omaha your whole life. Tell me, is it going to help those children if they have an opportunity and a choice to go to schools outside of their neighborhood? Does that idea of a choice to go somewhere else in the city, in the community, is that going to help students progress? [LB547]

BEN GRAY: To a certain extent it will, Senator. I think it will help because it will give students who have the ability to go other places or if the state is going to provide, or whoever, is going to provide the transportation for them to get there, it will give them, in a lot of instances, services that they don't have now. But one of the superintendents spoke and said something that I think is also important. You have to strengthen the neighborhood schools. [LB547]

SENATOR ASHFORD: I grant you that. [LB547]

BEN GRAY: You have to do that if you are going to... [LB547]

SENATOR ASHFORD: But that makes the choice work then. [LB547]

BEN GRAY: Exactly, because then that make the choice work. If you don't do both, you know, if you don't provide the opportunities for both, then I don't think anything is going to work in and of itself in a vacuum. I think you have to do both in some fashion, but you certainly have to strengthen the neighborhood schools. [LB547]

SENATOR ASHFORD: Right, or there is no choice. [LB547]

BEN GRAY: Yes. [LB547]

SENATOR ASHFORD: But to empower moms, and in this case a lot of the people I worked with for ten years were moms, single mothers with children, and even though they may have had some kind of a choice within OPS, and I grant you OPS has done a lot of work in doing that, if we could enhance that choice, if we can empower those single moms whom I worked with and who you work with all the time, to make that

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

choice, to say maybe I would like my son or daughter to go to Westside or whatever. If we can do whatever we can do to enhance that choice, that is empowering those people, isn't it? That is giving them something they do not know necessarily have. [LB547]

BEN GRAY: Yeah, but actually they do have it right now. They just don't have it... [LB547]

SENATOR ASHFORD: They have it, but they don't use it, that doesn't seem very much. [LB547]

BEN GRAY: Well, you know, they have it and in some instances they do use it, but the mechanism is there. The Omaha Public Schools has done an excellent job with the student assignment plan and how... [LB547]

SENATOR ASHFORD: And I agree with that. [LB547]

BEN GRAY: Yeah. [LB547]

SENATOR ASHFORD: I am not suggesting that OPS...this is not a criticism of OPS. What I am saying is we have these districts in the city and they all have their strengths, and no matter where they are located, my feeling is if we empower those moms by giving them a choice, and maybe not all of them are going to...many of them may not choose to send their child to Westside. But those moms that want to send their children to Westside, not because OPS is not a good school, but for whatever reason, doesn't that empowerment of that mom make a difference in her life? [LB547]

BEN GRAY: Yeah, and it will to a large extent, Senator Ashford, but it is going to be even more critical if you run the risk of passing some of the other legislation that is on the table, for example the ESU sorts of things, that has a financial impact that would devastate the Omaha Public Schools. If you are going to do those kinds of... [LB547]

SENATOR ASHFORD: That is not where I am going. I am thinking about those moms... [LB547]

BEN GRAY: Okay. [LB547]

SENATOR ASHFORD: ...with those two or three children that are living in poverty, and I had them come up to me a lot and say...I will never forget one lady said to me, my son goes to Loveland, he is nine years old. And one lady said to me, I would like my son to go to school with your son, because she had a nine year old. Well, I thought that was an important point, and it was a tearing point, not that she didn't want her children to go to OPS schools. It was just that she wants the choice just like by children who have more

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

affluence have more choices. That is all I am getting at. [LB547]

BEN GRAY: Yes. Senator Howard, I mean, I am sorry. (Laughter). [LB547]

SENATOR RAIKES: No, you are just underlining what has happened. [LB547]

BEN GRAY: I wasn't, no, I wasn't. [LB547]

SENATOR RAIKES: I have lost control. I admit it. Go ahead. [LB547]

SENATOR HOWARD: Thank you both of you. I would second what Senator Ashford said. However, having been a single mom as a widow with two small children, I can know that there are certain reality problems that enter into this choice issue, and especially when your children are very young, and especially when you are holding down a job, and especially when you have limited transportation. And I think the important part of this, just like you said, is not only the opportunity to go to another school in Gretna, should you choose, but also for your neighborhood school to be the finest quality that you don't feel you have to go to another school to get a good education. Thank you. [LB547]

BEN GRAY: Yes, I agree. [LB547]

SENATOR RAIKES: Senator Adams. [LB547]

SENATOR ADAMS: I am anxious to read this. The achievement gap to me seems critical. [LB547]

BEN GRAY: Yes. [LB547]

SENATOR ADAMS: Aside from finances and aside from transportation, which many students if they want to stay in their neighborhood, probably are not going to take advantage of. Tell one thing that is in here before I get to read it, how do we narrow the achievement gap? What is the number one thing we do to narrow the achievement gap in those neighborhood schools? [LB547]

BEN GRAY: Senator, unfortunately when we look for a number one solution, there is no number one solution. [LB547]

SENATOR ADAMS: I am sure there isn't. [LB547]

BEN GRAY: There is no magic bullet. But if we are going to close the achievement gap, a lot of what it is going to take is financial resources, so that the district can implement some of the programs that we run now on a shoestring. It is going to take those financial

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

resources for all-day kindergarten, for example. I mean it took this district almost 20 years after the 0 percent lid that was placed on them for the first time to have all-day kindergarten. And that is not even funded totally by state dollars or anything like that. There are a lot of philanthropic dollars that go into the support of the Omaha Public Schools to do what, in our judgment, the state ought to be doing anyway. So if we are going to talk about the one magic bullet that it is going to take, nobody disagrees that it is going to take a certain amount of financial resources to get the job done. [LB547]

SENATOR ADAMS: Fair enough. [LB547]

SENATOR RAIKES: Ben, my question is a little bit different. Should we, as the Legislature, freeze the boundaries and hope? [LB547]

BEN GRAY: I guess I don't understand the question. Should we freeze the boundaries and hope for what? [LB547]

SENATOR RAIKES: Well, we freeze school district boundaries and hope that the right results in terms of cooperation among districts would happen. [LB547]

BEN GRAY: Well, Senator Raikes, let's go back just very briefly and I won't take a long time, but consider the amount of animosity that the Omaha Public Schools and we had when someone surreptitiously tried to eliminate the 1891 law. Then go back to the one-city one-school district and the kinds of hostilities that grew from that. And from all of that to create 11 superintendents who come together and formulate a plan based on what the Legislature said they wanted them to do. I mean, to get to that point, if we stay on them, and we do--the African American Achievement Council plans to stay on top of the Omaha Public Schools to make sure they do right, to make sure that the learning community, if that is what it is called, does right. If we stay on top of them, then they won't have any choice. [LB547]

SENATOR RAIKES: So in spite of what the legislation says, you are not worried about sanctions to make sure that everybody plays? [LB547]

BEN GRAY: No, what I am saying is that there has to be benchmarks and there has to be some...I mean, how are you going to enforce it if there aren't benchmarks, and unless you have something that is enforceable in the law, if you pass it. There has to be benchmarks, number one, and number two, there has to be some way to make sure that people do what they say they are going to do. That has been our basic concern and continues to be our basic concern in LB547, that there be benchmarks and there be some sort of sanctions or whatever the case may be if things aren't met. [LB547]

SENATOR RAIKES: Okay. [LB547]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

BEN GRAY: Let me also say the it doesn't...solving the problem, there is no solution, or there is not way to prove or say that by breaking up the school district is going to solve that problem. I think freezing boundaries is probably the next best thing, at least at this point. [LB547]

SENATOR RAIKES: Okay. Senator Avery has got a question. [LB547]

SENATOR AVERY: Thank you, Mr. Chair. Given that you believe that resources might be part of the solution to the achievement gap, could you explain to me the basis for your scepticism about the common levy? [LB547]

BEN GRAY: The common levy just doesn't have enough money in it. If you assume, for example, let's go back to LB1024 just very briefly, and there have been a number of reports that suggest that there will not be any significant dollars that would go to the Omaha Public Schools, any more dollars than they currently get under the system the way it exists. Now the World-Herald, using whatever finance mechanism they use or whatever statistician they use, said that there would be somewhere in the neighborhood of \$7 million that the Omaha Public Schools would glean. That is only 2 percent of their budget. That doesn't even come close to solving the problems that the Omaha Public Schools faces in terms of how it is going to address the needs of English language learners and special ed students and students in poverty. [LB547]

SENATOR AVERY: Thank you. [LB547]

SENATOR RAIKES: Okay. Thank you, Ben. [LB547]

BEN GRAY: Thank you all. [LB547]

SENATOR RAIKES: Thanks for being here. Monica Beasley. Welcome. [LB547]

MONICA BEASLEY: Thank you. My name is Monica Beasley, B-e-a-s-l-e-y, and I thank you for this opportunity to speak on behalf of LB547, and I am here to say that I am in support of LB547. And just as Senator Ashford and Ben Gray stated, I agree, also, that there should be benchmarks in place, and that is what I came, primarily, to testify upon. But as I sat and listened and heard you talk about the achievement gap, that is primarily my concern as well. I have an 11-year-old daughter who is in the Omaha Public School system. She started off in a private school at the age of three. She attended Duchesne Academy. My daughter at the age of three was exposed to a curriculum that included Spanish, and I moved her onto Brownell-Talbot at the age of five. When she enrolled in Brownell, she was at the top of her class. Not only was she at the top of her class, but they exposed her to foreign language, such as French, and I was amazed to see that at the age of five how well she was able to speak and understand French. Later on I couldn't afford Brownell-Talbot so I moved her into the public school. Now in the public

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

school that I moved her in down the street and around the corner didn't have a curriculum as rigorous as she was exposed to, and from there she is in a school that gives her the rigor of the curriculum that I paid a lot of money for, and to my surprise she has quality education, the education that was once afforded to her in a private school. So the public school does have some things that are just excellent for a student and opportunity. But as you have mentioned, to have this down the street and around the corner, it does take resources, and when we talk about the achievement gap, we are talking about a lot of elements that contribute to this achievement gap. It is opportunity, it is exposure, it is expectation, it is a rigorous curriculum. Again, I didn't know what my daughter was capable of until she was exposed to these elements, and then to come into a college preparatory school at the top of her class, you know, I was amazed at that and I was happy that she was identified as being a high achiever like that. But again, when she transitioned and now in Buffett Middle School, and that is magnet school, again she is getting she is getting that same quality education. But for our students we do want the opportunity, we do want to be able to choose, and we talk about a lot of factors. Mobility, that is the contributing factor to the achievement gap. When we have students who are poor and can't afford, or whose parents are moving around from one part of the city to the other part of the city, there is going to be an achievement gap there, because they are not in the same curriculum that they once were at their other school. So when they transition, they have to be exposed to a new curriculum all over again. In order to keep those students stable and mobilized, transportation is needed. When Ben was talking about money, it is going to take that for our children, it is going to take a lot, and I am hoping that with LB547 in place, this is something that is going to be considered where all of our students will have these opportunities. So I thank you for this opportunity. [LB547]

SENATOR RAIKES: Thank you, Monica. Questions for Monica? I don't see any, but thank you for being here. Are there any other people who would like to testify as proponents? Okay. What I think we will do is we have kind of run over my little arbitrary time line. I think we will turn now to opponents, and then we will do neutral, and then at the end of... [LB547]

BEN GRAY : He was a proponent, Senator Raikes. [LB547]

SENATOR RAIKES: I understand. [LB547]

BEN GRAY: He was waiving his hand as a proponent. [LB547]

SENATOR RAIKES: I understand. [LB547]

BEN GRAY: Okay. [LB547]

SENATOR RAIKES: What we will do is we will fit you in later in the schedule after we

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

have heard from opponents and neutral so that we can give somewhat of an equal opportunity for those. So let's begin now with the opponent testimony and we will finish that at no later than ten minutes after four. Our first opponent is Pam Redfield. Is Pam Redfield...there she is. Welcome, Senator. [LB547]

PAM REDFIELD: Thank you. It is nice to see the new committee. Senator Raikes, members of the committee, my name for the record is Pam Redfield, R-e-d-f-i-e-l-d. I have spent the last 14 years representing the children, the parents, and the taxpayers of this state in my capacity as a school board member and as a legislator. But today I am here to represent myself and that legacy. And I was encouraged by one of you here that I strongly consider my friend to come back to the Legislature and share when I felt that I had something to give and some numbers, perhaps, that might be helpful to those who sit at the table and who have not had the history that those of us who were here to pass LB1024 might share. So the question I had when I looked at this bill is where should I testify, and I truly agonized over that, because no one likes to come up here and oppose something that so many people are excited about. I am delighted that they are talking together, but at the same time I had to ask myself whether, in fact, the bill as written was something that I could support. I had to ask myself whether it was actually necessary. Do we need this bill? Do they need the bill in order to meet as a group? No. They have been meeting all summer, all fall. To develop a marketing plan for student transfers, do they need this bill? No. Do they need it to coordinate professional development among themselves? No. Do they need it to share programs or costs with other school districts? No. And for school board members to meet together and discuss student achievement, do we need this bill? No. Well, the statement of intent gives us their reason for introducing this bill, and they talk a lot about equity, and yet we see that the bill as drafted actually doesn't promote equity across the state. It actually robs from some in order to give to the others, and that was something I found very, very difficult to testify on behalf of. So I thought it was important that someone speak up and point out that this bill as represented may not be what the people in the audience intend. There are exclusions to the lid, and they will increase cost and they can not be predicted, and if you look at the fiscal note, they over and over again tell you that they can not predict because there is no limit to what they can spend on some things. But those things are not poverty, as they were in LB1024. They are not students who are not English proficient. They are, in fact, marketing, professional development, and I didn't think that was what the Legislature last year was really saying were our priorities for the children in this state and where we wanted to put the bulk of our money. No, indeed, there are no consequences to those that don't cooperate. We see them talking together. Senator Avery, you are right. They eliminate the learning community of elected officials, and they replace it with superintendents who are not accountable to the public at a local election, and they will make decisions. And that quadrant group of six actually is charged with a very, very limited amount. They are charged to monitor and report, and they are also given authority to settle a dispute on what? Marketing issues and professional development issues. Very limited oversight, and I don't think that that is perhaps what

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

they intended, but as written, that is the way it reads. The academy of excellence is another building that they are talking about. It is an added cost. At the same time that OPS currently meets in their central headquarters in a high school that they closed because of lack of demand. And yet we are talking about investing in more capital improvements, and I am not opposed to that, but I think that we need to be aware of what the situation is as we look at this bill and say, does it achieve what we want. Student achievement is not mentioned until page 145 out of a 147-page bill. And even then, it is not charged with any kind of ramification or accountability. It is charged to one person who is new to the Department of Education, who will be putting together a plan which they will submit to you in approximately two years, which may then involve more research by our universities and colleges. By that time, the children who are in kindergarten today, may be in fourth grade before they see a change, and we have lost that window of opportunity to teach them to read. Thank you. [LB547]

SENATOR RAIKES: Thank you, Senator. Questions for Pam? Don't see any, but thanks for coming down. Appreciate it. Okay, we go to Tim Kemper. Tim, welcome. [LB547]

TIM KEMPER: (Exhibit 9) Senator Raikes, members of the committee, my name is Tim, T-i-m, Kemper, K-e-m-p-e-r, and I have been the director of finance for Lincoln Public Schools for 12 years. For 13 years prior to that, I worked for the Nebraska Department of Education, the last 4 years as administrator of school finance. I am testifying on behalf of Lincoln Public Schools. I want to stress that my testimony is based on our analysis of the bill as it was introduced. This bill would create the Nebraska Student Advantage Act and would single out the 11 school districts headquartered in Douglas and Sarpy County for treatment different from that of all the other school districts in the state. Hereafter, I will refer to those 11 districts as the Douglas and Sarpy County districts. Lincoln Public Schools would like to make eight points regarding Legislative Bill 547. Point one, this bill would indeed provide the Douglas and Sarpy County districts with some distinct advantages. For example, they would receive 100 percent state funding for certain of their staff development costs, while all the other districts in the state would continue to rely on predominately local funding. The Douglas and Sarpy County districts would receive 100 percent state funding for focus programs or academies, while all the other districts in the state would continue to rely on predominantly local funding. The Douglas and Sarpy County districts would receive 101 percent state funding for certain of their student transportation costs, while all of the other districts in the state would continue to rely on predominantly local funding for transporting students not in special education. Point two, this bill would appear to provide a double advantage for the Douglas and Sarpy County districts. They would be allowed exemptions from the property tax levy limitation, available to no other school districts in the state, for focus or magnet schools and programs, professional development, and transportation. But they would also receive the 100 percent, or in one case, 101 percent, state funding for those same activities. This would appear to be double funding of the same activities. Point three, this bill would provide disadvantages

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

to school districts other than the Douglas and Sarpy County school districts. Besides being able to access neither the levy limitation exemptions nor the preferential state funding as discussed above, the rest of the school districts in the state would also see their costs for focus or magnet schools, and professional development get averaged into the cost grouping cost calculations, ultimately benefiting the Douglas and Sarpy County districts, but not themselves. This is because Douglas and Sarpy County districts would have allowances in the state aid formula for these programs, removing their costs from the averaging in the cost grouping cost, but the rest of the districts in the state would not. This would effectively take funds from all of the other equalized school districts in the state for the benefit of the Douglas and Sarpy County districts. Point four, this bill would provide several disadvantages to all school districts in the state, including the ones from Douglas and Sarpy counties. Point a) Section 66 of the bill would permanently extend the temporary aid adjustment, which would otherwise have sunset after the 2007-2008 school fiscal year. This provision costs most school districts state aid equal to 1.25 percent of their total formula need which, for Lincoln Public Schools, was more than \$3 million in 2006-2007. Under current law, temporary aid adjustments can be recouped under a levy limitation exemption by a three-fourths majority vote of the boards of education. However, while this bill would make the state aid reductions perpetual, it would not give local boards the authority to replace that lost state aid after the 2007-2008 school fiscal year. [LB547]

