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Education Committee
January 27, 2015

[LB49 LB303 LB371 CONFIRMATION]

The Committee on Education met at 1:30 p.m. on Tuesday, January 27, 2015, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB303, LB371, LB49, and a gubernatorial appointment. 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, and welcome to the Education Committee. I'm Senator Kate Sullivan of Cedar Rapids representing District 41. At the hearing today we will have one appointment to the Coordinating Commission for Postsecondary Education and then also three bills: LB303, LB371, and LB49. But for starters, I'd like to start with allowing the members of the committee who are here to introduce themselves. Sometimes Senators at this point are introducing bills in other committees, so sometimes they aren't here but will join us later on. So let's see, my Vice Chair is missing, Senator Kolowski from Omaha, so we'll start over here with Senator...do you want to introduce yourself?

SENATOR GROENE: Senator Groene from Lincoln County--North Platte is the biggest city--in District 42.

SENATOR COOK: I'm Senator Tanya Cook from northeast Douglas County in the city of Omaha.

SENATOR BAKER: Senator Roy Baker, District 30, Gage County, part of Lancaster County.

SENATOR SCHNOOR: I'm Senator Dave Schnoor. I represent District 15 which is all of Dodge County.

SENATOR PANSING BROOKS: And I'm Patty Pansing Brooks and I represent District 28 which is the district in which you're sitting, so welcome to 28.

SENATOR MORFELD: And I'm Adam Morfeld. I represent District 46, northeast Lincoln.

SENATOR KOLOWSKI: Senator Rick Kolowski, District 31, Omaha.

SENATOR SULLIVAN: We also have several staff helping us today. To my immediate left is LaMont Rainey who is one of the legal counsels for the Education Committee. At my far right is Mandy Mizerski who is the committee clerk and makes sure that we have an accurate record of the proceedings. We have two pages who are helping us, Brooklynne Cammarata and Seth Thompson. Brook is from Omaha and is a student at

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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. I already indicated to you the bills and the appointment that we'll be hearing today. If you are planning on testifying, please pick up a green sheet--a sign-in sheet--that's at either entrance to the hearing room. 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 a separate form on the table to do that as well. I'd ask that you fill out that green sheet in its entirety before you testify. Please print and complete the entire form. When you come up to testify, simply give the green sheet to the committee clerk. If you have handouts, please make sure you have 12 copies, and the pages will then hand them out to the committee. When you testify, please come up and speak clearly into the microphone. Tell us your name and please spell both your first and last names, again so we have an adequate and accurate record. Perhaps it goes without saying, but I really do ask that all cell phones be turned off and anything that makes a noise so that we aren't distracting to the people introducing and testifying on our bills. The introducer of the bill will make the initial statement followed by proponents, opponents, and those wishing to testify in a neutral capacity. And closing remarks are reserved for the introducing senator only. We will be using the light system today for all testifiers excluding the introducer. You'll be given five minutes to make your remarks. When the yellow light comes on you should be wrapping it up. And when the red light comes on, you need to be completing your testimony. So with that, we will begin our hearing. And the very first thing is the appointment of John Bernthal to the Coordinating Commission for Postsecondary Education. So, Mr. Bernthal, if you could please join us, and we'd like to hear from you. Welcome to the Education Committee.

JOHN BERNTHAL: (Exhibit 1) Well, good afternoon, glad to be here. Thank you.
[CONFIRMATION]

SENATOR SULLIVAN: If you could tell us a little bit about yourself so the committee can get acquainted with you... [CONFIRMATION]

JOHN BERNTHAL: Okay. Okay. Well, I was born in Wyoming and in the fourth grade moved to Wayne, Nebraska, up in northeast Nebraska. And since it was just across the street, not very far from where I lived, I finished my elementary and high school at the training school...campus school there at Wayne State. Following that, I continued on in Wayne and did my bachelor's degree at Wayne State as well with a major in biology and in speech. Following that, I did a master's degree at the University of Kansas in the area of speech language pathology and audiology. Following that, I decided I wanted to go either south or east, because I did not...had never really traveled or had much notion of what happened those parts of the country. So I took a job in Louisiana and worked in the public schools there for four years. Following that, I went to the University of Wisconsin, did a Ph.D. in the same area, communication sciences and disorders, and then I've had a number of academic appointments at universities, both small college

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type environments as well as universities. I taught at...four years at Mankato State University. I taught six years at the University of Maryland. I was five years at Northern Iowa and twenty-seven years at the University of Nebraska-Lincoln serving as director of the Barkley Center as well as chair of the department of communication sciences and disorders. So I think that I have a nice mix of college-type environments as well as universities as well as research universities. I've never worked in the community college area. But certainly being in the College of Education and Human Sciences at UNL we've worked closely with the community colleges. So that gives you a little bit of my background in terms of my particular interests. The last years since I came to Nebraska I was doing administration as well as teaching and less research. [CONFIRMATION]

SENATOR SULLIVAN: Now this is going to be a new appointment for you.
[CONFIRMATION]

JOHN BERNTHAL: This is a new appointment. I have been functioning with the commission in the fall. I was...my name was submitted but the Legislature was not present so there was no approval. So I'm...I don't know where I'm at. (Laughter) I go to the meetings. I vote. But I don't know that I'm official or unofficial. [CONFIRMATION]

SENATOR SULLIVAN: Tell me a little bit about...I mean, you've explained your background and you're with higher education, but what particular kinds of aspects about your background and thinking make you a good member on the board?
[CONFIRMATION]

JOHN BERNTHAL: Well, I think the fact that we have responsibilities with the community colleges, with the state college system, and the university system, and I've had experience in two of those three things, is helpful. Needless to say, I also have had a lot of work with students and their concerns. I am very concerned about affordability, accessibility, and having high-quality postsecondary education in the state of Nebraska. And I think that requires quality programs both in the community college, at the state college level, and at the university level, because I think they all have different roles. But I do think they have to coordinate. I think there should be easy transfer policies, those kinds of things. So I do have some major concerns about that sort of thing. But I'm also concerned about low-income people and access to higher ed. I'm also concerned about how we do that and that...I'm always amazed, when I was at UNL, how many first-generation students I had in our classes there. And so...and the other thing that was always interesting at UNL is how hesitant people were to send somebody at a big, big university. Well, you know, UNL is a medium-sized university in the grand scheme of things. And yet when they got there, those students, we had as many high-functioning, high-achieving students coming from the rural areas as we did from the cities. And so it was always interesting to me how well these students did adapt from the smaller communities. So I think funding is a major interest. I think we have to meet the employment needs of the...of our employers. I think we need to educate productive

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citizens. I am concerned about student debt and how we might address that. I think we must have many more partnerships and collaboration. My particular program at UNL had a lot of distance ed because we were almost required to. Most of our special ed graduate program was all on-line. We had a couple of small incidence programs, namely visually impaired and deaf and hard of hearing. And as a result, that had to be on-line. And as a result of that, we were able to keep those programs going. Otherwise we would...we never had enough people on campus that those programs were going to maintain themselves, meet the minimums required by the state. As a way of looking at this and how important this is, there are less than 50 programs left in the country in deaf and hard of hearing, preparation of students for deaf and hard of hearing. So one of the things that's very important, and the coordinating council has been instrumental in this, is a state authorization reciprocity. And that allows these states--and there are now, I think, about 30 of them that have signed off--allow us to provide programming on-line without going through program by program and going through an approval process if they sign onto this compact. And these are the kinds of cooperative things that I think we have to do. I also am firmly convinced that in the future we'll have on-line education for everybody. And I mean everybody on campus as well as off campus. Already now you have students on campus that routinely take one or two courses or they take a hybrid course where part of it's on-line, part of it's in the seat. So I think we have a lot of these things that are coming down the pike, and I would like to support those and do everything I can to support that kind of thing. Another area that I feel very strongly about is the transfer programs from the community colleges to the four-year colleges. I've been involved with approval of courses for those. I think there has to be control by the host institution. But these things can be worked out. And so I think a lot of the gen ed, for those students that want to go that route, can be taken at a community college but then transferred into a four-year college. So I've talked long enough here. I'll take some questions and let you go on. [CONFIRMATION]

SENATOR SULLIVAN: Okay. All right. Thank you, Dr. Bernthal. Any questions for him? Senator Morfeld. [CONFIRMATION]

