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Education Committee  
January 20, 2015

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[LB18 LB99 LB100 LB101 LB103]

The Committee on Education met at 1:30 p.m. on Tuesday, January 20, 2015, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB18, LB103, LB101, LB100, and LB99. Senators present: Kate Sullivan, Chairperson; Rick Kolowski, Vice Chairperson; Roy Baker; Tanya Cook; Mike Groene; Adam Morfeld; Patty Pansing Brooks; and David Schnoor. Senators absent: None.

SENATOR SULLIVAN: Good afternoon, everyone. It is 1:30, so we'd like to get started on time. I'm Senator Kate Sullivan. I am Chair of the Education Committee. This is the Education public hearing to make sure you're in the right place. I represent District 41 in the central part of the state. I'm from Cedar Rapids. I'd also like you to meet the other members of the committee. The Vice Chair, Senator Rick Kolowski of Omaha, is introducing another bill in a committee, so he will be here after awhile. At my far left is Senator Mike Groene from District 42, North Platte. To his immediate right is Adam Morfeld, District 46 of Lincoln. And to his right is Senator Tanya Cook, representing District 13 in Omaha. And to her right is Senator Roy Baker, representing District 30, Lincoln. Then to my right is Senator David Schnoor, representing District 15, of Scribner. And to his right is Senator Patty Pansing Brooks, representing District 28, of Lincoln. We also have some very able staff that help us with all of these...this committee work. To my immediate left is LaMont Rainey, and he is the legal...one of the legal counsels for the Education Committee. And clear over there on the end is Mandy Mizerski. She is the committee clerk, and she makes sure that we have an accurate record and accounting of all the proceedings of these hearings. We also have two pages that are helping us, Brooke Cammarata and Seth Thompson. Brooke is from Omaha, and she's a student at UNL majoring in advertising, public relations, and political science. And Seth is from Ogallala, and is a student at Wesleyan majoring in criminal justice and political science. Today before the committee we are hearing five different bills, LB18, LB103, LB101, LB100, and LB99. Just to cover a few ground rules for how we operate this committee, if you are planning to testify, please pick up a green sign-in sheet that's on the table in back of the room at either entrance. If you do not wish to testify but would like your name entered into the official record as being present at the hearing, there's also a separate form to do that and you can sign for that purpose as well, both of which will be part of the official record of the hearing. Regarding the green sheet, we ask that you fill it out in its entirety. Please print. It's important that you also fill it out completely, again, to have this correct information. As you come up to testify, give the green sheet to Mandy, the committee clerk. If you have handouts, we ask that you make sure you have 12 copies and give those to the pages, and they will make sure that they get those to all of us. When you come up to testify, please do speak clearly into the microphone. Tell us your name and please spell both your first and last names to, again, ensure that we have an adequate record. Perhaps it goes without saying, but I do hope and insist that you turn off all your cell phones, beepers, anything that makes noise, because we want to give you our undivided attention and make sure the attention is on your

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testifying. We also will be...the introducer will be introducing the bill and making the first statement followed by those who wish to speak in favor of the bill, those that then speak as opponents, and then those that are speaking as far as neutral testimony. And closing remarks are reserved for the introducing senator only. We are going to be using the light system, not for the introducer but for all testifiers. The testifiers will be given five minutes to make your initial remarks to the committee. When you see the yellow light come on, that means you've got about one minute or less. And when the red light is on you need to wrap up your remarks and then, of course, sit for any questions that the senators may have of you. Also it perhaps goes without saying that...no outward displays of either support or opposition to a bill. We ask that we conduct our proceedings orderly. So I think with that in mind, we will start with our first bill. We welcome Senator Bob Krist to introduce LB18. Senator.

SENATOR KRIST: Thank you, Senator Sullivan and members of the Education Committee. Good afternoon. I'm proud to be your first presenter this session. Thank you for hearing me. I'm here...I represent the 10th Legislative District in northwest Omaha and unincorporated parts of Douglas County which includes the city of Bennington. I appear before you today in introduction and support of LB18. Each year, the meningococcal disease strikes nearly 1,500 Americans, and 11 percent of those affected will die. The illness most people are familiar with is meningococcal meningitis, which most people refer to as meningitis. This usually means the lining of the brain and spinal cord have been infected with bacteria. That bacteria can also cause some severe illnesses like bloodstream infections, bacterium and septicemia. Meningococcus bacteria are spread through an exchange of respiratory and throat secretions like saliva, spit, living in close proximities or quarters, or kissing. Although it can be very serious, meningococcal disease can be treated with antibiotics that prevent severe illnesses and would reduce the spread of the infection from person to person. The problem is, it spreads quickly. Quick medication attention is extremely important if meningococcal disease is suspected. Adolescents and young people are most...young adults are most...at greater risk from the disease, accounting for 15 percent of the overall cases. One out of seven who get the disease will die. Among those who survive, approximately 20 percent will live with permanent disabilities such as brain damage, hearing loss, loss of kidney function, or limb amputation. Meningococcal disease is often misdiagnosed because its early symptoms are a lot like the flu. And I'll depart from the script to just say, how many of you have heard about a doctor who's received a phone call from hundreds of patients who have flu-like symptoms right now in our country? And they're given the advice to stay home, take care of yourself, hydrate. By the time these folks present themselves for treatment, it may be too late to arrest some of the spread of the disease. The Centers for Disease Control, the prevention Advisory Committee on Immunization Practices, or the ACIP, recommends routine vaccinations of persons with meningococcal conjugate vaccine at age 11 or 12 with a booster dose at age 16. After the booster dose of the meningococcal vaccine, the levels of antibodies in the bloodstream are higher than that for the first dose and are expected to protect adolescents through the period of increased risk through the

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age of 21. Keeping up to date with the recommended vaccines is the best defense against meningococcal disease. LB18 would require every student entering the 7th grade and again at the age of 16 to have a booster immunization containing meningococcal conjugate vaccine. I would make two notes at this point. The first is, why isn't this in Health and Human Services Committee, on which I served on many years with Senator Cook? The reason is, it needs to be attended to at a particular time in a young person's life, and the school is probably the best place to make sure that this happens. The second thing I would mention is, if you will refer to the green copy on page 2, I would recommend that the committee takes a long look and potentially do a committee amendment, line 21 on page 2, and change the last word on line 21 to "all." And on line 22, make it plural, "immunizations." I think that would further strengthen the requirement for such critical vaccinations to be accounted for in the future so we don't have to come back item by item, injection or immunization by immunization. And I think legal counsel could probably advise you better than I if that is a proper change. But I missed that during the initial drafting. I think that would make it a better bill. The last thing I would mention is, I've seen a lot of fiscal notes. And this one is extremely low for the benefit that putting this piece of legislation in statute, in place would enable for corrective fix and the health and welfare of our children and our adults. With that, I will stand for any questions. I do have some notable references behind me that are going to come talk to you about this issue. And I will stay around, if not to close, just to make sure that I understand what their comments are as well. [LB18]

SENATOR SULLIVAN: Thank you, Senator Krist. Questions for the Senator? [LB18]

SENATOR SCHNOOR: Senator Sullivan. [LB18]

SENATOR SULLIVAN: Senator Schnoor. [LB18]

SENATOR SCHNOOR: You had mentioned you have folks to talk, so I may be speaking a little out of turn. Did...have you consulted with any doctors about the safety of this immunization? We've all...I think every committee member has received numerous e-mails, some in favor, some against, those against talking about how unsafe this is. Can you elaborate on that a little bit? [LB18]

SENATOR KRIST: I am very comfortable that the risks are mitigated as much as possible. I am also committed to this piece of legislation because of what I've heard from these people that will follow. It is a difficult decision to have any inoculation, immunization given. We've all heard horror stories of children that have been adversely affected. But given the risks, I think the folks behind me can speak to that. [LB18]

SENATOR SCHNOOR: Okay. [LB18]

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SENATOR KRIST: And as I like to say, I'm not a doctor, I just...houses get bigger, houses get smaller, I go faster, I go slower, so...and I didn't spend the night in a Holiday Inn Express last night. (Laughter) So we'll let these folks behind me give you their professional opinion. [LB18]

SENATOR SCHNOOR: Okay. Thank you. [LB18]

SENATOR KRIST: Thank you, Senator. [LB18]

SENATOR SULLIVAN: Senator Groene. [LB18]

SENATOR GROENE: Senator Krist, how many cases of meningitis have been in the state of Nebraska the last year or the last decade? [LB18]

SENATOR KRIST: I can give you a ballpark figure, but I think you'll...again, you'll have someone here that you can ask that figure of. And if it's not presented today, I'll get you the exact number today and give it... [LB18]

SENATOR GROENE: And what age they were... [LB18]

SENATOR KRIST: ...and ages and etcetera. Yes, sir. [LB18]

SENATOR SULLIVAN: All right. Thank you for your testimony. We'll look forward to hearing the rest. [LB18]

SENATOR KRIST: Thank you. [LB18]

SENATOR SULLIVAN: We'll now hear from proponent testimony. Welcome. [LB18]

MEERA VARMAN: (Exhibit 1) Thank you. I am Meera Varman, M-e-e-r-a V-a-r-m-a-n. I am a pediatric infectious diseases physician, and I am representing the Immunization Task Force from Omaha and the American Academy of Pediatrics, Nebraska chapter, and also Pediatric Infectious Diseases Society, which is our national society, and also...adult infectious disease physician, he has sent a document also. [LB18]

SENATOR SULLIVAN: Okay. Thank you. [LB18]

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MEERA VARMAN: Dear Senator Sullivan and Education Committee members, I am writing on behalf of Immunization Task Force-Metro Omaha, AAP Nebraska chapter, Pediatric Infectious Disease Society in support of LB18, introduced by Senator Bob Krist of Legislative District 10. This bill seeks to assure that all adolescents attending Nebraska schools receive CDC-recommended meningococcal immunization. The Advisory Committee on Immunization Practices has recommended two meningococcal vaccinations for all adolescents. Meningococci often affects previously healthy individual with a rapid onset. About 800 to 1,500 cases occur annually in the United States with 10 to 15 percent fatality within hours in spite of antibiotics. Additionally, 10 to 20 percent of survivors will suffer from hearing loss; loss of extremities like fingers, toes, arms, legs; severe scarring; seizure disorder; and neurocognitive disabilities. Up to 10 percent of adolescents and young adults carry this organism in the mucosal surfaces without any symptoms, but they can transmit to children and adults through respiratory droplets. In the United States, meningococcal infection occurs as an isolated case in more than 95 percent, and less than 5 percent occurs as outbreaks leading to secondary cases in day cares, schools, and colleges. After exposure, antibiotic prophylaxis must be given with 24 hours to prevent infection. Risk factors for getting meningococcal infection include genetic factor, active and passive smoke exposure, recent upper respiratory infection, overcrowding as in dormitories or military housing, being a microbiologist, travel to some countries like Africa, nonfunctioning spleen like in sickle cell disease, and others. Meningococcal vaccine is preservative-free, inactivated vaccine, provided as single doses and has mild side effects such as occasional local reactions. Severe allergic reactions are very rare and reversible with immediate care. There is no direct link between Guillain-Barre syndrome and this vaccine. But if someone has a history of Guillain-Barre Syndrome, the vaccine is contraindicated. Due to waning immunity, two doses of vaccines are recommended based on age. For high-risk patients, repeated doses are recommended in three to five years. In Nebraska, as of 2013, only about 75 percent of teens have received one dose of this vaccine. There is also disparity in vaccination rate among rural Nebraska youth and Latino teens compared to urban, Caucasian adolescents. We support the school-based meningococcal vaccination mandate to address the disparity and protect Nebraska youth. [LB18]

SENATOR SULLIVAN: Thank you, Dr. Varman. A couple of questions: First of all, do you have any idea how common it is right now for families to have their children vaccinated against meningitis? How often is this taking place? [LB18]

MEERA VARMAN: The...even a few months ago we had a case of meningitis, and being a pediatric infectious disease physician, I myself have seen these cases. So every year we end up seeing meningococcal meningitis or bacteremia, which is a lot more severe, with up to 40 percent fatality. And these children end up with severe complications, as I mentioned. So total overall in U.S., we have, like, up to 1,500 cases. Specific number for Nebraska I'm not...I don't have the numbers. But we do see the cases every year, we see in Nebraska. [LB18]

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SENATOR SULLIVAN: Do you think most pediatricians are recommending this vaccination for their patients? [LB18]

MEERA VARMAN: Yes, they are recommending. Sometimes the compliance with the vaccination would be an issue. So we don't have it close to 100 percent. Some of the toddler vaccination rates are 93, 95 percent. But teenage vaccines are lower. [LB18]

SENATOR SULLIVAN: Do we...have we seen an increase in cases of meningitis over the past several years? [LB18]

MEERA VARMAN: I would not say there is an increase. Because of the vaccination in the past several years, it is coming down, because of the vaccination. [LB18]

SENATOR SULLIVAN: Okay. Thank you. Any other questions for the...Dr. Varman? [LB18]

SENATOR GROENE: Just one quick one. How long has this... [LB18]

SENATOR SULLIVAN: Senator Groene. [LB18]

SENATOR GROENE: Thank you, Chairman. How long has this vaccination been in place? [LB18]

MEERA VARMAN: I would say at least eight years or more. [LB18]

SENATOR PANSING BROOKS: I have a question. [LB18]

SENATOR SULLIVAN: Senator Pansing Brooks. [LB18]

SENATOR PANSING BROOKS: Dr. Varman, I know that when students go away to school or...various colleges now require it to even be admitted into the school. So would this...I mean, would this solve that issue as well? I mean, I don't know if the University of Nebraska requires it, but I do know that other schools in the country are requiring that to be able to come to live in their dorms. And so if you have those two shots, will there need to be a third supplement, or does this take care of the whole? [LB18]

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MEERA VARMAN: That will take care, Senator Pansing, because their two doses would have been completed before they leave the high school. So by the time they enter, they...as a freshman... [LB18]

SENATOR PANSING BROOKS: Uh-huh. [LB18]

MEERA VARMAN: ...this problem will be addressed. [LB18]

SENATOR PANSING BROOKS: So no more boosters after that? [LB18]

MEERA VARMAN: No. [LB18]

SENATOR PANSING BROOKS: Okay. [LB18]

MEERA VARMAN: Unless they are high risk. Then after, like, three to five years, they will need. [LB18]

SENATOR PANSING BROOKS: I see. Thank you. [LB18]

MEERA VARMAN: Sure. [LB18]

SENATOR SULLIVAN: Any other questions? Thank you, Dr. Varman, for your testimony. [LB18]

MEERA VARMAN: Thank you. [LB18]

SENATOR SULLIVAN: Welcome. [LB18]

MAGGI PIVOVAR: (Exhibit 2) Thank you. My name is... [LB18]

SENATOR SULLIVAN: You can go ahead and sit down. [LB18]

MAGGI PIVOVAR: My name is Maggi Pivovar. You spell my name M-a-g-g-i, and then P-i-v-o-v-a-r. And I'm speaking today on behalf of the Immunization Task Force and also nationally recognized Meningitis Angels. Chairman Sullivan and members of the committee, protecting children and students in the state of Nebraska is very important to me. Though I no longer live

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here, I lived in Omaha for several years and went to school at Creighton University, met my husband here. And because we have so much family in this area, we have family that would be directly impacted by this bill. And by testifying today, I hope to give you a better understanding of what it is like to live through the horrors of this disease and why I believe LB18 is important for young Nebraskans. My life drastically changed after I nearly died in April of 2007 after contracting meningococcal meningitis and sepsis. For 20 hours, I was convinced I had the flu, and that is exactly what it felt like. I thought it would quickly pass and my symptoms of fever, headache, nausea, and vomiting were nothing more than the flu. When my husband went to sleep that night, things became worse. And I was so confused from the progression of the illness, I did not ask for help. My legs felt as if they had been frozen, and I tried to warm them up for a long time. By the time I woke up my husband, I could barely walk, could hardly see, and a rash had spread across my entire body. And I had only been ill for 20 hours when I was admitted to the hospital. You also have some of these pictures in your packet. My family...actually, my family was there in the waiting room, and they basically gave me about 30 minutes to live when I got to the hospital. And this can be very typical of this disease. The physician told my husband if he had not brought me to the hospital right then that one of my children would have found me on the couch in the morning no longer breathing. As my family waited anxiously, praying at my bedside, I was first given 30 minutes to live and then a 98 percent chance to die. I was in a coma for three weeks. And because my infection was so severe and advanced so rapidly, there was little hope for me. I faced a long and painful recovery which took nearly five years. Injections into my abdomen, pneumonia, multiple organ failure, and kidney dialysis were the easy parts. I couldn't move, turn over, use my hands, speak, or sit up, or have any normal body functions. Gangrene settled into my lower legs and feet. I was unable to move them. Every day I endured searing pain as they changed dressings and scraped and debrided my skin in the burn unit. Eventually, they did amputate my legs. I laid there totally helpless and wondering how I could ever go home and take care of four children who were just 10, 9, 5, and 18 months. I also suffered a brain injury. It hurt my ears when people spoke. I couldn't stand the noise of the television. And when I came home, the very place I longed to be, I experienced so much anxiety from being overstimulated that I would isolate myself in my room. I couldn't remember whole conversations I had with people, and it would be two years before I was tested and treated for a brain injury. I cried myself to sleep many nights from severe pain which felt like lightning shooting down my legs to my toes which were no longer there. My joints were stiff, and for months I experienced arthritic pain in all of them. I couldn't even be a mother. And the guilt in my heart was almost as bad as the physical pain. I didn't know if I would make it. I didn't know if I would smile again. And on more than one occasion, overwhelmed with extreme physical pain, I asked my husband, why didn't you just pull the plug? There was so much pain in living through this recovery. The prostheses that were supposed to help me get back to normal tore my fragile, grafted skin, and for a long time I couldn't wear them at all. Meningitis not only hurt me, but it hurt my family. My husband nearly buckled under the strain of working full time, caring for a toddler and three other children, taking all of my responsibilities on his shoulders every night