SENATOR RAIKES: Tim, you have written out your testimony in detail and we thank you for that. Could you just summarize the rest of it kind of a point at a time? [LB547]

TIM KEMPER: Yes, sir. Our fifth point is that the bill would provide a disadvantage to some school districts throughout the state, including some of the ones from Douglas and Sarpy County. And the primary reason for that is that it would appear to freeze the formula need of school districts at their prior year's formula need if they are levying more than 99 cents per \$100 of valuation. Point six is that this bill would impose whatever disadvantages there might be in a sort of "double whammy" in February of 2008. Even though this bill doesn't cause a recertification of the 2007-2008 state aid, various sections of the bill clearly do have effect in 2007-2008, which, in my opinion, would be reflected in the re-spin of state aid at the end of 2007-2008. What that means is that the February 2007-2008 certification would include whatever disadvantages from 2007-08 and 2008-09 all in the payments that we would actually receive in 2008-09. Point seven is the bill leaves some unanswered questions. It is not clear whether the allowances or reimbursement, because they are referred to as both. It is not clear whether they are all reimbursed through the Tax Equity and Educational Opportunities Support Act, or whether they are reimbursed directly from the Nebraska Department of Education, because it does refer to both. And in summary, point eight, Lincoln Public Schools opposes this bill as, in our analysis, it would establish two separate school finance systems in Nebraska. There would be one finance system for the school districts headquartered in Douglas and Sarpy Counties, and a very different, less

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

advantageous one for all of the school districts headquartered in the other 91 counties in Nebraska. Such inequitable treatment of school districts, and therefore of school children and taxpayers, is simply not in the best interest of our school district, the state as a whole, or most importantly, the school children of Nebraska. I would be glad to respond to your questions. [LB547]

SENATOR RAIKES: Tim, thank you. Questions for Tim? Obviously, you have done a tremendous amount of work on this, and we do appreciate this input, and I take it that if we have some questions on the details that you will be available for us. [LB547]

TIM KEMPER: Yes, sir. [LB547]

SENATOR RAIKES: Okay. Again, thank you for being here, Tim. Next testifier is Bill Mowinkel from Grand Island Northwest. There is Bill. [LB547]

BILL MOWINKEL: Good afternoon Education Committee, I am Bill Mowinkel, M-o-w-i-n-k-e-l, superintendent of Northwest District 82 at Grand Island. I am here in opposition to LB547, primarily because it is area-specific. This concept needs to be refined and applied statewide if it is going to become a state statute. In its current form, it only deals with Sarpy and Douglas County. There are boundary issues in other parts of the state, boundary issues that deal with annexation from one community to another for various reasons. This creates hardships for districts outstate with a loss of property value and the loss of growth that development would bring. Northwest District 82 and Grand Island District 2 are looking at what a learning community would look like and have found difficulty when trying to include all districts in the county. This bill calls for all district in a two-county area. What incentive would there be for them to all participate? During our talks we can agree to a common levy, which this bill would strike. I urge you to consider amending this bill, if it is to be advanced, to include all of Nebraska if it is to become an all-of-Nebraska state statute. In summary, I am not sure one size can fit all, but the framework should be there for all to work around. Are there any questions? [LB547]

SENATOR RAIKES: Okay, Bill, thank you. Senator Adams. [LB547]

SENATOR ADAMS: In principle, I understand what you are saying. I agree with you. I think that, hopefully, whatever we end up doing here can be a model that is applicable from one end of the state to the other if it is good state policy. Did I hear you say that you had discussions with Grand Island Public Schools? [LB547]

BILL MOWINKEL: Yes, we have had one meeting, board presidents and superintendents, and we had another meeting with Senator Raikes and two other senators down here. We are looking at what a learning community will look like. On February 13, we scheduled another meeting with the two legislative committees of the

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

two districts. So we are looking at what a learning community would look like. It is very difficult to come to agreement on all of it, as we expressed the day we met down here. But at least we are looking at the framework of it and seeing how it would work in Grand Island. [LB547]

SENATOR ADAMS: Let me ask you the same question I asked the Millard school board member. Student achievement needs to be number one. But at the next level, which is more important to the school board of Grand Island Northwest? Is it retaining your identity or retaining your tax levy? [LB547]

BILL MOWINKEL: Retaining our identity. [LB547]

SENATOR ADAMS: Okay. Thank you. [LB547]

SENATOR RAIKES: Thank you, Bill. Next, Brad Cabrera. Is Brad here? Yeah, there he is. [LB547]

BRAD CABRERA: Good afternoon. [LB547]

SENATOR RAIKES: Brad. [LB547]

BRAD CABRERA: Senator Raikes, members of the Education Committee, my name is Brad Cabrera, C-a-b-r-e-r-a. I am the assistant superintendent at Hastings Public Schools, and I am here today to testify in opposition to LB547. I am testifying in opposition as the bill is currently read in its green form, and what I am opposing is the finance portion of the bill. I will make this very brief, the primary finance portions that I am in opposition to are the elimination of the allowances for poverty and LEP, a possible reduction in the standard cost group cost per formula per student, and also a continuation of the temporary aid adjustment. [LB547]

SENATOR RAIKES: Okay. Thank you, Brad. Any questions for Brad? I don't see any, thank you. Ed Babbitt. Welcome, Ed. [LB547]

ED BABBITT: (Exhibit 10) Good afternoon, Senator Raikes and members of the committee. My name is Ed Babbitt, mayor of the city of Bellevue, B-a-b-b-i-t-t. From the discussion here today, it appears from Senator Kopplin's testimony and many proponents, the committee appears to have their work cut out for them. There is a lot to do and a lot of effort, and I admire the amount of work that senators do put in on all these issues. The city of Bellevue joins with Bellevue/Offutt community in urging your opposition to LB547. The main reasons that I pick up from feedback from the community is it removes local control, it stifles community growth, and it appears it could well raise taxes. Schools are one of the most important components for families moving into an area as well as for economic growth, when a business is looking to relocate. For

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

over 25 years the Bellevue/Offutt community, Papillion, and LaVista have operated under a law that allows a school district to grow within the community. As you are well aware, Sarpy County is a growing community. A lot of the areas haven't grown the way they were planned. It is different. So many things are outdated. It is a law that is available to all Class III school districts and has worked well for these districts in the past. There is one parcel of land that is still being addressed down there. I am confident that elected officials will be able to sit down and reasonably discuss a transition plan to address that particular situation. Sarpy County, as I mentioned, is one of the fastest growing counties in the United States. The growth occurs because we have good schools, good roads, and a progressive vision for our communities. We have seen instances in Bellevue and Papillion where the growth of our communities have already been stifled as a result of the recent legislation. Both of our communities have housing areas that are and ready to move forward, but are now on hold because the school boundaries are frozen. We understand that Douglas County has unique challenges. They are a challenge that we do not have in Sarpy County. Let Douglas County solve their problems and please let Sarpy County work to address the growth in our communities. I ask you to please oppose LB547. We do work together in Sarpy County. the mayors meet between every month to every two months to discuss issues and to work out potential problems we might have. I thank you. [LB547]

SENATOR RAIKES: Okay. Thank you, Ed. Questions for Ed? I don't see any, thank you. Megan Lucas. Welcome. [LB547]

MEGAN LUCAS: (Exhibit 11) Good afternoon, Chairman Raikes and committee. My name is Megan Lucas, Lucas, L-u-c-a-s. I am the president and CEO of the Bellevue Chamber of Commerce. Thank you for allowing me to be here today. I am here representing the Bellevue Chamber of Commerce and the Bellevue/Offutt business community. The Bellevue/Offutt community is the third largest city in the state of Nebraska with a city census population of 45,000. When our entire community is incorporated into the numbers, the Bellevue/Offutt community serves a population of 75,000 people. The Bellevue Chamber of Commerce stands united in our community in opposition to LB547. The Bellevue Chamber of Commerce board of directors passed a resolution that opposes any legislation that will stifle growth of our community, increase property taxes, and remove local control. We believe this bill does just that. If those that developed this bill truly believe that it is important to stop the growth of Omaha into Millard, Westside and Elkhorn, then confine the bill to Douglas County and let them work it out, as it appears the superintendents in that county have done. But don't drag Sarpy County into their problems. Our businesses in the Bellevue/Offutt community are concerned. For example, in one area of our community, a local business has an assessed valuation of \$10 million. Even though it is in the city of Bellevue, it pays \$121,477 in school taxes to the Papillion/LaVista School District. If they were in the Bellevue Public School district, they would pay \$16,267 less. And under LB1024, the school taxes would increase to \$129,493 as part of the common levy. While the

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

common levy is not discussed in LB547, there is a provision for it to be studied as an alternative funding mechanism. In addition, as you go through all the components of the bill, there are increased programs, buildings, exemptions for lid limitations, etcetera, everything that boils down to increased taxes, whether it is property taxes, income taxes, or sales taxes. While the Bellevue/Offutt community is the third largest city in the state, we are truly a community that works together to do what is best for our children, families, military, business, and overall community. Community identity is important to us. It is no coincidence that you have representatives from the school district, city, Bellevue Chamber, and community. We were together in the 1980s when we were here in the Legislature talking about the importance of community and community growth, and we continue to be united and here again talking about the importance of community growth. The Bellevue/Offutt community is truly a community. We believe in standing up and doing what is right, even if we have to stand alone. Please do not succumb to the nine superintendents' proposal because there are nine, but rather look deep and ask yourself what the real reason is for the legislation. If it is to solve Omaha's problem with Millard, Westside, and Elkhorn, then let them solve it in Douglas County. Please don't drag the children, families, businesses, and communities in Sarpy County into this chaos to solve Douglas County's problem. Please oppose LB547 and approve LB91 that you will hear tomorrow to remove Sarpy County from the learning community. Thank you. [LB547]

SENATOR RAIKES: Okay. Questions? Thank you. I don't see any, thank you. [LB547]

MEGAN LUCAS: Thanks. [LB547]

SENATOR RAIKES: Lin Willett, please. [LB547]

LIN WILLETT: (Exhibit 12) Good afternoon, Senator Raikes and members of the committee. My name is Lin Willett, it is L-i-n W-i-l-l-e-t-t. I have lived in Bellevue for 36 years and was a middle school teacher there for 35. I am now a retired taxpayer on a fixed income. I am here to represent members of the BEA-Retired Group, and I am to testify against LB547. We looked at this bill to see how it would improve things for students in Bellevue, and frankly, we couldn't see how it would help them at all. Phil Kaldahl, one of our esteemed elders in Bellevue who has been involved in legislation for over 40 years said this about LB547: "I have read LB547. Heaven knows how many unintended consequences will result from the language of this 150 page monster. It keeps many of the problems in the learning community law and adds a few more. We will lose local control, pay more, and may never have any representation in this mandatory, voluntary proposal. Where is the historical concept of democracy that is base to our public schools?" Our newest school board member, Nina Wolford, talked to many hundreds of people during her recent campaign. She said, "first, I learned that people want us to be good stewards of their money. Then they want to keep local control of their schools and finally, I learned that people want their board members to

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

listen." I hope this committee will listen when I tell you that I have not talked to one person in Bellevue who thinks that this bill is a good idea, or that the learning community is a good idea. They want no part of it. Frankly, I don't understand why Sarpy County Schools were dragged into this mire in the first place. Bellevue is the third largest city in Nebraska. If this is so good for number one and number three, what about number two? Maybe we should roll Lincoln Public Schools into the learning community. Doug Christensen over at the State Department of Education battled hard for the right for local districts to set their own standards and write their own assessments. He went head-to-head with the federal government over that issue. Now we are planning to go in a totally different direction, lumping a bunch of districts into one unwieldy mass. What is our vision for the future of education in Nebraska and how does this bill fit in with that? Because once we start this process, where do we stop? With a statewide education system a la Texas? If it is so good for these districts, why not all the districts in the state? We in Bellevue already have an efficient, effective school district. Setting high standards. Focusing on student achievement. We already have that. I looked at student achievement and said, how is gathering statistics going to improve the education of kids that live on my block? Isn't that one of the things we said was wrong with NCLB? We already live in a very diverse community, and many of our students have lived all over the world. Bellevue is a unique community in this regard, in all of the metro area. We already have an option plan. We need to fund it for transportation? Let's look at that. Bellevue already has a low tax levy. We don't want to be put in the position of having to raise our tax levy to pay for extra bureaucracy created in this bill. Most school districts enjoy the ability to grow concurrently with the city. If we are stuck in this learning community, we will lose our ability to grow as Bellevue grows. This bill takes away local control, stops growth, and cost us all more money. How is that good for anybody? We just don't see any advantages for us and we see plenty of disadvantages. I urge you not to pass this bill. Thank you. [LB547]

SENATOR RAIKES: Okay, thank you. Questions? I don't see any, thank you. Janis Elliott. Welcome. [LB547]

JANIS ELLIOTT: (Exhibit 13) My name is Janis Elliott, J-a-n-i-s E-l-l-i-o-t-t. I am president of the Bellevue Education Association and I represent nearly 600 members of our union. The association is opposed to LB547. Any legislation should be based on good educational premises, and I believe that is what the superintendents were doing when they drafted the bill. The educators that I represent would like to be assured that Bellevue would still have access to our own present educational environment, which is based on good, sound educational premises. However, LB547 was not constructed with the leadership of our superintendent or our board of education, and it does not address many of the funding questions that are raised in the bill. I would like to share some of the questions that my educators have regarding this bill, and we have looked at the bill. Why wouldn't the practices to close the learning gap be applied to all Nebraska schools or students instead of only those in Douglas and Sarpy Counties? Why do we need a

Education Committee
February 05, 2007

separate bureaucracy to monitor and report this data as this the current role of the local board of education? And how much local board control will ultimately be lost in our neighborhoods? How will students who option enroll in another school be reported? Will they be reported in the data of their home district or with the focus school data? How will priority be determined? Will provisions be made for military students who arrive in Nebraska from overseas, or will they have to go 20-30 miles from their home and their parent's place of employment because there was no room due to the way capacity at their nearby school was determined by the LB547 Community Council? To whom does a parent voice a concern regarding the school across the street? It seems that this bill creates another set of bureaucratic personnel from which the public must glean information. The new costs in this bill must be taken from state aid or increase local levies. The bill does state several places where the levy can be exceeded or increased state aid will be available. Where is the money allocated in Nebraska's budget? It seems a large portion of Nebraska's budget is Medicaid, Medicare, and Education, and we can't take from Medicaid or Medicare very easily. So that money to fund these new programs will have to come from the other students of Nebraska. Focus schools do create new political subdivisions, and isn't it contrary to LB126 by creating more educational districts? National Board Certification, of course, is a concern for teachers. Is the present certification process for teachers in Nebraska inadequate? And will this guarantee any improvement in student learning? A meeting of the nine superintendents that drafted the bill was held, and local association presidents were invited to learn more about it. I, however, was not invited to that meeting, nor was my superintendent. Therefore, the questions that I have addressed previously have not yet been answered. I respect the Nebraska Legislature's work, and I hope that they will obtain the answers to the questions that I have and the questions that the teachers in Bellevue have before they seriously consider LB547 or any type of learning community for Douglas and Sarpy County schools. My educational premises and the quality of education in Bellevue is outlined in my document, and you can refer to those when you have free time. [LB547]

SENATOR RAIKES: Okay. Thank you, Janis. Any questions? Thanks for being here. [LB547]

JANIS ELLIOTT: Thank you. [LB547]

SENATOR RAIKES: John Deegan. John. [LB547]

JOHN DEEGAN: (Exhibits 14 & 15) Hi there. I am John Deegan, the superintendent of schools of the Bellevue Public School district, and my name is John, J-o-h-n, Deegan, D-e-e-g-a-n. I can tell you that I am very happy to address the committee and, for once, be able to be heard, and hopefully be responded in that way. We serve the children at Offutt Air Force Base, and this is a huge resource to the Bellevue community and also to the state of Nebraska. There is about 9,500 students in Bellevue. I am here today in opposition to LB547. I believe that LB547 is a bill that we should oppose. I have been a

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

superintendent of Bellevue for ten years. I have actually been in the school district for 34 years. I truly understand the Bellevue community and the growth of that community and how it has gone. And it is very unfortunate that LB1024 came up and kind of...I understand the reasons why it was put in place. There was still a lot of work that needed to be done. But the superintendents, after that bill was passed and then put on hold by the courts, were asked to come back with a plan. I met with the superintendents from June until December, and we discussed and discussed and discussed. And then in December sometime, I came to a meeting and I was handed a little handout that said this is the synthesis of the bill that we want to work on and introduce. I said I would like to make changes in that bill, and it was quiet. And I said, why are we doing this to boundaries? Why are we locking everything in and doing this? Still, quiet. And by the time I got done asking all of those questions, I was given the answer, like it or not, you are included. So there wasn't any spirit of cooperation by the other superintendents, and so I felt much rejected from the group. This is the way we are going. That is the bill we put together, and there was no bill. There was just a little summary of the bill. So I came back and felt like where are you going to go from here, what are you going to do? Well, I looked at the bill very, very carefully, and I hope that everybody does take a look at that bill very carefully. Because what you have been given so far by a number of people in that group have been a beautiful slide presentation that says nothing, another summary of the bill that says nothing, and I would like to be able to take time to read the bill. I think it is important to read the bill, to understand what actually is going to become law. It is not going to become these summary statements. What is going to become law is what is in this book. And so I think it is very, very important that we all put our focus there. I do believe there was a serious intent to keep the meetings closed all year. There was never an open discussion, never an open dialogue. I thought the press was kept out unfairly. And as a superintendent, I was ashamed to be in those meetings. And I can tell you, I am happy right now I was asked to leave. And I think it is important for all school districts in Nebraska to understand that they can work together. I was very, very happy with Pam Redfield's comments. I totally want to second everything she said. Everything in this bill we can do already. We don't have to have legislation to come out and tell us what to do. When it talks about closing the achievement gap, I can do that. That is what we are working at. We are the only school district not on the watch-list of the federal government at this time. Also focus schools, why don't we just talk about charter schools? Why don't we get around to talking about creating schools for a few kids and not all kids? And what I am concerned about in our school district is equity for all children, and I think that is important. It was very nice of these people to come up and talk about their child going to a private school, or somebody could go up and go to the Kiewit Center, but what about all the kids that are left behind? What about all the kids? And that is what I think I important for you to think about. So I just want to make sure I understand too. Another thing I thought was absent from this entire discussion was Doug Christensen. I think the Commissioner of Education and the Department of Education were totally silent on this issue, and I think I think it is a shame in Nebraska. If we are going to talk about improving education, they should be at the table as well. I just