SENATOR MORFELD: Well, first off, thank you for your commitment to public education all these years. And I certainly appreciate your emphasis on the affordability of higher education. I have over \$100,000 in student loans, and fortunately I have this nice new job to help me pay it off. (Laughter) But in any case, one of the questions that I...we can talk about the affordability of higher education down the road, and we should probably talk as well...somebody else in the audience there. But in any case, one of my questions is...one of my concerns is, I think that there are some very good courses that are on-line. But then I think there are some courses that can't be taught very effectively on-line and that sometimes that's an easy way out. I mean, how do you...what's your philosophy on that? There are some people that I know that want to go all on-line. And I don't necessarily think that's the best learning approach, but... [CONFIRMATION]

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JOHN BERNTHAL: Well, I think there's a combination of things that will work. For example, if I don't happen to have an outstanding instructor in a given area, let's say that...let me take...give an example in special ed. If I don't have somebody that really knows autism and I can access on-line, even in my program, somebody from another institution to teach that course and teach it well, then I think that ought to be assumed as a way to go at it. That doesn't mean I think that many courses...some courses can be taught that way. I think anything with a practicum component probably does not work very well on-line. But I would agree with you, there are very...and not only that, there are effective ways to do this and there...some people are not doing it effectively. I think as far as providing information, those are the kinds of coursework that work pretty well on-line. [CONFIRMATION]

SENATOR MORFELD: Thank you, sir. [CONFIRMATION]

SENATOR SULLIVAN: Any other questions? Senator Kolowski. [CONFIRMATION]

SENATOR KOLOWSKI: Thank you, Madam Chair. Dr. Bernthal, thank you very much, again, for your candidacy. And we hope to make you legal today, so this is all good. Affordability was touched on and also, from my perspective, the dual enrollment possibilities with high schools across the state keep that...or blending lines there...very importantly with the high school students--11th and 12th grade--and what they're doing as far as dual enrollment...possibilities are endless. And that ties into the on-line that you mentioned as well as the community college transfers. I really appreciated your comments on your wide range of topics and activities, and I hope you'll keep those alive and well as you move into this position. Thank you. [CONFIRMATION]

SENATOR SULLIVAN: Senator Cook. [CONFIRMATION]

SENATOR COOK: Thank you, Madam Chair, and thank you for coming today. I'm curious about the statement you made about programming for students who are deaf and hard of hearing. Is that number--you said around 50 programs--decreasing? And if that is the case, why is that the case and what is the status of Nebraska's programming? [CONFIRMATION]

JOHN BERNTHAL: There are two reasons why it...and the answer...first, the answer to your question is, yes, they are decreasing. Second of all, why are they decreasing? A couple of things: Probably the biggest single factor is, everybody has these limits of how many students you have to have in a given program and how many graduates you have like we do in...for example, the commission routinely looks at enrollment numbers, number of graduates, and if they don't meet a certain level, they drop the program. So that's one issue. They don't have enough students. Second of all, frequently they've been at small programs and usually with one or two faculty members. And one or two of those people retire or leave. Sometimes it's just convenient to drop those programs. So

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that's the reason. I think we're in reasonable shape in Nebraska, but if we wouldn't have gone to an on-line program plus the fact that the Barkley Center...one of their primary focus when that trust was set up--there's a trust that supports the Barkley Center--when that trust was set up, hard of hearing was...deaf and hard of hearing was one of the major focuses. So there already is some nonstate support there as well.

[CONFIRMATION]

SENATOR COOK: Okay. Thank you. [CONFIRMATION]

JOHN BERNTHAL: That's probably more than you wanted to know. (Laughter)
[CONFIRMATION]

SENATOR COOK: We're being educated. [CONFIRMATION]

SENATOR SULLIVAN: Any other questions for Dr. Bernthal? Thank you for your testimony. [CONFIRMATION]

JOHN BERNTHAL: Thank you very much. [CONFIRMATION]

SENATOR SULLIVAN: Yes. Is there anyone wishing to speak in support of this appointment? In opposition? Or in a neutral capacity? Then we will close the hearing on this appointment and move on to our first bill introduction, which is LB303 from Senator Bloomfield. Welcome, Senator. [LB303]

SENATOR BLOOMFIELD: Thank you. First off, the man that was just here, I think you need to confirm him. He can't be all bad when he said he started in Wayne County. (Laughter) Good afternoon, Chairwoman Sullivan and members of the Education Committee. For the record, my name is Senator Dave Bloomfield, D-a-v-e B-l-o-o-m-f-i-e-l-d. I represent the 17th Legislative District and I'm here today to present LB303 to the committee for your consideration. It's a sad fact that child abuse does occur in Nebraska. Currently, there is very little information available to our schools to help educate our students to the dangers of this problem. This bill as introduced would require the state Department of Education to develop a model child sexual abuse policy on or before July 1, 2016, to assist schools in developing their own policies should they choose to. I want to emphasize the fact that no school is required to adopt a policy. If a school does adopt a policy, there are a few things they would need to do. The school would need to publish the adopted policy in their school handbook, manual, or similar publication. The policy should be age appropriate for its students. The policy needs to be presented to students in the form of an age-appropriate educational program or school assembly. And, finally, a school that adopts a policy shall provide child sexual abuse training to its staff, training that is deemed appropriate by the school administration. I introduced this bill at the request of a constituent who will also be testifying. Additionally, there will be individuals following me that can tell you a little

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more about the issues of child sexual abuse. In my opinion, this is a very simple thing our Department of Education can do to help address a very serious matter. I want to state again this is to be made available to our schools not forced on them. I'll attempt to answer any questions you may have at this time. [LB303]

SENATOR SULLIVAN: Thank you, Senator Bloomfield. Taking up from your last comment, so mainly in your legislation the requirement is for the department to develop a model policy. Then it's up to the individual school districts whether they follow through on anything. [LB303]

SENATOR BLOOMFIELD: If the school district finds they have a problem and they go to the Department of Education, there now, there's no help. There's no information for them and there needs to be. And, yes, you're right. This would put a requirement on the Department of Education to have something there. It does not require any school to apply for that information. But if a school feels the need, there is currently nothing there to help them. [LB303]

SENATOR SULLIVAN: Do you know or is someone going to be testifying to the effect that...are any school districts doing any of this right now via a policy? [LB303]

SENATOR BLOOMFIELD: There will be a person behind me who will testify as to their attempt to do something and their inability to do so. [LB303]

SENATOR SULLIVAN: Okay. Okay. All right. Any other questions for Senator Bloomfield? Will you be here for closing? [LB303]

SENATOR BLOOMFIELD: I will. [LB303]

SENATOR SULLIVAN: Okay. Thanks. [LB303]

SENATOR BLOOMFIELD: Thank you. [LB303]

SENATOR SULLIVAN: We will now hear proponent testimony on LB303. Welcome. [LB303]

MICHAEL CARNES: Thank you. And I apologize for showing up on such a beautiful sunny day. (Laughter) It's kind of unusual here in Nebraska in late January. Madam Chair and members of the Education Committee, my name is Michael Carnes, that's M-i-c-h-a-e-l C-a-r-n-e-s. I'm a lifelong Nebraskan, a resident of the city of Wayne, and managing editor of the Wayne Herald. I'm also two months away from becoming a grandfather for the first time, as a personal aside, and I'm also a 39-year survivor of child sexual assault. I'm here today to speak in regards to LB303, a bill introduced by Senator Dave Bloomfield who is my representative in the Legislature. I was sexually