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and every weekend. My children had to get used to a new mom, because the mom who came home from the hospital, who had been homeschooling them, was not the same mom that came home physically or emotionally. Here are a couple more images I'd like to share. Now I'm back to work as an occupational therapist but only part time. It takes me double the time to do my documentation because I have lingering cognitive difficulties, and I fatigue easily. I have medical conditions postmeningitis including depression, nerve pain, attention deficit disorder, and osteoporosis. Life is not the same as before. But I know I am incredibly fortunate, because I did not lose my hands or my vision or hearing. The estimated cost of my recovery is \$1.5 million, and it only continues with thousands every year. I have had 11 sets of prostheses due to repeated surgeries and the shrinking of my limbs. If friends and family had not...if they had not fund-raised for us, we would have been financially devastated, because our private insurance only covered about 10 percent of the cost. This disease would have devastated us as it could any other family. It is much more common to hear of a high school or college student being stricken with meningitis. But I want you to know, I know it was much easier going through this as an adult as it would be for a student. At the time I became sick, I did not know of the vaccine or of the recommendations. [LB18]

SENATOR SULLIVAN: I'll have to ask you to wrap up pretty soon. [LB18]

MAGGI PIVOVAR: Yes, ma'am. I vaccinated my children because I didn't want them to live through the horrors of meningitis. I never want one of my children to come to me and say, Mom, why didn't you protect me from this disease? Even one child is one child too many. I implore you to endorse LB18. The children of Nebraska are counting on us to protect them, and that is why I am here today. [LB18]

SENATOR SULLIVAN: Thank you, Ms. Pivovar, for your testimony. One question: Was there ever a concern at the time that you were going through this that...is meningitis contagious? Could your family members have contracted this? [LB18]

MAGGI PIVOVAR: Yes. Actually, they could have easily. They were immediately treated with prophylactic antibiotics. [LB18]

SENATOR SULLIVAN: Okay. Thank you. Any other questions? Thank you for your testimony. [LB18]

MAGGI PIVOVAR: Thank you. [LB18]

SENATOR SULLIVAN: You're a brave person. Welcome. [LB18]

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ANDY MARSO: (Exhibit 3) Thank you, Chairwoman Sullivan. Members of the committee, my name is Andy Marso. That's A-n-d-y M-a-r-s-o. And I'm not trying to be informal with you here by having my sleeve rolled up, but I want you all to see what a skin graft of this magnitude looks like. And that's due to meningitis. I'm here to give you a somewhat different age group perspective, because I am one of those college kids that you hear about who got meningitis. I know a lot of you represent the Lincoln area. Your students here in Lincoln are at much greater risk of contracting this disease than the general population. We had eight kids at Princeton University get it last year, four kids at California, Santa Barbara. This is a disease that is devastating on college campuses. When I got ill at the University of Kansas in 2004, they gave prophylactic antibiotics to over 200 people, because they were so concerned that there could be an outbreak on campus. Maggi mentioned her fiscal note, \$1.5 million. I had amputations to all four limbs. I spent four months in the KUMed burn unit. My first year of recovery cost almost \$2 million in healthcare costs. I was very fortunate I was still on my father's insurance plan at the time. It paid for most of that. You all have my written testimony there, so I'm not going to go too much into the details of my story. I would like you to imagine what my parents went through. Imagine that you send your child to college 500 miles away, and one day you get a call from him, and he says he's feeling ill. And so you say, well, you probably have the flu. Why don't you get some rest and then call us tomorrow? So you get another phone call the next day, but it's not from your son. This time it's from a faceless doctor who tells you that your son is in intensive care and is being flown to Kansas City to a Level 1 Trauma Unit. So you say, this is serious, then? And he says, this is very serious; you need to get here as soon as possible. So you and your spouse get the first flight there. And you're praying the entire time. When you arrive at the hospital, your son is on a ventilator. His organs are failing. His limbs are purple and swollen almost to the point of being beyond recognition. A doctor pulls you into a side room and says that your son has bacterial meningitis. He says, we're giving him antibiotics, we're doing everything that we can, but we can't guarantee that he'll survive this. And even if he does survive, he's almost certainly going to lose parts of all four of his limbs. So you say to the doctor, well, he just got sick yesterday. What are the chances that he'll get better and be able to come home in a couple of weeks? And the doctor looks you in the eye and says, I put the chances of that at about 2 or 3 percent. So for the next three weeks, you watch your child hover between life and death on a ventilator, unconscious. You're watching all of those dials on those machines, hoping that they give you some sign that he's getting better. And over the course of about a month in that coma, he does get better. He comes out of it. His organs stabilize. And there's joy. But that joy is tempered by the fact that you have to explain to him that his limbs are rotting while still attached to his body, and that he is going to have to have amputations to all four of his limbs. You spend the next four months at his bedside as burn unit staff try heroically to save as much of his limbs as possible, only to see that he still will lose most of his feet and most of his fingers. You tell him that everything will be okay even though you're not sure that it will. You don't know how he's going to be able to navigate the world with what's left of his limbs. But you tell him that because you don't know what else to say. And then you leave work for a year so that you can take care of

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him and take him to physical therapy and occupational therapy and do your best to get him back to some semblance of his old life. Imagine going through all of that. And then imagine that there was a vaccine that could have prevented all of that. How could you look your child in the eye? You're going to hear a lot of things from a lot of people about the safety of this vaccine. And I can tell you that the chances of getting this disease are far greater if you're not vaccinated than the chances of getting seriously ill if you are vaccinated. And this disease is rare, but it is devastating. It is not rare enough. We have the tools to basically eradicate it now. And if we don't do that, if we don't take the steps necessary to do that, if we aren't brave enough to do that in the face of fear, then we'll have done a disservice to everyone. [LB18]

SENATOR SULLIVAN: Thank you, Mr. Marso, appreciate your testimony. You indicated that, after your incident, that the University of Kansas had a major push to vaccinate students. Is that correct? [LB18]

ANDY MARSO: During my hospitalization, it was too late to vaccinate the student population. So they instructed everyone who had been in contact with me...they sent out a campus-wide e-mail saying, if you've had contact with this person, we want you to come to the student health center and take antibiotics in case you have the bacteria inside you already. The following year, the University of Kansas began requiring this immunization for all of its students. It took me getting sick for that to happen. I don't want that to be the case at Nebraska-Lincoln. Don't wait for one of your "Cornhusker" students to get seriously ill to make this change. Do it proactively. Don't sacrifice one person. [LB18]

SENATOR SULLIVAN: Any other questions for Mr. Marso? [LB18]

SENATOR SCHNOOR: I have one. [LB18]

SENATOR SULLIVAN: Senator Schnoor. [LB18]

SENATOR SCHNOOR: In your paper here, you said this changed your life for the better. Could you explain that? [LB18]

ANDY MARSO: Yeah, that's a bit of a literary device, Senator. What I mean is that it gave me a new mission in life, a new purpose. That's why I'm here in front of you today. I don't mean, by any stretch, that I would, you know, have...choose to get meningitis if I could have not. It changed things for the better in that it told me that I had more to do on this planet than just play video games and be comfortable. I have a message that I need to get out to people. And that's why I'm here. [LB18]

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SENATOR SCHNOOR: Thank you. [LB18]

SENATOR SULLIVAN: Any other questions? Thank you for your testimony. Welcome. [LB18]

TONJA FRANK: (Exhibit 4) Hi. My name is Tonja Frank. It's T-o-n-j-a F-r-a-n-k. And I have been a school nurse in Nebraska for the last six years. I am currently representing the Nebraska School Nurses Association as a past president. I worked with Wendy Rau, our current president, to let you know our feelings about LB18. The Nebraska School Nurses Association is committed to maintaining, promoting, and advancing the quality health services and health education throughout the state. LB18 adds the meningitis vaccine to the required vaccines for Nebraska school students, promoting the health of our students throughout the state. It is the position of the National Association of School Nurses that immunizations are a key to a primary prevention of disease from infancy through adulthood. The school nurse is in a critical position to create awareness and influence action related to mandated and recommended immunizations to the school community. This vaccine protects against four types of meningococcal disease. Meningococcal disease can become life-threatening quickly, as you have heard. And teens are at higher risk of getting it. Many colleges and summer camps are already requiring the vaccine for our students. According to the National Center for Immunization and Respiratory Disease November 2014 data: Of the 1,000 to 2,600 people who get meningococcal disease each year, one-third are teens and young adults. Ten percent to fifteen percent of those who get sick with the disease will die even with antibiotic treatment. As many as 20 percent will have permanent side effects such as hearing loss or brain damage. Vaccination prevents this dangerous disease and protects the health of Nebraska students. LB18 changes the provisions relating to immunizations by adding the meningitis vaccine to the required vaccinations in Nebraska. The Nebraska School Nurses Association reiterates our support for this bill. Please add this statement of support to the permanent record for LB18. [LB18]

SENATOR SULLIVAN: Thank you, Ms. Frank. Do you have any idea how many other states require this vaccination for school students? [LB18]

TONJA FRANK: I do not. I can find that information and get that to you... [LB18]

SENATOR SULLIVAN: Okay. Very good. [LB18]

TONJA FRANK: ...from the National Association of School Nurses. [LB18]

SENATOR SULLIVAN: And in your experience in schools, how prevalent is it for parents to have already vaccinated their...had their children vaccinated for this? [LB18]

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TONJA FRANK: It's becoming more prevalent. Two issues: One is, I...when I get the vaccine record from the school or from the parents, they don't have to tell me any of the extra vaccines that are not required. I only have to know about the mandated ones. So depending on what kind of record I get, I may see that they've had meningitis or not. Certain physicians are real good about saying, hey, you know, we have all these vaccines we recommend for your child when they're going into 7th grade. Can we give them? And they say...and a lot of parents will say yes. But there's also the parents who say, no, I only want them to get what's...what the school requires. I'm not getting them anything extra. This is only what I'm going to do. And that's where this bill will help, as...encouraging parents that this is important, that it needs to be done, and that your child needs it. I also work at the university level, and this would be extremely helpful at that point, because a lot of the kids are coming in and getting it later, and the disease does affect younger teens also. And so it would be good to get them the vaccine early rather than waiting until they go to the university level. [LB18]

SENATOR SULLIVAN: Okay. Thank you. Any other questions for Ms. Frank? Thank you for your testimony. [LB18]

TONJA FRANK: Thank you. [LB18]

SENATOR SULLIVAN: Welcome. [LB18]

ELIZABETH SO: (Exhibit 5) Thank you. Good afternoon. My name is Elizabeth So, spelled E-l-i-z-a-b-e-t-h; last name is S-o. And I represent Operation Immunization, a student advocacy group for immunizations at Creighton University. Dear Senator Sullivan and Education Committee members, an adolescent school mandate for the meningococcal vaccination in Nebraska will maximize our protection and cost-effectiveness against meningitis by implementing preventative healthcare. Meningitis is a concern because it typically develops rapidly among previously healthy children and adolescents, resulting in high morbidity and high mortality. Administering this vaccine early in the teen high-risk years will provide protection against this debilitating and even fatal disease. Although some Nebraska colleges encourage and even require the meningococcal vaccine, many individuals still unfortunately fall through the cracks. Adolescents and young adults too often miss out on receiving recommended immunizations in a timely manner, delaying their protection against the disease. This can be caused by a variety of factors such as rushed health visits to overbooked appointments, inadequate emphasis on preventative care, socioeconomic barriers, and common misconceptions about vaccines. Creighton University has been proactive by introducing a meningococcal vaccine mandate for incoming students who will live on campus. This mandate was implemented during the fall semester of 2012. A subsequent fall 2013 survey showed that immunization rates for surveyed students were increased above the national average of 72 percent. For example,

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students aged 19 to 21 years, who weren't all necessarily living on campus, had an immunization rate of 82 percent. We will note, however, that students who don't get vaccinated until right before college go through their earlier teenage years unprotected. The literature shows that school mandates increase immunization rates. By mandating the meningococcal vaccine in Nebraska schools, we can proactively protect students. It only takes one student to initiate an outbreak among his or her classmates. Requiring this vaccine in schools will necessitate effort, but this will certainly be less than the long-term negative consequences of the meningitis disease and the efforts required for outbreak control. In summary, as current college students and future health professionals, we recommend that meningococcal immunization be mandated for middle and secondary school students in Nebraska. [LB18]

SENATOR SULLIVAN: Thank you, Ms. So. When you started your testimony, I believe you...did you say something about being a head of or a member of an organization? [LB18]

ELIZABETH SO: Yes. [LB18]

SENATOR SULLIVAN: Can you tell me again what that is? [LB18]

ELIZABETH SO: Um-hum. Yeah. I'm cochair for Operation Immunization. It's a student advocacy group for immunizations at Creighton University, part of the pharmacy school there. [LB18]

SENATOR SULLIVAN: So then you promote the use of vaccinations to become...for some of these things? [LB18]

ELIZABETH SO: Yes. And we hold, like, flu clinics at Creighton University... [LB18]

SENATOR SULLIVAN: I see. [LB18]

ELIZABETH SO: ...and organize external clinics as well around the Omaha area. [LB18]

SENATOR SULLIVAN: Okay. Very good. Any questions for Ms. So? Thank you for your testimony. [LB18]

ELIZABETH SO: Thank you for your time. [LB18]

SENATOR SULLIVAN: Welcome. [LB18]

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ADI POUR: (Exhibit 6) Good afternoon, Chairman Sullivan. Good afternoon, members of the Education Committee. I am Dr. Adi Pour, A-d-i P-o-u-r, and I am the Health Director of the Douglas County Health Department. However, today I am before you testifying on behalf of the local health directors in Nebraska. Every county in Nebraska is covered by a local health department, and there is unanimous support by the local health departments for LB18. Instead of repeating some of the facts that you have heard and some of the very heartfelt testimony about the vaccine and about the disease, my goal is to share with you how the local public health departments respond to a report of meningococcal disease and the impact on the community when such a disease is diagnosed. Meningococcal disease and meningitis are reportable conditions by state statute in Nebraska, and they need to be reported to local health departments or to the Nebraska Health and Human Services within 24 hours. There are 38 different diseases that need to be reported within such a short period of time. There are some other infectious diseases and poisonings that need to be reported within seven days, and then there are even further ones that need to be reported within a month. So there is an immediacy around meningococcal disease due to the life-threatening aspects of the disease and the need for treatment of those who may have been exposed. Therefore, it is not unusual that the call from an infectious disease practitioners from a hospital, for example, comes in the middle of the night or comes on the weekends. And it is this call that worries our staff the most. Often it is just a heads up before the actual diagnosis from the laboratory has been received. And for the health department, especially our epidemiologists and disease investigators, this means all hands on deck. The call with the healthcare providers has already shed some light about the patient and the situation, such as the age of the patient, are there close contacts, immediate family only, especially true if it is a young patient, for example. Is a day care involved? Is it an older child that is in school and also participates in after-school activities? Is the situation arising in summertime when the patient is not in school but got ill at camp? Is the person in college, dormitory? Do they live in a dormitory, etcetera? After that first questioning, further investigation then starts to get an even better assessment who that person may have been in close contact with, who did they share oral secretions like kissing, like sharing a drink, healthcare provider performed mouth to mouth resuscitation, just to name a few? The goal then is to provide prophylaxis or medication to prevent the disease to those contacts within 24 hours of the diagnosis, not 24 hours after the lab provides confirmatory testing. The family is often "prophylaxed" right away by the treating physician. For the other contact, the next question is, how do we make sure that we find everyone, and how do we make sure that everyone has access to the medication? At the same time, we are worried about the patient, and there is a media frenzy starving for information. As you can see, public health mounts a critical rapid response to get contacts "prophylaxed" as fast as possible to prevent additional cases. This is an enormous effort at a time when everyone affected is anxious and, with a 12 to 14 percent mortality rate, as you have heard, rightfully so. When the local health directors were discussing this bill on a phone call last week, about every single one of them had a tragic story to tell. One of them included, this is not only costly and time-consuming to us health departments, but it really is an

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emotional toll to communities, specifically in rural communities where the word of such a disease goes around very quickly. Oh, I see my light on. Medicaid covers the cost of the vaccine, and uninsured children through 18 years of age have access to all Advisory Committee on Immunization recommended vaccine. And through the Vaccines for Children's Program, everyone has access to this. Under the Affordable Care Act, my understanding is that insured children have now access to full coverage of these vaccines through their insurers without copay or deductible. Douglas County Health Department--I just wanted to close with one quick story--has an immunization clinic that administers the vaccine for Children's Program. And I want to share with you what my public health nurses have told me. When parents come to the clinic, as you have heard previously, to receive immunizations for their children under the Vaccine for Children's Program, our nurses always ask if they would also like a meningococcal vaccine for their child. The answer is immediate and is always, yes, please. There is no hesitancy or response such as, let me think about it, is this real necessary, you mean another vaccine, is the vaccine safe? So please keep in mind when you make a decision on this bill and hear the voices of concerned parents who say, yes, please. In summary, ensuring that no other cases or death occur in...is critical when meningococcal disease is diagnosed. And vaccination provides another way to help families prevent this potentially devastating and sometimes fatal disease. Thank you. [LB18]

SENATOR SULLIVAN: Thank you, Dr. Pour. This disease has been around for a long time. What has precipitated the most recent drive to get the vaccination more used? [LB18]

ADI POUR: You know, there are 23 states in the nation who have this as a mandate. I think we have learned our experience, and I always say, we have made great progress in healthcare. Vaccinations are one of the progresses that we have made. And so I think the more we see that a vaccine is safe and doesn't cause any side effect or very limited...there is never...everything is 100 percent safe, but as soon as that occurs we learn of the benefit of vaccines, and I think that's why you are seeing a little bit more awareness on this. I think also, Senator Sullivan, you know, physicians recommend this today but not everyone has a medical home. Not everyone goes to their physician regularly. So sometimes it is necessary that we mandate this to have a playing field, so to say. We do know when we look at the percentage that those that are under the federal poverty line are less likely to be immunized for meningococcal vaccine. We want to bring that up, because all of us know...we want to eliminate health disparities wherever we can. [LB18]

SENATOR SULLIVAN: Do you know, in your experience, have there been many adverse reactions when the vaccine is administered? [LB18]