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

ask you to kill the bill LB547 and not allow it to go any further. And I would just indicate I passed out a map to show you in 1964 where the school boundaries were in Sarpy County and in 2006 what they are under a current law that worked quite well. If you look at in 1964, there wasn't much movement in Papillion and Bellevue because all the boundaries were frozen then. That was the solutions in 1964. So we came up to 2006 after a boundary law in place, you can see that Papillion has grown tremendously to the south, Bellevue has grown to the southwest, and Springfield is still one third of the county. And the assessed valuation behind our students is very, very small, \$1,900 behind the assessed valuation. So I would say the old law that works quite well that allowed communities to develop around their communities and schools districts worked in Sarpy County until LB1024 froze all those boundaries. [LB547]

SENATOR RAIKES: Okay. Questions for John? Thank you, John. [LB547]

JOHN DEEGAN: Thank you. [LB547]

SENATOR RAIKES: Thomas Petrie. Is Thomas here? [LB547]

THOMAS PETRIE: (Exhibit 16) I am a proponent for the bill... [LB547]

SENATOR RAIKES: Okay. [LB547]

THOMAS PETRIE: ...and I am Tom Petrie, P-e-t-r-i-e... [LB547]

SENATOR RAIKES: We will take your testimony, but for our transcriber we note that this is proponent testimony, not opponent. [LB547]

THOMAS PETRIE: Yes. For an ex retired professor, being restricted to three minutes was quite a revealing point when I walked in here or sat down. But any instance, most of the points I have are in this report here. I only brought eight or nine copies of the report, so I don't have enough, not knowing what the protocols were. How about a proponent for a change here. And basically, we need to address the achievement gap, and certainly the achievement gap is something that has been around for quite a few numbers of years. Senator Adams, for example, it goes back to the Depression years when Hollinghood's (phonetic) wrote the book in terms of blue collar children and so forth as a sociologist. It has been operationalized. There is a 60-70 year line of research that goes from those studies on through the whole line of nation at risk, dropout kids, so forth throughout these 70 years. It is all in that pamphlet I just passed out. My main concern about the bill is that according to Jonathan Kozol, who has really studied this problem about the achievement gap and about kids, he indicates that the larger the bureaucracy, the more problems he has in education or he seems to meet, and so how will we avoid, that is his statements in the The Shame of the Nation, that we share is occurring, and how do we get at certain things to handle that particular problem? Now I

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

suggest that in methodological changes, I assume that is the next step of the formula resolve the bill, we will be looking at quite seriously and that is there is a research base in terms of site-based management. There is a research base on what sort of skills make excellent teachers, what sort of teachers can really handle, and as I look at the TESA programs, I look at the skills that make a significant difference in learning outcomes, we have the knowledge that we are not using. And when Senator Ashford made us some things we can do today. Yes, there are some things we can do today and help, and these things that we can do today had to do with the effective schools research. I mean there is a body of research that everywhere there is an excellent school, there is a powerful, excellent principle and is detailed in quite a bit. Then the question about the children that stay behind. We have the list of skills through the TESA. We have the skills listed in terms of skills that make a significant difference in learning outcome. Why not get at those skills? Why are we ignoring them? I have worked with two school districts that started those kind of programs, and the principals decided it was too damn much work and the boards of education cancelled working on the effective schools and working on TESA and working on the skills that make a significant difference in learning outcome. We have a broad, powerful discipline in education, it is second to none. It is a matter of are we going to beef up our leadership and bring solutions to these problems we have? This thing will help, but it sure needs beefed up from my perspective. Thank you. [LB547]

SENATOR RAIKES: Thank you. Questions for Dr...Senator... [LB547]

SENATOR ASHFORD: Not a question, but, Dr. Petrie, and I wouldn't absolutely second what you are saying...Omaha is very, very fortunate in that we do have the tools there in our city to do it. I am amazed at the OPS principals that I have worked with the last ten years, and how committed they are and how good they are. I think we do have the tools, and it is just a matter of how do we get this collaboratively working together? [LB547]

THOMAS PETRIE: We have the tools, but we have the myth out there that principals don't have enough time. They don't have enough time because they are not approaching the relationships with teachers. [LB547]

SENATOR ASHFORD: I mean I don't know all the answers, but this is the irony of this whole debate is that we are the best city in the country to implement change because we can affect change. We have the best people, the best...I mean this is a great place, and we shouldn't be fighting. We should be making it better. And so I appreciate your comments, Dr. Petrie. [LB547]

THOMAS PETRIE: Thank you. [LB547]

SENATOR RAIKES: Thank you, Doctor, good to have you here. We have one more opponent testifier, and then we will go to...Senator Chambers. Is he still here? Yes, he

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

is. And Then we will go to neutral testifiers. Welcome, Senator. [LB547]

SENATOR CHAMBERS: It is good to be here. Mr. Chairman, members of the committee, I am Ernie Chambers. I represent the 11th Legislative District. Ordinarily I don't testify on bills, but this is one that touches an area that is such a part of me that I had to say something. I do not believe LB547 is going to be advanced. I do not believe it is going to be enacted into law. It is what I refer to as an empty sack. This bill was not drafted by the 11 or 10 superintendents, however many there are, but a cabal, a small group put something together, dragged the others along, and they put a hodgepodge into it. After the Governor insisted that some of these superintendents invite me to a meeting and I expressed my points of view, they then for the first time started talking about an achievement gap. I have articles from the World-Herald, which I will share with the members, not today but when we get to the debate on the floor. Where the superintendents said they didn't want to talk about achievement gaps, it was embarrassing, but if they talked about it, the Legislature might give them more money. So money is what they are looking for. I have two articles here. Didn't have time to copy them, but one relates to how "profitious" OPS is. When a civil rights complaint was filed against the district because of the inequitable distribution of teachers with experience, OPS promised to level out the experience as far as the teachers. Accepting OPS's word, the federal government closed the case and immediately thereafter, OPS violated its word and the World-Herald article that talked about it pointed out that had the government still been monitoring OPS, they would have been found in violation of the agreement that they made. Another article I have here points out that the schools in OPS are now, there are more segregated schools and they are segregated to a greater extent than they were ten years ago, and the World-Herald gives the statistics. I am not going to read them all, but I will give you a copy of that article so you will see what the situation is. They did say, nearly one-fourth of black children, for example, are concentrated in six elementary schools with more than 90 percent minority students based on 2004-2005 figures. Ten years earlier, before Omaha stopped forced bussing for racial balance, the district had no such schools. Meanwhile, 55 percent of the booming Hispanic enrollment attends just 10 mostly Hispanic elementary schools in southeast Omaha. A decade earlier, no OPS elementary school was more than 41 percent Hispanic. Then before Mr. Lutz got on board the bandwagon, this is what he said about voluntary integration, smaller districts and competition produce better schools, Lutz said, he also questioned whether the OPS takeover would bring about more integration because Omaha officials have said their integration plan would remain voluntary. "If the moral imperative is to mix kids from all different walks of life," Lutz asked, "how is this going to do it?" In other words, he acknowledged that in that article was October 30, 2005. He acknowledged that this voluntary talk of integration is going to do nothing. The only way you can have integration, meaning a mix of a substantial number of children of different races, is either by massive bussing, which is not going to happen. That has been put out of the picture by white parents and by the federal government. So if you are not going to move large numbers of students, the only other

way, since you have housing segregation, is to transplant the houses of black people into the neighborhoods of white people, and the houses of white people, pick them up, and put them in the neighborhoods of black people, and that is not going to happen either. So what these dishonest people are unwilling to acknowledge is that there is no practical way, given the patterns of segregation throughout this country and in Omaha, to have any integration. So they talk about that and talk about it, but it has no bearing on anything. That is why I won't waste my time in a go-nowhere argument. I have emphasized the need to improve student achievement. My aim is to put quality education in every building in the district. Then it won't matter whether a child attends school across the street or across town. But under the current administration of OPS, even the World-Herald points out, the segregation is worse now than it was ten years ago. What about the achievement? Some people brag about the great education. On the television, I heard a lady say that her children were getting the quality of education in OPS that they were getting in Brownell-Talbot and Duchesne. Well, based on some figures that the World-Herald published a couple of weeks, maybe three weeks ago, maybe a bit longer but recently, according to the CAT test, black children in the elementary schools when it comes to reading, language and math are testing in the 20-something percentile. That is what is happening to the children I care about, and you have people coming down here talking about how great the education is for the children in OPS. My children all went to OPS. I went to OPS. I have grandchildren in OPS, and I am not here to praise OPS education which is leaving black children, Latino children, poor white children, Native American children behind. That is the fact, and when you can't read, you have no chance. When they talk about preschool or early education, let's say that you stimulate a child's mind, then that child goes into a boring, neglectful OPS school classroom. And because that child's mind has been stimulated, and that child is ahead of these other children because they have teachers who don't care or are incompetent or they are structured so much by the administration that they can't do anything, this child is ahead. So the child is bored, as anybody would be. The child fidgets. So this child is not viewed as one whose mind is to be challenged, but as one who is suffering Attention Deficit Disorder or is hyperactive and the parents are contacted to put the child on medication. OPS then wants to jump to the middle schools and the high schools and will say, there is integration there, we have magnet schools and talk all of these things. But the main link, the elementary schools, that is where the children need to be rescued. If they are lost there, they are lost forever. And if you can not read, you have no chance. I know the value of reading, as slow a reader as I am. I know the value of mastering language. That is all I have to work with in this Legislature. And when our children are in the 22 percentile, and you heard nobody come up here and talk about that. Where were the white children achieving? The 70-something percentile. Now to me, that is not a standard to cheer about. I feel that white children, if that is the level of their achievement, are being cheated also. But since they are 50 percent, 50 points above our children, I have to be concerned about those who are marginalized and thrown away. Just a couple of more points, because I don't want to take too much time. I may have made...Oh. Last year this committee, although it had a

different membership, heard all these black people brought in by OPS to tell you that OPS can not exist as it is. There has to be one city, one district. You can not have OPS reined by these suburban districts. You can't have it, because you have landlocked OPS and OPS can't exist. And they came down here because Mr. Mackiel told them to come down here and he brought them down here. They also said we have got to have some money. We have got to have it. So what happens? They come down here now after Mr. Mackiel has entered an agreement that says, freeze the boundaries. Leave those suburban districts ringing OPS. Leave OPS landlocked. LB1024 offered the common levy, and millions of additional dollars, \$28. That is money in hand. You take that and you build on it. What Mr. Mackiel went along with was doing away with the common levy, and for those who don't understand it, the rich put in according to their means, the poor put in according to their means, then the allocation is on the basis of the needs of these districts, and the districts that I am concerned about will get more than they are getting now. More than they will under anything in LB547 because it even makes less money available for some of those children who need it most. Mr. Mackiel gave all the money away. Mr. Mackiel gave away the opportunity to stop OPS from being landlocked. So what? Was he lying last time when he brought these people down here to say that? Or is he being disingenuous this time? My final comment, and I will answer any questions within reason. [LB547]

SENATOR RAIKES: Thank you, Senator. Questions? [LB547]

SENATOR CHAMBERS: No, my final comment, (laughter) then I will be ready. [LB547]

SENATOR RAIKES: I thought I had an opportunity there. [LB547]

SENATOR CHAMBERS: That is all right. [LB547]

SENATOR RAIKES: Please. [LB547]

SENATOR CHAMBERS: The letters WMD came to be known as the acronym for weapons of mass destruction. There were no weapons of mass destruction. WMD was an exercise in duplicity. You know what I use WMD for? To describe what Mr. Mackiel and OPS has done to people of my complexion, people who supposedly are speaking for Latinos. I call it white man's duplicity, WMD, and it is as destructive of the minds, the imagination, the hope, not only of children, but races. It is destructive and my job is to rectify that to the extent that I can. So I am sticking with LB1024. I am sticking with reorganizing OPS into three districts so that we have some local control, and we say we educate our children, and stop placing them in the hands of these white people who have had them all of these generations and the result? Achieving in the 20-something percentile when it comes to reading, math, and language in the year 2007. Any questions you want to ask me, I will answer, if I am able to. [LB547]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

SENATOR RAIKES: Thank you, Senator. Questions for Senator Chambers? Senator Adams has one. [LB547]

SENATOR ADAMS: Senator, I am going to ask you the same question I asked a person who was testifying earlier. [LB547]

ERNIE CHAMBERS: Yes. [LB547]

SENATOR ADAMS: If we are going to narrow the achievement gap, what in your mind is the best way to do that? [LB547]

SENATOR CHAMBERS: It is what happens in the classroom that this achievement gap will narrow, and the only way you can improve and correct what is happening in the classroom is to give a stake in what happens in that classroom to the parents whose children attend those schools. Give those parents some control over those schools. Hire the superintendent, the administrators, the teachers, don't have layers of bloated bureaucracy, more money goes into the classroom for instructional purposes, and we then assume responsibility. We make sure there are expectations placed on our children. We make sure that our children understand that they are going to school to learn, and we don't want teachers giving that "feely," "feely" hugging and to show how much they care, because our children get that from their mothers at home. The teachers are not anybody's mother, so to put it in a nutshell, when we have local control of the schools and can formulate the curriculum and make the teachers and others who deal with our children accountable to us, we will then start to see an increase in the achievement, because children will respond according to what is expected of them. And right now, nothing is expected of our children. Now to be fair, that is not condemning every teacher, it is not condemning every principal, because to use an old cliché, as quiet as it is kept, there are some principals, there are some teachers in OPS who would do much better if they had the freedom, the independence to innovate and structure and customize what they are offering to the students who come to their schools. But if a principal does too well, if teachers are too successful, then the question is asked, well, why isn't it happening in other schools? So we have got to keep everything low. Now that may not be an answer that you were looking for, but that is the answer that I would give. [LB547]

SENATOR ADAMS: Thank you. [LB547]

SENATOR RAIKES: Senator Avery has got one. [LB547]

SENATOR AVERY: Just one quick question, sir. Is there anything in LB1024 you would be willing to compromise on? [LB547]

SENATOR CHAMBERS: Integration. I will let you kick that out altogether, because they

Education Committee
February 05, 2007

are not going to get that anyway. And since that is what they care so much about, let's just get rid of it. If they are spending so much time talking about integration, that means it is a hard issue and they are obsessing over it. So if I can stop them from obsessing over that, I feel I am giving up a whole lot. Let's just take that off the table and talk about making the schools do what they are suppose to do, that is to educate the children. Acknowledge what the purpose of schools is. That is to educate the children, not to give jobs to teachers and administrators. But as far as anything else in LB1024, let me tell you what I don't want to give up. I don't want to give up the common levy. I don't want to give up the division of OPS into three districts. We will have the magnet schools and all such things as that, because those things are not even matters of controversy. But we need to do something about achievement, local control, and I am not talking about the PTA, the common levy, and then you have me on your side. [LB547]

SENATOR AVERY: The learning community? [LB547]

SENATOR CHAMBERS: Yes, we should keep the learning community. [LB547]

SENATOR AVERY: Thank you. [LB547]

SENATOR RAIKES: Senator Ashford. [LB547]

SENATOR ASHFORD: Senator Chambers, I don't want to give up on the integration. [LB547]

SENATOR CHAMBERS: Well, you don't have to. All those who want to integrate, integrate, but Senator Ashford, here is what has happened when I talked to some of the strongest integrationist, white people, and I say are you sincere, they yes, I say okay. Is your spouse black? No. Are you rearing your children to marry a black person? Well, no. Do you live in a black neighborhood? No. Well, certainly you go to a black church? No. Well, is the workplace integrated? Well, no. Well, nothing in your life bespeaks this concern you have about integration, so what do you mean? Then they are speechless and tongue-tied. I don't know what they mean when they talk about integration, but I certainly take offense when the suggestion is made that a black child can't learn unless a white child is sitting in the classroom next to that child. That is what stamps us with the badge of inferiority. I believe you can have class of all white children, they have many of them, and they learn. You can have a class of all black children, all Native American children, all Latino children, all pacific rim children, all Alaskan Native children, and they can learn. It depends on how competent the teacher is, how much ability that teacher has to transmit that information to those children, show those children that there is respect for them and their parents, and children can learn. If we give them a good education, then we will let the integrating take care of itself. They can go out and compete in the job market. Then if they want to buy one of these house, if the racist real estate industry will sell them one, they can buy a house around white

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

people if they want to. They can go try to get the job competing against a white person if they want to. They can do anything they want to, but the purpose of the schools is not to have a social experiment known as integration, which has never, ever worked in this country. There has never been integration. Segregation has gotten worse since the Brown versus Board of Education than had existed before. [LB547]