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assaulted as a nine-year-old boy in the small town of Newman Grove, which is located about 35 miles southwest of Norfolk. Although it was a one-time experience, it's something that has been and continues to be a part of my life that I must live with on a day-to-day basis. In the summer of 2012, I wrote a book about my experience called, Call Me a Survivor. I was inspired to speak out about my experience after the situation at Penn State University where a former coach was convicted on multiple counts of sexually abusing young boys at the school's football facility and other locations. And I now blog about the topic on my Web site at tellonesurvivor.com and also conduct public speaking programs here in Nebraska and hopefully very soon across the country. Sadly, the crime of child sexual abuse is not an uncommon one. In fact, the Centers for Disease Control study found that one in six boys and one in four girls report that they are sexually assaulted before their 18th birthday. Other studies indicate that as many as three in ten children are sexually assaulted and never report their attacks. If you take these ratios into consideration and plug them into the current K-12 enrollment of the schools here in the state of Nebraska, you would have more than enough children to fill every seat in Memorial Stadium, which has a current listed capacity of more than 90,000. Two years ago, I asked state Senator Dave Bloomfield to introduce Erin's Law into the Nebraska Legislature. Erin's Law is the brainchild of a young woman by the name of Erin Merryn who like myself is a survivor of child sexual assault. She is making an effort to have this law passed in all 50 states. At the present time, she has been successful in 20 states and 20 others are considering them. States that have already passed the bill include states like Missouri, New Mexico, and Michigan, and states under consideration include South Dakota, Colorado, Wyoming, Kansas, and Iowa, so basically every state surrounding the state of Nebraska. In 2013, Senator Bloomfield introduced this modified version of Erin's Law, which was LB143 which he explained to you here earlier. This bill was given approval by the committee but never saw the floor of the Legislature, and he has reintroduced it again this year in an effort to get this bill passed. I believe that this bill is a step in the right direction, but I also believe that this is not enough to help teach our children what sexual abuse is and how to reduce the vulnerability to it. We teach our children how to say no to drugs, what to do in the event of a fire or tornado or other dangerous situations. We have programs in our schools right now that teach our children these vital life skills. Why are we not teaching them what sexual abuse is, how to prevent it from happening to them, and how they should tell someone, anyone, and everyone about sexual abuse? Our children are being attacked from all sides when it comes to sexual abuse, and it's not just the creepy-looking guy in the van who claims he's looking for a lost puppy. Our children are being attacked by the people that they should trust. They're being attacked by family members, neighbors, teachers, coaches, clergy, people that we teach our children to respect and obey. Our children need to know how to protect themselves. And so many of the problems that we see in society today with drug and alcohol abuse, depression, suicide, and certain criminal activity, including child sexual abuse where up to 40 percent of abusers are themselves victims of child sexual abuse, can be traced to moments in the lives of these individuals when they were sexually attacked, whether it

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was at random or, as was the case with me in the spring of 1976, by somebody that I knew. LB303 is a good starting point but I would ask that the bill be amended to language similar to the full version of Erin's Law so that every school in the state would be able to provide the age-appropriate education our kids need to keep them safe from sexual abuse. There are more than 20 organizations here in the state of Nebraska who are advocates for those who are dealing with child sexual assault and domestic violence that can provide training for the schools, and many of these organizations can do it free of charge to the school districts. To put it in football terminology which as Nebraskans I think we all can relate to, when it comes to keeping our kids safe from sexual abuse we're down by six points and facing fourth and goal on the one yard line with time running out. LB303 is a chip shot field goal that would get us closer to our punt, but I feel that amending this to the full version of Erin's Law would be the touchdown that can help us win the game. Thank you for your time and consideration and I will take any questions. [LB303]

SENATOR SULLIVAN: Thank you, Mr. Carnes. Questions for him? Senator. [LB303]

SENATOR BAKER: Thank you. Appreciate your testimony. Are you aware that schools are already required to have child abuse policy including sex abuse policy? [LB303]

MICHAEL CARNES: I'm not aware of any at the present time. [LB303]

SENATOR BAKER: That is the case. Would it surprise you, too, to know that a lot of parents don't want schools to do that role? They would rather do that themselves as parents and would object to that being done in the school setting? [LB303]

MICHAEL CARNES: I would understand that, being a parent myself, that it would be something that I would be concerned about. I guess I was always brought up that it was my responsibility to teach my children these things, but unfortunately there are a lot of parents in this state who don't feel that their children need to know this information and there are reasons why they don't need to know it and those reasons are pretty evident if these children are being sexually abused. It's...you can have a pretty good idea of where that abuse is coming from. [LB303]

SENATOR BAKER: Thank you. [LB303]

SENATOR SULLIVAN: Any other questions? You mentioned that this is a version of Erin's Law. In what ways it...is Erin's Law more expansive? [LB303]

MICHAEL CARNES: The difference between LB303 and Erin's Law is LB303 mandates the Department of Education to draw up the template whereas Erin's Law requires every school district to implement this curriculum into their public schools. [LB303]

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SENATOR SULLIVAN: So when you say mandates the curriculum, there is a curriculum that goes along with it? [LB303]

MICHAEL CARNES: There's a curriculum that I believe is...that comes along with it that can be implemented with the help of domestic violence organizations here in the state that have that information. [LB303]

SENATOR SULLIVAN: Any other questions? Thank you for your testimony. [LB303]

MICHAEL CARNES: Thank you very much. [LB303]

SENATOR SULLIVAN: Any other proponent testimony? Welcome. [LB303]

LISA MLNARIK: (Exhibit 1) Thank you. My name is Lisa Mlnarik, L-i-s-a M-l-n-a-r-i-k. I am here representing myself and not any other organizations or affiliations. Good afternoon, Senator Bloomfield and members of the Education Committee. I'm Lisa Mlnarik, a nurse practitioner. In my current professional role, I provide cardiovascular care to patients in northeast Nebraska as an employee of CardioVascular Institute. I also have seven years of experience working in the emergency department at Faith Regional Health Services in Norfolk, Nebraska. During that time, I had the opportunity to provide medical care to victims of domestic, physical, and sexual assault of both adults and children. My experiences caring for these victims led me to become more involved. I have had the SANE/SART, which is Sexual Assault Nurse Examiner and Sexual Assault Response Team, training and I utilize this training as a forensic nurse examiner with Northeast Nebraska Child Advocacy Center in Norfolk, Nebraska. Since leaving the emergency department, I have been providing cardiovascular care to the patients of northeast Nebraska while being employed at the CardioVascular Institute, or CVI, which is a subsidiary of Faith Regional. I also serve on the Governor-appointed Rural Health Advisory Commission panel. Most importantly though, I have five children, four currently enrolled in school, including preschool, first grade, third grade, and fifth grade. As of the fall of 2015, all five of my children will be in the public school system. Thus, I'm greatly concerned for the safety of not only my five children but for the health, safety, and well-being of all children in the state of Nebraska. With my professional history and willingness to speak up on the behalf of abuse victims, both physical and sexual, I was asked by two of our local school board members to assist the school board in the crafting of a child abuse policy in the summer of 2014. The process to develop a policy was tumultuous at best as the available resources were limited and when I inquired about using a standardized policy, I was told and found out at that time there was not a policy available on the state level. The one example policy that we were provided to work off of was poorly written and, in my opinion, unlawful. It did not serve to protect the children of the state of Nebraska well. My experiences have shown me that the children of Nebraska are in need and deserve a policy on abuse that is written by the experts in the field. This is a must. Thankfully here in Nebraska there's a plethora of experts. We

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have a statewide network of child advocacy centers, abuse experts in law enforcement and healthcare, as well as educators that want to do what is best for children of the state. Time has revealed to me that our schools are in need of training, awareness, resources, and support in the arena of child abuse, which does include physical, sexual, emotional, and in neglect. Said training in my opinion needs to be provided by experts outside of the school systems and provided yearly. LB303 has the potential to help all students which also includes victims and perpetrators, paras, bus drivers, cooks, secretaries, teachers, counsellors, administration...administrators, as well as school boards and the communities that they represent. It is my understanding that pre-K through 12 school policy is developed and crafted by the school boards. Therefore, it is the responsibility of the school board members to put lawful policy in place. However, it should be noted that the people volunteering for the positions of school board are just that--volunteers. They generally come from all walks of life and are not experts on all the problems they are asked to deal with as a school board member. Therefore, having a well-written policy as recommended by experts in the field of child abuse, which does include and cover physical, sexual, emotional, and neglect, would alleviate the responsibility of the school board members writing one themselves. I do hope it will provide them with a built-in support system and network of resources to access when the difficult situations involving child abuse or sexual abuse arises. I do acknowledge that LB303 has some very positive attributes, including the recognition that children need to be protected, especially children affected by abuse, and that providing a standard policy on abuse has the potential to assist so many Nebraska citizens. Unfortunately, I do not think the current language is the most beneficial for all the children of the state of Nebraska. I request that there be careful consideration to changing the language of the bill so that children suffering from all forms of abuse will reap the rewards of the legislation. Please consider making the following changes to the language: Section 1, include preschool through 12th grade instead of K through 12. In all sections, change the language to read "child abuse" which does cover all the forms of abuse I mentioned above. In Section 3, change the language to include "all adult staff" of a school instead of the "staff deemed appropriate by the school administrator" as children divulge abuse, neglect, sexual abuse to people they feel comfortable with, not just certified staff. All employees, including bus drivers, cooks, custodians, paras, secretaries, teachers, counselors, coaches, administrators must be prepared to respond to a disclosure of abuse from a child. They must know what to say in response, who and when to call in a report, and how to protect a child from further abuse. There's a great need for our educators to know the experts outside of our schools must be contacted in all suspected abuse or alleged assault cases. Utilizing expertise of law enforcement including city, departments, and Nebraska State Patrol would be of utmost benefit for children that have been subject to abuse. Asking for guidance from child advocacy teams, medical experts, nursing child abuse experts will provide our schools with resources and tools to help them guide in the delicate navigation of the current system we have in Nebraska to take care of children that have been subjected to abuse. Although LB303 has potential to be of great help to our schoolchildren, employees,