ADI POUR: It is interesting that you are asking this question, because I asked my public health nurses, and...are you concerned about this? The same sentence...in the same sentence they were

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telling me, in the end, it is a safe vaccine. So very little do we read in the literature about the adverse health effects of this vaccine. And I tell you, I have great confidence in the ACIP. These are the experts that make these recommendations. They review the literature on a regular basis. They don't just make their opinion in one case. So you need to look at the entire population to make sure a vaccine is safe and really qualifies for the benefit of the population. [LB18]

SENATOR SULLIVAN: Thank you. Any other questions? Senator Cook. [LB18]

SENATOR COOK: Thank you, Madam Chair. It's good to see you, Dr. Pour. [LB18]

ADI POUR: Thanks. [LB18]

SENATOR COOK: Always a pleasure. We brought up the issue of access to care and disparities. I'm wondering if there are families that show up and say yes to the vaccine, or here's...up to this point, and it's not covered by their insurance. Have you run across any of those stories in your travels? [LB18]

ADI POUR: You know, we wouldn't run across these because we only are Vaccine for Children's Program. So people have to be qualified to be under the Vaccine for Children. So those families would not come to our clinic. But I agree with you that those are probably families who are not going to get the vaccine for their children, and so that's why it is so important. I mean, the stories you heard before me were just striking. And we want to prevent this in every single one of them. What a mandate does, it provides it to everyone. That still means that the family can opt out of it. There are families who do not believe in vaccine for any different...many different kind of reasons. But the majority of people really would then be vaccinated if that mandate would be in place. [LB18]

SENATOR COOK: Thank you. [LB18]

SENATOR SULLIVAN: Senator Groene, did you have a question? [LB18]

SENATOR GROENE: They're talking 11-, 12-year-olds. I keep hearing about children getting meningitis, and I read somewhere 75 percent of Nebraskans at one time have been vaccinated. What are doctors telling parents, to do it when they get their measles vaccination at the age of 2 and 3, or...and then are we supposed to do it again at 11 and 12, or... [LB18]

ADI POUR: No. This vaccine is really only for the high-risk group. And by high-risk group, you really talk about those that are high school aged. So you talk about, in this case, seventh graders

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who really need to get the vaccine. That is the time, also, when we are recommending Tdap pertussis vaccine. So it's not that younger children are getting the vaccine, but younger children are then protected from those high-risk individuals who actually carry the bacteria and, therefore, could infect younger ones who are much more sensitive or older ones for that. [LB18]

SENATOR GROENE: When they say 75 percent of the people have been vaccinated, are doctors vaccinating children? [LB18]

ADI POUR: They are vaccinating seventh graders. That's the age group that is recommended. And, yes, pediatrician and specifically physicians who are very conscientious, they will say, can I also offer you the meningococcal vaccine. But not everyone...like you have heard before, there is always a little bit of rush in a doctor's office. So if it's not mandated, you know, it's kind of here one day, tomorrow I forget about...to ask that patient about it. So that's the issue. If it's not mandated, it's not one of those checkpoints for the physician. [LB18]

SENATOR GROENE: In my personal experience I know a personal friend that got it at 40 in a hotel room, and he had no aftereffects. They caught it. And I know of a five-year-old that got it and was taken care of and had no aftereffects. That's my personal experience, so I'm asking you, are doctor, pediatricians vaccinating infants, three-, four-year-old children? When they give them the measles vaccination and other things, too, are they giving them meningitis? [LB18]

ADI POUR: No, no. [LB18]

SENATOR GROENE: It's not recommended? [LB18]

ADI POUR: This vaccine is only recommended at the 7th grade level. [LB18]

SENATOR GROENE: And then one more question. I don't know if the Nebraska Medical Association is here, but according to their information, this only vaccinates for one subset of the bacteria that can cause meningitis. So this will not eliminate meningitis. There are other causes, other "bacterias" that can cause meningitis besides which...this vaccine. [LB18]

ADI POUR: There are other strains. There are other meningococcal strains that are not covered by this vaccine. [LB18]

SENATOR GROENE: So it won't eliminate meningitis, this vaccine? [LB18]

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ADI POUR: Correct. It won't eliminate it. But it will protect for about 75 percent of the cases that are caused by meningococcal bacteria. Good question. [LB18]

SENATOR SULLIVAN: Any other questions? Thank you for your testimony. [LB18]

ADI POUR: Thank you. [LB18]

SENATOR SULLIVAN: Welcome. Yes. [LB18]

JASON HAYES: Hello, Senator Sullivan. Hello. My name is Jason Hayes, spelled J-a-s-o-n H-a-y-e-s, and I'm here representing the Nebraska State Education Association. I will be brief. We want to express our support for LB18 in order to provide a healthy learning environment for students. And I thank you. [LB18]

SENATOR SULLIVAN: All right, Mr. Hayes. Thank you. Any questions for him? Thank you. [LB18]

JASON HAYES: Okay. [LB18]

SENATOR SULLIVAN: Welcome. [LB18]

LINDA OHRI: (Exhibit 7) Good afternoon. I am Dr. Linda Ohri. That's L-i-n-d-a O-h-r-i. And I am here and I am the legislative chair for the Immunization Task Force in Nebraska. I am also...have been asked to deliver letters of support from the Nebraska Medical Association, the Nebraska Academy of Family Practice, the Nebraska Nurses Association, and the director of the Nebraska Pharmacist Association indicated to me that she has sent a letter to the committee. So those are provided to you here. I...as a pharmacist, I think, first I will talk a bit about the safety of meningococcal vaccine, because that's always a concern with mandates. These are inactivated vaccines. They were first approved in 2005...was when the first meningococcal conjugate vaccine became available. And that actually protects against four subtypes of the vaccine...of the meningococcal disease, which account for about 73 percent of the disease in adolescents and young adults. Meningococcal B vaccine has just been approved this fall. That is a more common cause of the disease in young children. The ACIP, the Advisory Committee on Immunization Practices, has not yet looked at that vaccine to make recommendations for its use. So this...the vaccine that we're talking about is a vaccine that was approved for adolescents and teens because the subtypes that are in this vaccine are most particularly affecting those groups. Okay? For...the carriage rate of meningococcal in the nasal passages goes up pretty dramatically in young adolescents and continues at high levels in the nasal passages through young adulthood. This

puts them at particular risk for infection. It also makes them carriers that can then pass this infection on to other people. These are inactivated vaccines. They are provided in preservative-free unit dose. That means they do not contain thimerosal, or mercury, which there has been substantial evidence to show has not been a problem in safety of vaccines. But they do not contain this preservative. They also do not contain aluminum, which has been another chemical of concern. Formaldehyde is used early in the production of this vaccine because it contains...some of the vaccines contain a component that must be detoxified. It's a toxin. And formaldehyde is used to do that in the early stages of production. Most of that is dissipated by the time the product is packaged for final use. And there's less than three micrograms in a dose, which is substantially less than the formaldehyde that we're exposed to in our daily life through things such as personal care products, building materials, wrinkle-free clothing, baby products, etcetera. Anaphylactic reactions are possible with any medication but are extremely rare with vaccines, including meningococcal, at a rate of probably less than 1 in 1.5 million doses and are reversible with prompt care. There has been concern about a condition called Guillain-Barre syndrome, which is a paralytic condition that can occur. This was...there was some concern when the vaccine was still first out, but there have been subsequent studies, including one with 1.5 million doses, that had no confirmed GBS cases identified within the six weeks after the vaccination was given. The CDC, at this point, continues to monitor, as they always do, but has reduced their concern. GBS is primarily related to infections, viral or bacterial infections of respiratory and GI tract. So safety with this vaccine really is very high. As a pharmacist I will tell you, there is no medication that doesn't have risks. But vaccines are considered to be among the safest tools in our toolbox. This vaccine...the disease actually is one that has about a ten-year cycle of peaks and valleys. The last peak that we saw was in 1997. We really have not seen a peak since then. And the vaccine became available in 2005, and we can never say for sure, but may very well be one of the reasons why we have not seen a peak with this disease. If you have any questions, I'd be glad to answer them. [LB18]

SENATOR SULLIVAN: All right. Thank you very much, Dr. Ohri. Are there questions for her? Thank you for your testimony. [LB18]

LINDA OHRI: You're very welcome. [LB18]

SENATOR SULLIVAN: (Exhibits 8, 9, 10, 11, 12) Is there any additional proponent testimony? We'll now move on to testifiers in opposition to LB18. Oh, excuse me. I'm sorry. I should...overlook this. There are several letters that we have received in favor of LB18. I'd like to read those into the record. Wendy Rau, president of the Nebraska School Nurses Association; Richard Blatny, Sr., MD, who is president of the Nebraska Medical Association; Michelle Hawley-Grieser, from the Brain Injury Association of the Nebraska Legislature; Joni Cover, executive vice president and CEO, Nebraska Pharmacists Association; and Gary Perkins, CEO

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and president, Children's Hospital & Medical Center. So now, opposition testimony? Anyone wishing to speak in a neutral capacity for LB18? Senator Krist, for closing. [LB18]

SENATOR KRIST: I really can't add anything else. It's our responsibility to take care of public safety and public wellness. It's here in this committee because it is a tool that should be applied at a certain point in a child's life to protect them and the rest of us from this disease. And I ask you to send it forward for the rest of our Legislature to debate. Thank you. [LB18]

SENATOR SULLIVAN: Senator Schnoor. [LB18]

SENATOR SCHNOOR: Senator Krist, not exactly sure if you can answer this or not, but as you know as a retired military member, we live in a different world now. We have an open border to the south where this could be brought in unknowingly. Is there any chance or, I guess, based on your study of this, that this could be used as a terroristic threat against our country, this disease? [LB18]

SENATOR KRIST: I think this was, in my past life as my capacity with and in the Air Force, this was one of those diseases that was so easily spread that we took aggressive action on active duty to make sure that our kids were immunized before they went off into other parts of the world. And as you know, you've also deployed with 100 needles that seem to come from nowhere, preparing us to go forward. But it's one of those that was identified as a deployment tool at the 55th Wing, which is my experience. I see no reason why it could not be used in that capacity, particularly if you've read, as I have, and listened to the testimony today, how quick this thing actually develops. I worry, you know, just in terms of, as I said before, just in terms of what we're seeing across the country right now in the influenza breakout, how much this looks like, stay home and stay hydrated and we'll talk to you in 24, 48 hours, and you've heard what that does in less time than that. [LB18]

SENATOR SCHNOOR: Okay. Thank you. [LB18]

SENATOR SULLIVAN: Any other questions for senator? Thank you, Senator. [LB18]

SENATOR KRIST: Thank you, Senator Sullivan, members. [LB18]

SENATOR SULLIVAN: We will now move on to our next bill, LB103, and invite the introducer, Senator Bill Kintner, to introduce it. Welcome, Senator. [LB18]

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SENATOR KINTNER: (Exhibits 1, 2) It's good to be here. Chairman Sullivan, members of the committee, this is a very, very simple bill to understand. What this bill does, it ensures that students who are under exempt status, which are homeschool students, can participate in extracurricular activities in their home district, in home district only. I'm...they're passing out some things to you. I'm going to explain what they are. One is a list of all the states that already have had this law on the books. And that is on top of an explanation of what...each state and how their law works. They're all a little bit different. And then this second packet is just a bunch of e-mails I've received. Some of them you've received also, I think. But I wanted to put them in one place, easy to read, easy to look at and have right at your fingertips right there. So that's what they're passing out to you right now. This is a issue that...no one brought this to me. This was actually something I found while I was going door to door in Eagle. And I was talking to a family and they told me that their school district, as homeschoolers, made them take over half of their classes. You have to take half your classes in our school district to participate in extracurricular activities. Well, if you're taking over half your classes, you're not going to be a very effective homeschooler. That defeats the purpose of homeschooling. So what this bill does, it ensures that they have access to extracurricular activities, and it allows the school district to make them take up to one class. Now, the way that I came up with this is, I was looking it and I actually had Rhonda Blanford-Green, the executive director of NSAA, in my office and she had a lot of experience with this when she was in Colorado. And I actually changed my bill a little bit based upon the recommendations she made to me based upon her experience. As a high school varsity baseball coach, I had some experience with homeschoolers also in my state where I coached, which was Ohio, which is one of the states listed right here. It's pretty much that simple. The only question that I kind of came up with as a former coach was, well, jeez, if you're going to have students participate, you know, they have to have a certain GPA and all that, you know, usually 2.0, sometimes higher in some school districts. Well, how do you get around that? How do you enforce that if they're being homeschooled? Well, think about this: We entrust parents to educate their kids through the 12th grade. I think we can entrust parents to sign a form saying if their kids are making satisfactory academic progress. I think that's pretty small. That's really the one question I came up with that I thought that might be asked. There may be some others, and I'd be happy to take those questions. [LB103]

SENATOR SULLIVAN: Thank you, Senator Kintner. Under current law, tell me again, the student has to take four classes? [LB103]

SENATOR KINTNER: It's up to the school district. [LB103]

SENATOR SULLIVAN: Okay. [LB103]

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SENATOR KINTNER: So there's some school districts say, hey, come on in, the more the merrier. And there's other ones that make you take a whole boatload of classes. And this would make it uniform across the state. [LB103]

SENATOR SULLIVAN: Okay. [LB103]

SENATOR KINTNER: So it's going to be the same with every single school district. [LB103]

SENATOR SULLIVAN: And when you say one class, does that mean one class per semester or for the whole year? [LB103]

SENATOR KINTNER: One class for the whole year. So I would think if you're playing sports, you might take weightlifting. If you're in band, you'll take band. If you're in drama, there...if there's a drama class, you might take that. [LB103]

SENATOR SULLIVAN: Um-hum. [LB103]

SENATOR KINTNER: But nothing is stopping you from taking chemistry. So... [LB103]

SENATOR SULLIVAN: Okay. And then regarding transportation, same arrangements for transportation as they currently...provide transportation for their students that are already in the school as far as getting them to and from extracurricular activities? Is that what you had in mind? [LB103]

SENATOR KINTNER: Yeah. It's up the parents, up to the parent to get the kid there and pick the kid up. [LB103]

SENATOR SULLIVAN: Okay. Uh-huh. [LB103]

SENATOR KINTNER: And obviously when they're there, they get on the team bus and can go to the event... [LB103]

SENATOR SULLIVAN: Right. Right. [LB103]

SENATOR KINTNER: ...or go to the marching band or whatever it is, so... [LB103]

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SENATOR SULLIVAN: Okay. [LB103]

SENATOR KINTNER: I don't anticipate any costs to the school districts on this. [LB103]

SENATOR SULLIVAN: And when you say home district, you're talking about then...the homeschooled student would be going to the public school district in the district where they... [LB103]

SENATOR KINTNER: In which they reside. [LB103]

SENATOR SULLIVAN: Yeah. Okay. [LB103]

SENATOR KINTNER: Right. [LB103]

SENATOR SULLIVAN: All right. [LB103]

SENATOR KINTNER: So if you're at Learning Community, you can't go to some other school. You've got to do the one that you live in. Yeah. [LB103]

SENATOR SULLIVAN: All right. Very good. Any other questions for Senator...yes, Senator Baker. [LB103]

SENATOR BAKER: Senator Kintner, this is about allowing homeschool students to participate in extracurricular activities, particularly sports, probably. So if four is too many, why did you pose they have to attend a class at all? [LB103]

SENATOR KINTNER: I was advised that if they had one class, it would tie them to the school a little bit, give them some familiarity with the way the school operates and the way they do things. And it sounded reasonable to me, so I said, yeah, that's probably the way we do...and look, when I was a coach, I thought that would be good. Have a student take one class there, kind of see how we do things. That...I think that helps. [LB103]

SENATOR BAKER: Thank you. [LB103]

SENATOR KINTNER: And this is also band and drama and, you know, whatever extracurricular activities that school may offer. [LB103]

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SENATOR SULLIVAN: Senator Pansing Brooks. [LB103]

SENATOR PANSING BROOKS: Yes. Senator Kintner, I was just wondering...so they would be subject to the same requirements for trying out for teams? [LB103]

SENATOR KINTNER: Absolutely. [LB103]

SENATOR PANSING BROOKS: It's not that they get a free pass to join whatever it is that they want. [LB103]

SENATOR KINTNER: That's right. [LB103]

SENATOR PANSING BROOKS: Okay, because I was wondering... [LB103]

SENATOR KINTNER: They've got to earn their way like everybody else. [LB103]

SENATOR PANSING BROOKS: Okay. So if they don't get on the team... [LB103]

SENATOR KINTNER: Well, try again next year. [LB103]

SENATOR PANSING BROOKS: Okay. [LB103]

SENATOR KINTNER: Ask the coach what I need to work on. Go, do I need to work on something? Okay. I'll go work on it. [LB103]

SENATOR PANSING BROOKS: Okay. Thank you. [LB103]

SENATOR SULLIVAN: Any other questions for senator? Will you be here for closing? [LB103]

SENATOR KINTNER: Yes, I will. And if you don't need me, I'll waive it off. [LB103]

SENATOR SULLIVAN: Oh, okay. (Laugh) [LB103]

SENATOR KINTNER: Yeah. [LB103]

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SENATOR SULLIVAN: We'll now hear proponent testimony. Welcome. [LB103]