SENATOR ASHFORD: True choice does make a difference though. I mean, I agree with you that a classroom of black children can learn just the same as one of white children. I absolutely agree with you. And that there might be good teachers for all children. [LB547]

SENATOR CHAMBERS: Yes. [LB547]

SENATOR ASHFORD: That is absolutely correct. Our society, whether it is right or wrong, choice is a big part of it. And I think if we delete that as part of our plan, I think we are deleting part of life. [LB547]

SENATOR CHAMBERS: You don't have to delete it. He asked how I would compromise. Here is the thing I would ask in this rhetorical, how are you going to achieve this integration? We don't want the brunt and burden to be put on our children all the time, even when they had bussing. Three classes, three grades of black children were bussed out. One grade of white children. Then when Mr. Mackiel got rid of bussing and those three grades of black children came back to these schools that had been integrated with white people, they had teachers who had never taught in those three grades before. So they were flying by the seat of their pants. They did not have equipment. They did not have supplies. They did not know how to teach their children. But since it was our children, what difference does it make? They don't have to learn anything. We build more jail cells. Go down and look at the penitentiary. Look at the county jail and the city jail. These are the realities that I confront, and I am not going to sit here or anywhere else and let a bunch of white people who have destroyed our children, and some Negro stooges who are on their payroll suggest that I ought to sit back and let additional generations of these children go through these classrooms and come out as adults and can not read. That is what I see. And the tests formulated by white people, administered by white people, graded by white people demonstrate what I am saying. Let me give a child a newspaper and say read that and tell me what you read. That is a reading test. And there are a lot of children, and I should say those who are past the level of childhood, who have passed from OPS who can not read a newspaper. LB547 is doomed. Either LB547 will die or I shall die (laughter). I better change that because some of my colleagues might take me up on that. But here is the point, what is being given to this committee through all of these bill is the raw material. The heavy lifting is going to come on the floor of the Legislature. That is why I didn't bring all of these copies of the articles, because I will do that out there no matter what comes out. And if somebody is going to bring something that I disagree with, they better

be mindful of what is known as the rule of 33. If you don't have 33 votes to shut me up, then you are not going to get past me. And there are people in my community who have told some of these rich white men that they don't have to pay attention to me, that I must be stopped, that I have no clout down here, that I am not respected down here, so just ignore me. So they have been invited to these white men's meetings because they say what the white men want to hear. So now it is in my forum. Now I can be embarrassed. Now my blood can flow, and it can be shown that I have no clout, that nobody listens to me, then they are going to have to explain why things can not get past me if I don't like them. But you know what I would like every child to have a good education wherever that child lives, wherever the building is located, whatever the child's race, nationality, language derivation, ethnicity, because children are not responsible for what their parents did. They are not responsible for being here, and we are criminally wrong if we abuse and cheat children because we don't like their parents. And that must be what is wrong with these white people teaching in the schools in OPS. See, although it is a majority minority district, 92 percent of the teachers are white. They don't recruit black teachers for OPS. They don't retain black teachers. So I have been asked, where will the teachers come from if there is a district which has black influence? White teachers. We will get white teachers. White teachers can teach. They know how. They will just have to be held accountable, and put in the right environment, you would see some of them bloom and blossom because they could be what they went to school for. They could see themselves having an influence in developing the minds of these children. They would become a part of our community. They could visit churches, if they chose. They can participate in activities after school is out. They will have the support. The community will put its arms around these teachers if these teachers show that they care about our children. And there will be white people wanting to go to the schools that we would have influence over, because they would say those people do want their children to learn. And white people want their children to learn too, and they will go wherever they have to go to learn. And that is what I know is the responsibility I am assuming by what I am talking about, and I will assume it. I have some education. I could be a superintendent. These people don't know it, but I was a consultant for the U.S. Department of Education during the sixties. I travelled around the country examining curricula in schools and colleges and universities that trained, not only teachers but trained the trainers of teachers. I wrote reports. They don't know what I am about, but I know, and I know what education is to be about. So put me to the test. We are going to keep that law, and for everybody's information, LB1024 is status quo. If nothing passes, LB1024 is the law, and they shouldn't take too much solace from the fact that judge Coffey has put the bill on hold. Dick Holland is funding that lawsuit. He is the guy who has the Holland Center in Omaha. Judge Coffey has a record when it comes to his decisions that would be failing in school. Sixty percent of his cases that go up on appeal are sent back because they are defective. Forty percent go back. He has 60 percent passing rate, and 60 percent is not a passing grade in school. So this is the man that they are hoping for, and I will let everybody know I am trying to put pressure on the Governor and the Attorney General to push Coffey to have a hearing to either make his

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

injunction permanent or dissolve it. If he dissolves it, LB1024 moves forward. If he makes it permanent, the state has a final order and can appeal it. When the appeal is accepted by the supreme court, as it will be, all bets are off and LB1024 moves forward. The Governor, the Attorney General are dragging their feet. Coffey, the judge, is playing politics. He acknowledged in his order that he is dazzled by Buffett money, so he has allowed his court to be dragged into a political dispute, and he has politicized his court. You know why I am saying it publicly? Because he needs to know that there is no fear of a decision coming on LB1024. The other side doesn't want that decision. I want it so that we can find out just where things sit. I apologize to this committee now, and I will tell you why. I presumed on your time. You extended me a courtesy, and you did not shush me up. For that I am appreciative, and when I present my bill tomorrow, I will repay you by not taking much taking much time on it at all. That will be my quid pro for the quo that you gave me today. [LB547]

SENATOR RAIKES: Thank you very much, Senator. Let's regroup. How many more opponents do we have for LB547? We have one, two, three, is that correct? Four. Okay. Let's move to hear those folks right now an then we will go to the neutral. Yes, sir. [LB547]

PAT JONES: (Exhibit 17) Senators, my name is Pat Jones. J-o-n-e-s, like Smith, common name. I have been a member of the Bellevue school board for 14 years and have served as president or vice president of it for nearly half that time. I came to Bellevue in 1979 because the U.S. Air Force assigned me to Offutt Air Force Base. Being a native Oklahoman, I did not plan to stay long. However, something about Nebraska grows on you, and I turned down an assignment to Washington and retired here and have gotten involved in the community. I am also a registered voter in Senator Gail Kopplin's District 3, which is a good portion of southwest Bellevue. I wish he was still here. Senators, I ask you to think a moment of your home town, where you grew up as well as where you live now. Your home towns cover Ashland and Lincoln, Sterling and Gretna, Columbus and York, Hastings and Kenesaw, St. Paul and Kearney, and Omaha. While very large places like Omaha and Lincoln might be different because of their size, I see a strong sense of community and ID in those other towns, the same kind of town I grew up in. The same thing is true in Bellevue, Papillion, Gretna, and Springfield. We all share that. And actually, although Lincoln is large, because it has only one school district, people there seem to have a strong sense of community identity too, Senator. Think about it a moment. Think about your roots. What you think back at. It is true. That sense of community and town identity is even proven by what has happened in Omaha. People say they live in Millard, yet there is no place called Millard, and they also don't seem to have much loyalty to Omaha or sense of pride and service to Omaha to make it better. What OPS tried to do by annexing the other school districts is no different than what every town and city does with the sanitary improvement districts. Let those who are willing to live there pay the cost of infrastructure down and then city is willing to annex. That is simply what OPS did. It

goes to prove again, I think, how sensitive and meaningful schools are to that sense of community and willingness to serve that community. We all want the best possible education for children. Everyone in this room feels strongly that way. Yet the people of Nebraska have a strong history of thinking that local control of their schools is the best way to achieve that. Should we be willing to help other communities if help is needed? Of course we should. We all contribute taxes to the state and federal government, and those avenues are there for that reason. Title I. Title IX. State aid. They are also voluntary avenues which have never been mentioned yet, that have been in existence all along. MOAC, the Metro Omaha Area Consortium, MABE, the Metro Area Boards of Education, which I sit on. We meet voluntarily every month and exchange information with each other to help each other. The Metro Reading Council, and other things like that. There is no advantage for educating children by creating a huge body as created by LB547. The negatives far outweigh any perceived advantage, and other testimony has covered many of those. Do we need focus schools and magnet schools to make things better? No. We already have school option. Kids can go there if they want to go there. Bellevue has 870 kids, which is bigger than the Bennington school district, that option into Bellevue. If you need to do something to help those who can't afford to go on option, then do something like that, but don't nail the rest of us to the wall at the same time. We, in Sarpy County, are our own towns and school districts. We have excellent schools and are constantly striving to make them better. The problem in Douglas County should be solved by those in Douglas County. If OPS were one school district like Lincoln, you wouldn't have this problem today. However, if that is not politically possible, then amend LB547 and apply it only to those Douglas County people who have that problem. Their superintendents voted unanimously for it. We in Sarpy County did not. In closing, Senators, I ask that you think again when the dust settles a little about your hometown, that sense of community and identity that you have with it, and why you have it. [LB547]

SENATOR RAIKES: Thank you, Pat. Questions? I see none, thank you. [LB547]

DAVE NABITY: (Exhibits 18-20) I have three handouts. When that red light goes on, I will quite talking. I promise. My name is Dave Nabity. I represent myself, and I hate to do this, but I am going to bring an economic spin to all of this. And the first thing that I want you to make note of, and I did e-mail this to a number of you. It is a Deloitte study that basically says that the most efficiently run school districts in American are between 3,000-6,000 kids. And once you get north of 6,000 and work your way up past 10,000 you get very bureaucratic, you get very inefficient, and the tax cost to support the schools systems go sky high. And so I am here to appeal to you to maybe take a different look at this, and ask the question, can we use this as an opportunity to completely modernize and reform the way we deliver public education in Nebraska. Taking light of and note of the type of intelligence that we have here from Deloitte and organizations like the Reason Foundation. One of the things that I came up with a year ago with regard to solving the OPS crisis was to downsize OPS, to share the

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

responsibility across the districts so that the eight surrounding school districts around OPS would take over responsibility of managing and operating schools within the Omaha Public Schools system so that everybody has an equal stake and an equal responsibility of teaching at-risk students, non-English speaking students and so that there is not one district in the group that can say we have an unfair advantage of trying to comply with No Child Left Behind. That is here in this "Plan for Shared Responsibility." There is basically seven questions that I would like your committee to consider answering and solving. How can we remodel a statewide education system to create the least amount of overhead, administration, and employment to achieve academic excellence? How can we keep parental control of curricula on the local level and yet outsource business functions to regional administrative centers? One of the keys to this Deloitte report is the sharing of services across multiple districts. How can we create a more efficient school district? And those that share services among many schools so that property taxes can be lowered. How do we stop the runaway increases in property taxes? Right now, our local boards get a blank check anytime real estate values go up, and we haven't really answered the question. How much should it cost per student to educate a child in Nebraska? And then go ahead and set the levies based on that. I am going to be getting close to my time running out. I think it is important that we try to make sure 65 percent of all the money that is allocated to public education gets in the classroom. That is why some of what is in LB1024 might have some merit. And I guess I ask you to go outside the box. Think of, and look for innovations that are being used around the United States already in other parts of the country that are working, that create efficiencies and improve student achievement. Thank you very much. [LB547]

SENATOR RAIKES: Thank you, Dave. Welcome. [LB547]

SUSAN SMITH: I am Susan Smith, S-u-s-a-n S-m-i-t-h. Chairman, committee members, thank you very much. I will move this along very quickly. There is just one point that I wanted to kind of bring up. I don't understand what is happening in our schools to where these children are not getting educated. I went to a poor school in a poor area of town. My school was clean. Our teachers were quite capable of teaching us. Is it a problem, this No Child Left Behind Act, that we are forced to pass these children onto the next grades and that is why they are getting passed on without the proper education. Is it our teachers who aren't educating them properly? How much of this 60 percent of this poverty level is illegal alien children who are in our communities taking up time and resources from American children? And I would just really like to say that I would like to go where we talk about us as Americans. Not white. Not black. Not brown. I don't really care what color a person is. Are you an American? Are you a citizen? Are you authorized to be here legally? If so, than you have every right to our school system and all the other services at the tune of about \$126 million a year that Nebraskans are currently paying to support illegal aliens that are living in our state. If we eliminated that problem of illegal aliens, we would have \$126 million that we could put back into a

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

school system and work with our children who are Americans, who are poor, who need the help. And I appreciate your time very much. [LB547]

SENATOR RAIKES: Okay. Thank you. Any questions? I see none, thank you. Are there any other opponents to LB547? This is our last opponent, okay. Yes, sir. [LB547]

BARTON BONN: Yes, my name is Barton Bonn, that is B-o-n-n, and I am an opponent to this bill. It seems that the priority objective of the bill is to preserve the school districts. The school districts are, in fact, monopolies, and it is one of the factors leading to the problem that we have today. It led to the segregation that we have. It has caused desirable and undesirable neighborhoods in the city based on the reputation of the school districts. But more importantly, the fact that it is a monopoly, it suffers all the ills that any monopoly suffers. And that is inefficiency, a trend towards bureaucracy. And what needs to occur instead of the 11 school districts cooperating together, what they need to do is compete against one another. That competition is what drives American ingenuity. It is what causes efficiencies. And you have a unique situation here where you have 11 districts where they ought to be competing against one another. The boundary lines are a part of the problem. When you are in a neighborhood I have, perhaps four elementary schools within a half mile of my house. I would be far better served if they were representative of different educational entities, rather than just simply one entity. Rewards will follow those who are successful. The funds will be withheld from those that are unsuccessful. And the way to distribute that funding is not to fund the schools, it is to fund the children and let the funds follow the children as they go to the schools that they choose. That is basically my comments. [LB547]

SENATOR RAIKES: Okay, Barton, thanks for your testimony. Are there any questions? Thanks for making the trip. Okay. We will now go to neutral testimony, and I do have a list of neutral testifiers. Virgil Harden is first. Virgil [LB547]

VIRGIL HARDEN: Senator Raikes, members of the Education Committee, good afternoon. My name is Virgil Harden, H-a-r-d-e-n, and I am the director of business for Grand Island Public Schools, and I am here to testify in a neutral capacity on LB547. Before I talk about some of our reservations with that bill, I would like to commend the metro Omaha superintendents and their valiant efforts to try to work together to solve the issue at hand. In Grand Island, we are trying to work with Grand Island Northwest, and that is not an easy task. I can't imagine how much more complicated that task would be with more players, so to speak, at the table. But we do have some reservations with LB547. Specifically that it eliminates LB1024 in its entirety, and therefore the learning community concept. The learning community concept does have potential. Potential for wider application than just the metro Omaha community, specifically within the Grand Island community. There are components within the learning community that represent some hope for Grand Island and Grand Island Northwest to start working together towards the best education of all the community's

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

children. Is the learning concept within LB1024 perfect? No. However, there are several key components within the learning community that have given birth to talking points between Hall County's four school districts. As the learning community requires the school districts within the county to work together. And those four school districts are, of course, Grand Island, Grand Island Northwest, Doniphan-Trumbull, and Wood River Rural Schools. Items within the LB1024 learning community concept that have promise are things like the shared common general fund levy, a shared common building fund levy, and especially the concept within Grand Island of an integration plan for minority students and students living within poverty. The elimination of boundaries as a major issue by introducing the concept of governance by a shared community school system. But even within the learning community concept, we do have some fine tuning to do regarding governance. The organizational structure must be developed so that we can ensure that resources go to where students are attending, those students that have the highest needs get the greatest resources. Additionally, we are concerned about the financial disincentives for not following an integration plan. We are worried that the current law has a lack of teeth, so to speak, to ensure that both of our both of our districts, or actually all four of the districts within the Hall County, would have to work openly and honestly. I see the red light is on, so in summary, we also have the concerns that others have shared about the financial impact of LB547. And so with that, I would certainly be happy to answer questions. [LB547]

SENATOR RAIKES: Okay. Thank you, Virgil. Questions for Virgil? Don't see any, but thanks for being here. [LB547]

VIRGIL HARDEN: Thank you. [LB547]

SENATOR RAIKES: Next testifier is Maddie Fennell. Welcome [LB547]

MADDIE FENNELL: (Exhibit 21) Good afternoon. My name is Maddie Fennell, M-a-d-d-i-e F-e-n-n-e-l-l. I am the education chair of Omaha Together One Community and the 2007 Nebraska Teacher of the Year. OTOC is a coalition of churches and community groups throughout Omaha. Our mission is to shape a community that works for all citizens in the metro Omaha area. OTOC undertook a process of community input through hundreds of house meetings. From those house meetings, we have developed three primary criteria that must be present in any successful education legislation. We believe all three of these criteria are equal and integral for student success. Funding must be proportional to need. We believe that all citizens in a community should be responsible for the funding of the education for all of our students. Therefore, we support the common levy. However, we also see a need to reevaluate TEEOSA and whether it is adequately meeting the needs of all children across our state, especially English language learners and those in poverty. The second OTOC criteria is in regards to equitable policy. How is the taxpayer money being spent? We applaud the focus on closing the achievement gap. As someone who has taught for 17 years in north Omaha,

that isn't just a catch phrase to me. It is what I have done every day for the last 17 years. A database that allows the tracking of individual students is a great potential asset in developing targeted, individualized intervention plans for students in need. A new staff position to coordinate programs for high-needs learners will provide a conduit for channeling research to school districts and classroom teachers. I can't read everything that is out there. I applaud the fact that someone will be doing the reading and giving me the best of what is out there. Research shows three things greatly impact student achievement. Number one is early childhood education. We can't expect all kids to get to the same place when they don't start at the same place. Previous work by this committee and the State Board of Education has taken us a long way toward doing better in the area of early childhood education. The second thing is teacher quality. The positive potential in the metrowide professional development is there. We can't expect our kids to move around unless as metro area, we provide a professional development to get teachers ready for dealing with 33 percent of their kids being from poverty. And class size. As called for in LB1024, we support smaller classrooms in higher-needs areas. We also believe, our last point is socio and economic integration. We must see Omaha as a cohesive community. We must dissolve the iron curtain of racism and classism that currently exists. We can't put our kids in a bubble and expect them to be ready for the 21st century world that is enriched by diversity. We must expect our classrooms to be diverse. Allowing parents and students the opportunity to choose from among high-quality neighborhood schools, magnet and focus schools, is a strength, and paying only for the transportation of those who help integrate is a good use of taxpayer dollars. We realize that parent choice integration won't happen overnight, and we believe benchmarks must be put in place as well as interventions when the benchmarks aren't met. In closing, OTOC values the working relationships we have with the members of the Legislature, and we look forward to future collaboration. I do have copies of our criteria for the committee. [LB547]