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boards, and communities, it's just the tip of the iceberg in terms of the amount of guidance our current systems need in order to possess adequate knowledge and expertise when presented with child abuse. [LB303]

SENATOR SULLIVAN: Thank you, Ms. Mlnarik. Were you successful in having a policy developed for the public school you were working with? [LB303]

LISA MLNARIK: There is one on the books but it's not currently as well written as I think it could have been. [LB303]

SENATOR SULLIVAN: Are you aware of the current statutes that are in law now that require certain reporting responsibilities when there is child abuse prevalent? [LB303]

LISA MLNARIK: I'm very well aware of mandatory reporting laws. And when you Google Nebraska Health and Human Services, their mandatory reporting laws, on that front sheet of the page it says that you must report immediately. But when you read state statute, I can't find the word immediately. And, in fact, I called the Attorney General's Office yesterday to ask them what would be considered an adequate turnaround time from when anybody--I said specifically in a school system--receives the divulgence of abuse or a report of a sexual assault. What would be the accepted time frame from getting a report to turning that over to law enforcement or HHS or both in most cases? And they were not able to give me an exact period of time, if that's 2 minutes or if it's 2 hours or it's 72 hours. But the consensus I got was it should be done as soon as possible. And I spoke with someone also at the Department of Education yesterday and that person also led me to believe the more acceptable time frame would be now, as soon as possible, we don't wait. I think in my experience that that's a gray area that needs to be ironed out. [LB303]

SENATOR SULLIVAN: Okay. Thank you. Any...Senator Cook. [LB303]

SENATOR COOK: Thank you, Madam Chair, and thank you for your testimony. As you were talking about immediate report of an incident, I'm recalling a debate that we had in the Legislature two years ago about people having memories of child abuse or child sexual abuse and how I believe we advanced and passed a law to extend the amount of time that that could be reported or lawfully documented for law enforcement. So I'm adding that but not as an excuse for why, of course, any of us as citizens and residents of the state of Nebraska are not bound to report child abuse in any form immediately but to offer you that as an additional perspective on reporting as from my recollection since I've been here in the Legislature. [LB303]

LISA MLNARIK: Thank you. [LB303]

SENATOR SULLIVAN: Any other questions? Senator Kolowski. [LB303]

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SENATOR KOLOWSKI: If I may. Thank you, Madam Chair. Lisa, thank you for your comments and for the topic brought before us today. I think it's extremely important. Senator Baker mentioned the...I'll use the term comprehensive health education curriculum requirements in the state Department of Education. Those are there. And I'll talk out of one side of legalities and then another side of realities. And I think it's important that we understand there is multiple worlds. The sex education portion of the comprehensive health education curriculum is stated, but you may have to search long and hard to find where it's being taught in a comprehensive fashion. Having worked on this for over five years in the district that I was employed in putting together a whole program because we had...it was embarrassing what we did with fourth grade students, separating them by sex and showing them a little filmstrip. That was their sex education at one time. Horrible. And we put posters in place and all the way up through middle school and senior high to help alleviate that. One of the important things that you have to do is to have an opt out by the parents because it's not a mandatory program but it's...your parents can do an opt out if they so desire. How do you feel about those realities versus idealism of what we're dealing with because you've had a long-range view of this yourself? [LB303]

LISA MLNARIK: I must admit that I am not an expert in the guidelines or this comprehensive health education plan. My oldest is in fifth grade and I get a lot of notes home, which is good for communication, but I cannot honestly remember if I got a note home about you're going to watch the video. She came home and told me we're going to watch the video. So I knew what that meant. We talked at home as well. [LB303]

SENATOR KOLOWSKI: Sure. [LB303]

LISA MLNARIK: So I don't have an opinion on this concept. My concern is more about how it's handled in our schools when it is reported or divulged. That's been my concern this whole time is that we... [LB303]

SENATOR KOLOWSKI: But you are talking about a double-edged aspect. The awareness on the part of the students that this is happening and it's incorrect as well as the reporting. [LB303]

LISA MLNARIK: Okay. And I was speaking more to the awareness by the staff... [LB303]

SENATOR KOLOWSKI: Okay. Thank you. [LB303]

LISA MLNARIK: ...by our paid staff, by our paid employees, by our certified staff, by our administration, by the people running our schools. [LB303]

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SENATOR KOLOWSKI: Well, I think the idea of having a model develop that districts could go to because it's not something every district is going to put together in top quality themselves or like Erin's Law, it's a very noble direction to look and deal with because it's a prevalent issue in our society. So thank you. [LB303]

SENATOR SULLIVAN: Senator Groene. [LB303]

SENATOR GROENE: Thank you, Madam Chairman. I got it right the first time. I'm totally confused. I first read this I thought, well, it's a policy to teach the employees that they shouldn't be sexually abusing children. Then I thought, well, maybe they're giving a classier sex education to let a child know what is inappropriate behavior between fellow students and adults. And now I hear you saying it's a program to coerce some children that they're being abused and then report that to the authorities. So what is this, this law? What are we talking about here? It's very vague. [LB303]

LISA MLNARIK: Okay. Thank you for the question. My understanding after I saw this published in my small town newspaper that this was a new legislation being presented this year, that after I called down and spoke with Senator Bloomfield's office, essentially there was a victim of sexual assault as a child and that victim now is requesting like some more hard core or documentation of legislation or policy that our school boards can access should they want to implement their own reporting of child abuse or sexual abuse in their schools. [LB303]

SENATOR GROENE: So you see this as a reporting of sexual abuse when a child tells a teacher they've been abused, not as an educational tool for the child to know what behaviors to avoid. [LB303]

LISA MLNARIK: Correct, correct. [LB303]

SENATOR GROENE: Well, I don't see that in here. But, anyway, I'm not...I'm sympathetic but I'm telling you on this legislation I don't see that in here. [LB303]

LISA MLNARIK: Okay. There's a deficit in our schools in terms of the turnaround time of when things are reported or divulged and then whether the person that hears it feels comfortable or knows what to do next. That's my goal, is that the people that get the information know how to act, react, protect the child, and that if there's a policy in place that's written by experts and offered from the board of...or the Department of Education of the state of Nebraska it's a template, it's a tool. I'm in healthcare and so we have a policy manual. But we've went from three-ring binders to databases of policy manuals. And so when you...I feel when you have a policy...so if I'm a teacher and someone comes to me and little Teresa, says my uncle touched me inappropriately--they never use those correct words--I as a teacher can go look at the policy and if the policy says you need to call right now, and here's the number, the 1-800, to HHS. And if you still

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feel uncomfortable, you can call Nebraska State Patrol. You can call Child Advocacy Center. You can call this medical or nursing expert and they will back you up or guide you in what to do. And that's my goal. [LB303]

SENATOR SULLIVAN: Senator Morfeld. [LB303]

SENATOR MORFELD: So given the fact that you do work with a lot of these victims, what are the response times that you've seen? It seems like you have some pretty concrete ideas of where there's a problem. What kind of response times have you seen in response to reports of sexual assault by children by local officials, school or otherwise? [LB303]

LISA MLNARIK: I've just definitely appreciated that there's a delay. To me, and I am pretty, I know, adamant and concrete in my beliefs on certain things in this world, but I was taught and have been in healthcare for 20-plus years, started out as most people in healthcare do as a certified nursing assistant in a nursing home. That's where you learn to take care of people. And there's...elder abuse is also very common. Sad to say, but it is. And so I was taught then and then in undergraduate nursing and in graduate nursing and then SANE/SART, ER, if you think it, you smell it, you feel it, if I get a sense or my gut turns that something ain't right with a child or with an old person or that the way the interaction is there, I'm more aware, I'm more keen, and if I've got something that makes me think that, then my next step as the mandatory reporting law and then also as a nurse practitioner is I call. I make the phone call. I call HHS and then sometimes if I don't get them to answer the phone, I have to call back. And then sometimes if the person that answers the phone won't take my report, I hang up and I call back again. That's the reality of what we're dealing with in the state of Nebraska. And not everybody in education or healthcare or with law enforcement has that same train of thought with me, that I do, that if you think it, you got a sense, you see it, there's signs, not everybody does that model. [LB303]