DAVID LOSTROH: (Exhibit 3) Thank you. Senator Sullivan, members of the Education Committee, my name is David Lostroh, D-a-v-i-d L-o-s-t-r-o-h. I serve as a board member and legislative liaison for the Nebraska Christian Home Educators Association, the NCHEA, an organization that advocates, encourages, and supports home education. The NCHEA is a proponent of LB103 as written. We believe that LB103 would provide choices that some homeschool parents would use. We support homeschool parents selecting those courses and activities from the local public school that they believe would be helpful to their children. Homeschool parents should have the ability to make these choices because they pay taxes to the public schools, and because the Nebraska Constitution says that, "The Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years." Over the years, the NCHEA has received many phone calls from parents who want the options that would be provided by LB103. The Nebraska Schools Activities Association member school requirement is that exempt students must be enrolled in a minimum of 20 credit hours of schoolwork in the member high school and otherwise are not eligible to represent a member school in NSAA activities regardless of the level of participation or competition. We believe that 20 hours is excessive and may vastly reduce the number of interested parents. LB103 would reduce the requirement to one course. While it is true that some NCHEA members would utilize the options provided by LB103, others will not, and none want increased regulation at the...in the homeschool in order to obtain the options that would be existing under LB103 should it be passed. Should LB103 be amended in a way that increases government regulation and control of homeschools, then the NCHEA would oppose the bill. However, I trust that that won't be the case. There's two rules that control homeschooling, Rules 13 and Rules 12. They would not need to be updated. The 13 is for religious-based homeschools and 12 is for nonreligiously based homeschools. There have been concerns brought up in the past on these bills that I have listed here regarding doubts about the ability of homeschool parents to be unbiased when reporting home academic performance to the public schools for purposes of establishing, maintaining NSAA student eligibility requirements for varsity athletics. I believe that homeschool parents would not misrepresent the home academic performance level of their children. But even so, I cannot guarantee in every case that parents would not be totally unbiased. I do believe that it would be a very, very, very low rate. It is common knowledge that colleges routinely struggle to be honest about their star athletes. Some occasionally fail to do that, to be honest about it. Similarly, I believe it possible and even likely that public school teachers and officials would find it hard to be consistently unbiased about the academic performance of their own full-time student athletes if they were in academic trouble but were badly needed to win the next important game. To presume the worst against homeschool parents while overlooking the potential for the approved and accredited schools to do the same, I think, is discriminatory and unfair. And this has been probably one of the bigger arguments that I've heard in all these bills previously. Again, the NCHEA is a proponent of LB103, believing it to be

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an equitable and practical way for interested homeschool parents to make educational choices from the public school. We support it insofar as current liberties are maintained and support the expanding options that some homeschool parents would use if made available. Now, we presume that the bylaws of the NSAA would probably need to be amended for this. And I mean, that's my belief. I can't say that with certainty, but it is out of the NSAA constitution and bylaws where the requirement for 20 hours, and so if you have one hour of class in a certain class every day for five days in a week, that's five hours. So if you've got four courses that are five days a week, that's 20 hours, and four courses is a lot. So that's where the rub comes in as far as so much class. So Senator Kintner has changed that to one class. And I think that would be a big improvement. [LB103]

SENATOR SULLIVAN: Thank you, Mr. Lostroh. Do you have any idea how many homeschool students participate in extracurricular activities at public schools? [LB103]

DAVID LOSTROH: Well, I wish I could give you that information. I don't have that, and I...neither do I...can I tell you how many would participate with this. I do believe, based on the phone calls, that it would go up. There would be students who would like to have their child take chemistry. They...or, as was said before by the senator, band or whatever it is, that might be difficult in their location to do. So I think that there are cases where parents would do it if they could. But they really don't want to have 50 to 80 percent of their homeschool courses being covered at the local public school. [LB103]

SENATOR SULLIVAN: Thank you. Any other questions? Okay. Thank you for your testimony. [LB103]

DAVID LOSTROH: Thank you. [LB103]

SENATOR SULLIVAN: Welcome. [LB103]

PHIL BELIN: Hello. Good afternoon. My name is Phil Belin, full name Phillip with two L's, P-h-i-l-l-i-p, last name Belin, B-e-l-i-n. And I've just got a one- or two-minute response here on my mobile device and then I'd be happy to answer any questions. I can actually answer one of the questions that you had for the previous gentleman. Like I said, my name is Phil Belin. I live in Omaha, and my wife and I homeschool our four children. We would love our children to have the option of participating in extracurricular activities at the local high school whether it be in sports, which is my passion, or other activities of their own liking. I think, when we're going to filter through everything, the main issues is this, is how can homeschoolers objectively, not subjectively, objectively, prove academic eligibility and adequate academic progress just as "normal students" have to. And right now, Nebraska homeschoolers currently must do this just

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like other normal students. That is, by spending a certain amount of time at the brick and mortar school location and maintaining a minimum GPA in those classes. To many Nebraska families, this requirement imposes an unreasonable burden on their time in home-driven curricula. Once a student spends time commuting to and from school, attending four classes, which are really hard to schedule consecutively, by the way, etcetera, it leaves little time to fit in the rest of your home-driven study, too. There is another additional objective way to prove academic eligibility which has been adopted by several other states and so, while I'm a proponent of this bill, I'd actually kind of want to propose an amendment to it, and that is the alternative option of scoring a minimum score on a standardized test. This method both (1) satisfies the state's interest in assuring student academic progress and eligibility; and (2) allows families to dedicate as much time as they want to home-driven curricula. And this has been adopted by at least five other states if my research is correct. If the homeschool student achieves the same standardized test score as the other members of the team, or at least at some minimum percentile, thereby showing equal academic progress, I want to ask you, why shouldn't he or she be able to play? And so while I support the bill as presented, perhaps a way to move forward is to amend the bill by allowing an additional option of proving eligibility with the standardized test means. [LB103]

SENATOR SULLIVAN: Thank you, Mr. Belin. So to follow up on the fact that you had had information pertaining to the question I asked earlier? [LB103]

PHIL BELIN: Yes. You asked the previous gentleman, kind of, how many homeschoolers would opt to do this. And I think the research has shown that in other states it's actually a pretty small percentage in the way of 5 to 10 percent. And that goes to the issue of overwhelming the system, so to speak. It might even be lower than 5 percent, but I'd be happy to follow up with you on that, but... [LB103]

SENATOR SULLIVAN: Okay. All right. [LB103]

PHIL BELIN: ...it's much lower than you might think. [LB103]

SENATOR SULLIVAN: Okay. Regarding eligibility, you mentioned the standardized test, but what about other kind...standards of eligibility? I don't know if drug testing, things like that...would you expect the homeschool student to have to submit to those as well? [LB103]

PHIL BELIN: Well, and I don't know what those tests are, whether basketball players are "breathalyzed" or whatever, but homeschooler too. Absolutely. Have no exceptions there. [LB103]

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SENATOR SULLIVAN: Okay. All right. Okay. Any other questions? Senator Groene. [LB103]

SENATOR GROENE: Could you clarify your comment of "overwhelm the system?" I don't understand how this would possibly overwhelm the system. There's only 12 players on a basketball team. The coach has got 12 players. A homeschooler comes in and tries out for the team. You've still got 12 players, no added cost to the school system. So what do you mean by "overwhelm the system?" [LB103]

PHIL BELIN: This wouldn't be what I would argue, but others might argue that, oh, if we have this flood of homeschoolers opting in to take advantage of public school resources, that might tax the system. But given that the...a fairly small...a very small percentage of homeschoolers will actually take advantage of this, I don't think that argument holds water. [LB103]

SENATOR GROENE: I have some experience with this, not my own children but isn't there homeschool football leagues, basketball leagues, state championships now? [LB103]

PHIL BELIN: I'm not sure. NSAA guidelines, I think, also drastically limit how much those teams can play against public school and private school teams. So they're kind of limited in... [LB103]

SENATOR GROENE: Well, they play within themselves. I mean... [LB103]

PHIL BELIN: Right. But because of the small numbers, you're really limited in that. And... [LB103]

SENATOR GROENE: The competition. [LB103]

PHIL BELIN: ...in competition. And if you do want to find good competition, you have to travel a pretty long way. [LB103]

SENATOR SULLIVAN: Senator Baker, did you have a question? [LB103]

SENATOR BAKER: You mentioned maybe scoring at a minimum level on a standardized test as a way to demonstrate academic prowess at a level. [LB103]

PHIL BELIN: Yes, sir. [LB103]

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SENATOR BAKER: Do you think that that's a way right now that public school students can meet eligibility requirements, by taking a test and scoring at a certain level? [LB103]

PHIL BELIN: Well, I don't know. I hadn't thought about that. I mean, look, the accommodation that homeschoolers...that homeschool families are asking is to retain the right to be able to do as much of the home-driven curricula as we can. And the four class requirement really taxes our ability to do that. Public school students and their families, and I guess private school students as well, have made the decision to attend class and educate their children that way, no ill will towards them. We make different decisions in my family. Just, what I'm asking is for homeschool families to have the option of doing it either way which has been done in other states. [LB103]

SENATOR SULLIVAN: Senator. [LB103]

SENATOR PANSING BROOKS: I'm just wondering if there has been any discussion about whether or not...if somebody...Senator Kintner said that they'll take a...that the homeschool students will take a class for the whole year. And so, say...I think basketball season is in the spring. Does anybody...I'm sorry not to know that. (Laughter). But, so if you're taking... [LB103]

PHIL BELIN: Basketball is my sport. Watch it. (Laughter) [LB103]

SENATOR PANSING BROOKS: Okay. Is it spring? [LB103]

PHIL BELIN: It's winter. [LB103]

SENATOR PANSING BROOKS: Oh. Sorry. Okay. So a spring sport is soccer, maybe. No? I don't know. Anyway, say there's a sport. I know that they separate sports into spring and...so if somebody is taking a class and starts it with the hope of participating, I mean, one issue that I'm wondering about is I know that the school systems have to go through all sorts of machinations about whether or not...how many students are coming to their school, how many teachers they can provide for whatever...for whichever class it is. So teachers and the school systems have to depend on whether or not somebody is coming. And then the question is, if you go through a whole semester and then the tryouts are in February, or I don't know when they are for these things, but then would the homeschool student then decide, I guess we're not going to do this after all and then drop the course, because it really doesn't do much damage to their learning whether or not they have that credit, correct? [LB103]

PHIL BELIN: Um-hum. [LB103]

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SENATOR PANSING BROOKS: So I'm just, I'm trying to think about the logistics of how this would go forward. And I don't have any answers and I don't know what's right or wrong. I'm just asking if you guys have all thought about this. [LB103]

PHIL BELIN: Well, I found out about this bill yesterday. (Laugh) [LB103]

SENATOR PANSING BROOKS: Okay. [LB103]

PHIL BELIN: So I've had limited time. But your first question, I'm not sure I have an answer for that other than, I don't know a single coach that's going to say no to more talent coming in. [LB103]

SENATOR PANSING BROOKS: Right. [LB103]

PHIL BELIN: Your second question, maybe another way to ask your question is, yeah a homeschooler will come for school during his sport year but he'll leave the next semester or something like that. And without getting into specifics, because I don't want to hog other folks's time, but other states have addressed that by not allowing, you know, kind of picking and...oh, I'll come this semester and go next semester. There has to be some kind of consecutiveness, so to speak, of attendance of, say, the one class or what have you, not one class just for my season, semester... [LB103]

SENATOR PANSING BROOKS: Yes. [LB103]

PHIL BELIN: ...or what have you, but there to be some sort of amount of consecutiveness. [LB103]

SENATOR PANSING BROOKS: Okay. Thank you for your testimony, Mr. Belin. [LB103]

PHIL BELIN: Yeah. Thank you. [LB103]

SENATOR SULLIVAN: Any other questions? Thank you for your testimony. [LB103]

PHIL BELIN: Thank you. [LB103]

SENATOR SULLIVAN: Welcome. [LB103]

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LAURIE COMBS: Thank you, Senator Sullivan. Members of the committee, My name is Laurie Combs. I am here as a parent. I also brought along my 13-year-old 7th grader, Justine, in the second row hiding her face there. (Laughter) I have two other daughters who either are being homeschooled or have been homeschooled. My eldest is 18 and dual enrolled at Metro Community College and at home. I have a 10th grader who is now, for the first time, in public school in Nebraska at Millard North for the sole reason to participate in sports. And we have, in the past, experienced public school in Florida in an international baccalaureate elementary school. I taught there. I taught Spanish. They've been in private school in Florida. We chose to homeschool because we wanted to pass along our values to our children. We felt that when they were away from us for so many hours a day and then adding on to that extracurricular activities and socializing with their friends, that we really couldn't compete with the values they were receiving from the other people they were with for more hours in the day than they were with us. For this reason, we wanted to continue homeschooling our 10th grader, just because we wanted more time with her before she goes off to college. And we know for most of her life she'll be away from us. But this is a very brief time when we have them at home, a brief time to pass on our values, do character training. That being said, we've had a wonderful experience with Millard North. We're in District 4 in Omaha. We chose a house in that neighborhood so that we would have a contingency plan if homeschooling wasn't working well for us. It's been a great experience. However, some of the side effects of Christina (phonetic) being in public school is that she has just really missed her homeschool friends. She's missed the homeschool activities that she could have continued to participate in. She was in a monthly TeenServe program where the teenagers, homeschool teenagers, serve indigent families, elderly, single parents, in just helping with yard work or other activities, housework. She misses the fellowship of that and the service opportunity. My eldest child, I gave her the option when her younger sister was going to school. I said, would you like to go to school too, and we'll just kind of make this a family thing? And she really wanted to graduate with her friends. They do a homeschool graduation. What we would like the option to do is to participate academically at a lower level in the public school so that we do have that time, that precious time, together as a family. And I am open for any questions on that. Thank you. [LB103]

SENATOR SULLIVAN: Okay. Thank you, Ms. Combs. [LB103]

LAURIE COMBS: Sure. [LB103]

SENATOR SULLIVAN: Any questions? Okay. Thank you for your... [LB103]

LAURIE COMBS: Could I say one more thing even though my light has gone off here? [LB103]

SENATOR SULLIVAN: (Laugh) All right. [LB103]

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LAURIE COMBS: All three of our children participated in volleyball on the homeschool level. The very difficult experience we had is that there were...when you get into high school years, it is very hard to find the playing time close by. So we have to go on weekend trips to go to other cities to play and be in tournaments. That was a challenge academically, because it took away time from our home academics. My daughter is 6 foot 3. She hopes to play in college and is...we just felt that we couldn't get the level of coaching through the homeschool. And we have been relieved to have less of the traveling. So I just wanted to add that in there, too. [LB103]

SENATOR SULLIVAN: Okay. Thank you very much for your testimony. [LB103]

LAURIE COMBS: Thank you. [LB103]

SENATOR SULLIVAN: Yeah. Welcome. [LB103]

TOMEKA WALKER: Good afternoon. Senator Sullivan, members of the committee, my name is Tomeka Walker. That's T-o-m-e-k-a, Walker, W-a-l-k-e-r. I am here to voice support for LB103. I am a homeschool parent for the Walker Leadership Academy. And I homeschool my three children. Princess is 15, Princeton is 12, and Price is 10. I have been homeschooling for three years now, and I would like to voice support of this bill because of the fact that we are taxpayers. We live in the Elkhorn school district which is an amazing, amazing school district. The reason that I began homeschooling is because of the learning differences of my children. I am here to represent and advocate for those who have children with different stages of ADD or ADHD. I do not call it a disability. I call it a learning difference because I've found that there are ways to teach, you know, young people who may have these learning differences, that they benefit from a smaller classroom, one-on-one attention as opposed to in a larger classroom. So that was the catalyst for us beginning our homeschool journey. I do have my youngest son who has, you know, NFL aspirations (laughter) and, you know, and my daughter who loves show choir. Now, we do have a Homeschool Education Network. Its acronym is HEN. And they provide many, many activities for homeschool students. We also have different programs, like there is a learning academy for homeschool students that they can take several classes. And we also have...we belong...my daughter is in a homeschool high school program through Classical Conversations which is a tuition-based home education program. The students go to a meeting place once a week. It is smaller classrooms and they have a very rigorous curriculum with this program. We felt that she needed that going into her high school years. The only caveat to that is, of course, we...unless we take the strenuous amount of courses at the local high school or public school, she would not be able to handle the load that she has with her classes right now and also do her homeschooling throughout the week. I do the program, the Classical Conversations program, with the boys. They do not go to the location. We do that at home for them. But I just wanted to come today to voice my support as an Elkhorn school district taxpayer for LB103. [LB103]

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SENATOR SULLIVAN: Thank you very much, Ms. Walker. Any questions for her? Senator Groene. [LB103]

SENATOR GROENE: One of the arguments about...against homeschooling is social skills. [LB103]

TOMEKA WALKER: Um-hum. [LB103]

SENATOR GROENE: Wouldn't this actually "allieve" some of that fear of those who...that they will get social skills communing with other public school students? [LB103]

TOMEKA WALKER: Yes. One of the misnomers to homeschooling is that they don't receive the social interaction that they normally would. These days, that's a different story. That's not as prevalent as it may have been years before where people were on farms, you know, and not around, you know, anyone else. My children play with other children on our street, you know? And just like Mrs. Combs discussed, the reason that she decided to homeschool was for the installation of values. And that's something that we're able to do on a more consistent basis with our children being at home. But you are right. That does alleviate that concern, you know, but it still allows us the opportunity to instill the values that we consider important with our young people. [LB103]

SENATOR GROENE: And your values could rub off on the other kids on this team? [LB103]

TOMEKA WALKER: Well, you know, possibly, but our concern is... [LB103]

SENATOR GROENE: I would hope so. (Laughter) [LB103]

TOMEKA WALKER: You know, our concern is, you know, of course, you know, our children being, you know, an appropriate example, you know what I mean, and training them. But you do pose that, you know, that understanding that that would alleviate the issue of, you know, a lack of socialization which, I will say, as a homeschool parent, actually isn't as large of an issue these days. And I also wanted to ask about the amendment that the gentleman raised with the standardized testing. I don't know if I can add an amendment to that amendment. (Laughter) But as an advocate and parent of children with a learning difference, the standardized testing...a lot of times we have to ask for additional time for students who may have learning differences. So I'd like to maybe add an amendment to that, that should that standardized testing be considered, that also the consideration be, for students who may have certain learning differences that

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require, you know, a little longer time period with testing, be included in that consideration.  
[LB103]

SENATOR SULLIVAN: Okay. Thank you. Any other questions? Thank you for your testimony.  
[LB103]

TOMEKA WALKER: Thank you. [LB103]

SENATOR SULLIVAN: Welcome. [LB103]