SENATOR RAIKES: Okay. Thank you, Maddie. Questions? I have one. [LB547]

MADDIE FENNELL: Sure. [LB547]

SENATOR RAIKES: You mentioned support of the notion that you use...you provide transportation only for a student who is going to increase diversity. [LB547]

MADDIE FENNELL: Correct. [LB547]

SENATOR RAIKES: So if you have a poverty student in south Omaha who would like to go to Omaha North because they have an outstanding math program and this student is an outstanding math student, that student shouldn't be allowed to go. [LB547]

MADDIE FENNELL: They are allowed to go, but their parent would have to provide transportation. We believe the transportation... [LB547]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

SENATOR RAIKES: If it is a poverty family and the parent doesn't have the money to pay, you are basically writing off that as a possibility. [LB547]

MADDIE FENNEL: I don't think we write it off as a possibility. We accept that there are certain things that parents have to do if they want, and as taxpayers we have to use our dollars most effectively. We can't pay to transport every single child to every single school that they want to go to. We need to focus our dollars on where they can be used best, and it is best to integrate our schools. [LB547]

SENATOR RAIKES: Okay. Brad. [LB547]

SENATOR ASHFORD: Maddie, congratulations, again, for your honor. We have to provide transportation, don't we, to poverty students in order to have the ability to have a real choice. How else do they have a real choice? [LB547]

MADDIE FENNEL: Well, first of all we need to have high-quality neighborhood schools. [LB547]

SENATOR ASHFORD: I agree with all of that, but if integration and high-quality neighborhood schools in key, and I agree with you and I agree with Ben's comments on that, but then choice has got if we have 11 districts with 11 options and then we have options within OPS, they have to have transportation in order to get from A to B if there is space available, don't they? [LB547]

MADDIE FENNEL: I understand that, but with limited dollars OTOC's concern is that the whole plan could end up going down the tubes because we find out that it is going to cost so much to transport these kids that we make it outside our realm of possibility to do this. [LB547]

SENATOR ASHFORD: Well, we have to have the money. [LB547]

MADDIE FENNEL: We would rather focus, and perhaps there could be magnet programs on either side. Why just a magnet math program at North High? Why can't there be another magnet math... [LB547]

SENATOR ASHFORD: I was just taking Senator Raikes's idea. (Laughter) [LB547]

MADDIE FENNEL: Understandable, but if we want kids to cross... [LB547]

SENATOR ASHFORD: That is fine. I think a magnet school on both sides would be great. [LB547]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

MADDIE FENNELL: Right, right, but if we want kids to cross the city then let's make those opportunities available on either ends of the city. [LB547]

SENATOR ASHFORD: Okay, and I wasn't belittling your point. I understand your point, but transportation seems like a key thing. [LB547]

MADDIE FENNELL: I agree. [LB547]

SENATOR ASHFORD: Thank you. [LB547]

SENATOR RAIKES: Thank you, Maddie, appreciate your being here. Tim. Tim, come on up. [LB547]

TIM FICKENSCHER: Are you afraid of the last name? [LB547]

SENATOR RAIKES: I am. Fickenscher. [LB547]

TIM FICKENSCHER: My name is Tim Fickenscher, F-i-c-k-e-n-s-c-h-e-r. [LB547]

SENATOR RAIKES: Hey, are you just accommodating me or is that actually how you say it? [LB547]

TIM FICKENSCHER: That is actually how you say it. [LB547]

SENATOR RAIKES: Oh, Okay. [LB547]

TIM FICKENSCHER: And I used to teach third and fourth grade kids and it fits to the Mickey Mouse song, so there is a nice cadence there. I am also a part of Omaha Together One Community, and I am presently a teacher. I teach in the Millard Public Schools. I am middle school teacher, and believe it or not I love to go to school every day because shaping those minds are usually a wonderful thing. I am part of a mini magnet. And so to answer your question, we have, Maddie, 60 kids in a Montessori program within a bigger school, and that could happen. Parents could have choice within the school that they go to, but that is a whole another discussion. The school where I teach is in an area that is about 25-50 percent above the median income level in Omaha. I live in north Omaha. As a matter of fact, Senator Chambers is who I vote for as my representative here, and where I live is 25-50 percent below the median range. And so when I go to school and see kids at school and I go home and see kids in my neighborhood, they are very easy to compare those kids. And filling out this form and marking neutral is hard because I am not neutral. I am incredibly pro-kid. You commented that there was a crisis, and as I was reading through some of the bills that you are looking at, one of the clauses at the bottom is "and this is an emergency," which I assume is a technical phrase. But crisis, there is an emergency. Across the street from

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

where I live there is a young man named Robert (phonetic) who is in the seventh grade, so again the comparison is very easy. He loves math, absolutely loves math. Pleasant kid, and he is in school maybe two thirds of the time. And I think about my students, that if my students are gone that much that they may love math, but they aren't going to get it. They just can't do that. He is a child of poverty, and I am concerned about all the kids. I am concerned about the kids in my classroom, and I am concerned about the kids in my neighborhood. I applaud the work that you are doing in looking at all the bills. And OTOC in their criteria, that you have a copy of, is concerned about the kids across Omaha. So thank you very much. [LB547]

SENATOR RAIKES: Thank you. Questions? So what is the answer for the child who misses a third of school? [LB547]

TIM FICKENSCHER: Well, actually one of the issue is transportation for this kid. The mother has no transportation and so she doesn't go. I think he has been kicked out of school is also an issue. He has some anger issues, so I don't know. Making it a place where they absolutely want to go, and I don't know how you do that when playing in the neighborhood is a lot more appealing. How is that for not answering your question? [LB547]

SENATOR RAIKES: Okay, that is not all that encouraging, but okay. Thank you for being here. Mark Hoeger, you are next. [LB547]

MARK HOEGER: My name is Mark Hoeger, H-o-e-g-e-r, I am one of the cochairs of the education committee of OTOC, Omaha Together One Community, and I want to start off by telling a little story about my own background as an administrator of a nonprofit. I ran the children's theater in Omaha, rather large nonprofit institution there in town. And I would often have donors, especially the corporate community that would come together and say, you know, you arts groups should get together and cooperate more and then you could make everything better. And so I would show up to these meetings and we would all sit around together, and everybody there was committed to the arts. I respected the work that the other people did. I saw areas of potential cooperation, but the bottom line I knew my job and the job of everybody else around there was to do what was best for their individual organizations. Because that was our fiduciary job. That is what we were expected to do. And we got together and cooperated on the easy stuff, but it was hard for us to make collective decisions about the tough decisions. And I think when we look at these excellent administrators who are out there who have done a great job, I am glad we can now check out plays well together, and their evaluations. But it is unfair to expect that they are going to be able to make the tough choices for their individual districts. I also think it is equally unfair to expect that 1 senator or 2 senators or 9 senators or even 29 senators are going to be able to make these decisions if it is done in isolation. If it is not done with the full cooperation buy-in of the entire metropolitan area that is going to be affected. And I think what we are calling for

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

as an organization is to open this process up. It has been too much behind closed doors, too much back-deal negotiations. This process has to be opened up or we are going to be in trouble. This is one of the most important things that our community is going to be doing for the next 75 years, and if it is done in isolation or by individuals no matter how well intended, we are not going to get that buy-in. We go around and we speak to churches and to other civic groups and service clubs and what I see is confusion and frustration and apprehension, and the one thing I don't see is excitement. I don't see people excited about the potential that this all offers. And we have got to do some hard political stuff to go out there and sell these ideas, identify what the needs are, and offer the solutions, and build that consensus across the entire community. What I would urge you to do is to focus this year, since we got the stay, on what are our objectives? What do we want to see happen? What are the criteria that we are going to judge success by? And then set the time line about how soon we want those decisions to be made, and then fund the capacity to actually implement that decision-making process. And then let the community go to work for a period of set time in order to come together to form the solutions rather than oppose them. Thank you. [LB547]

SENATOR RAIKES: Thank you, Mark. Any questions for Mark? Your area in the arts was dynamic speaking or something (laughter)? [LB547]

MARK HOEGER: That is right. Just loud, that is the trick. [LB547]

SENATOR RAIKES: Okay. Thank you. Next speaker is Jay Sears. Is Jay here? Okay. Jay. [LB547]

JAY SEARS: (Exhibit 22) Good afternoon, it is still afternoon. I am Jay Sears, J-a-y S-e-a-r-s. I am program director for instructional advocacy with the Nebraska State Education Association. Senator Raikes and members of the Education Committee, I am very pleased to have sat in the audience and listened to all the testifiers, both pro and con, on these issues and be one of the people to come up and testify in the neutral position and present you some information. But before I start and run up my three minutes, what I have provided for you is kind of an outline of my written testimony, a summary document that was sent to my executive director at the time and our president, Jess Wolf, if you don't adjourn before LB440 comes up, we will be talking to you about a task force that NSEA formed at the end of April after our delegate assembly and after LB1024 was passed. Behind me are 11 teacher leaders who are very tired because they know they have to go back home and prepare lessons for tomorrow after being here all day long waiting for the opportunity for their teacher union to testify in a neutral position. Some of them got an opportunity to testify against LB547, some of them would like to testify for LB547, and some of them are going to testify in the neutral position on LB547. But what I wanted to share with you is that those 11 teacher leaders have been meeting since July, just like they started out, maybe, 11 superintendents, then 10 superintendents, and now we are down to 9 superintendents, trying to come up with

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

some solutions to an issue in the Omaha metro area that is very complex. You all, as state senators, and some of you are new I understand, tried to solve that last year with LB1024. The position of the NSEA is to monitor most of that legislation, be involved and involve our teacher voices in the process to come up with solutions for all kids in the state of Nebraska. So I leave with you my general testimony, the letter of summary to my executive director and president of the Nebraska State Education Association about those meetings and where we have consensus as 11 teacher leaders, and where we are making progress. And the last document that is titled "LB1024 Task Force Committee BEST HOPES" was the first exercise after we introduced ourselves as members of this special task force. We worked on our best hopes and our worst fears. We threw our worst fears out because no one should ever operate from their worst fears. They should always operate from their best hopes. And as you read through those best hopes, those represent the best hopes of the teacher leaders in those 11 school districts and our 11 bargaining units in the metro area. So thank you very much for the opportunity. [LB547]

SENATOR RAIKES: Thank you, Jay. Do we have questions for Jay? Don't see any, thanks for providing the written testimony. Okay, let me backtrack here a little bit. I am to the end of my written list of neutral testifiers. I skipped over a proponent or two. I think maybe Gil Kettlehut (phonetic) was one. [LB547]

KEN BIRD: Senator, he left. It will make your evening shorter. [LB547]

SENATOR RAIKES: Okay. All right. My apologies. Any other proponent or opponent testifiers that we skipped over? Okay. We are still on neutral testifiers then. Fred, come on up. No flies out there. [LB547]

FRED MEYER: That is for sure. Yeah, they are a little stiff today. Good afternoon, Chairman Raikes and members of the committee. My name is Fred Meyer and I happen to serve as president of the State Board of Education, and I am joined here today by several members of our state board as well. This morning we had the opportunity to hear from the superintendents of the two-county metro area of Douglas and Sarpy Counties regarding the implementation of the learning community as provided in LB1024. They presented us an outline of their work that is now detailed in Student Advantage Act, LB547. We appreciated hearing about the work they have done to address the issue of student achievement in one of our most challenging areas of the state. We are encouraged by their work. Our board is taking a position of neutrality. However, we support the fact that the superintendents are working together addressing the issues of learning opportunities for the students and the implementation of the two-county learning community. As the state board, we raise three issues. Number one, the statewide student data collection system is called for in the proposal. We recognize the critical importance of this provision. The data system called for requires a system where individual student achievement information can be collected and monitored. This

student data system is absolutely essential to inform decision makers and to make determinations of progress toward agreed upon benchmarks. Such a student data system is supported by and aligned with our statewide assessment system. While this data system is already underway, the initial design was developed well over a year ago for a statewide purpose. It did not contemplate the existence of a learning community. Our concern is that we need to be sure that the resources at the state and local level are adequate for the department to create and to put in operations, such as the data system, and to have the system operational in a timely manner. And I would also like to add that under the Governor's budget proposal, this system is at risk. We have been instructed to eliminate ten positions from the department over the next two years, and since this system is not operational yet, it would have to be one that would be seriously looked at and not implemented, and you would not want that and we would not want that. But we are kind of being backed in a corner on this issue. We think it is critical to track student achievement statewide. So we would appreciate the committee's help in seeing this issue to fruition over the next couple of months. So I trust we can work with you, Senator Raikes, on that issue. Number two, resources allocated to the work of closing the proficiency gaps should be applied statewide. And, of course, the State Board of Education has not really been real vocal in the urban issue because we, you know, concern ourselves with statewide issues. We felt that what was happening in Omaha metro area probably the discussion needed to be centered around the folks involved there first and foremost and let something come to the top there. And our overall concern is student achievement. And we will be working this spring on some meetings in the metro area, starting with looking at causes of the student underachievement. So they will not in any way affect the learning community, but we want to get a little bit deeper look at what is happening there. And number three, the special consideration should also be given to issues that may be created by the appointment by the statewide achievement coordinator as now specified in the bill. And we had some concerns about that. I think it would be appointed by the Governor and answerable to the Governor. We think maybe the department needs to be involved in that somehow since they are the ones that would ultimately be responsible under Rule 10. And the superintendents have assured us that Rule 10 would be the operating parameters of whatever happens there. So with that, thank you for your time. Are there any questions? [LB547]

SENATOR RAIKES: Thank you, Fred. Question for Fred? A little bit on the department's role or program or history, if you will, in the area of achievement gaps, that sort of thing. Has this been a focus of the department? [LB547]

FRED MEYER: Absolutely. I have been on the state board eight years, and about four or five years ago we started working on a document called the essential education equitable opportunities for all students, and with the STARS assessment that we have in Nebraska, we have been able to track student achievement much more accurately than we ever were before. And consequently some of these gaps have started to show

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

up even more profoundly than they were before, and, of course, as the demographics of Nebraska. And I am from a rural area, and we some of those same achievement gaps there that we have in the metro area. The concentration, of course, is different in the metro area than they are in rural Nebraska, but we have some of those same achievement gaps. [LB547]

SENATOR RAIKES: In terms of curriculum or programs or teacher training, have you done anything in those areas that addresses the achievement gap issue? [LB547]

FRED MEYER: In certain schools, yeah. We have a couple of programs, one called Reading First, which has been just a dynamic success. I think the Scottsbluff/Gering area has worked with that and they have seen a dramatic decrease in the number of students who have been referred to special education. A couple of things that have been front and foremost with us. Number one is to implement all-day everyday kindergarten, and number two is to get at-risk four-year-olds. Getting the kids from those areas that we know affect student achievement early is just critical. Every piece of evidence nationwide that has been gathered about this topic has pointed to the fact they have to get to these kids early. And ultimately we hope that if we are able to implement statewide, full-day kindergarten, high-quality programs for at-risk four-year-olds that the number of dollars that we ultimately spend for special education will go down. And that is something that you don't get to hear very often in the education arena is costs going down. But we think that is a win-win for everybody. We have become firm believers under the commissioner's direction to look for places to target funds, and Reading First is one of those places where we have been able to do that, but we would like to even do more of that. Funding the state formula at the current level is fine. I guess in a perfect world, we would like to be able to target more of those funds to areas where we know and the department knows and the commissioner knows could maybe be used more effectively than ways they have been used in the past. We worked with you, Senator Raikes, on certain areas of the curriculum which we think would be beneficial to all students in Nebraska. A four-year sequence in math, a four-year sequence in English, rather than offering, I should say less challenging math courses for juniors and seniors. We think a four-year sequence would probably be beneficial to the students all across Nebraska, encouraging more rigor in the higher-level courses, which we think would ultimately lead to, also, more kids going onto higher education, being successful there. Changing just to that four-year sequence would require schools refiguring how they teach math and English. Not necessarily spending more money, but reconfiguring how they assign their staff. And this is something that we want to continue to work on because we think it is the right way to go. We have spent a lot of time...one of the statistics in Nebraska that, I guess, we are alarmed at is the number of kids going to college. We have dropped from about 72 percent down to 58 percent for a variety of reasons. But we think some of the things that we have talked about at the state board level, number one, personal learning plans to get kids in junior high level programmed to start thinking about taking more rigorous coursework so they are prepared to go onto

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

higher education is one of those things, and we visited about that. So there is a number of things that we have worked on all in the essential education document that we think would be beneficial to students all across Nebraska, no matter where they live, no matter the size school district they come from. Distance learning, of course, has been a huge part of that and will continue to be. That was a long answer for a short question. [LB547]