SENATOR MORFELD: And I understand that and I'm concerned about that. But so when you call this hotline, it's an HHS hotline? [LB303]

LISA MLNARIK: It's the 1-800 number to abuse and neglect, yes. [LB303]

SENATOR MORFELD: And there's significant delays after you call that number... [LB303]

LISA MLNARIK: Oh, yeah. [LB303]

SENATOR MORFELD: ...between them...okay. And what are some of the length of delays? [LB303]

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LISA MLNARIK: I can't...see, it's a closed loop system. [LB303]

SENATOR MORFELD: Okay, okay. [LB303]

LISA MLNARIK: And so then if I call in as a reporter, let's say in my job I see something and I call in. [LB303]

SENATOR MORFELD: Yeah. [LB303]

LISA MLNARIK: I've no idea what they do with it. Sometimes they don't even want to write it down. I had a case in the last two years...and I provide cardiovascular healthcare so I'm there to assess your heart and your vascular system, your blood pressure, your cholesterol, all these things. And our patients get quite comfortable with us because we take care of them frequently or often or for a long period of time if we're doing our job right. And this 83-year-old woman told the nursing staff on intake that she didn't sleep well. I took that opportunity when I was visiting with her to say, well, what is wrong? Are you...in my world not sleeping well could lead me down the road of sleep apnea. That's not where I got taken. She felt comfortable with me at 83 years old to tell me that she was being raped by her live-in boyfriend. He made her have sex with him frequently and she didn't want to. And I said to her, thank you for telling me this. It is wrong. You do not have to do that. I said, by law and good conscience I'm going to report that to HHS. So if you get a phone call from the local authorities or they stop by to check on you, I want you to know this is why. I called in to the HHS number and that person doing the intake said, why are you calling? I said, because she's being raped and she's old. Well, what are her disabilities? Well, she doesn't have any. I said, she's old and she's being raped. Well, were there any signs of rape? I said, sir, I'm acting as a cardiovascular nurse practitioner. I didn't do a sexual assault exam. And this has been ongoing and I'm telling you now and this is her name and this is her address. I also at that date of service adjusted her blood pressure medicines and took care of her cardiovascular issues and recommended she come back in a month or two which she did. I was surprised. And when she came back I ascertained...I said to her, is that still happening to you? And she sat up in her chair and she puffed out her chest and she said, no, I told him it's my house, I own it, you can't do that to me, it's my body, I say who, I say when. And he doesn't do that to her anymore. But she said, it's okay that he did that to me because my uncles did it to me when I was a child over and over again. So she learned this and still thought that was acceptable at 83 years old. So my attempt to call HHS is the short and the long here... [LB303]

SENATOR MORFELD: And she never heard back from HHS I'm assuming, not as far as you know? [LB303]

LISA MLNARIK: Not as far as I know. [LB303]

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SENATOR MORFELD: Okay, okay. [LB303]

LISA MLNARIK: So, yes, I'm here talking about child and physical sexual abuse but, I mean, this is just a story and example of how difficult it is to navigate our own systems. [LB303]

SENATOR MORFELD: No, and I appreciate knowing that information. I'm sure the other members of the committee do too. [LB303]

SENATOR SULLIVAN: But if you go to the real root of correcting some of these things, is the response time and part of the problem with Health and Human Services? [LB303]

LISA MLNARIK: I would agree with that. [LB303]

SENATOR SULLIVAN: Okay. Thank you. Any other questions? Thank you very much for your testimony. [LB303]

LISA MLNARIK: Thank you. [LB303]

SENATOR SULLIVAN: Any other proponent testimony? Welcome. [LB303]

LYNN AYERS: (Exhibit 2) Welcome. Thank you and good afternoon. My name is Lynn Ayers, it's L-y-n-n A-y-e-r-s, and I'm the executive director of the Child Advocacy Center that serves southeast Nebraska. And I've worked in the field of child sexual assaults for 37 years and been involved in many different prevention initiatives over those 37 years. I am here today to testify in support of Senator Bloomfield's LB303. It's my understanding to promote sexual abuse awareness and education in Nebraska schools both with the staff and with the child, the children that attend school. And to reflect back on what our first testifier said, this is not an insignificant or small problem. If you took the numbers which he gave, the one out of four girls, the one out of six boys, we're talking well over 116,000 kids in the state of Nebraska that this impacts. It's not a small, insignificant problem that I think some of us would like to believe. It happens all the time. To provide an example, last year in the Lincoln Child Advocacy Center we saw close to 1,200 child victims of abuse; 824 of those were children with concerns of child sexual abuse; 73 percent of the children we serve are under the age of 12 and a third of them are under the age of 6. And not unlike national statistics, in 99 percent of the cases the alleged perpetrator is someone that they know. In 73 percent of the cases it's a family member. And as he said, we know in sad fact that for every child that comes forward and talks about it there's another ten children that don't. We need to do a better job about educating our kids and providing a system that's safe and sensitive in its response. In 2013, the seven child advocacy centers that serve Nebraska served close to 3,800 child victims of abuse, and most of those were child sex assaults. As leaders in the community, we need to step up and take an active role in awareness and education

regarding the scope of the problem and ways to prevent or reduce the risk of child sexual assaults. It's not good enough to teach kids, in my opinion, to kick, scream, run, and tell someone as if they as a child have the power to stop it. It only further makes them feel more ashamed, more to blame that they weren't able to stop it. It only adds to their guilt. It's, in my opinion, the adults in our community that need to step up and take the leadership role here. And that includes youth-serving organizations, which includes our school systems, that need to educate themselves which begins with putting a model child protection policy in place that...it's designed to reduce the risk for child sexual assaults to begin with, not specifically talking about reporting as much as I'm talking about model child protection policy that reduces the risk in any youth-serving agency and certainly within the school systems. Most child advocacy centers as we are, are partners in prevention with the national-based program called Darkness to Light, and the booklet that's going around is from them. We are authorized facilitators for that training that's called stewards of children. They have on-line boatloads of model child protection policies. We had to revise our own child protection policy after we became educated on the scope of the problem. And this training is designed for adults, parents, youth-serving organizations, churches, schools to provide all their staff and emphasize that it's the adult's role in preventing child sexual assaults through implementing these policies and it's designed to reduce or eliminate one-on-one opportunities that we have with children and youth-serving organizations or school systems, and that one-on-one opportunities need to be observable and interruptible. The material that you have in their handbook I think is good, solid information. That training is available on-line as well as through all the child advocacy centers in the state. That model is already out there. I support LB303. I wish that it was stronger in terms of saying this policy needs to be required, that all school systems should have this policy in place, and I understand the limitations about requiring the training given what school systems already have put upon them in the course of an average day. So I'm here to support LB303 and I would...ready for any questions. [LB303]

SENATOR SULLIVAN: Thank you, Ms. Ayers. Any questions for her? Senator Morfeld. [LB303]

SENATOR MORFELD: If I heard you correctly, one in ten victims of child sexual assault actually report, so there's nine others? [LB303]

LYNN AYERS: Right. [LB303]

SENATOR MORFELD: Okay. I just wanted to make sure I got that. [LB303]

LYNN AYERS: And that's...people say, how do you know who doesn't report? And those numbers are based on adult survivors who are now coming forward. They're in therapy for one reason or another as an adult, and most of them are female victims not male victims. But they're now in therapy and when asked, were you sexually assaulted

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as a child and did you ever tell anyone, based on the studies it's anywhere from 64 percent to 95 percent never told as a child. So it's a seriously under-reported crime and particularly with male victims. [LB303]

SENATOR MORFELD: Okay. [LB303]

SENATOR SULLIVAN: Senator Pansing Brooks. [LB303]

SENATOR PANSING BROOKS: Thank you, Madam Chair. Ms. Ayers, thank you for being here today. I'm interested in if you are aware of what the schools have currently as whatever policy that Senator Baker was discussing and where you find it lacking compared to what is set forth within LB303? [LB303]