SPENCER FINLEY: Thank you. My name is Spencer Finley, S-p-e-n-c-e-r F-i-n-l-e-y. And I've just come as, I guess, a graduate of Papillion-La Vista High School and now a parent of a homeschooler. And we live in the Millard school district. My wife taught for Millard schools, so obviously, you know...and she loved the school districts. And, yeah, we just decided for our oldest here--Asher is in first grade--that we were going to try homeschooling. And, you know, as it's kind of already been mentioned, you know, with that not being able to participate in extracurricular activities if you don't send them for the four courses, you know, basically half time, that does really eat into the whole goal and objectives. And I don't know if that, you know, if we're going to keep homeschooling with Asher or not. But I just know that, you know, once he gets to that age of wanting to be able to participate, I'd like him to at least have that opportunity just like every other, you know, student in the state. I guess a couple of, you know, things that, you know, have been brought up, you know, up a little bit about the standardized testing, I'm, yeah, not a huge fan of that. I think you get into a lot of technicalities and, you know, different grade levels. And one thing, and I believe it was the Colorado rule that they passed, is to prevent kids from being able to, you know, not doing well in school and, say, dropping out, and then becoming homeschool just so that they can participate, is that they had to have participated for X many years before that in homeschooling. So it's not something that, you know, you could be a junior, you know, and a great basketball player or something, drop out because you're not doing well in school and still participate as a way to kind of get around that, people that may try to do it for not the right reasons. As mentioned, you know, previously, those of us that are taking it seriously, you know, a simple, you know, waiver signing that, yes, they are meeting the academics, you know, would suffice in the fact that, you know, we're being entrusted to, you know, raise them already or put them through school and teach them, is a high enough standard. So I don't think there's additional, you know, that needs to go beyond that. There's also some questions about, you know, public versus, you know...aren't there currently homeschool curricula or, you know, groups? And, yes, there are some, but that's obviously only in the metro areas. You get in the rural areas, and I know I've talked to some other homeschooler parents that are...their rural school districts would love for them to be able to participate out, you know, where they have, you know, struggling putting an eight-man football team together or, you know, those

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various things. So it's a lot different in the rural areas, where you can't just, you know, easily form a group and have that sport. And I guess the other aspect is, you know, we focus on basketball and baseball where you have the limited spots. I ran cross-country and track and so, you know, there the great thing is, you have a JV team and, you know, generally, you don't run out of spots on, you know, your cross-country and track JV teams. So these are things that would be hard to, as a homeschooler, have that coaching and those facilities and that peer, you know, engagement of participating in sports, you know, without being able to do it in the local school district. And so it's hard to replicate in homeschool. And that's why I, you know, had such a great experience, you know, participating in high school and then actually led on to going to participate in...at a NAIA level college being...doing cross-country and track. And the, yeah, the relationships that, you know, I built from that are, yeah, ones that I'll treasure forever. But it's all because I was...be able to participate in high school that I did that in college and then now, you know, still run and participate in half marathons and stuff to this day. And so, yeah, I think that's what I wanted to share. [LB103]

SENATOR SULLIVAN: All right. Thanks a lot, Mr. Finley. Any questions for him? Thank you for your testimony. [LB103]

SPENCER FINLEY: Thank you. [LB103]

SENATOR SULLIVAN: Welcome. [LB103]

CHARITY BAKER: Hello. My name is Charity Baker, C-h-a-r-i-t-y, Baker, B-a-k-e-r. I would like to thank the members of the Education Committee for hearing us today. I have been a homeschooling mother for 17 years. My children's ages range from 17 to 6. The benefits of LB103 will be great for the state of Nebraska. First, individual homeschool students' education would be enhanced by the ability to take one class in the public school with the benefit of participating in student activities. The students' wellness would increase because they would then be able to participate in these different athletic events. The second benefit would be for the homeschool parents. We are taxpaying citizens who pay the same amount of property taxes as public school families and also pay for our own curriculum without any help from the state. We would benefit by having the ability to use the public school teachers in our children's education. It would be a financial benefit to utilize the public school for one course, because we would not have to purchase curriculum for that study, and we would also no longer have to spend time planning the students' coursework. The third benefit to LB103 would be towards the public schools. The schools would receive funds for having another child in the classroom for a course of study. The students' activities would be strengthened by having the involvement of homeschool students from within their communities. They may have a talented athletic student join the ranks of the sports teams. And then the schools would be able to perform well and do

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better and it would benefit the homeschool athletes. I have had people from our own school district approach me, asking if I would put my child in the school system, simply so that they could have his athletic abilities on their sports teams. And I'm not willing to send my child to school half time, or any of my children, because my husband and I have made the decision to keep them at home so we can teach them our own religious beliefs. And if they are at school from 8:30 to 3:30, and then in a sports activity until 6:00, I would have one hour in the morning before they would attend school, and I would have maybe three hours in the afternoon. And for me to do what I do with them now, it would not take place for them to attend full time or at least half time. I would have them for four hours in the morning and then maybe another three hours at night. I have also had..oh, I already told you guys that part. Okay. So...and then, just the decisions that we made, we did not want our child in the school system for half time. And that is also, that's the rule stated for the NSAA is that they need to be half time for one semester prior to their being eligible for playing in sports teams or extra school activities. So they would have to go to school a semester before the activity and then stay in school the semester of that activity also half time as the rule is now, whereas if it's just one course...and so you choose the course of study of biology or chemistry. That would be a full year course, so they would be there for both semesters. And that would then cause them to realize the school etiquette that they would have in the classroom setting and then the camaraderie between their students. And then when they would join the sports team, you know, that would be more friendship opportunities for the children to make in the public school systems. Homeschool families should have the same educational and activity opportunities as every other citizen in Nebraska. We should not be denied the freedoms for our children to participate in student activities simply because we decide to keep our children at home and educate them for a majority of the time. And I also wanted to talk about the extra activities that are available for homeschoolers, because we do have a homeschool choir, homeschool basketball teams, homeschool debate, homeschool flag football. But there is a fee for each one of these activities. Some of it ranges from \$600 for activity, some it's \$250 for an activity. Plus you have to drive. Well, I live in Elmwood, so I have to drive to Elmwood...to Lincoln, so that's a 45-minute drive to get to where I'm going, and the tournaments for these different volleyball and flag football opportunities, sometimes the tournaments are in Abilene, Texas. I mean, Abilene, Kansas. I'm sorry. So they'll travel down to Kansas and it will be a whole weekend. So then you have hotel fees on top of that, whereas if the child could attend one class in the public school, and then participate in football with the school system, that travel and that expense would not be brought upon the homeschool family, and they could still benefit from the athletic activity. So I want to thank you for hearing us today. [LB103]

SENATOR SULLIVAN: Thank you, Ms. Baker. Any questions for her? [LB103]

SENATOR GROENE: Just a couple of clarifications. [LB103]

SENATOR SULLIVAN: Senator Groene. [LB103]

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SENATOR GROENE: The NSAA, that covers the parochial Christian high schools too, right? So in order to...if you wanted to send your child there to participate in athletics, you would also have to have four classes... [LB103]

CHARITY BAKER: I, well, I... [LB103]

SENATOR GROENE: ...because it's an NSAA rule, not a Department of Education rule? [LB103]

CHARITY BAKER: Well, and if the school wants to participate in events that are NSAA endorsed, such as, you know, the state basketball tournament--all that stuff is under NSAA--the private schools would adhere to those rules. [LB103]

SENATOR GROENE: So it affects more than just the public schools? [LB103]

CHARITY BAKER: I think it would. [LB103]

SENATOR GROENE: And wouldn't most children...where I come from, they're not after one sport. They're after football, basketball, track, baseball... [LB103]

CHARITY BAKER: Yeah. They are. Year-round sports is all the rage in the school systems. [LB103]

SENATOR GROENE: So they're going to...and they're not going to drop out as a freshman second semester and then try to reenroll as a sophomore to be... [LB103]

CHARITY BAKER: Yeah. Well, and those rules are not in effect for freshmen with the NSAA. It's for sophomores, juniors, and seniors. That...just for clarification. [LB103]

SENATOR GROENE: Freshmen are exempt? [LB103]

CHARITY BAKER: Freshmen are exempt because they're new coming into the high school... [LB103]

SENATOR GROENE: All right. [LB103]

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CHARITY BAKER: ...and it's just for secondary. Most public schools within the state of Nebraska do let the homeschoolers participate in whatever elementary sport is going on for elementary basketball or even in the junior high level. But then it's when the kids get out of junior high, those school systems, they're going, hey, that's a really good player, we want him on our high school team. Well, then all the rules change. So... [LB103]

SENATOR GROENE: Thank you for that clarification. [LB103]

CHARITY BAKER: Thank you. [LB103]

SENATOR SULLIVAN: Any other questions? Senator Pansing Brooks. [LB103]

SENATOR PANSING BROOKS: So, I'm...back to the...Ms. Baker, I'm back to the question about 9th grade because I wasn't...that wasn't clear to me. So if they have to be...if the NSAA requires one semester prior to participation, then theoretically that student would have to participate in the spring semester of 9th grade to be able to be in a fall... [LB103]

CHARITY BAKER: Yes. [LB103]

SENATOR PANSING BROOKS: Okay. Thank you. [LB103]

CHARITY BAKER: That's how I understood the rule when I read it. And I was surprised that the exemption for 9th graders was in there. It didn't seem to fit. But that's what it stated. [LB103]

SENATOR PANSING BROOKS: Thank you. [LB103]

SENATOR SULLIVAN: Any other questions? Thank you for your testimony. [LB103]

CHARITY BAKER: Thank you. [LB103]

SENATOR SULLIVAN: Any other proponent testimony? Welcome. [LB103]

KAREN LOLL: Hi. My name is Karen Loll, K-a-r-e-n L-o-l-l. I wasn't planning on testifying today, so my...I just...there was a couple of things that came up that I thought needed addressed. Not all of the activities are available to homeschool students. I am a homeschool mom. I have been a homeschool mom for nine years now. My son would like to play tackle football. Only flag football is available to high schoolers that are homeschooled. There is no...currently that I could

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find. And I live in Lincoln. I live in metro area. I can't find any tackle football for my son to play once he reaches high school. He's been playing Midget football for the last five years, I think. Players like Tim Tebow that won the Heisman Trophy? Homeschooled student. Denying talented kids the opportunity to play is a disservice to our future. And then I also want to address the standardized test idea. I think it's bad. Students that are in public schools are subjected to the standardized testing year after year after year. They know it. They're familiar with it. They are taught to the standardized test. I was ill one semester, and I put my students in a public school, and I...they were taking class times to teach to the test. They take practice tests. They...I'm sorry. I'm very nervous right now. [LB103]

SENATOR SULLIVAN: You're fine. [LB103]

KAREN LOLL: Homeschooled students are not taught their lessons to a standardized test. They are at a disadvantage to a standardized test from the beginning and might not score as well as students that have done that previously. Maybe after a few times of taking those tests, they'd be familiar with them and they would get easier, but they may...if you say, well you have to do some score on a standardized test, if they don't do what they're...that level, then they'll just drop out and then they probably won't come back and try again. Also, as far as I know, standardized tests are generally given once a year. If they do poorly, there's not a second chance to go and fix that. So I just...the standardized testing is just a bad idea. That's all I have. Those are just the notes I took. [LB103]

SENATOR SULLIVAN: All right. Thank you, Ms. Loll. All right. Any questions for her? [LB103]

SENATOR GROENE: Just one quick one. [LB103]

SENATOR SULLIVAN: Yes, Senator Groene. [LB103]

SENATOR GROENE: Wouldn't the fact that you passed the chemistry test the first semester be...class be enough to prove that you could be on a basketball team? [LB103]

KAREN LOLL: Well, I would think so. [LB103]

SENATOR GROENE: I mean, or biology or algebra or whatever class you... [LB103]

KAREN LOLL: If you're taking a chemistry class and you're passing that class, I think that shows a lot more skill than just a chemistry...a knowledge of chemistry. You're

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probably...you...chemistry obviously has a lot of math, so you actually have the math skills there. [LB103]

SENATOR GROENE: One more player from North Platte that was homeschooled was Danny Woodhead. [LB103]

KAREN LOLL: Oh, I did not realize that he was homeschooled. That's wonderful. [LB103]

SENATOR SULLIVAN: Any other questions? Thank you for your testimony. Any other proponent testimony? We will now hear from those wishing to speak in opposition to LB103. Welcome. [LB103]

RHONDA BLANFORD-GREEN: Welcome. Thank you. My name is Rhonda Blanford-Green, last name spelled B-l-a-n-f-o-r-d, hyphen, G-r-e-e-n. Okay. Thank you, Chairperson and members of the Education Committee, for the opportunity to be before you today. My name is Rhonda Blanford-Green, and I'm the executive director of the Nebraska School Activities Association, i.e., the NSAA. I'm in my third year in this position but have been serving in interscholastic activities administration for the past 21 years. Today is not a debate about homeschool versus public or private. I appear before the Education Committee on behalf of the NSAA in opposition of senate bill...or LB103. The content of the bill deserves discussion. And although I respect Senator Kintner's advocacy for change, and I don't mind having my name mentioned in his opening because I have said before that I'm here to assist and meet with any legislators that have NSAA concerns, so I definitely did meet with Senator Kintner, but obviously our paths diverged on things that probably needed to be in the bill. The bill, as it's written, has failed to address educational and fiscal accountability measures as well as application structure to preserve equitable participation which is a cornerstone of the NSAA mission. The NSAA is a voluntary member association comprised of 304 public and private schools. Our legislative process allows member schools to proactively address concerns as a collective group in the best interest of Nebraska students through additions and amendments to our constitution and bylaws. As this relates to LB103, our membership has not had the opportunity to discuss the legislative concerns, but questions have surfaced in regards to the many scenarios that this bill does not address. I'll give you one example that came up. If you have a student who is currently enrolled in a Nebraska member school, public or private, and is having issues with some academic problems and chooses to be homeschooled either midsemester, the next week, or the next year, there are no safeguards in place to say that students wouldn't be able to transfer from their current school to avoid academic accountability and become eligible immediately as a homeschooler in one class. Another one was when you have elite athletes. We had a national championship swimmer this year that also does some additional swimming. But if you only had to be enrolled in one class, I can tell you that some of our elite

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swimmers, golfers, tennis players would probably train in other states and come back and compete in NSAA activities. And we don't want that. We don't want to have elite athletes or anybody that hasn't made a commitment in some way to the educational platform to be participating for academic purposes. And although those intents...and I do believe Senator Kintner's intentions aren't that way, we deal in this business every single day. And that is why we are there, to make sure that the platform is equitable and that people treat athletics secondary to the academic mission. When given the opportunity to work within the legislative structure, the NSAA, and the membership's bylaws...we are in a better position to put forward best practices that create equitable opportunities for our students. The purpose of our enrollment rule, a minimum semester requirement, is to complement member schools' curricular programs in recognition of the fact that interscholastic activity programs are an extension of the classroom. Academic standards help ensure that the balance between activities and academic performance promote the objectives of graduation from high school, ensure that student participants are truly representing the academic mission of the institution, and allow the use of interscholastic participation as a motivator for academic excellence. It is in the interest of member schools and the students participating in athletics and activities that these objectives are promoted throughout the entire year. One class by one group essentially leads to equitable protection issues and questions. The NSAA constitution and bylaws provide the foundation for interscholastic participation in competition in the schools' activities, which include music, speech, plays, journalism, and athletics. LB103 fails to mention the fine arts and focuses only on athletics, and in our membership that is a problem. You have afforded us in the past to look at some of the issues that have been concerns of the legislators. And in the end, the results were positive: revisions to our undue influence, board of control, international, and domestic transfer bylaws. I think this is a issue where we need to look at all the components and the missing pieces. I think this is also an area in which we feel that currently we provide equitable opportunities for students across the state of Nebraska. I thank you again for the opportunity to testify in front of you as a representative of private and public schools in the state of Nebraska. Thank you.  
[LB103]

SENATOR SULLIVAN: Thank you, Ms. Blanford-Green. Any questions for her? Adam.  
[LB103]

SENATOR MORFELD: One of my questions, and then perhaps it's just because I don't understand all the dynamics behind the homeschooling in the current system now, but what stops an elite athlete from going to another state, train for semesters, and then come back and just do four classes? What's the difference between one class and the current requirement, which is four classes, correct? [LB103]

RHONDA BLANFORD-GREEN: Sure. Sure. Okay. So, elite athlete...okay, so you're asking...  
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SENATOR MORFELD: Yeah. Give me the scenario. [LB103]

RHONDA BLANFORD-GREEN: ...me to do interpretations here. [LB103]

SENATOR MORFELD: Yeah. Give me the scenario. [LB103]

RHONDA BLANFORD-GREEN: There you go. Okay. So you didn't say where the parents live. So if the parents live in Nebraska, student goes to Kansas to train, or...is that what you're saying? [LB103]

SENATOR MORFELD: Um-hum. [LB103]

RHONDA BLANFORD-GREEN: They would have to be enrolled...currently enrolled in 20 credit hours, okay? And they would have to have passed and been enrolled in 20 credit hours in the previous semester. [LB103]

SENATOR MORFELD: Okay. [LB103]

RHONDA BLANFORD-GREEN: Okay. So they couldn't just go to the...Florida for...there's an elite tennis camp there. So you couldn't just go there and not be enrolled in those classes and then come back and participate in. So you have to be enrolled in 20 credit hours previously. [LB103]

SENATOR MORFELD: Okay. [LB103]

RHONDA BLANFORD-GREEN: You have to be enrolled in 20 credit hours at the time of participation. And again, at the end of the semester, you have to have passed or completed 20 credit hours of academic eligibility. [LB103]

SENATOR MORFELD: And this would make it so that you only have to do one class, so that's just how many credit hours? [LB103]

RHONDA BLANFORD-GREEN: I don't want to...okay, so I don't want to... [LB103]

SENATOR MORFELD: It's only been ten years for me, but I can't remember exactly how many credit hours. Yeah. [LB103]

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RHONDA BLANFORD-GREEN: Yes. Yes. I don't want to try to interpret Senator Kintner's bill, and so how we read it is that you would--and I heard this today--that you would only have to be enrolled in one class all year. I assumed it was semester. [LB103]

SENATOR MORFELD: Okay. [LB103]

RHONDA BLANFORD-GREEN: So that's what I'm saying. There are questions within this bill... [LB103]

SENATOR MORFELD: Okay. [LB103]