SENATOR RAIKES: Okay. Senator Adams and then Senator Howard. [LB547]

SENATOR ADAMS: It came to me earlier this afternoon, I am curious how you would respond to this. If it comes to having to compare to see how a Gretna student is doing to an OPS student as compared to the achievement of another student, can we do that under the present assessment system where every school puts together their own questions? [LB547]

FRED MEYER: Well, you have to look at a number of measurements. You have to look at the ACT scores from that school. You have to look at some of the norm-referenced tests from that school. I guess we are pretty committed to that the more beneficial measurement would be how does each of those students stack up against the state standards? Not comparing a student in Gretna with a student from Elkhorn, but how each of those students would compare and how many of the state standards in math or science they know. That is the critical thing and if we talk about, you know, if we are sincere about not leaving any child behind, that is the thing that is important. Every student compared to the state standards, not how a student in one school compares with a student in another school. We spent the last three hours in here talking about students from very challenging demographic areas. It is just not fair to compare those student results with students from extremely high socioeconomic backgrounds. It is just not fair. But how each student compares to the state standards, that is what we are going to base our decisions on. [LB547]

SENATOR ADAMS: Thank you. [LB547]

SENATOR RAIKES: Senator Howard. [LB547]

SENATOR HOWARD: Thank you, Senator Raikes. You have brought up a very good point. As the Senator that championed the all-day kindergarten bill last year and missed having that put into legislation by one vote, I am wondering how you are feeling that that is being put into place now, or do you feel that we still need to look at that as a legislative issue? [LB547]

FRED MEYER: Well, it is funny how things go. We started talking about this about four years ago with the essential education document, and just having that discussion across the state, three years ago we did a series of statewide meetings sponsored by

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

the state board looking at early childhood education, and we had a number of kindergarten teachers involved with that. Just that discussion focusing on the importance of all-day everyday kindergarten for every child in Nebraska coupled with early childhood care has gently moved virtually all school districts in Nebraska to do that because it was the right thing. One of the things that we always try to do before we implement a policy is look at how much it is going to cost. Well, about two years ago, there were some huge costs in Omaha and Lincoln that were all centered around facilities. Okay, what has happened over the last two years? They have made the commitment to implement all-day everyday kindergarten in every school because it was the right thing. And we have trusted that the formula, and the formula has worked to the benefit of schools to do that. But also, we have kind of operated from the premise that if we can show scientifically that things like all-day everyday kindergarten and high-quality childcare are the long-term benefit to every student, even if they are from a poverty or a home of mixed color, is the right thing to do. That is what we need to do. [LB547]

SENATOR HOWARD: And so you don't feel it needs additional legislation? [LB547]

FRED MEYER: Well, we will work on that with you. I don't know. [LB547]

SENATOR HOWARD: You hearten me in that it is moving forward. [LB547]

FRED MEYER: We will if you want us to, let me put it that way. [LB547]

SENATOR HOWARD: I appreciate that. Thank you. [LB547]

SENATOR RAIKES: Okay. Thank you, Fred, for being here. Are there any other...yes, we do have another. Welcome. [LB547]

CAROL KREJCI: Good afternoon, Senators. My name is Carol Krejci, K-r-e-j-c-i. I have been a professional educator for 35 years, and for the last 21 years have taught at American government and history at Omaha Central High School. I am also president of the Omaha Education Association and appreciate the opportunity to appear today on behalf of the nearly 3,000 professional members of the OEA. While I speak today on LB547 from a position of neutrality on the bill itself, I strongly support many of the principles that are contained in the bill. First, I believe there are not practical or educational principals that would support the breakup of the Omaha Public Schools and testified to that last fall before the U.S. Civil Rights Commission. We, the professional educators of the Omaha Public Schools, know of no research that suggests that the best way to assimilate our children into American society is to isolate them in ethnic or racial enclaves. On the contrary as history shows, if we are to educate our children to live in a diverse, multicultural society, this is best accomplished through integrated classrooms where students learn to respect each other, to appreciate the strength of diversity, and to share the common values that bind our nation together. Secondly, we

support providing educational opportunities for all students in Douglas and Sarpy County, and the creation of a process to encourage more diversity throughout the two-county area. Researchers and reviewers have investigated the ways that knowledge, attitudes, and behavior are affected by a host of issues, including school desegregation and other forms of increased intergroup contact, multicultural education, self esteem building activities, and many others. For example, the use of cooperative learning as a means to improving intercultural relationships is supported by more well-designed research than any other single schooling practice. This teaching strategy involves organizing learners into culturally heterogeneous groups, giving them tasks requiring group cooperation, interdependence, and structuring the activities so that teens can experience success. This technique has been shown to be an extremely powerful means of enhancing intergroup relations. The research also shows that heterogeneously grouped learners experience other positive outcomes, such as increased self esteem, improved attitudes towards school, specific classes, subject areas, and teachers, and a greater ability to appreciate the strengths that diverse people bring to a learning team. In other words, it is our goal if our goal is to prepare students to live and work in a diverse society, then it is critical that our schools mirror that society. We, therefore, strongly support the creation of a process to encourage more diversity in all of the schools of Douglas and Sarpy County. Finally, we support any effort to address the antiquated state system for financing public education. The breakup of the Omaha Public Schools and the addition of the Learning Community Governing Council, as provided for in LB1024, would only add to the bureaucratic overhead costs, thus making the inadequacy of current funding levels even more critical. We cannot staff or equip high-poverty schools until we adequately fund them. Simple common sense should tell us that to tackle the greater challenges they face, schools serving large disadvantaged populations should receive additional resources on top of an adequate and equitable base funding. Quickly summarizing, we believe that all district boundaries should stay intact, that there is no practical reason to divide the Omaha Public Schools, funding for all school districts needs to be increased to meet the needs of all students, and we support providing educational opportunities for all students in Douglas and Sarpy Counties, and the creation of a process to encourage more diversity throughout the two-county area. Thank you. [LB547]

SENATOR RAIKES: Thank you, Carol. Questions? I have one. LB1024 did not say anything about racially identified communities. It simply said high school attendance areas. So when you put high school attendance areas together, the conclusion is racially segregated or racially identifiable. My question to you is the high school attendance areas are up to OPS. They decide how those are going to be drawn, and you just said that a diverse learning environment is better than...my question, why if that is the case, why are the high school attendance areas concentrated in poverty students or one particular race? [LB547]

CAROL KREJCI: My understanding is that the wording of the bill would require OPS to

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

draw those boundary lines in a certain way, and that way was going to create racially identifiable districts. [LB547]

SENATOR RAIKES: But my point is only because the high school attendance areas were drawn as they are, and that was done by OPS. [LB547]

CAROL KREJCI: Well, right now we have no high school attendance areas. Any child at OPS can choose any high school in OPS. [LB547]

SENATOR RAIKES: I will have to check you on that, but I think they do say that there are high school attendance areas. [LB547]

CAROL KREJCI: There are zones, but it still remains true that any child can choose any high school in OPS. We have recruiting fairs every January. From the teacher's point of view it is a pain in the neck, but that is because any child can choose us. And you will see students who go and visit all seven high schools to find out what is going to be the best fit for them. [LB547]

SENATOR RAIKES: Which is a key element of the learning community idea. [LB547]

CAROL KREJCI: Absolutely. [LB547]

SENATOR RAIKES: Yeah. Any other...oh, yes... [LB547]

SENATOR HOWARD: Well, just a piece of that, in order to go to any other high school they furnish their own transportation. [LB547]

CAROL KREJCI: Not necessarily. It depends, and I don't know all the rules that play into that, but transportation will be provided under many circumstances. [LB547]

SENATOR HOWARD: Okay. Thanks. [LB547]

SENATOR RAIKES: Okay. Thank you, Carol, for being here. Do we have any other neutral? Yes, come on up. Welcome. [LB547]

ROSEMARY COOK: Good evening. Thank you. I almost left because I didn't think I was going to get a chance to speak and then I thought, no. My name is Rosemary Cook. I have been an employee at Omaha Public Schools for 23 years. I am also a parent of students that have graduated from Omaha Public Schools. I am also the longest member of the African American Achievement Council there through Omaha Public Schools. I am dedicated not only to the regular education students in Omaha Public Schools, I am also on the Special Education Advisory Committee, which I am cochair and will be chair next year of. I am here...and I can spell my name, C-o-o-k, I am here

because I am highly offended. I am offended by the suggestion that I am here as someone's pawn or someone's catalyst by Senator Chambers, and I say that very cautiously, gentlemen, today because I have always respected the Senator. Although the Senator does not represent me in my zip code, I am sure he represents some people in north Omaha. But I am here to tell you right now that he does not represent all of the black people that live in north Omaha. I happened to have a daughter who graduated from OPS. She is a biochemist now. She lives in Dallas, Texas. She moved away from Nebraska because her talents were not actually seen to the point where she thought she would be a viable product as far as helping the community. She didn't think she would be respected. In fact, I was sitting here today wondering if I was going to ever get a chance to come up here and speak. I ran into Senator Ashford out in the hallway wanting to know how do I get a chance to speak here today. He told me, well just go up there and speak. Okay. I didn't know it was this simple, but I do want you to know that raising a child in OPS is not very simple. You have to be a parent that stays on top of things. Not all parents can stay on top of things. I happened to have been fortunate enough to stay home with my children the first six years of their lives, and I think as a result of that I kind of got a hold onto their education as far as steering them in the right direction. Now my son, who has been special needs all of his career, he ended up graduating or transitioning out, as it may say, into the world without the tools to function into the world because of the special education program in OPS. And that is one of the reasons why I got so involved. Okay, I am saying that to say this, it doesn't matter what school district a person goes to. It doesn't matter...what I want to say what matters is the teachers that you put in place in these school buildings, because I had examples as far as role models in my life. I went to school with Senator Chambers' daughter who I never saw Senator Chambers come to our classroom ever. We went to Horace Mann Junior High. I was there. I have started a seventies breakfast club from all the people that went to Horace Mann Junior High. So we frequent each other from time to time. We meet once a month on the second Saturday of every month at a restaurant where we get together and we talk about the issues that are going on in OPS. We talk about what we feel has changed and some of the things that have not changed. And I am just here to tell you that a lot of work has to be done and where we need to begin our work is putting the teachers, making sure they do their jobs, and also just standing up for what we know is right. We know that it is not right to have a black school here, a Hispanic school here, you know and a predominately white school in west Omaha. We know that that isn't right. So why are we even debating something like that? I just don't understand it. Now let's open it up for questions. (Laughter). [LB547]

SENATOR RAIKES: Okay, the gauntlet is thrown down. Questions? Well, let me ask you this one. The attendance areas in OPS for the high schools, why are they designed as they are designed? [LB547]

ROSEMARY COOK: I can't answer that for you. All that I can tell you is that my daughter who went to these schools in her attendance area, she did well because I

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

showed parental participation. Not all parents in north Omaha can show this type of participation that I did, and that is where my concern comes in. That is why I am a part of the African American Achievement Council, so that I can be the parent for parents who can't be there for whatever reason they can't be there. So as far as why the schools are where they are, I can't answer that for you. But I do know when I went to Horace Mann Junior High and we were in north Omaha on 22nd and Pratt, where my mom still lives after 50 years. When I was a student there, I saw students at Lewis and Clark, which wasn't that much further as far as in distance from Horace Mann, who had way more resources and opportunities than we had at Horace Mann. We had to fight for everything that we had at Horace Mann. So I can't answer that for you, Senator. [LB547]

SENATOR RAIKES: Okay. Well, thank you for venturing up, appreciate your testimony. [LB547]

ROSEMARY COOK: Thanks for listening to me. I had to get that off my chest. Thank you. [LB547]

SENATOR RAIKES: (See also Exhibits 24-26) Do we have any other...I think we are on neutral, aren't we? (Laughter) Any other testifiers on LB...what is the bill...547? Okay. Senator Kopplin, would you like to...Senator Kopplin waives closing. And Senator Preister is here. He wants to keep our nose to the grindstone, so he is here to introduce LB440. If some of you would like to leave, why, please. [LB547]

SENATOR PREISTER: Yes, I am used to it. []

SENATOR RAIKES: No, unless you are on the committee, then you stay. []

SENATOR PREISTER: Senator Raikes, is it your dynamic sense of humor or your magnetic personality that attracts people to this committee so frequently? []

SENATOR RAIKES: I think neither. []

SENATOR PREISTER: Chairman Raikes, members of the Education Committee, my name is Don Preister, P-r-e-i-s-t-e-r. I am here as the primary introducer of LB440 which would repeal the provisions of the Learning Community Reorganization Act which required the division of a Class V school district which is part of a learning community otherwise known as OPS. Current statute 79-4,130 requires the division of OPS into new Class V districts, each with 2 or 3 high school buildings and with contiguous boundaries by July 1, 2008. While implementation of the division of OPS has been suspended by the courts due to concerns about it's impact on racial diversity and desegregation, it is better policy for the Legislature to address the issue directly as an issue of poverty. LB440 provides that any reorganization within a learning community must result in a reduction in the disparities of the concentration of poverty students in

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

the affected school districts. The Learning Community Coordinating Council and the State Committee for the Reorganization of School Districts would be required to consider the reduction of concentration of poverty students in affected school districts in the design and approval of a reorganization plan impacting learning communities. I just conclude by saying although what I am attempting to do is to essentially negate a part of Senator Raikes's and Senator Chambers' legislation of last year, I am in no way discrediting or questioning the compassion, the concern, and the dedication toward dedication of either of you, and I would conclude with those remarks. [LB440]

SENATOR RAIKES: Okay. Thank you, Senator. Are there questions for Senator Preister? I have one. I think there is a provision that was a part of LB1024 that said that if a school district refused to participate in the integration plan then that school district after two years, I believe, could be dissolved. And I think you are saying that they can only be dissolved if they agree to be dissolved. Does that ring a bell? [LB440]

SENATOR PREISTER: You may be right, Senator. [LB440]

SENATOR RAIKES: Okay. So my concern with that is that I think that to the extent this was to be a sanction, a requirement that had teeth, so to speak, that that would sort of take it away, that now all you have to do is say no, we don't want to participate in the integration plan and also we don't want to be dissolved so we are just going to keep on keeping on. Okay. [LB440]

SENATOR PREISTER: I don't know that I can really comment on that, Senator. [LB440]

SENATOR RAIKES: Okay. All right. [LB440]

SENATOR PREISTER: Perhaps. Again, I think the issue is really poverty, and poverty is important that it is addressed and that the appropriate funding is there for those students. And where there is poverty there is greater need. I think you recognize that and you have championed that and so have others, and I think, as I have identified in my opening, that, I think, is the heart and soul of what we need to do in helping all of our children, and the people that showed up here today and this committee are to be commended for the dedication to those children because we wouldn't all be here at this time of day especially and going through what we are going through if we didn't care and care deeply and compassionately for the quality of education and the quality of life of our children. So I thank the committee and I thank everybody who has been willing to be a part of their lives. [LB440]

SENATOR RAIKES: Thank you, Senator. [LB440]

SENATOR PREISTER: And the good news of my bill is there is no fiscal note (laughter). I will waive closing, Senator. [LB440]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

SENATOR RAIKES: Okay. All right. Thank you again, Senator. We will move to proponents and just to give everybody...how many do we have to testify as proponents? I assume you are one, John. [LB440]

JOHN BONAIUTO: Yes. [LB440]

SENATOR RAIKES: Okay. We have two. Opponents? Neutral. Okay. Two neutral. Okay. [LB440]

JOHN BONAIUTO: (Exhibit 23) Senator Raikes, members of the committee, John Bonaiuto, J-o-h-n B-o-n-a-i-u-t-o, executive director of the Nebraska Association of School Boards. We support Senator Preister's bill based on our delegate assembly position found on page 16 of our legislative positions booklet titled "Local Control for Public K-12 Schools." With that, I will conclude my testimony. [LB440]

SENATOR RAIKES: Okay. The hour is showing here. [LB440]

JOHN BONIAUTO: Yes. [LB440]

SENATOR RAIKES: Any questions for John? Don't see any, thank you, John. [LB440]

JOHN BONIAUTO: Thank you, Senator. [LB440]

SENATOR RAIKES: Jess. [LB440]

JESS WOLF: Senator Raikes and members of the committee, my name is Jess Wolf, J-e-s-s W-o-l-f. I am the president of the Nebraska State Education Association. I am the guy that got that report that Jay Sears was talking about. I am here on behalf of NSEA to speak in support of LB440. I want to thank Senator Preister and also Senator White for introducing the bill and sponsoring it. This bill removes from LB1024 the division of the Omaha Public Schools. Shortly after the passage of LB1024, the NSEA held our annual delegate assembly, which is our legislative body. It provides direction for our association. That is the group that I respond to. They tell me to jump, I ask how high. A new business item was introduced by our 350 delegates from across the state directing the NSEA to work to prevent the division of the Omaha Public Schools into three districts. That item passed overwhelmingly. I believe our delegates could not see the benefit of dividing up the largest district in the state. NSEA has maintained since the onset of the issue that this issue is about funding. Is there funding sufficient enough to provide for the education of every child? Are the number of students in that classroom detrimental to the overall learning that is taking place there? And are there sufficient resources for every student to be successful in every classroom across the state? The individual classrooms across the state are the functioning unit in every school in our

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

estimation, and what happens there determines the success or the failure of every child. We do not believe that the division of OPS in any fashion helps to answer these questions and that the issue remains deficiencies in funding. I hope you move forward with all the legislation seeking solutions to the problem on education that the division of OPS has set aside and we move forward from here. Thank you. [LB440]

SENATOR RAIKES: Thank you, Jess. Questions? Don't see any, thank you. [LB440]

JESS WOLF: Thank you. [LB440]