LYNN AYERS: My understanding is the requirement regarding sex education that I don't know what it does in terms of addressing across the state child abuse prevention strategies or child sex assault prevention strategies. I know for a while Lincoln Public Schools has had different versions of child sex assault education in place. I'm not sure of anything they have currently. It's kind of random and hit and miss in terms of what's provided across the state in the school systems for sexual abuse...sex assault prevention, not the sex education, not the video in fifth grade. [LB303]

SENATOR PANSING BROOKS: So do you believe they're basically just taught to report if they suspect something? [LB303]

LYNN AYERS: They're taught to report, right. And to me I'm not...I'm sorry. [LB303]

SENATOR PANSING BROOKS: No, but just not really how to deal with it exactly. Just to... [LB303]

LYNN AYERS: And to me a more child protection policy is really trying to get to the root of the issue and how do we prevent or eliminate, reduce the opportunity for it to happen in the first place? Whether it's kid on kid, coach, faculty, para, what can we do to educate ways that we can do to reduce risk? For example, we have advocates that take kids to court on occasion when they have to testify. We had to change our policy to say, you're not driving that child to court one-on-one. Somebody is going to go with you. So you really have to make sure that you have policies in place. And, to me, a child protection policy is more than just report; it's more what are the signs and indicators, what are some things we can do to reduce risk within our school system as well as doing some education with kids around the scope of the problem and who to tell? [LB303]

SENATOR PANSING BROOKS: Thank you. [LB303]

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SENATOR SULLIVAN: Any other questions? Thank you for your testimony. Any other proponent testimony for LB303? Welcome. [LB303]

JULIA TSE: (Exhibit 3) Good afternoon, Chairwoman Sullivan and members of the Education Committee. My name is Julia Tse, J-u-l-i-a T-s-e, and I am the child welfare policy associate at Voices for Children in Nebraska. Voices for Children in Nebraska supports LB303 and its efforts to develop a model child sexual abuse policy in schools across the state. A coordinated response to child maltreatment is essential to keeping children safe. LB303 represents an important step forward in ensuring that all schools cultivate an environment that promotes educational awareness and emotional support when it comes to sexual abuse. Children who experience sexual abuse suffer from some of the most severe psychological, behavioral, and physical consequences, many of which persist well into adulthood. Child victims of sexual assault and abuse are also more likely to undergo additional adverse childhood experiences, which research has linked to increased diseases into adulthood and even shorter life expectancy. Last year, there were 351 substantiated cases of sexual abuse against children in Nebraska. School-age children and teenagers represented nearly 90 percent of those cases. Given that the data on reported rates is likely an underestimation of the actual prevalence of child sexual abuse, schools are a crucial place to prioritize as this Legislature considers our state's response to child maltreatment. Children spend a majority of their time in school and, therefore, it is important that we involve all teachers, staff, other students in a coordinated and thoughtful response to child sexual abuse. LB303 provides a key opportunity to continue the work that Nebraska has done in recent years to keep all children safe. We thank Senator Bloomfield and this committee for their leadership in developing a more comprehensive approach to child maltreatment in Nebraska. And we look forward to continuing the conversation of how we can best support schools as they develop sexual abuse policies and procedures and respectfully request that you advance this legislation. [LB303]

SENATOR SULLIVAN: Thank you for your testimony. Any questions for Julia? Senator Pansing Brooks. [LB303]

SENATOR PANSING BROOKS: Yes, thank you, Madam Chair. Ms. Tse--is it Tse?--I was just wondering, are there some studies about the costs of this to our society? Have you seen studies? [LB303]

JULIA TSE: There are, yeah. I haven't fully read through all of them, but I know that a lot of researchers have studied this. And it's sort of difficult to figure out where it ends because we know a lot of the effects of child abuse extend well into adulthood, so. [LB303]

SENATOR PANSING BROOKS: And do you have a feel for whether or not it deals...whether there is a greater proportion of kids since I think sometimes, I mean,

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we're seeing some things on children with disabilities. Are children that tend to be in poverty or...are they more at risk than some others because they don't feel the empowerment to speak out or... [LB303]

JULIA TSE: Yeah, sure. From what I've seen in those studies I know that there are a couple of vulnerable populations, like you mentioned, those with disabilities. A lot of cities have indicated that girls are more susceptible to sexual assault. But, yes, there are different populations that we see higher rates of sexual abuse. [LB303]

SENATOR PANSING BROOKS: And do you have any studies about whether as they become adults there's a greater tendency to lean towards mental health issues? [LB303]

JULIA TSE: Yeah. So in addition to mental health issues, there's a long, long laundry list of psychological and physical effects into adulthood. There are some studies that show that people who suffer from sexual abuse may even live for a shorter period of time than those who don't. So, yes. [LB303]

SENATOR PANSING BROOKS: I think that no matter what or any time we want to strengthen something like this, those numbers certainly help a greater portion of the body to... [LB303]

JULIA TSE: Definitely, yeah. [LB303]

SENATOR PANSING BROOKS: ...go forward on something like that. [LB303]

SENATOR SULLIVAN: You mentioned in your testimony that there, this last year, were 351 substantiated cases. [LB303]

JULIA TSE: Um-hum. [LB303]

SENATOR SULLIVAN: Do you have any idea the breakdown of any of those actually occurring on school grounds or within a school? [LB303]

JULIA TSE: I don't believe that our data goes into that much detail unfortunately. I think our...even though we don't know where all of these reports are coming from, I think our support for this bill is because we know that that's where most kids are. They're in school and there's no better place to sort of educate everyone, not just children, about how to look out for those signs, and... [LB303]

SENATOR SULLIVAN: Okay. Very good. Any other questions for Ms. Tse? Thank you for your testimony. [LB303]

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JULIA TSE: Thank you. [LB303]

SENATOR SULLIVAN: Any other proponent testimony? Anyone wishing to speak in opposition to LB303? Welcome. [LB303]

JOHN BONAIUTO: (Exhibit 4) Thank you. Madam Chair, members of the committee, John, J-o-h-n, Bonaiuto, B-o-n-a-i-u-t-o, representing the Nebraska Association of School Boards. There are a lot of places I'd rather be than in this chair right now. (Laughter) So Senator Bloomfield and I had a conversation about this bill and there is no question in my mind that his heart is in the right place as far as wanting to have this discussion and bring this issue to our attention. What I want to share with the committee is our opposition is in no way against what we heard today or the issue of the seriousness of child abuse. It is that there are laws and I was just reviewing the Nebraska laws and requiring...if there is suspicion of child abuse it must be reported. And under penalty if it's not reported...there are penalties for not reporting. Now I don't at all disagree that the issue of timeliness may be our biggest question. I think as I looked at the wording in various areas it talks about promptly in a reasonable matter of time. There's a lot of fudge wording in that. But the key is reporting. School districts have policies and we've gotten broader in how we characterize things. There are federal harassment policies and a lot of things fall under different categories. And so I think that if there is a need to actually have a policy I can tell you the School Board's Association has an excellent policy service and they're connected with the education policy services across the country. But when I visited with our policy service person, they said, you know, the things that are going into statute now, you don't want to be so specific that you're conflicting with other statutes, laws, regulations, or even other policies. So that is...I think again looking at harassment and what is...what we have, taking a look at what schools are doing in this area, what kind of education is happening. And I look at what's happened in the last few years. And is this a worthy area to be concerned about? Yes. But...and the reason I'm here is because sometimes I sat in one of these chairs and didn't come up here and say, okay, what about this dating violence policy and requirement that we've passed and we have. What about the bullying? And I worked with Senator Howard on bullying for years. But, again, a requirement, we're dealing with bullying. What about concussion awareness? What about protocol to return to learn? Gosh, recently we talked about suicide prevention and a law was passed last year dealing with suicide awareness. I'm just...again I'm here to say schools need to do this but we have to balance it and figure out what the right level of information, the right level of participation, and we can't do it alone as school districts. We have to have partners to do this. And so we're back to that time issue. How much time do you take from the instruction day, from teacher in service? We just keep adding. And I'm going to make the point and then I'm going to stop. And I know Senator Pansing Brooks said...and Senator Schnoor have this. And I'll leave this for the committee. These are the things that have been added to schools since the early 1900s, and there's the list. And it starts with nutrition and it goes right on through. Here are all the things that we expect