RHONDA BLANFORD-GREEN: ...that even we can't interpret. But if you're only having to be enrolled in one class, which semester would that be and who would know that you're coming in that next semester? So I really do believe that one class does not...one class a year doesn't give that opportunity to not put a safeguard in for that elite athlete. [LB103]

SENATOR MORFELD: Okay. Thank you. [LB103]

SENATOR SULLIVAN: Senator Groene. [LB103]

SENATOR GROENE: Just for clarification, I think Senator Kintner's bill says extracurricular activities. That includes speech and drama. He doesn't use the word athletics. [LB103]

RHONDA BLANFORD-GREEN: Yes, it's on the front page. It's on the cover page. It says something about athletics there. [LB103]

SENATOR GROENE: Yeah, but it's not in the bill. [LB103]

RHONDA BLANFORD-GREEN: No. [LB103]

SENATOR GROENE: All right. So that's just his summary mistake, there. But his actual bill says extracurricular activities. [LB103]

RHONDA BLANFORD-GREEN: Right. Right. Yes. [LB103]

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SENATOR GROENE: And that can be fixed by amendment that you have to be at a class for a full year. [LB103]

RHONDA BLANFORD-GREEN: Sure. I'm... [LB103]

SENATOR GROENE: I'm confused about this elite. Don't we have AAU teams now where kids are gone all the time during the...they're playing on AAU teams year-round, and then they come in and play in the Omaha Public Schools basketball league in public schools? So it's really already happening, this "eliteness" in athletics, is it not? [LB103]

RHONDA BLANFORD-GREEN: I only... [LB103]

SENATOR GROENE: Can a child playing on an AAU basketball team now...and then come and--during the season--and play on a high school basketball team in Nebraska? [LB103]

RHONDA BLANFORD-GREEN: The answer to your question is yes. But our role and our mission is about education and that educational extension and complement to the classroom. And so we don't try to mandate what AAU does. And we don't try to mandate anything that's outside of our jurisdiction. So once we have the homeschoolers, they're now under our umbrella. And so we have a responsibility to make sure that equitable participation is occurring with the students under our umbrella. So, yes, do students participate outside in club activities, but yet they're not under our umbrella and we're not providing differences in the accountability for the students under our umbrella. [LB103]

SENATOR SULLIVAN: Any other questions? Senator Schnoor. [LB103]

SENATOR SCHNOOR: There were a couple questions brought up, I should say questions/comments, of a previous testifier in favor of it about junior high sports. And I think...just a point of clarification, and I think I know the answer but I'll go straight to the top. NSAA does not direct junior high sports activities whatsoever. Is that correct? [LB103]

RHONDA BLANFORD-GREEN: We do have a portion...so, you are correct. You are correct, but let me tell you there is a portion in our bylaws that speaks to some procedural, like, physicals and some other things that pertain to the junior high. But we do not have a, I guess you would say, a...if they call us, we give them advice, but there isn't a component in our bylaws where we actually administrate middle school or junior high activities. [LB103]

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SENATOR SCHNOOR: Okay. My next question, and I don't know the answer to this, the same testifier said 9th grade requirements are different versus 10 through 12. Could you explain why? [LB103]

RHONDA BLANFORD-GREEN: Sure. Every student has the ability to enter into schools of choice in their 9th grade, and they must be enrolled in 20 credit hours to participate. And I think there...that's where there was a little confusion. And then, obviously, you go into your second semester. You must be enrolled in 20 credit hours. But anything that's 8th grade, that doesn't follow you into high school. You start with a clean slate, first choice, and that was one of the things...and I'm sorry I'm just bringing this up, because this was one of the points I wanted to bring up. I think when I heard previous testimony as well, someone said that the students had to reside and only participate in their home school of residence or district. Again that screams to me as equal protection problems, because we don't make our 304 school public and private students participate in their school district of residence or attendance. And so we would be putting a stricter standard on a homeschool student which eventually to me would scream of equal protection issues and not treating all students equally. So, just wanted to bring that up because I heard that earlier and I went, whoa, I don't know that we want to make a homeschool student if...have a stricter standard. [LB103]

SENATOR SCHNOOR: Is that...your second comment, is that because of the option enrollment? [LB103]

RHONDA BLANFORD-GREEN: Right. We have really, truly, we have schools of choice. So as a freshman you can live anywhere and make a choice to establish your eligibility as a incoming freshman. And then we also have what we call the May 1 date, which we just changed the language on that, but we call it the May 1 transfer date. Any student in the state of Nebraska can place their name on a school in which they'd like to transfer one time during their 9th through 12th grade. And so any restrictions...I mean, all of those rules are applicable across the board from 9th through 12th grade. We try to make sure we don't have any provisions or bylaws that would treat one student different than another. [LB103]

SENATOR SCHNOOR: Thanks, Ms. Green. [LB103]

SENATOR SULLIVAN: Any other questions? Thank you for your testimony. [LB103]

RHONDA BLANFORD-GREEN: Thank you. Thank you. [LB103]

SENATOR SULLIVAN: Any further testimony in opposition to LB103? Welcome. [LB103]

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BRIAN MAHER: Thank you. Good afternoon. Thank you, Senator Sullivan and members of the Education Committee. My name is Brian Maher, B-r-i-a-n M-a-h-e-r. And I am a member of the NSAA board of directors and currently I'm the president of the NSAA board of directors. So I work shoulder to shoulder with our executive director who just testified. But I'm also a superintendent of schools. I'm the superintendent of the Kearney Public Schools. And as I was debating whether or not to sit in front of you today, I thought maybe there might be questions for a practitioner as well as somebody with a little bit of an NSAA background. So I really come to you today to really just reiterate some of the things that Rhonda Blanford-Green just testified to and remind you that we are an activities...that we provide activities-based education and that education really is the emphasis, academic emphasis, behind what we do. We emphasize coursework. We also embrace activities and understand that's part of the development of the whole child. And as I was sitting and listening I thought, from a very practical point of view, one of the things we did as a state, and certainly we did in the Kearney Public Schools in 2011, was took a real emphasis on our graduation rate. You talk about academic emphasis. That's one of the things we did. So I sat with our principal, Dr. Jay Dostal, and said, how do we take our graduation rate, which is at 84 percent, and how do we improve upon that? And how do we make that 90 percent threshold that Governor Heineman and others put in front of us? And can we do it? And over three years, because we emphasized the individual student--and that's tough to do at a district with over 1,400 students in the high school--but we looked at really getting down to the individual needs of our kids and really emphasizing academics to our kids. And in three years, we've gone from a graduation rate of 84 percent to a graduation rate of 91-plus percent. I commend our principal, Dr. Dostal, and all of our high school staff for what they have done. But one of the things I wanted to point out about that quest was that there was an unintended consequence that came as a result of that individual student emphasis, and that was our dropout rate plummeted. We never intended to look at our dropout rate. It was just a result of that emphasis on the individual student and their academic excellence. It was a great unintended consequence, but it was an unintended consequence nonetheless. Our improvement leads me to wonder about unintended consequences associated with this bill. Specifically, I really believe we'll have some of our students, our current public school students, view this as an opportunity to participate in activities and reduce their academic preparedness or their academic rigor at a minimum. The unintended consequence to that would be a reduction in our graduation rate. I certainly don't want to see that on the local level, and I'm sure you don't want to see that on a statewide level. From an academic perspective, I see this bill as an erosion of academic excellence for those already attending our schools. I don't know what it means for the homeschool students. Gosh, some of the parents here, what tremendous testimony, and there's nothing stated that I didn't believe. But I wonder about our...the kids who are currently enrolled in our public schools. It is them that I fear in terms of this bill. So really, all I'm here to do is to ask you to help us to keep our focus on the academic portion of our education-based activities. And with that, I would welcome any questions. [LB103]

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SENATOR SULLIVAN: Thank you, Mr. Maher. Any questions for him? Yes, Senator Schnoor. [LB103]

SENATOR SCHNOOR: You said that you feel this could erode the graduation rate? How...why do you say that? [LB103]

BRIAN MAHER: Many of the kids in...that we deal with...by the way, when we go from 84 percent to 91-plus percent, the percentage is nice. And it looks great on a graph when I show our school board, and it looks nice on the reports that we send in. But from a very practical standpoint, that means 25 students at the Kearney Public Schools received a high school diploma who otherwise wouldn't have received that diploma. Many of those kids are involved in activities. And some of those kids who are not involved in activities, we try to get involved in activities just from an engagement perspective. I see many kids who struggle with the rigor of academia and the participation in activities. But quite frankly, many of our kids, activities pulls them along in academia and keeps them eligible and gets them to that high school diploma. If their focus is more on activities than it is on academics, and that happens more frequently than I'd like to think that it does, I'm worried about the student who says, I want to play in the football game Friday night, and I can do that by attending one course per year rather than being enrolled in four courses and passing four courses in the previous semester. And so I believe from that standpoint, we will have people who take the easier road. [LB103]

SENATOR SCHNOOR: Does the graduation rate of homeschoolers within your district, does that...is that quantified, if that's the right term, in your graduation rate? [LB103]

BRIAN MAHER: No. Our graduation rate is just for those students enrolled at Kearney High School. [LB103]

SENATOR SCHNOOR: Okay. Thank you. [LB103]

SENATOR SULLIVAN: Any other questions? Senator Morfeld. [LB103]

SENATOR MORFELD: So just as a follow-up question to Senator Schnoor, a homeschool student...say that this was passed into law. A homeschool student taking advantage of this, would that be...would whether they graduated from homeschool or not, would that be taken into account with your graduation rate? [LB103]

BRIAN MAHER: Probably that would come back to this committee, I'm guessing. I don't know the answer to that at this point. [LB103]

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SENATOR MORFELD: Okay. Do homeschool students that currently do the four classes...I'm assuming that's counted into your graduation rate then? [LB103]

BRIAN MAHER: Any student who is enrolled full time at Kearney High School is counted into our graduation rate. [LB103]

SENATOR MORFELD: Is four classes considered full time? [LB103]

BRIAN MAHER: It would be, yes. [LB103]

SENATOR MORFELD: Okay. Sorry, I didn't...wasn't aware of that. Thank you. [LB103]

BRIAN MAHER: Yeah. Yeah. [LB103]

SENATOR SULLIVAN: Senator Groene. [LB103]

SENATOR GROENE: Is graduation rates factored into TEEOSA? Would you get more money if you had a higher rate? [LB103]

BRIAN MAHER: No. No. [LB103]

SENATOR GROENE: When you're...when you clarified here, I think, you're not saying a homeschool student being on the athletic...being in your school for one class brings down your level of academic achievement... [LB103]

BRIAN MAHER: Uh-uh. No. [LB103]

SENATOR GROENE: ...that those homeschool students are not to the same level of learning and abilities as the ones that have went through public school all the time. You're going backwards? Is that right? You say the child, a student who's a good football player but can't keep his grades up might take that other route? [LB103]

BRIAN MAHER: Yeah. My worry isn't for the incoming...the potential incoming homeschool student. I really don't have a sense of prophecy as to what that would do to our institution. [LB103]

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SENATOR GROENE: You're not making judgment on their academic abilities and... [LB103]

BRIAN MAHER: No. No. In fact, from the parents I heard, I would encourage them to enroll their kids in the Kearney Public Schools. [LB103]

SENATOR GROENE: They'd bring your level up. [LB103]

BRIAN MAHER: It sounded like they would be awfully, awfully good students for us. My worry is for those students who are in the Kearney Public Schools and they don't have the wherewithal to be homeschooled. So what's going to happen to that student? And are we giving them an opportunity to be less engaged in our school than they are currently? So my worry isn't for homeschoolers coming into our school. I really don't have any fear of that. My fear is of the unintended consequence that this will have on those students already attending our institution. [LB103]

SENATOR SULLIVAN: Any other questions? Yes, Senator Kolowski. [LB103]

SENATOR KOLOWSKI: Thank you, ma'am. Brian, thank you for your comments, and I want to understand exactly what was asked earlier. If you...you've had homeschool students in your district before. Is that correct? [LB103]

BRIAN MAHER: We have homeschool students... [LB103]

SENATOR KOLOWSKI: You have them now. [LB103]

BRIAN MAHER: ...who reside in the Kearney Public School district, yes. [LB103]

SENATOR KOLOWSKI: And when they...are there high school students in that category? [LB103]

BRIAN MAHER: Senator, I'm not certain on that. I would have to check to see if we have any homeschool students who do come for a class or two. I'm almost certain that we do district-wide if not at the high school, because we certainly have a policy that would allow that. [LB103]

SENATOR KOLOWSKI: And there might be some courses that a parent would not have capacity to teach. [LB103]

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BRIAN MAHER: Correct. [LB103]

SENATOR KOLOWSKI: And you might have one or two classes taken at the high school. [LB103]

BRIAN MAHER: Correct. [LB103]

SENATOR KOLOWSKI: But you could not participate, because you're not taking four classes at the high school... [LB103]

BRIAN MAHER: Correct. [LB103]

SENATOR KOLOWSKI: ...in extracurricular activities. When those students successfully complete their courses, if it's only one or two courses at Kearney High, and then they are taking the rest of their courses with their parents at home, when they accumulate enough coursework and credits to graduate, they're not counted, then, on your graduation total for that year. [LB103]

BRIAN MAHER: Correct. [LB103]

SENATOR KOLOWSKI: Is that correct? [LB103]

BRIAN MAHER: Correct. [LB103]

SENATOR KOLOWSKI: Then it's a homeschool graduation situation. [LB103]

BRIAN MAHER: Correct. That's correct. [LB103]

SENATOR KOLOWSKI: And going...if they had four courses or more, then they could be counted on your total? [LB103]

BRIAN MAHER: I'm guessing now. So this is speculation on my part. I would suspect that at that point they would count in our graduation cohort. [LB103]

SENATOR KOLOWSKI: Okay. I'm guessing they would also. [LB103]

BRIAN MAHER: Yeah. [LB103]

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SENATOR KOLOWSKI: I'm just kind of...I don't have an answer to that. I'm not sure what we do in Millard on that. I'd have to find out. But I wanted to simply back up your statements about the activities programs. The cocurricular programs or activity program of your...of the schools are extremely important to us. And having been in that situation and seeing the difference it makes with students and having well over 130 percent participation, that means many kids in more than one thing in a high school, it's really one of the anchors for keeping kids in school, making a difference with them. And I appreciate where you're coming from and your comments on the four classes or more. Thank you. [LB103]

BRIAN MAHER: Thank you. [LB103]

SENATOR SULLIVAN: Any other questions? Thank you, Mr. Maher. [LB103]

BRIAN MAHER: Thank you. [LB103]

SENATOR SULLIVAN: Any further testimony in opposition to LB103? Anyone wishing to speak in a neutral capacity? Senator Kintner, for close. [LB103]

SENATOR KINTNER: Well, I think we've had a good discussion here, good questions. First thing I wanted to answer: Homeschoolers are already taking classes. If you look in the first couple paragraphs of the statute that we're not touching, it lays out that they can become part-time students, so it's already going on right now. Second, just because the student only takes one class doesn't mean that he's not educated. His parents have the responsibility to educate them. Third thing I would say is that every homeschool parent must report their curriculum by affidavit to the State Board of Education. So it's...they have to show what they're doing. You just can't bring a kid home and say, hey, we're having fun with them today. They have to actually show what curriculum and what they're being taught. Next, the Colorado rule sounds great to me. I mean, I think that's a good idea. You just can't drop out and become a homeschooler and declare you want to play a sport. You need to, you know, we...I think that's a good amendment to this, that you have to have already been homeschooled for a while before you can start to play sports. Yeah, I think the whole idea here that we don't trust parents to educate their kids, that we don't trust parents to verify that they're making satisfactory academic progress, it's just an insult to parents and an insult to these people behind me who came here today. I think that that's just wrong, absolutely wrong. The other thing I was say is, you looked on the sheet I gave you. There are 33 states that figured how to make this work. And it works just fine. And this isn't the first time that this body, our Legislature, has had to kick NSAA in the butt to get them...to pull them into the 21st century to do what other states are doing. So it's not like we've never put some pressure on them before to do the right thing and modernize what they do and to get up to the standards that we see in other states. And that's what I'm asking us to do with that. I think we can

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do that. I think everyone benefits. I think the homeschool students benefit. The schools benefit. I think we're all going to be better. Thank you. [LB103]

SENATOR SULLIVAN: Thank you, Senator. Any questions for him? All right, thank you. [LB103]

SENATOR PANSING BROOKS: I have something. [LB103]

SENATOR SULLIVAN: Oh, excuse me. I'm sorry, Senator. [LB103]

SENATOR PANSING BROOKS: Senator Kintner, I certainly hope that we didn't give any indication that we have anything but the utmost respect for the parents that are working so hard to teach their students and teach the things that they find important. These questions were not out of bias but out of truly interested concern in making sure that all of Nebraska's students have the most opportunities possible. So I hope that that's clear, that those questions had nothing to do but respect for each of you that's taken so much time to train your students and educate them. [LB103]

SENATOR KINTNER: No, your...these...the questions were excellent questions, fair questions. I was referring to the NSAA. (Laughter) All right. Thank you. [LB103]

SENATOR PANSING BROOKS: Thank you. [LB103]

SENATOR SULLIVAN: All right. This closes the hearing on LB103. (See also Exhibits 4, 5) And if you've noticed on the schedule, the next three bills are being introduced by me. And so I'm going to turn it over to our able Vice Chair, Senator Kolowski. [LB103]

SENATOR KOLOWSKI: Thank you, Senator Sullivan. And please come forward and sign in, please. [LB101]

SENATOR SULLIVAN: Thank you, Vice Chair Kolowski and members of the committee. For the record, my name is Kate Sullivan, K-a-t-e S-u-l-l-i-v-a-n, representing the 41st Legislative District, here today to introduce LB101. LB101 is a bill that would require the State Board of Education to communicate in a formal way with Nebraska postsecondary institutions and the Coordinating Commission for Postsecondary Education for the purpose of identifying through an assessment mechanism a way to ensure our children are making progress in their academic achievement that's going to prepare them for a postsecondary education or a career. Some of you that...not too many, that were on the committee previously may recall that during our strategic