SENATOR RAIKES: Any other proponents for LB440? Opponents LB440? Neutral? [LB440]

JOHN LINDSAY: Mr. Chairman, members of the committee, my name is John Lindsay, appearing as a registered lobbyist on behalf of Omaha Public Schools. In addition today, I reflect the position of Millard Public Schools, Bennington, South Sarpy, Douglas County West, Westside, Elkhorn, Papillion/LaVista, and Gretna Public Schools. The superintendents, the school districts have a position neutral on LB440 not because of not having a position on putting OPS back together, something that certainly OPS would support. It is that as the bill is drafted it would continue to have eliminated our ability to run our voluntary inclusion program, our ability to integrate our district. Those, as you will recall, Senator Raikes, in LB1024 were struck, the ability to use transportation as an incentive to integrate. Primarily, the other districts and OPS primary position on this bill is that we believe that LB547 is the appropriate response to having the districts working together. We would thus encourage that this bill be left in committee and that LB547 be the response. [LB440]

SENATOR RAIKES: Okay. Questions for John? Don't see any, thank you. Ben. [LB440]

BEN GRAY: Thank you again, Senator. Mr. Chairman, members of the committee, my name is Ben Gray, again. I am cochair of the African American Achievement Council, an organization that works with the Omaha Public Schools to close the achievement gap. I am not neutral in my position to the breakup of the Omaha Public Schools. I think that is absolutely the wrong idea. So I am not in favor of breaking up the Omaha Public Schools. I am not neutral on that, but what I am neutral on is the fact that in this bill I don't see any mechanism for the voluntary integration plan that the Omaha Public Schools has been involved in for the past few years. I don't see where that is in this bill. So that is what makes me neutral, but I am absolutely opposed to the breakup of the Omaha Public Schools. [LB440]

SENATOR RAIKES: Okay. Any questions for Ben? Don't see any, thank you again. [LB440]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

BEN GRAY: Thank you all. [LB440]

SENATOR RAIKES: Any other neutral testimony? Okay. And Senator Preister has waived closing. So we will move along Mr. Vice Chair. [LB440]

SENATOR KOPPLIN: Okay. This will open the hearing on LB641. Senator Raikes, your opening, please. []

SENATOR RAIKES: Thank you, Senator Kopplin, members of the Education Committee, Ron Raikes, District 25, here to introduce LB641. This bill would replace the requirement for Class V school districts to be divided into new school districts, with a provision for the creation of Education Centers within Class V school districts, and would require school districts in learning communities to provide enough openings for students residing outside the attendance area of a school such that at least 10 percent of the students attending the school could reside outside the attendance area. So let me just explain a little bit what I am about here. Post the session last spring, got to thinking about the school district organization issues that we had dealt with, in particular is there frankly some middle ground, is there a reason to believe that something other than a complete reinstatement of OPS, if you will, on the one extreme and splitting it into three entirely different districts were really the only options available. You were either on one extreme or the other. Is there something in between, and the in between would involve trying to address the issues in a fashion that seemed consistent with experience, with thoughts about what is good practice as so on. For example, and I apologize for the trivial example, OPS as a single district had, I assume, a busing system for students and a place to keep the buses and that sort of thing. Well, does it make sense to split that particular part of the operation into three parts, particularly if it was working okay as a single unit. And the answer was no. So it is meant only to highlight the fact that there are some things, and again, Senator Chambers was here to explain in some detail his concerns, and I won't try to enhance that. I don't think I need to. But he has, and others in the body, certainly not just Senator Chambers, have concerns about community involvement in the public education process in very large school districts, and by definition in our state, Class V is a large school district. So is there a way that you combine up with the best of the two worlds, that you say that there are education centers, as they are called in this bill, which are separate governance units with community control, with an overarching district that retains some of the functions that are now being performed by the larger district, and would logically continue to be performed in that fashion. Now because we in LB1024 created a learning community, which is a collection of 11 school districts operating under a cooperative arrangement, this, I guess, was dubbed probably by me as a learning community within a learning community. You have got three education centers within an overarching district, and they are then a part of the Sarpy/Douglas Learning Community. So okay. In the bill there are listed authorities for each of the levels, Class V school district for example, retain authority and responsibility for levying property taxes and distributing the

proceeds determining equitable contribution from each education center based on the budget, financing, purchasing, constructing, remodeling facilities, and so on. There are some other things that are listed. Education centers on the other had would be, and these are the local units, these would have the authority and responsible for hiring teachers, principles, and superintendent for the education center and reporting information to the Department of Education on the individual education center basis. And my hope was that this would at least begin a conversation, that we could explore this and find out if there was some middle ground between these two extremes that made sense in terms of addressing the local control needs of community members, but also addressed sensibility of having a larger district perform certain other functions. It never, at least to this point, has not been fruitful in that sense. It hasn't created that sort of a discussion I hope. But nonetheless it remains in my mind something that we should keep on the table and pursue if it does have some possibility. The other thing I will mention to you quickly is that 10 percent of the students attending the school reside outside the attendance area. There was a provision that I quite frankly don't know if is specifically it ended up in LB547 that the superintendents were working on that, and, again, because I do commend them for their attempt to work together. One of the things they attempted to work together on was providing building capacity in the various districts so that students would be assured the opportunity to move. My impression of what they did was a little bit short of what it should have been, namely the provision in this bill basically says you will provide, within reasonable restrictions, for the opportunity for students that don't reside in your district to be educated in the buildings that are in your district. So this is a redo, if you will, of one of the provisions in LB547. But it is one of the issues brought up by the group of superintendents. So I will stop there. [LB641]

SENATOR KOPPLIN: Questions for Senator Raikes? Senator Howard. [LB641]

SENATOR HOWARD: Thank you, Senator Kopplin. I want you to know I spent the weekend with these school bills, so I was glad it was cold. So I think I can ask a few questions about this because I would really like some clarification. I would like the opportunity to better understand it. Reading this, it looked to me like this only applied to Class V school districts. Is that true? [LB641]

SENATOR RAIKES: It is true. Yes. [LB641]

SENATOR HOWARD: So which district would that be? [LB641]

SENATOR RAIKES: Yes. Under today's demographics and population, there is only one metropolitan class city, so there would only be one Class V school district. There is provision I think the city is divided by the number of people. So if another city got that big, then there would be another Class V school district. [LB641]

SENATOR HOWARD: But right now. [LB641]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

SENATOR RAIKES: Right now, today, there is one. [LB641]

SENATOR HOWARD: And that is Omaha. [LB641]

SENATOR RAIKES: Yes. [LB641]

SENATOR HOWARD: In being here two years, I have heard a lot of catchy phrases, and one of those that I heard over and over and over again was local control. So why should we be making a state law that is only going to apply to one school district? [LB641]

SENATOR RAIKES: It is a good question, and my answer would be that the issues addressed by this are those that come up when you have a very large school district. I hope nobody from Lincoln is here, but I think at some point Lincoln will face these very same issue. In fact I will tell you that they already do, in my opinion. When Lincoln seeks to have bond issue passed in their school district, and they have 32,000, I believe, students versus 47,000 or nearly so for OPS, it becomes a strategic issue because maybe they really need a building over here, but given the size of the district they have got to do something over here and over here even though it may not be needed as much in order to seek the passage of the bond issue. Similarly when you get a district that gets beyond a certain level in terms of its size and so on, the individual citizen simply by definition is further separated from the school administration, from the board members and so on. So the justification for Class V is because that is the school district in our classification that is most likely to benefit, in my opinion, from this sort of an organizational structure. [LB641]

SENATOR HOWARD: Well, you probably sent a scare to Virgil Horne, but I will continue to...I would really like to focus on the way that I see this working... [LB641]

SENATOR RAIKES: Okay. [LB641]

SENATOR HOWARD: ...and you can tell me if this is what you had in mind. There would be an educational center board or maybe more than one board or one board... [LB641]

SENATOR RAIKES: The way the bill is drafted, there is an elected board for each education center. [LB641]

SENATOR HOWARD: And the board is eight members and one superintendent? [LB641]

SENATOR RAIKES: The board is eight members, and they would hire superintendent

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

and so on and so forth. They would for practical purposes be a school district in that sense. [LB641]

SENATOR HOWARD: An then under this would be the Class V administrators' board, which is 16 members. [LB641]

SENATOR RAIKES: No, I think the way the bill is drafted, you are talking about what I will call the OPS board, that would consist of two members from each of the education center boards. [LB641]

SENATOR HOWARD: What does it total? [LB641]

SENATOR RAIKES: I believe six. So there is a six-member, okay, again, learning community within the learning community. The learning community that is within. The six-member learning community board and then each of the three districts within that would be governed by an eight-person elected board. [LB641]

SENATOR HOWARD: Okay. Well, we will check the math on that because it is different than what it looked like to me, but then beneath that there is a learning community coordinating council. [LB641]

SENATOR RAIKES: Well, beneath or above. In effect, the education centers would be members of the Learning Community Council. [LB641]

SENATOR HOWARD: And my math tells me that is 13 people. [LB641]

SENATOR RAIKES: Yeah, there would be a total of 13 districts. You are right. [LB641]

SENATOR HOWARD: Okay. So the other thing that I learned, and it didn't even take two years for me to catch onto this, was that we have to find out how we are going to pay for these things. How is this going to be paid for? [LB641]

SENATOR RAIKES: Well, are you assuming that in some sense this is going to be more costly than what we are doing now? [LB641]

SENATOR HOWARD: Looks like it to me when you add more bureaucracy. Coming from a bureaucracy, that has always been the case. [LB641]

SENATOR RAIKES: Well, one thing you have right now is an ESU within OPS. You also have another ESU outside of OPS that is within the metro area. If those organizations are integrated into this, I think you can pretty much defeat the argument that there is additional administration. [LB641]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

SENATOR HOWARD: Oh, so I am kind of seeing this now. So you see that dissolving those ESU entities and the funding being incorporated into this structure. [LB641]

SENATOR RAIKES: Well, I don't know if dissolving would be my view at all. I think there are ESU functions that need to be performed, but I think that if you have got a learning community, which I continue to think is a good idea, one that we should pursue, than I think that the administration and operation of that learning community should be...well, the ESU should be the host of that, and if they need some additional funding in order to do that, okay, but I realize that raises a concern with you. I don't think the funding increase for that is substantial. I do think the benefit you get by having a formal, cooperative relationship between these districts aimed at enhancing educational opportunities is substantial. I think the progress you make with something like that is huge. There may be some price to pay for that, but I think it is a huge advance. [LB641]

SENATOR HOWARD: And right now while it is only Class V districts, you would consider the idea of including Class IIIs and IVs? [LB641]

SENATOR RAIKES: Well, you have got Class III districts that K-12 have 150 students or 170 students. As a practical matter, I don't think dividing those into...the issues about connection between the parents, students and taxpayers and the school board and administration are not the same there as what they are in a very large school district, in my opinion. [LB641]

SENATOR HOWARD: So it is numbers. [LB641]

SENATOR RAIKES: Yeah. [LB641]

SENATOR HOWARD: Okay. Thank you. [LB641]

SENATOR ASHFORD: Bill had one, I am sorry. [LB641]

SENATOR KOPPLIN: Are there other questions? [LB641]

SENATOR ASHFORD: Bill was first, I think. I put my arm down and then he kept his up. [LB641]

SENATOR KOPPLIN: Senator Avery. [LB641]

SENATOR AVERY: I kept mine up. [LB641]

SENATOR ASHFORD: He kept his hand up and mine went down briefly. [LB641]

SENATOR HOWARD: You can be next. [LB641]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

SENATOR AVERY: Senator, have you discussed this with Senator Chambers? [LB641]

SENATOR RAIKES: Yes, I have. [LB641]

SENATOR AVERY: Did you reach an agreement? He is willing to die in the trenches over this issue. [LB641]

SENATOR RAIKES: Did I reach an agreement? We had a conversation. [LB641]

SENATOR AVERY: Well, and that is a good start because conversation can be had between two parties that haven't made up their mind. An argument is when you have made up your mind. [LB641]

SENATOR RAIKES: I will tell you quite frankly that, you know, Senator Chambers in the conversations I have had with him has been receptive, not only about this idea but about some others. Now I will tell you that there is some he is not very receptive to also. But I think that what he expressed to you when he was here today is absolutely genuine. He is absolutely convinced of the issues he presented, and certainly achievement gap, community control are among the things that he is most concerned about. So when it comes to the issue of would there be some, in my conversations as I recall it, would there be some situations or some functions that it would make sense to do as an overarching district or community rather than a single district, he said, absolutely. That his concerns could still be addressed while you are doing something like this, and maybe addressed more effectively. [LB641]

SENATOR AVERY: Maybe this is a workable compromise. Creative minds do creative things. [LB641]

SENATOR KOPPLIN: Senator Ashford. [LB641]

SENATOR ASHFORD: Getting away from creativity for a moment. [LB641]

SENATOR RAIKES: I knew that couldn't last. [LB641]

SENATOR ASHFORD: Maybe being the devil's advocate but something that has always been in mind for years even when I was here before was the idea of why do we have to have...forget Sarpy County for a moment because I don't understand Sarpy County, and, Senator, I am sorry for that, but I don't (laughter). It was proven by my run for Congress in 1994. They didn't understand me. So I respect that, but when I was here before, I always was of the thought that looking at Douglas County that we have, and I am from Westside and my feeling has always been that Westside does a good job, and that it should be larger. It should have more kids because they would be advantaged by

having the ability to go to Westside or matriculate through the Westside system. I always thought why don't we go to the superintendents and say okay, you have got so many students you are educating everyday and you get together and let's figure out who should administer what part of the city, and let's say it is 25,000 or 20,000 is the optimum number. Westside would have this much and Millard would have this much, and OPS would have this much, and so forth and so on. To me, and I am just thinking, I probably shouldn't do this, I am thinking out loud. But what bothers me about taking OPS and dividing it into three parts of two parts without looking at the whole county and dividing the whole county into maybe larger slices, Millard could be smaller, Westside could be larger, is that it really does bother me that it would be harder for there to be integration because that would not be the focus. Now I could be wrong on that, and I believe in integration. I believe that it makes sense. We probably haven't done a good job of it in Omaha, but I think we are capable of doing a better job of it. So I guess I throw that out to you. Is saying to John Mackiel and to Ken Bird and Lutz, Brian, and everybody to just sit down, we want you to see if you can make your districts 15,000-25,000, can you do it? And if they say no, we can't do it, but maybe they would say maybe we can do it. I don't know what you thought would be, rather than taking the whole, just OPS. [LB641]

SENATOR RAIKES: Well, yeah, and certainly we went through, Senator Howard can testify that we went through some of these kinds of conversations and sort of looked at the feasibility, I think. In the original proposal of LB1024, we had a maximum school size of I think it was 25,000 or maybe it was less than that, and that got changed too well, if you are more than that then you can't add anything. So it is a very difficult issue for school districts to deal with. I mean I think somebody mentioned in the testimony today that we are sort of inward looking. As school superintendents, we need to take care of our own first, and that is one of the reasons that LB1024 is such a difficult concept because it says, yes, you are a distinct school district and you are going to compete with other school districts, but for the first time you formally must cooperate as well. You must work together, and that has not been something that we have required of school districts as a state. [LB641]

SENATOR ASHFORD: But if you simply take one district, OPS, and say it is better if they are smaller and for all the reasons, and I respect what you are saying. Instead of looking at the whole county because we are one community. We are one city basically, and we are one county and we all are responsible for all our kids. Is there a way of drawing the boundaries within that county where all the superintendents get together and say, I will take this, you take that? The second question that I have is the other thing that strikes me about today's hearings is that is getting information quicker when our kids are not doing well? It goes to the Department of Education but I am not sure our citizens, I don't think they realize how bad it has gotten, and I just don't know what that means. [LB641]

SENATOR KOPPLIN: Senator Howard. [LB641]

SENATOR HOWARD: I can appreciate what Senator Ashford is saying, and I remember the discussion that we had on the floor regarding school size, and I think you are right. I think it did start out with 25,000 originally in your virgin LB1024 bill. However, the discussion on the floor revolved around the figure of 16,000, and I remember I had put a floor amendment regarding if that was the ideal size, then we need to look at every school district that is larger than that and see if those districts need to be included. But again I would come back to the fact that this bill, your bill, really only applies to Class V, which is really only Omaha, and in addition to that, and you can tell me if you don't see it this way but it appears to me in your bill, LB641, that the segregation issue remains problematic, Omaha is still treated as three separate school districts, and this still violates the principle of one-man one-vote. [LB641]

SENATOR RAIKES: Well, I will respond to that because I asked earlier or tried to make the point that there is nothing in LB1024 that says anything about racially identifiable districts. All it says is contiguous high school attendance areas, and OPS is the organization that determines what the high school attendance areas are. So okay, if putting two high school attendance areas is a racially identifiable district, then why were the high school attendance areas constructed as they were? And there may be a reason, but I don't know what it is. And if in fact the interest in intent is really on integration, and I believe it is in OPS, then why would you do it that way? I don't have an answer to that. Maybe we will get one. The other thing I would mention is as you know from our discussion in the committee last year, the issue about the integration plan within OPS, this was, and I think remains, a legitimate, I wouldn't say even an area of controversy, but simply a policy question that has two distinct sides. OPS, it seems to me, places integration above educational opportunity, and I am not necessarily being critical of them for that, but they do it. And for example the student, again this is my busing example and I apologize, but the student in south Omaha who is a poverty student and is interested in math, a good math student cannot get to Omaha North, the magnet school for math, without free transportation. For example, give that situation, the committee says it is more important that that student get the educational opportunity to go to North. This is a student who has talent in the area of math ought to be allowed to go. OPS says it is more important that we integrate the schools. So you have got situations where you have got a direct trade off. Are you going to do this or are you going to do that? The committee last year opted in favor of increasing the educational opportunities, and part of the reason was we can't think of all of the examples like the Omaha South student where we are going to cause trouble by saying that you can't get transportation unless you are going the right direction or you are going to the right spot. We figured that it was really as an Education Committee given, I don't want to minimize what anybody knows about education but I don't know a lot, as much as I should, that it is more important for us to honor that opportunity for education than it is to chase a goal of integration, important as that might be. It is important, but it is second to the overall