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because schools are the place. We have a captive audience and somebody needs to do it. But there's nothing about math in here, nothing about science in here. There are great things in here but it talks about No Child Left Behind, Internet safety, bullying prevention, body mass index, obesity, eating disorder counseling, suicide awareness, organ donor awareness, oh, steroid abuse prevention. I could go on and on. But we add them. I have yet to have somebody come to this table and say we need to take some of these things away. Thank you. And I would be the first one to say if there's something that the School Board's Association could do and can do to assist, we always try to help board members and the schools do a better job, and policy is one of the areas we work in. Thank you, Senator. [LB303]

SENATOR SULLIVAN: Thank you, Mr. Bonaiuto. Senator Morfeld. [LB303]

SENATOR MORFELD: Maybe a few comments and...well, no, I'll start with a question first. First, I do think it's unfortunate that you're up here in opposition today, but you probably feel differently because you're up here in opposition. [LB303]

JOHN BONAIUTO: No, I don't feel differently. I feel that it's...I respect what you're saying. So I...but it's hard. I told Senator Bloomfield, it's like the third kid in class that talked. The first one the teacher gives kind of a stern look, second one the teacher goes and stands next to the child, and the third one kind of gets yelled at. I told Senator Bloomfield, I've got a list here of things that have been added recently. How many more things can we add? So I do feel bad to be here. [LB303]

SENATOR MORFELD: You have a long list of things that have been added there. [LB303]

JOHN BONAIUTO: Yes. [LB303]

SENATOR MORFELD: Math, science, organ donor, all of those different things. And I guess I would just submit to you today, sir, that I would put making young people aware that sexual assault is bad and that they don't have to be subjected to that should likely be at the top of the list. And I would submit to you, too, that I would put that before math and science. And I would also say that, do some parents talk to their kids about that? Absolutely. Do a lot of parents not talk to them that are good parents because they don't think that they would ever have to face their child being assaulted sexually? Probably the majority of them don't. And so for me I think that this is one requirement that really only takes 15 minutes, maybe that, maybe less, to talk to kids about knowing that there is a safe place and that being sexually assaulted...in an age-appropriate way is an acceptable use of our time as public institutions or otherwise. And so you pull out that long list and I agree it's a long list of requirements and other things, but I guess I just vehemently disagree that this is one thing that shouldn't be required on there. And it's not even being required by the legislation as Senator Bloomfield made very clear. In

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fact, I think it should be required. And I quite frankly don't mind adding it onto your list. One of the things that you brought up is the mandatory reporting requirements. Now I need to read through the legislation to be quite honest with you, but I'm looking at the summary and I'm taking it at face value. One of the things in here is presenting a policy to the students in the form of age-appropriate educational program or school assembly. Is that currently a requirement under statute? [LB303]

JOHN BONAIUTO: It is not. [LB303]

SENATOR MORFELD: Okay. So that's actually one thing that isn't currently being done under our statute that I think is very important and is something that was not in your list of things that the school already does. I guess I could go on for a long time, but I think as far as coming up here with a list of certain requirements that have been mandated by the Legislature or the federal government, I appreciate and respect that. But I think that this was the wrong issue for your board to come up and say...be opposed to. And I'll relate that to the individual members of your board. Thank you. [LB303]

JOHN BONAIUTO: And I appreciate that. Senator, let me ask you a question then. Do you believe our schools are not safe... [LB303]

SENATOR SULLIVAN: We can't enter into dialogue. Sorry. Sorry. Just a minute. [LB303]

JOHN BONAIUTO: Oh, I'm sorry. [LB303]

SENATOR MORFELD: You can't ask a question. You can't, but I'll answer that question anyway. I don't think that our schools are safe enough, so, no, I don't. And I think that we could go a long ways in making them safer and I think this bill is a very small step and not a large enough step to do that. And I would ask that your school board come back to me with ways that we can make it safer instead of opposing, quite frankly, a nonmandatory requirement to make it safer. [LB303]

JOHN BONAIUTO: Can I answer that question, Senator. The way the bill is written, and if...this is not a requirement and we could have let this go. It's not a requirement unless you adopt a policy and then you have to do certain things. There's...that's the...the wording in the bill is you don't have to adopt policy, and that's why I think that there are things that are happening in schools and in districts that deal with this. But if you did adopt a policy, there are requirements and those requirements are going to take time and money and that's even what the fiscal note had said. [LB303]

SENATOR MORFELD: And that's all the more reason for this to be an acceptable policy for you because the school district decides whether or not they want to adopt it. And if they decide whether or not they want to adopt it, then that means they're committed to

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making the time. I would also go further and I think you already know my opinion on the matter so I'll stop after this and say that I think the schools should be required and it shouldn't be an option. I think it's a public safety and I think it's a public health issue. But thank you for your testimony. [LB303]

JOHN BONAIUTO: Um-hum. [LB303]

SENATOR SULLIVAN: Senator Groene. [LB303]

SENATOR GROENE: I think some of this is redundant. There isn't a school out there that doesn't have a sexual...training for their teachers I'm sure, that they have in-service already how to spot sexual abuse and report it. I would think some of the superintendents here would say that. My children are long gone. My grandchildren are out there. But I hear from my grandchildren that they're told these things. Isn't it mandatory we have sexual education classes now? [LB303]

JOHN BONAIUTO: There are classes at...yes, health classes, yes. [LB303]

SENATOR GROENE: About what sexuality actually is to a child and how to identify it? I mean, I could go into personal experience of something that happened to me where I was questioned over and over again because I went into emergency room with my grandson who had two black eyes while my granddaughter was having emergency appendectomy and I got hit up with all these questions about my grandson from everybody. [LB303]

JOHN BONAIUTO: Sure. [LB303]

SENATOR GROENE: And then pretty soon I go, well, the kid learned that you don't walk on ice with your hands in your pocket. He learned a lesson in life. But that wasn't believed. That was not believed until later on a nurse tell me, well, all of your stories matched. And I'm going, what? And I realized what was happening. Now, people, we can go too far with this thing, too, and I think there are things in place, there isn't a person out there that knows about child sexual abuse. It's been a big issue like smoking and everything. How far do we go? And my issue with education is Johnny can't read and I agree with you. A teacher needs to teach. You can only think of one thing at a time and we keep throwing this stuff at them and we turn them into things they aren't. But, anyway, I happen to think schools do a good job, the ones I'm associated with, on this type of issue. But, anyway, and this bill is so...it's not clear at all of what you're expecting of them. I wouldn't want to be an administrator and get a bill like that. I don't know where I'd start. [LB303]

SENATOR SULLIVAN: Senator Cook. [LB303]

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SENATOR COOK: Thank you, Madam Chair, and thank you for coming this afternoon. You may not be thanking yourself right now. (Laughter) But I have a question because this...the entire hearing I've been remembering bills that had been introduced before this committee, first by Senator Council as I recall since I've been here and by Senator Haar, H-a-a-r, about comprehensive sex ed. Do you recall whether or where your organization was, because from what I recall this information, general information, was included in that bill proposal? Do you recall where NASB was on those proposals? [LB303]

JOHN BONAIUTO: I recall the bills and I would give...the answer I would give is typically we would rather have curriculum dealt with at the state department and state board level rather than put in statute. And so... [LB303]

SENATOR COOK: Okay. [LB303]

JOHN BONAIUTO: But I can't remember if we took a position on those specific bills. [LB303]

SENATOR COOK: Right. [LB303]

JOHN BONAIUTO: And...but I do remember the bills. But that has been typically our position, is that rather than put something of that nature in law we'd like to see it come from the state department and state board, which is more flexible in dealing with something, rather than having it in statute. [LB303]

SENATOR COOK: All right. Thank you. [LB303]

SENATOR SULLIVAN: Any other questions? Senator Pansing Brooks. [LB303]

SENATOR PANSING BROOKS: I do. Sorry. Thank you. Dr. Bonaiuto, thank you very much for coming. I guess I'm just interested if you think that all the school boards are handling this matter in their schools sufficiently at this time. [LB303]

JOHN BONAIUTO: That is...the sufficiently question is...it's hard. Is it on their radar? I would say yes. How...with our 245 districts, there's probably 245 different ways that it's being dealt with. I checked with some folks in Lincoln and there are things that are happening with counselors. And so, you know, it...definitely things happening in the school buildings with students. I'd have to believe that in the teacher preparation and administrator preparation programs if this is an area that gets attention, could we do more at the board level? Always, to increase awareness. And, again, the policy issue is one that can be, you know, addressed in that respect. If this is just...becomes the state department providing model policies for boards so there's the possibility of more uniformity, that's a whole different story than if you adopt the policy, having teacher

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training and doing other things. But, you know, I think there surely are ways to do this better. [LB303]