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planning process this last summer, we were told by postsecondary education administrators that the need and use of remedial education instruction in our state is very high. This bill is my first step in addressing remedial education concerns in trying to provide assurances that Nebraska students are in fact adequately prepared to receive a postsecondary education or are career ready. I envision this bill as creating an ongoing process whereby the State Board of Education, postsecondary educational entities, and the Coordinating Commission for Postsecondary Education will collaborate and identify the appropriate assessment mechanisms. And that takes, quite frankly, communication that in a formal way has not been taking place. And with that communication, the entities come together rather than making some of these assessment decisions independently. This assures that through this collaboration the subjects being assessed are properly aligned with the academic requirements placed on our students as they enroll in our state's postsecondary institutions or enter the work force. I must also mention that LB101 does not require the creation of any new assessments by the State Board of Education if the purposes of this bill can be met through assessments currently required under Section 4(7) of this act which we know as the Nebraska State Accountability Test, or NeSA. I included the ability to utilize existing assessment mechanisms to meet the purposes of this bill as a direct result of concerns by parents, educators, and administrators expressed during that strategic planning process that I mentioned, because over and over again we heard that Nebraska students are overwhelmed by the number of tests that they must take. So what I'm looking for and trying to achieve in this is a formal structure whereby the State Board of Education and the postsecondary education institutions and the Coordinating Commission come together to talk about how they can align their assessment mechanisms so that our kids really are ready to enter and learn in postsecondary education institutions and be career ready. Now, I wanted to also note that if you have looked...that there is a fiscal note that looks pretty hefty. But please note also, too, that the high one of over \$4 million was and is part of the Nebraska Department of Education's budget request. So this identification of the need to collaborate among the institutions is really already being expressed in the State Department of Education. Now, on the front page of that fiscal note, it indicated that the department would need some additional support staff to make sure that these collaborations take place and that there, quite frankly, are some expenses involved in collaboration and to the tune of about \$200,000. So I just wanted to make that clarification, because some would say, well, then if this is already taking place, why do we need this bill? But, quite frankly, I'm indicating that this kind of communication needs to take place in a more formal way. And that's what this legislation proposes to do. Be happy to answer any questions if you have any. [LB101]

SENATOR KOLOWSKI: Thank you. Any questions? [LB101]

SENATOR SCHNOOR: I have one. [LB101]

SENATOR KOLOWSKI: Yes, sir. David. [LB101]

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SENATOR SCHNOOR: Senator Sullivan, on page 4 of the bill, it says, "the State Board shall prescribe a statewide assessment system to evaluate student progress." Is this going to be another form of assessment that's already given to schools, or is this a change in the assessment system? [LB101]

SENATOR SULLIVAN: I don't envision it to be a change. I think that it's an assessment of what is currently being assessed. But what's going to happen is that the institutions of higher education, postsecondary education, and the Coordinating Commission will come together with the department to look at not only the assessments that are currently taking place in K-12, but also what these higher ed institutions are offering, so that they can align them. So it's not necessarily either changing or adding. It just may simply say, okay, yes, we're on the same page or, no, these things need to be fixed so that we can more closely align them. [LB101]

SENATOR SCHNOOR: Okay. Thank you. [LB101]

SENATOR KOLOWSKI: Other questions, Senators? Yes, Senator. [LB101]

SENATOR BAKER: Senator Sullivan, my question is with regards to the fiscal note. I mean, it sounds like a great idea. I'm fuzzy on how \$4 million is going to be used in this process. [LB101]

SENATOR SULLIVAN: Well, first of all, that was the department's indication of what it would cost. But I...as I indicated earlier, it's part of their total budget request. But it's also part of the total thing that I think the department is working on for a broad brush of our assessment system. So it's really more than what this bill represents, much more. But it relates to assessment. So I think that's one of the reasons that they put it in here, to make it clear that, yes, this bill is in some small way part of this total picture that's going to cost us a little over \$4 million to accomplish. [LB101]

SENATOR BAKER: So we don't know necessarily, other than the breakdown that's there, hiring one person, it looks like, is that right... [LB101]

SENATOR SULLIVAN: Right. Right. Um-hum. [LB101]

SENATOR BAKER: ...or two people? [LB101]

SENATOR SULLIVAN: Yes. Or...I think the administration...it was one education specialist to provide leadership for the increased collaboration and then also about 1.4...let's see, about

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\$140,000, I think, for just the cost of it...of the collaboration, travel expenses and administration. [LB101]

SENATOR BAKER: Thank you. [LB101]

SENATOR SULLIVAN: Okay. [LB101]

SENATOR KOLOWSKI: Senator. [LB101]

SENATOR SULLIVAN: Yes. [LB101]

SENATOR KOLOWSKI: Senator Groene. [LB101]

SENATOR GROENE: I'm not...I'm trying to figure...are you telling me that the colleges don't know what the high schools are doing, and the high schools don't know what the colleges are doing, and they've got to...and they...it's going to cost \$4 million for them to talk to each other? [LB101]

SENATOR SULLIVAN: Well, first of all, in answer to the question on the \$4 million, I didn't put that together. That's the department's. [LB101]

SENATOR GROENE: I understand. I'm not...we're not... [LB101]

SENATOR SULLIVAN: Okay. Secondly, I... [LB101]

SENATOR GROENE: Excuse my tone. It's my... [LB101]

SENATOR SULLIVAN: No, that's fine. I think that they do in some ways...well, for example, when it comes to the standards that we have in the...that the State Board develops and has approved that our curriculum has to align with, they get a sign off, so to speak, from the institutions of higher education and the Coordinating Commission to say, yeah, those standards look good, they're aligned with some of the things that we teach at colleges and universities. But what this bill does is, folks, you need to talk to each other a little bit more. Because it could be that in this process of talking to one another, higher ed has an assessment mechanism over here. K-12 has an assessment over here. Maybe they can come together and, lo and behold, maybe they can even eliminate one of those assessments, still accomplishing the same thing. But there's no formal mechanism for them to do that right now, if that helps. [LB101]

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SENATOR KOLOWSKI: Any other questions, Senators? I'd like to ask how many proponents we have in the audience for this particular topic? If you'd please come...and how many opponents might we have? And those neutral? Thank you. Proponents please come forward. Welcome, Senator. Good to see you. [LB101]

GREG ADAMS: Thank you, Senator, and appreciate the opportunity to be here today. My name is Greg Adams, G-r-e-g A-d-a-m-s, as a proponent to LB101. And I want to thank Senator Sullivan for bringing this. And her description was very accurate. I'm going to bring you a couple of examples that I think may be helpful of where we're at with this. We have, in Nebraska, been working on our assessment system for a long time. And it's a work in progress and will continue to be. Our accountability system...we just passed that legislation last year. And it truly is a work in progress, and the department has been moving on it. What I see in LB101 is a further refinement of assessment and potentially accountability. Senator Sullivan is right. It formalizes the conversation between higher ed and K-12. I might make it even simpler. If higher ed, and appropriately so, is going to say that, this is the placement mechanism we're going to use to say whether you will get in or not, it might be worthy to have K-12 and higher ed talk about that placement mechanism. And I'm sure they do, to some extent. This does formalize it. Now, let me give you an example. I work for an organization called Accelerate Nebraska. We've been in existence for six months, and our primary mission is to look at the pipeline from high school into four-year, into two-year, and into the work force, and try to identify if there is misalignment in that pipeline or where there may be those things that are slowing down the process. And we've got a lot of looking to do. An example came to my attention. This last year, 150 high school graduates in the metropolitan area, not all from the same school district, graduated from their respective school districts and went on to Metro Community College and matriculated at Metro Community College. Not quite all of them, but bumping right up against 100 percent of them, are now in remediation courses. They haven't even started their course of study. Now, that should raise a whole host of questions with all of us with an interest in education at the postsecondary level as well as the K-12 level. Now, immediately you might shout, well, K-12 didn't get the job done. Quite possibly. Quite possibly. Or you might say that the placement that was used at the community college level wasn't an appropriate placement mechanism. We can always argue about the value of the assessment that's used. What came to my mind when I saw this legislation and thought about that example is, when the community colleges in Nebraska chose to use the Compass as their placement--and I'm not making a value judgment about the Compass--when they chose to do that, was it in collaboration, even conversation, with K-12? The cut scores that they use...does K-12 even know what those cut scores are? Another thing came to me. If I were a teacher in a K-12 system and these were my students that weren't doing very well and were suddenly found in remediation, I want to know where the weakness is so I can do something about it, which then leads you to say, maybe that same placement ought to be given in the junior year, whether it's a Compass or whatever it may be. And if you look at the language in this bill, it allows for that very same thing. It doesn't say Compass, doesn't have to be--a nationally normed

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test. In the junior year, we give NeSA and we give a nationally normed test. I taught high school. I know how kids respond to that in the junior year. They don't care. If it's the ACT, they care. If it's the Compass, they care. And now you have two years at the high school level to try to make some adjustments before they take that Compass test the next time to start their course of study at a community college. I think Senator Sullivan is on to something here. I'd take questions, Senator. [LB101]

SENATOR KOLOWSKI: Thank you, Senator. Questions, please, Senators. [LB101]

GREG ADAMS: That's a first. (Laughter) I'll take it. [LB101]

SENATOR KOLOWSKI: Thank you. Additional proponents, please. [LB101]

MIKE BAUMGARTNER: (Exhibit 1) Thank you, Mr. Chairman. My name is Mike Baumgartner, M-i-k-e B-a-u-m-g-a-r-t-n-e-r. I am the executive director of the Coordinating Commission for Postsecondary Education. And we welcome the opportunity to collaborate with the Nebraska Department of Education and the state's postsecondary institutions in the processes outlined in this bill. Coordinating Commission believes it is vital to measure academic and career readiness at multiple points in a student's K-12 experience. By obtaining such data, schools, teachers, students, and parents can identify gaps in learning long before high school graduation and, in turn, utilize tools and strategy to address those gaps. Better-prepared students entering postsecondary education will be less likely to need remedial education and a result will be more likely to stay in school and to graduate. Furthermore, without the need for remediation, postsecondary students finish quicker with less debt and get into the workplace faster. Other states have developed assessment systems that address the needs identified in this bill. One notable example is California, which implemented its Early Assessment Program in 2004. The program is a collaborative effort among postsecondary and K-12 entities and has three components: early 11th grade testing, which would be analogous to what Senator Adams has just mentioned as taking the Compass early; the opportunity for additional preparation for the 12th grade; and professional development activities for high school English and math teachers, so that they know what is in the expectations for the placement exams and can help the students take care of any remedial needs before they get to college. What's best for Nebraska could be based on a model such as California's, or it could be based on assessments already utilized by the Nebraska Department of Education. Either way, should this bill pass, the Coordinating Commission looks forward to playing a role in developing an assessment system that makes sense for Nebraska students, educators, and employers. Thank you. [LB101]

SENATOR KOLOWSKI: Thank you very much. Questions, Senators? Mr. Groene, please. [LB101]

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SENATOR GROENE: So what you're advocating here is the ACT test that the taxpayers paid for everybody to have? The ACT test...is that that \$1.4 million instead of the students paying for himself? [LB101]

MIKE BAUMGARTNER: I'm not familiar with the fiscal note for this one, because we prepare the fiscal note for our side of...the half for the Coordinating Commission. So I'm not sure what it is you're referring to in it, but this could be the ACT test. [LB101]

SENATOR GROENE: It says ACT Contract. ACT, yeah, ACT. [LB101]

SENATOR KOLOWSKI: That's a pilot program. Is that correct, sir? [LB101]

MIKE BAUMGARTNER: This could be using the ACT for every student. Or it could be using the Compass test for every student in the junior year to understand where they would be placed in college and to take care of any remedial needs they have in advance. I'm sorry I can't address... [LB101]

SENATOR GROENE: You haven't seen the fiscal note. All right. I understand. [LB101]

MIKE BAUMGARTNER: No, I have not. Yeah, yeah. [LB101]

SENATOR GROENE: I'm just confused why we're testing kids all the time in school. They go through algebra, they get tested. They go through physics, they get tested. They go through English, they get tested. [LB101]

MIKE BAUMGARTNER: Um-hum. [LB101]

SENATOR GROENE: You telling me the public schools can't figure out this kid can't read and he's going to take a remedial class at Mid-Plains Community College in North Platte when he gets there, that we need to spend more money to do that? [LB101]

MIKE BAUMGARTNER: That happens in many cases, and this actually can save money by aligning the exams so that we know where the student is in 11th grade and can take care of it in high school rather than making the student and the state and the taxpayers and the district through property taxes pay for it again once they get to college. [LB101]

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SENATOR GROENE: In North Platte, in Mid-Plains Community College, I've talked to the president out there. Sixty percent of the kids are in remedial reading or remedial math. We're not talking remedial chemistry. We're talking basics. [LB101]

SENATOR KOLOWSKI: Other questions, Senators? [LB101]

SENATOR MORFELD: Senator? [LB101]

SENATOR KOLOWSKI: Yes, Senator Morfeld. [LB101]

SENATOR MORFELD: So my understanding...I could have asked, I guess, Senator Adams this, but this question just came to mind now. So if I get this correctly, and this is my first day on the Education Committee job here, so I'm catching up a little bit, is that both K-12 schools and postsecondary institutions in Nebraska understand that there's sometimes a disconnect between what's being required in the high schools and what's being required to be successful in postsecondary education. [LB101]

MIKE BAUMGARTNER: Right. [LB101]

SENATOR MORFELD: And the Department of Education also understands that as well. So they're building...this fiscal note that we're seeing here, they're building this into their budget and thus making it a priority. This is simply formalizing the fact that they need to be talking more together and making joint assessments. [LB101]

MIKE BAUMGARTNER: Correct. [LB101]

SENATOR MORFELD: Correct. Okay. I just want to make sure I'm understanding the purpose and scope, and that makes sense to me. [LB101]

MIKE BAUMGARTNER: Uh-huh. Uh-huh. [LB101]

SENATOR MORFELD: Thank you. [LB101]

SENATOR KOLOWSKI: Other questions? [LB101]

SENATOR PANSING BROOKS: Okay. I'm sorry. I'm new at this too, so...I'm trying to understand. Is it...so this is more testing. Is that correct? [LB101]

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MIKE BAUMGARTNER: It does not have to be more testing, is my understanding. It could be using the tests that we already have, or it could be instituting a new test and relieving the students of another test. I would actually have to leave that to the sponsor to explain. But the bill does not require an additional test. It could be a single test that could be used for placement. For instance, I give you the example of California. [LB101]

SENATOR PANSING BROOKS: So does this...excuse me. [LB101]

MIKE BAUMGARTNER: Um-hum. [LB101]

SENATOR PANSING BROOKS: I just wondered if the school district gets to determine what...or who decides which test is the one that is the test of the year. I don't know. [LB101]

MIKE BAUMGARTNER: I'm going to defer to colleagues at NDE and to the sponsor for that. [LB101]

SENATOR PANSING BROOKS: Okay. Thank you. [LB101]

SENATOR KOLOWSKI: Mike, just you chime in on this because my career is deeply involved in a lot of these things. Your...our moves in the last year, Senator Adams's bill, of course, on accountability, and what Senator Sullivan is asking for here, is hopefully setting up and aligning a lot more in our state the accountability aspect to make assurances that our students are graduating with the skills and competencies they need. Activity does not ensure achievement. Just taking a course, having no connection to anything else, or not knowing where the final grade is or what they've accomplished with that particular course doesn't ensure anything. We need more assurances along the way. And we don't need to wait till the junior or senior year to find out the kid...the student might be deficient in something. That should be found out a great deal earlier in the spectrum of their education as they move down the line. And I hope this alignment, this desire for alignment, this desire to have more opportunities or proper intervention at earlier times in the life of our students, will have benefits way beyond what we have been doing at the current time. I won't talk about school and sometimes the games that are played and how certain students might be passed on or passed over or all those kind of things that might have gone on in the schools in our past. I want to talk about the present and I want to talk about the future of what we would like to see an educational system look like to enhance the success of all students, at least our knowledge of knowing where they are and what we might do help make them better. And if we do that, we'll be a rare state. And I think we need to do that and we have an opportunity to do that. We have minds thinking in the same way about these things that are extremely important in our state that we've not had before. And I'm speaking of 41 years of experience in the systems of the state. And I think we're on the right track, trying to do the right

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thing at the right time...right things at the right time to bring this about. And this is a rarity. I want to put that within the context of our Education Committee understanding that, trying to get this done, and to do that in an excellent fashion and hopefully expedite this with efficiency and effectiveness with our dollars, would be extremely important for us. So I hope that summarizes some of your thoughts as well on what... [LB101]

MIKE BAUMGARTNER: You said it very well. [LB101]

SENATOR KOLOWSKI: Thank you very much. [LB101]

MIKE BAUMGARTNER: Thank you, Senator. [LB101]

SENATOR SCHNOOR: I have a question. [LB101]

SENATOR KOLOWSKI: Yes, sir, please, David. [LB101]

SENATOR SCHNOOR: Obviously any legislation is...we're asking for a change. So we're saying what we're doing isn't working right. Is that what you...is that what everybody is saying here? [LB101]

MIKE BAUMGARTNER: It could be done better. It could be done better. [LB101]

SENATOR SCHNOOR: Because I think \$4 million to fix this is...what I guess I think isn't really broken, I think that's asking way too much. And I don't see that...personally just don't see where there's a major problem that we need to invest this kind of money in this. I don't know, just my thought. [LB101]

MIKE BAUMGARTNER: Again, Senator, I would have to defer any questions about that fiscal note to the Department of Education. But if you're looking at the disconnect between the students who have graduated thinking that they were prepared and getting to a community college, taking the Compass exam, and finding out that they're going to be taking a year's worth of noncredit courses, that's something that we can address earlier. And there probably is a dollar amount that you can put to that, estimating what that cost of remediation is for those students and how many we could avoid "remediating" with a better-aligned system. [LB101]

SENATOR SCHNOOR: Do you have any idea...what the percentage of students coming in that aren't ready to go to college? [LB101]