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

goal of educational opportunity. [LB641]

SENATOR ASHFORD: Doesn't parental choice get you there though? That is your point. If that South High child wants to go to North, that South High child should go to North if there is room at North. [LB641]

SENATOR RAIKES: That is right. [LB641]

SENATOR ASHFORD: The question I have is do we have to change the boundaries all around to get them to do that? [LB641]

SENATOR RAIKES: Well, in fact the split up of OPS needs to be looked at in the context of LB1024, and the broader context of LB1024 was to tear all the boundaries down, make them all less important so that really as a school district you are providing educational opportunities metro area wide. Yeah, you have got a school district in terms of the school board members are elected, but there is a lot of commonality in that view. There was commonality in funding, operational level. There was commonality in maintaining buildings. But the key thing is that borders anywhere and everywhere, school district boundaries or borders, mean less because students can move across them, and in fact that is the real benefit of LB1024 is that as a broad learning community, we can create educational opportunities... [LB641]

SENATOR ASHFORD: Everywhere. [LB641]

SENATOR RAIKES: ...that can't be created by any one district and every student will have a shot at taking advantage of them. [LB641]

SENATOR HOWARD: I would agree with you until the amendment was placed on the floor, and I think that took it in a different direction. [LB641]

SENATOR KOPPLIN: Other questions? I have just one. LB641 and LB1024 both provide that Omaha has three districts. [LB641]

SENATOR RAIKES: Yes. The difference in LB641 is that there is the overarching. [LB641]

SENATOR KOPPLIN: But my question is if you forgot the overarching thing, there still isn't any reason those three districts couldn't make their own decisions to work cooperative on transportation and so on, is that reasonable? [LB641]

SENATOR RAIKES: I think so. Again, I have already said it, but I think there are functions that... [LB641]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

SENATOR KOPPLIN: My point is simply they could do that under LB1024 without LB641, don't you think? [LB641]

SENATOR RAIKES: Uh-huh. [LB641]

SENATOR KOPPLIN: Okay. [LB641]

SENATOR HOWARD: Final question. [LB641]

SENATOR KOPPLIN: Senator Howard. [LB641]

SENATOR HOWARD: Thank you, Senator Kopplin. I want to go back just to the last point that I made. You and I had a lot of conversations about the voting number and the weighing and I know you did it just that upward and I appreciated that. However, clearly there is concern that this still violates one-man one-vote. How do you see this as changing that? [LB641]

SENATOR RAIKES: We struggled mightily, as you know, with that and I don't know that we explored all the ideas. We have considered some, but the idea of it was to have a House/Senate combination, and the mechanism that is in place has been used in ESUs on the advisory councils, I think, for a number of years. I don't know just how many years, but for several years. But incorporating in that one voting structure both the elements. Yes, each school district needs to have its identity, but you also have to take into account where the majority of students are. The other thing I would tell you is and what made this discussion difficult, and you and I discussed this, too, is that the intent of the learning community council is not for one school district to monopolize or veto or whatever else. It is meant to be a structure in which school districts are encouraged, if not required, to work together. [LB641]

SENATOR HOWARD: Ideally. [LB641]

SENATOR KOPPLIN: Okay. Thank you, Senator Raikes. How many people are going to testify? Okay. I would just ask you to try to remember the three-minute time. Proponents please. [LB641]

PAM REDFIELD: Thank you, Senator Kopplin, members of the committee. For the record my name is Pam Redfield, R-e-d-f-i-e-l-d. I am representing myself, again, to speak to you as a proponent of this bill, and that is because had Senator Ashford been here last year, I suppose he would have been cosponsor of a bill I introduced and we heard in this room on the same day we heard LB1024. That bill was LB1167, and in that bill we actually proposed breaking up school districts to the optimum size. Optimum size for what? Two things, achievement, and I had a stack of research like this that verified the fact that we could not wait four years, but right now we could improve student

achievement just by reducing the size of the district. Not just the school building, not the classroom, but the district itself has an impact on the product that comes out of the classroom. The second thing it does is it improves efficiency, and efficiency is good because it frees up money to spend on the things that are important and the things that we don't often have enough money to do. And so I thought it was a good proposal. I agonized over it a great deal. I looked at a lot of research. Unfortunately I have returned it all to the people that loaned it to me, but I certainly could gather that again and I know Tammy has some of it, and my old office may still have some in their files. But that is where we started, and it actually broke up OPS into seven. It broke up Millard into three, because it was based on the premise of one-person one-vote and that was more proportionate, but it also was clearly because we had identified that nationally the optimum size was around 5,000-6,000 students in a district. And so we were going to force school districts like Ralston, one of the four that I represent, to double in size. And yet Millard wasn't too happy when I approached them with the idea that may have to break up. But there is a crucial piece in there and that was the fact that they were allowed to share, just as many times they can even without a bill, but they would be allowed to share staff and buildings and programs. So in effect, they could share the superintendent, they could share the central office just as they do today under the current structure, and I think that is what Senator Raikes is here trying to talk about today. I think that we made a mistake when we call it division. We keep saying we divide them this way. No, we are just organizing them. Every university is organized. The University of Nebraska has four campuses. Within the campus they have colleges, and nobody says we are dividing and conquering or destroying education. We are just organizing it in a more efficient manner. That is what it is about. That is why I am a proponent. This bill retains the learning community that draws all districts in the metro area together to share in the responsibility, to share in a common levy, and to share in the consequences if they don't cooperate because we can't count on kumbaya. Thank you. [LB641]

SENATOR KOPPLIN: Thank you. Are there questions please? Seeing none, Senator, thank you for being here. Next proponent. Opponents. [LB641]

JOHN BONAIUTO: We are not going to race for this but...John, J-o-h-n Bonaiuto, B-o-n-a-i-u-t-o, executive director of Nebraska Association of School Boards, and I appreciate the thought Senator Raikes puts in these issues and he is trying to really fix an area that in LB1024 was questioned. We are in opposition of the bill because it still presumes that dividing is a solution, and frankly the position that I keep talking to you about in our delegate assembly that talks about K-12 local control is exactly the discussion you just heard. Where does it stop? Is 15,000 the number? Is 25,000 the number? Is 3,000 or 6,000 the number that you heard a testifier, and what if you have a 15,000 student school district and it doesn't work? Well, you could divide it into two seven and a halves, and you can't legislate some of the things we are talking about. Parental involvement and community involvement. [LB641]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

SENATOR ASHFORD: John. We are legislating it because this problem was brought to us. Okay. So don't tell me we can't legislate that. [LB641]

JOHN BONAIUTO: Well, you can't. What will you do to the parents? What will you do... [LB641]

SENATOR ASHFORD: The point of fact we have been here since 1:30 because we didn't create this problem, so we cannot legislate is not the correct statement. [LB641]

JOHN BONAIUTO: No, it is. It is a poor choice of words. I will agree with you, Senator. It is a very poor choice of words. If we are trying to get community involvement, parental involvement, but that is what I was hearing, and I can assure you that when we talk about Class V school districts, if Lincoln ever becomes a Class V, they are not going to want to be divided. I will end my testimony there, but I think that we are having the discussion arbitrarily about dividing is a solution, and I don't think it is. [LB641]

SENATOR KOPPLIN: Questions for Mr. Bonaiuto? [LB641]

SENATOR AVERY: The word you were looking for was mandate. [LB641]

SENATOR KOPPLIN: Senator Howard. [LB641]

JOHN BONAIUTO: Mandate. Okay. Thank you. [LB641]

SENATOR HOWARD: Thank you, Senator Kopplin, and we have been here a long time. We are starting to get a little tense. [LB641]

SENATOR ASHFORD: Not tense it is just...go ahead. [LB641]

SENATOR HOWARD: Poor choice of words, my friend. [LB641]

JOHN BONAIUTO: I just bring out the worst in... [LB641]

SENATOR ASHFORD: Arbitrary is a scary word when we start throwing it around because I don't think Senator Raikes has been arbitrary. [LB641]

JOHN BONAIUTO: No. [LB641]

SENATOR ASHFORD: I think he is trying to solve the problem. [LB641]

SENATOR HOWARD: It is my minute here. [LB641]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

SENATOR ASHFORD: I am sorry. [LB641]

SENATOR HOWARD: Senator Raikes's bill takes out the language regarding the districts being contiguous. So I could see a number of different combinations that we could have for these, and one thing that concerns me is that we could have a number of these educational centers. In a specific area we could have as many as three different, I have got some notes I made to myself, three different educational centers making it very complicated to determine where these would be located or where your child would be going to school or who would be responsible. Do you see this the same way that I do interpreting it? [LB641]

JOHN BONAIUTO: It was hard to visualize what the outcome might be in looking at this as a solution whether it was pointed at some specific areas for developing these centers. I think Senator Raikes had talked about having the discussion continue. Being creative, we have got a tough problem and creativity is a good thing, and having the discussion continue is a good thing, and eventually the solution will hopefully arise. [LB641]

SENATOR ASHFORD: That is a better answer. [LB641]

SENATOR HOWARD: You are very hopeful. Thank you, John, thank you. [LB641]

SENATOR KOPPLIN: Any other questions? Okay. Next opponent. [LB641]

BEN GRAY: Mr. Chairman and members of the committee, again, my name is Ben Gray. I am cochair of the African American Achievement Council and I am opposed to this legislation. I sit here in amazement sometimes. I really do because the Omaha Public Schools, and I think there are some things that you all need to know or need to remember, the Omaha Public Schools is one of the only districts in the country that recognized that it had a problem in terms of education of African American and Latino students, and they put together a plan to do something about it. And that plan included coming up with this council that was autonomous from the school district that could council the school district, and in some instances challenge the school district. And so this was a district that recognize that it has a problem, saw that it needed to do something that was inclusive of the entire community, and they went about the process of doing that. And so now we sit here and it seems like to me they are being punished for trying to do the right thing. We have, in that booklet that I gave you, we have a number of initiatives that are bearing fruit in the Omaha Public Schools. We have over 300 African American men who greet students on a daily basis in elementary schools called our greeter program. Some of them have started man-to-man programs, some of them have started rights of passage programs, and other sorts of things. So to assume that there is not community involvement is false. There are a number of people who don't know how to approach the district, but they wouldn't know how to approach the

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

district whether you broke it up, kept it straight or whatever you did. So to assume that there is not local control is false. In that booklet also you have academic success academies for parents and teachers. What that does is we put together a program where parents come in, work with teachers, and in each grade in elementary school under our success academy the teacher works with parents whose child may be in first grade, for example, and in first grade the first six weeks they have benchmarks as to where they are supposed to be. The teachers work with the parents to show them what they are suppose to do and what they are suppose to know in the first six weeks, and they give them tips and ideas on how they do that. Now these teachers come in on a Saturday. These parents come in on a Saturday. There are literally more than a hundred and some-odd people who have done this on two different occasions. We have a neoguardian program where we have African American women as well as others that are in the classroom working not only with students but helping teachers. We have an Ameritas teacher program where we have brought in teachers who have left the profession who have come back to do whatever they can to help teachers be better teachers and identify problems with students. With our greeter program, we have identified in a lot of instances where students could not read or could not read at the grade level. We have identified instances where students, foster children who have been abused, and as a result of our greet program very quietly, without all the fanfare of news media and other things, we have been able to get those students out of those foster homes into other places where they are safe. So to assume there is no local control is false, and to say that the Omaha Public Schools, one of the only districts in the country to put together a program to address the needs of students, black, brown, red, and white, and now they are being punished for it in my estimation is wrong. And this committee and this Legislature ought to be doing everything they can to help a district that recognized a need address the need, and what they need to do now is get more help from this Legislature to do what it needs to do. I want to address a couple of other things and then I will be done very quickly. In terms of the teacher experience issue, most of the time teachers after they have reached five years in their profession, they are proficient as teachers. What happens is that half of the teachers who go into the teaching profession leave after five or six years because the pay is so low. So when you have teacher that has 15-20 years of experience, and I give you an example, at Saratoga Elementary School we put together the greeter program and a couple of other programs to help them succeed in reading and math. They jumped in one year from the 20th percentile to the 65th percentile in math, and we did that with teachers who some of them didn't have a lot of experience, but because that law was in existence at the time, we removed three teachers that had developed a working relationship with these children, brought in teachers that had 15 or 20 years of experience. Not only did they decimate the programs that we had, they almost wanted to fight with the principal. So to assume that because people have 20 years of experience and that is going to somehow translate into children operating better is just not true. Those of us in the African American Achievement Council were oppose to that and what we want is teachers who want to be there, who care about being there, who we can work with and who are willing

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

to work with us, as opposed to people who have 15 or 20 years of experience who are recalcitrant in their ways, who don't want to change and who don't want to listen to those of us in the community who understand what we need for our children. So with that, I will stop and answer any questions that you might have but I am absolutely, unequivocally opposed to the break up of the Omaha Public Schools in any manner. It looks like to me as though you are punishing a district for attempting to do the right thing. [LB641]

SENATOR KOPPLIN: Are there questions for Mr. Gray? Senator Johnson. [LB641]

SENATOR JOHNSON: I have just got a comment, and what it is, is this: I just thoroughly enjoy you when you see a problem that you look at it as a challenge, that you just can't wait to take on, and we need more of that. [LB641]

BEN GRAY: Oh, I can wait to take it on. I just don't have a choice. Our children can't wait. [LB641]

SENATOR KOPPLIN: Any other questions? [LB641]

BEN GRAY: Thank you, Senator, and thank you for all for paying attention. [LB641]

SENATOR KOPPLIN: Thank you, Mr. Gray. Next opponent. [LB641]

JOHN LINDSAY: Thank you, Senator Kopplin, members of the committee. For the record, my name is John Lindsay, appearing as a registered lobbyist on behalf of Omaha Public Schools. I am also reflecting my comments the position of Millard, Bennington, South Sarpy, Douglas County West, Westside, Elkhorn, Papillion/LaVista, and Gretna Public Schools. The position of those school districts is that LB547 is the appropriate answer rather than continuing with the breakup of OPS as was enacted in LB1024, that LB547 is a better approach to responding to the issues that have been raised. LB1024 as you will recall in the floor debate on that and the Governor's statement on that, repeatedly in the floor debate, we want to get the superintendents to talk. They talked. They came up with LB547. We think that is the structure from which to work. A couple of comments about LB641, it does continue some of the significant flaws that we saw in LB1024. Although LB547 builds on LB1024 as a structure, it does not include those flaws, one of which is the continued split of OPS into racially identifiable districts. Even though the contiguous language is removed, the problem comes with some of the shared attendance areas that some of the schools have. Again, forces a particular direction. Second, it continues the elimination of the use of transportation, our ability to use transportation as a mechanism to integrate, and third, the voting structure as Senator Howard mentioned remains flawed. If I could address, I think Senator Raikes raised the question of the attendance areas, the reason the attendance areas are not integrated is because of the location of the buildings. I think typically you are

going to see attendance areas of schools are going to be the areas surrounding those schools. I think as Senator Howard, Senator Ashford, could tell you the housing patterns in Omaha are not going to set themselves up as the schools are going to have a often primarily white, primarily black, primarily Latino attendance area. So it is not trying to set up attendance areas to segregate because as a matter of fact in OPS, students can choose to attend any of the high schools in the city. Transportation is used as a mechanism providing that transportation to draw kids for the purpose of integration. I would also just touch, Senator Howard, you mentioned the question of whether this just applies to OPS. I do, in fact, believe that it does just apply to OPS. The breakup was just applicable to OPS. LB641 can never apply to, without changing the law, can never apply to other school districts. LB641 redefines a Class V to mean those districts participating in a Class V retirement system. LB1024 shut off new entries into the Class V retirement system. So by definition you cannot have other school districts coming in unless the law is changed. Now it is not impossible for the law to change because we have seen that happened each time Lincoln has approached metropolitan class size. We have raised it from 100,000 to 150,000 to 200,000. The big jump, I think, the last one was from 200,000 to 300,000, which should hold if for a little while. But typically that is what has happened. So I think the idea that this would be opened to other districts is just a bit elusory. Finally, I would just like to thank Senator Raikes for sitting back there instead of up there so he can't ask me questions now. [LB641]

SENATOR KOPPLIN: Are there any questions for Mr. Lindsay? Senator Howard. [LB641]

SENATOR HOWARD: Thank you, Senator Kopplin. I remember in one of the parts of the lawsuit that was filed was the singling out of the Omaha school district, treating it differently than other school districts, and it seems to me that this is doing basically the same thing. Would you agree with that? [LB641]

JOHN LINDSAY: Well, it is applicable to Class V school districts and the reality is that there is only one Class V school district. [LB641]

SENATOR HOWARD: Thank you. [LB641]

SENATOR KOPPLIN: (See also Exhibit 24) Other questions? If not, thank you, John. Are there other opponents? Anyone wishing to testify to testify in the neutral? Senator Raikes, would you like to close? Senator Raikes says no. That ends the hearing on LB641. [LB641]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
February 05, 2007

Disposition of Bills:

LB440 - Indefinitely postponed.

LB547 - Indefinitely postponed.

LB641 - Advanced to General File, as amended.

Chairperson

Committee Clerk