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MIKE BAUMGARTNER: I'm thinking back to the report from the NDE on the graduating class of 2013, and I believe it was between 10 and 20 percent who were...went to college and were placed into remediation, of those that continued into college, what percentage went into remediation. And nationwide, the percentage at many community colleges, and this pulls in adults as well, but it's usually around 50 percent of entering students will have to take at least one remedial course. And that does go into the billions of dollars at a national level. So if you're taking 70 percent of students going on out of a 20,000-student graduating class, that's 14,000. If 20 percent of those have to go into remediation, that's 2,800 students. And if it's costing \$1,000 apiece, that's \$2.8 million into remediation that hopefully we could avoid at that point. [LB101]

SENATOR SCHNOOR: Okay. Thanks. [LB101]

SENATOR KOLOWSKI: And Senator Schnoor's comments are right on target for where he feels we might be as an educational system in the state. But...and we have great success with many kids. There's no question about that. The preparation and the accumulated grades and their success in college is extremely noteworthy. We know where we sit on ACT scores across the country. That's a very high elevation. In the Midwest, we score very well and have a lot of students preparing and doing very well. But we also have exactly what Brian was talking about as far as his school in Kearney. When you have a dropout rate of losing X number of students, those kids are never tested again. And they're gone. They're gone because they were frustrated with the system. We've got to do a better job to keep them in the system, to help them get successful and have the skills and abilities to do a good job in the future, whatever that might be. And we owe that to them, rather than having "kickouts," pushouts, "shoveouts," all sorts of dropouts. They get called lots of different things. And some districts like that because they're no longer counted against their grand total. So let's play honesty games here. Let's understand each other and what we're trying to do in a system across the state to get all students to do better over time, because we care about all students. It's not about, how quickly can we get them out of here or force them out so they're not counted on a grand total. It's more than that. We've got to care bigger than that. Thank you. [LB101]

MIKE BAUMGARTNER: Um-hum. Okay. [LB101]

SENATOR KOLOWSKI: Other questions, Senators? Thank you. Thank you very much. Other proponents? Any others? Any opponents, please? And any neutral? Brian, welcome. [LB101]

BRIAN HALSTEAD: Good afternoon, Senator Kolowski, members of the Education Committee. For the record, my name is Brian, B-r-i-a-n, Halstead, H-a-l-s-t-e-a-d. I'm with the Nebraska Department of Education. I'm here in a neutral capacity because the State Board of Education sets all positions of the Department of Education on bills, and they aren't meeting till

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January 28 to take positions on bills, so that's why I'm here in a neutral capacity. I think Senator Sullivan did a great job explaining why this bill is here. When the Legislature, in 2008, required the State Board to develop state tests to measure student performance, the Legislature didn't state an expectation of what that level of performance was expected to be. Now, since that time, has the department and the State Board been focusing on that? Absolutely. We just this last year, with the University of Nebraska, the state colleges, the community colleges, and our private colleges and universities, all worked on revising our English language arts standards to the point where everyone agrees those standards are college and career ready. That was a first for the state of Nebraska. That was all done informally, because there's no statute the Legislature says is required to do that, but the State Board saw that as an issue and we collaboratively worked together on that project. We are currently underway with revisions in mathematics standards, doing exactly the same process, and by later this calendar year we should have mathematics standards that are college and career ready. Keeping in mind the test system the State Board has approved, NeSA, that you've heard about, in language arts, mathematics, and science, is a multiple-choice test, you can only measure so much with multiple-choice questions. If you want to have a test that checks for college readiness in English language arts, you're going to have to do something more than just multiple choice questions. It may require short answers. It may even require a short essay. That adds a cost to the test, to the fiscal note. When our staff asks me, well, do we presume they've already read the budget that the State Board submitted last September and read the budget issue that talks about what it's going to cost for college and career ready standards and tests, I said, don't presume that. Put that in there. So you are correct. And Legislative Fiscal Office, they've read our budget issue. They know we've already submitted a budget issue of over \$2 million to upgrade the NeSA tests so that they can measure college and career readiness. The bill talks about...or a national assessment instrument. Okay? If we're going to be looking at ACT or a test ACT uses, Compass, that's not figured into our budget issue. Right now we were doing a pilot project with eight high school districts in this state where every 11th-grade student has taken the ACT for the past three years. This will be its fourth year. The Coordinating Commission is doing a study of that whose report isn't due until next year, I believe, as to whether that improves the college-going rate, and whether that can even be utilized for purposes of federal and state law. When we wrote the budget issue, we did not include the costs of ACT. ACT, with the writing component today, costs \$52.50 per student. That is a lot more than what NeSA now costs us. So there is a cost if you want a college and career ready assessment. I think, in that regard, we believe we've been building the NeSA assessments to measure college and career readiness. This is on the same trajectory we've been going for the last three or four years. The Legislature hasn't yet spoken through the Quality Ed Accountability Act as to whether that is what it wants to do or not. So in the sense of...Senator Sullivan is right. This would be your opportunity to speak clearly as to what you, the Legislature, is expecting from the State Board, our postsecondary institutions, and the Coordinating Commission. So with that, I'll stop, and I'll try to answer any questions you may still have on this. [LB101]

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SENATOR KOLOWSKI: Any questions, please? Brian, thank you. [LB101]

BRIAN HALSTEAD: You're welcome. [LB101]

SENATOR KOLOWSKI: Any other neutral? Thank you very much. Senator Sullivan. [LB101]

SENATOR SULLIVAN: Thank you, Senator Kolowski. And I appreciated Mr. Halstead's clarification on that fiscal note, because we seem to have gotten a little hung up on that, admittedly so. It's...but keep in mind that that was part of the department's budget request. That will go forward irrespective of what happens to this bill. And their particular fiscal notation with...specifically with respect to LB101 was about \$200,000 to take care of the administrative expenses that would develop because of collaboration and assigning some support staff to make sure that that happens. We all want our students to be successful. We have to have mechanisms in place to assess their progress on that route to be successful, either in postsecondary education and/or career. It is clear that the department is looking at that...this in a very holistic way. It's clear that our institutions of higher ed are concerned about this. Is there a disconnect? I wouldn't call it...go so far as to say there is a disconnect, because everybody is trying to work toward the same thing. But what LB101 does is create a formal way for all of those entities to come together and really set down and talk about whether they're on the same page in accomplishing that. Will it create a new assessment? Not necessarily. Will it eliminate one? Possibly. At the bottom line, I think it will make whatever assessments we have in place for those children to assess their progress more adequately, perhaps earlier, so that they can, in fact, not be carrying the burden of remedial education when they get to the higher education institution and ultimately be more successful in their postsecondary education and certainly in their careers. [LB101]

SENATOR KOLOWSKI: Any questions? Thank you. [LB101]

SENATOR SULLIVAN: Um-hum. [LB101]

SENATOR KOLOWSKI: Number two. (Laughter) [LB101]

SENATOR SULLIVAN: Deja vu all over again. Senator Kolowski and members of the committee, for the record, my name is Kate Sullivan, representing the 41st Legislative District, here today to introduce LB100. LB100 is purely a technical bill that seeks to provide clarity to our statutes and results from concerns expressed to me by the Coordinating Commission for Postsecondary Education and pertains to the sections of statute that provide for the distribution of state aid to community colleges and tribal community colleges. LB100 simply amends 85-1503, subdivision 24(b), to add a reference to 85-2234 to identify where in statute the state

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aid to community college formula is located. LB100 also amends 85-2234 to provide a reference to that 85-1503, subdivision 24(b), and 85-1511 to provide a reminder as to how tribally controlled community college aid is to be distributed. As I indicated, this is extremely technical, but...and perhaps on the surface confusing. But I'll have you know that this is just an attempt to clarify the statutes so we can follow a more clear distribution path. This does not create any new substantive law. It does not increase or provide any new fiscal obligations for the state. So I will certainly be willing to answer any questions. And I don't want to go so far as to say, trust me, because that's always questionable. But clearly this is just a matter of clarifying the relationship between two sets of statutes so it's very clear how the aid to...community college aid to tribal colleges is distributed. [LB100]

SENATOR KOLOWSKI: Senator, therefore, clarifying and cleaning up is what we're trying to get done here. Any senators, please. Senator Groene. [LB100]

SENATOR GROENE: It doesn't rearrange how the pie is split up between my community college and... [LB100]

SENATOR SULLIVAN: No, it does not. No, it does not. [LB100]

SENATOR GROENE: Mine doesn't get less and somebody else gets more? [LB100]

SENATOR SULLIVAN: No, not in any way, shape, or form. [LB100]

SENATOR GROENE: That's all I care. [LB100]

SENATOR KOLOWSKI: Senator Baker, please. [LB100]

SENATOR BAKER: Well, Senator Sullivan, I don't have a question. I have a comment. I trust you. (Laughter) [LB100]

SENATOR KOLOWSKI: Any other questions from senators? Thank you, Senator. Any proponents? Please come forward. [LB100]

MIKE BAUMGARTNER: Thank you, Mr. Chairman. My name is Mike Baumgartner, M-i-k-e B-a-u-m-g-a-r-t-n-e-r. I am the executive director of the Coordinating Commission for Postsecondary Education. Senator Sullivan explained this so well that I don't think I can add anything, but I will answer any questions that you might have. [LB100]

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SENATOR KOLOWSKI: No problems and you're in full support. So, appreciate it. Any questions, Senators? Thank you very much, Mike. [LB100]

MIKE BAUMGARTNER: Okay. Thank you. [LB100]

SENATOR KOLOWSKI: Yes. Good afternoon. [LB100]

DENNIS BAACK: Good afternoon, Senator Kolowski. [LB100]

SENATOR KOLOWSKI: Yes, sir. [LB100]

DENNIS BAACK: And members of the Education Committee, for the record, my name is Dennis Baack, D-e-n-n-i-s B-a-a-c-k. I am the executive director of the Nebraska Community College Association in support of LB100. And Senator Sullivan did an excellent job of explaining what this bill does. It doesn't change any distribution at all. It keeps it the way it was. Historically, Nebraska has always put some dollars into the tribal community colleges, which is very rare in the United States, quite frankly. Most states do not do this. But they do educate some non-Native American students. And for those non-Native American students, they do not receive any federal funding. Their Native American students are funded federally, but the non-Natives are not funded by the federal government, so we felt that it was necessary to give them some dollars. And in order to do that, the dollars flow through Northeast Community College. And they make sure they get those dollars for the number of non-Native American students who happen to attend their tribal community colleges at the same rates as if they were attending our colleges. So we try to make it very fair that way. And if I might comment on the last bill, I think it's an excellent thing for the Legislature to step into. We have been very, very involved in the process as they set the new standards. And we're hopeful that that's going to really help us in the long run as we have more input into those standards. But it's very important. And when you look at it, you know, a lot of times people say, well, we have so much remediation and foundations education that community colleges do because by statute that's what we're required to do. We're required to do all of that for the state. A lot of that comes from nontraditional kinds of students, people who have been out of school for a number of years. They just need some refreshers and stuff when they come back, especially in math and some of those things. And one of the things we're very interested in as we work with the Department of Education is making sure our reading standards are higher. One of the things that we're having difficulty with in the community colleges for our very technical programs is the inability of students to be able to read those technical manuals that go with those programs. And so we're trying to increase those standards so they're better able to deal with those technical programs. So with that, I'd be happy to answer questions. [LB100]

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SENATOR KOLOWSKI: Dennis, thank you. I have one. Kind of a side bar...of all the states, all 50 states, where do we rank as far as number of federal dollars coming in to our community colleges for Native American situations? Do you know... [LB100]

DENNIS BAACK: You mean, how much...how many...well, it all depends on... [LB100]

SENATOR KOLOWSKI: ...dollarwise, compared to other states. [LB100]

DENNIS BAACK: You know, I don't know, because I don't...I have never seen any numbers to show exactly what they get per student. It would certainly vary because of the number of students that they have. But I don't know what they get per student. I don't know how that ranks. [LB100]

SENATOR KOLOWSKI: Just wondering where our state would rank on that. [LB100]

DENNIS BAACK: Right. I do not know. [LB100]

SENATOR KOLOWSKI: I've never seen that either. I just wondered. [LB100]

DENNIS BAACK: I have not seen that either. [LB100]

SENATOR KOLOWSKI: That's why I thought about it. Thank you. [LB100]

DENNIS BAACK: Um-hum. [LB100]

SENATOR KOLOWSKI: Appreciate it. Any other questions? Yes, Mr. Groene. [LB100]

SENATOR GROENE: Since you brought up LB100 (sic) again, isn't the junior year a little late to find out if a kid can read? I mean, so you take an ACT test and you...that's what I hear from my community college. They can't read well. They don't have the very good vocabulary, math deficiencies. Isn't that a little late? [LB100]

DENNIS BAACK: Oh, I...absolutely it is. [LB100]

SENATOR GROENE: I mean, is the goal of this to tell the local school districts that we got to go from 11th grade back all the way to 1st and 2nd grade and fix it there? [LB100]

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DENNIS BAACK: I think you have to go back through the whole system. And I think it has to be built over the years throughout the whole reading system that we have in our school system. No, you don't...if you just learn that in 11th grade, you're probably not going to pick it up quick enough to get there. I think it goes back much further than that. Even beyond junior high school, it goes back further than that. I think it does. [LB100]

SENATOR GROENE: So the idea for LB100 (sic) is to send a message back to the public schools that we've got to teach kids to read? [LB100]

DENNIS BAACK: Um-hum. Well, not with LB100. That was with the previous bill, with LB101. [LB100]

SENATOR GROENE: Yeah. The LB101 or whatever. [LB100]

DENNIS BAACK: Yeah. That was the previous bill. But, yes. I think we do. And we're...I mean, you know, as our faculty and staff work with the Department of Education, we're making that point to them. [LB100]

SENATOR KOLOWSKI: Senator Groene is asking some very good questions. Because of the nature of reading being a thinking skill, your comments, Dennis, about the technical manuals...that some of the programs are highly sophisticated. And that's a separate set of skills. Reading plus the thinking involved to translate those and apply those to the lessons they're doing is another step beyond just Dick and Jane reading things that you'd have in elementary school. [LB100]

DENNIS BAACK: Well, that's correct. And if we're training people for our business and industry out there that require those kinds of skills, they better be able to have those when they leave our place so that they're very employable. [LB100]

SENATOR KOLOWSKI: Absolutely. Thank you. Other questions, please? [LB100]

SENATOR GROENE: Thank you. [LB100]

SENATOR KOLOWSKI: Thank you, Dennis. [LB100]

DENNIS BAACK: Thanks. [LB100]

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SENATOR KOLOWSKI: Other proponents at this time? Opponents, please. Anyone in a neutral category? Senator Sullivan. [LB100]

SENATOR SULLIVAN: Thank you, Senator Kolowski. And just very briefly, I hope you can see that in some cases, you know, it's not monumental legislation but it's important in that we have to sometimes clarify statutes and make sure that there's a clear understanding of the pathway that a process is supposed to follow. And I think this is a good example. But the other thing...this came to us out of concern that was expressed by the Coordinating Commission. So whether we're talking about LB100 or LB101, I hope you can also see that there's a lot of conversation and communication that goes on, not only between us in the Legislature, but some of these entities that are given their responsibility and challenged to carry out the bills that we enact. So I think these two are good examples of that. [LB100]

SENATOR KOLOWSKI: Thank you. (See also Exhibit 1) Number three. [LB100]

SENATOR SULLIVAN: Vice Chairman Kolowski and members of the committee, for the record, I am Kate Sullivan, K-a-t-e S-u-l-l-i-v-a-n, representing the 41st Legislative District, here today to introduce LB99. LB99 is what I would deem a committee management tool, as it would remove a requirement that currently the Education Committee must review via a public hearing the annual progress report for the Coordinating Commission for Postsecondary Education regarding efforts on the following priorities listed in Section 85-1428(3). And the report...and the hearing must include a report on increasing the number of students who enter postsecondary education in Nebraska; increasing the percentage of students who enroll and successfully complete a degree; and reducing, eliminating, and then reversing the net out-migration of Nebraskans with high levels of educational attainment. Currently, the committee holds the hearing on this report in mid to late March, as that is when we usually receive the report from the commission. This late hearing date is...it's after bill introduction has run its course, which means introducing legislation as a result of the report is not only difficult, it's, quite frankly, impossible. So what this bill proposes to do is eliminate the must of having that public hearing. It doesn't mean that we can't have one, though. The chairperson of this committee or anyone, for that matter, on this committee could still ask and request that the committee hears a report from the Coordinating Commission for Postsecondary Education. It just simply gives us some flexibility. So, again, I view this bill as a committee management tool, and I ask that you allow the committee to retain the flexibility that I am seeking under LB99. Thank you. [LB99]

SENATOR KOLOWSKI: Thank you, Senator. Questions, please? Senators, anyone? Thank you. Could I have proponents for this bill, please? None? Opponents, please? And those neutral? [LB99]

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MIKE BAUMGARTNER: Thank you, again, Senator. I'm Mike Baumgartner, M-i-k-e B-a-u-m-g-a-r-t-n-e-r, executive director of the Coordinating Commission for Postsecondary Education. We believe that it's important that the commission present these findings specifically to the Education Committee as the current statute requires. However, we do understand the limitations of your time and the limitations of the date and understand that there are other ways to convey this information to you. So we would simply ask you to consider having the commission report these findings to the committee but at a time more conducive, perhaps between legislative sessions, that would allow you, as committee members, potentially to craft legislation or to come up with other responses to the report's findings, avenues you want to explore further, information you find particularly valuable for the work you're doing. So we are neutral toward this. We do think that it's a very valuable and compelling report, but again, as a committee management tool, as Senator Sullivan has mentioned, we certainly respect the way that you all want your committees to run. So, thank you. [LB99]

SENATOR KOLOWSKI: Thank you. Questions, please? Seeing none, thank you very much, Mike. Senator Sullivan waives completion. Thank you very much. And pass the gavel back to the senator. [LB99]

SENATOR SULLIVAN: Thank you very much, Vice Chairman. And this concludes the hearing on all five bills that we've had today and thus closes the hearing of the Education Committee. Thank you for being in attendance. [LB99]