SENATOR PANSING BROOKS: Well, I guess what I would like to add is that I'm not quite as concerned about high school and middle school where they do have counselors, but my experience recently with the grade schools and elementary schools is that they do not have counselors anymore, at least they do not have...not all schools have everyday present counseling. That's one of the cuts that's been made. So if the teachers aren't being trained really or a discussion about training them and there are no counselors at the schools, I guess I just feel like the children are sort of left in the lurch a little bit. And maybe they'll have a teacher that they're close enough to, to be able to go and communicate with, but otherwise what's that child supposed to do? And I think looking for some signs, it's easy for us to say, oh, gosh, that parent is so nice that wouldn't be happening or it's so easy to turn our backs on it. And I mean there...yes, we have mandatory reporting requirements. Doctors have it, teachers have it, all these groups have it. But I just, I really do worry. We're talking about the children here and I agree with Senator Morfeld's comments about how at risk these kids are and we have significant numbers which should not be overlooked and I just...I'm not sure and I will talk to my colleagues about what they believe is happening. But I don't believe that we can do enough to stop this. So...and if it's at all levels of our society and the schools deal with the kids the greatest proportion of the day, I'm sorry if it's one more thing the schools have to deal with. [LB303]

SENATOR SULLIVAN: Senator Schnoor. [LB303]

SENATOR SCHNOOR: Mr. Bonaiuto, you've kind of dug yourself into a hole that's going to be pretty hard for you to get out of. But you talked about that laundry list of things that schools have to do and that issue and I agree with you 100 percent. But also yesterday you were testifying here on...I can't remember the bill but you were adding to that list. So, you know, the bottom line is you work for NASB and you're telling them...they're here telling you...excuse me, you're here telling us what they're telling you to say. [LB303]

JOHN BONAIUTO: Yes. [LB303]

SENATOR SCHNOOR: I don't know where you stand personally but the bottom line is, do schools have a laundry list of policies? It's just like Ms. Mlnarik said at hospitals, yes. [LB303]

JOHN BONAIUTO: Yes. [LB303]

SENATOR SCHNOOR: Our school has books that deep of policies. But this is about safety of the kids. There will never be enough laws in place for somebody that abuses a

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child, never, because my viewpoint is totally different of what should be done with them. But this is simple. It comes down to the safety of a child. And adding to that laundry list is kind of immaterial. So thank you. [LB303]

SENATOR SULLIVAN: Any other questions for Mr. Bonaiuto? [LB303]

JOHN BONAIUTO: Thank you, Senator. [LB303]

SENATOR SULLIVAN: (Exhibits 5 and 6) Thank you. And this is--that's fine, John--an oversight on my part. That was opposition testimony but I failed to mention in proponent testimony we had two letters for the record, one from Robert Sanford with the Nebraska Coalition to End Sexual and Domestic Violence in support of LB303, as well as Michael Chittenden, executive director of The Arc of Nebraska. Now we will go forward with additional testimony in opposition to LB303. Anyone wishing to speak in opposition...or in a neutral capacity? Excuse me. Senator Bloomfield for closing. [LB303]

SENATOR BLOOMFIELD: Thank you, Senator Sullivan and colleagues, for working on this. Thank Mr. Bonaiuto for coming in in opposition. It gives us some reference points. I would like to see that list that he has made available to a couple of people. Maybe there are some things on there we can eliminate. There are too many regulations. Senator Groene, you said you didn't see what you saw in that handout in the bill. The reason you didn't see it, it's not in there. This bill as I presented it is very simply direction to the Department of Education. There is nothing here that requires a school to do anything. If they feel a need, it allows them to go to the Department of Education and get information at which point, if that school district decides that they want to implement a program, there would be some guidelines they would need to follow, very complicated guidelines like making it age appropriate. You don't show a XXX-rated movie to a six-year-old. There are some very basic things, not expensive things. This is not a mandate. The day it becomes a mandate, the moment it becomes a mandate to our schools I will do everything in my power to kill the bill. I do not want this to be a mandate. I appreciate your thoughts on it, Senator Morfeld, but if it goes that route, it's not a bill I want to carry. Our schools have too many mandates as it is. But let's give them the information they need. Let's make it available through the Department of Education. And the department could have come to us last year and said, what can we do to solve this? They did not. They could have initiated a program at any time to make this available to our schools. They have not. It is time that this information is available. And I believe that one of our testifiers misspoke just a little bit in that this bill, a similar bill that I had last year, did not come out of committee, as much as I would have liked to have seen it come out of committee. I hope it does better this year. Thank you. [LB303]

SENATOR SULLIVAN: Senator Bloomfield, you mentioned...and that, okay, it's...this would not be a requirement. The department would just offer it as a model. Now we heard from...and that it's up to the school district to decide what to do. I think I also

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heard you say that they went to the department and there simply are no tools there available. But I also heard from one of the testifiers that there are, in fact, several tools available to a school district, so if it...if they want to develop a more sophisticated or available program. So I guess if we're not mandating it and there are tools available for a school district, not necessarily with the Department of Education, then why do we necessarily need the department to craft a model policy? [LB303]

SENATOR BLOOMFIELD: I don't believe our school districts ought to have to go searching around the state trying to find somebody that has this information. It should be available at the Department of Education. [LB303]

SENATOR SULLIVAN: Any other questions? [LB303]

SENATOR GROENE: Just a quick one. [LB303]

SENATOR SULLIVAN: Senator Groene. [LB303]

SENATOR GROENE: The fiscal note says zero dollars. Is the assumption that there's somebody sitting around the state Department of Education just looking for something to do? I mean, if...I'm not criticizing you. Fiscal notes are what they are. You have no control over that. But I don't see that and I...and in my community we have a very strong sexual and domestic abuse organization that goes into the community and I support them. They work with our schools. I just...even assumed mandates. But, anyway, what do you think about this fiscal note? [LB303]

SENATOR BLOOMFIELD: I think it's probably right. Those people may not be sitting around twiddling their thumbs but we're not going to have to hire more staff or anything like that to get the information put together that we can give out to a school if a school calls in and asks for some information. [LB303]

SENATOR GROENE: But doesn't the State Board of Education...they're elected individuals, don't they decide if they have policies? I mean, what are we doing telling the State Board of Education on policy? [LB303]

SENATOR BLOOMFIELD: I think what we are doing is encouraging them--and I guess if you want to say telling them--that they need to have this there for schools and it's not currently available in a form that the schools can access. So if you want to call it a mandate, it's going to be a bit of a mandate on the state board to have some information there that our schools can utilize. [LB303]

SENATOR GROENE: Thank you, Senator. [LB303]

SENATOR SULLIVAN: Senator Baker. [LB303]

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SENATOR BAKER: I appreciate where you're coming from on this, Senator Bloomfield. If I'm not mistaken, there's 245 school districts in Nebraska right now. [LB303]

SENATOR BLOOMFIELD: I believe that number is correct. [LB303]

SENATOR BAKER: And I was informed yesterday that 244 of them belong to the Nebraska Association of School Boards. So it could be that if people think what the Association of School Boards has now in the way of policies is not good enough, they would probably be happy to work further on that. [LB303]

SENATOR BLOOMFIELD: I have not been made aware that they would be happy to improve that (laugh), but if that's a possibility...anything you guys want to do to amend this or adjust it is fine with me as long as we don't make it a mandate on our schools. You know, if we want to add a few things or take a little something out, I'm amenable to that. What I am not amenable to is forcing our schools to do something when people in the district don't want it done. [LB303]

SENATOR BAKER: Thank you. [LB303]

SENATOR SULLIVAN: Senator Morfeld. [LB303]

SENATOR MORFELD: Senator Bloomfield, going back to Senator Groene's question--and I think you maybe referenced this--you requested from the Department of Education that they can just come up with a policy? [LB303]

SENATOR BLOOMFIELD: I did not... [LB303]

SENATOR MORFELD: You did not. [LB303]

SENATOR BLOOMFIELD: ...make that particular request. [LB303]

SENATOR MORFELD: Okay. Did...okay. [LB303]

SENATOR BLOOMFIELD: No, this bill started by Mr. Carnes. [LB303]

SENATOR MORFELD: Okay. [LB303]

SENATOR BLOOMFIELD: He's the one that called me and asked me about it. It has...did not give him everything he would like, as he made clear in his testimony, in part because our system doesn't allow that to happen. Our state does not run our schools, per se, that you will do this, you will do that. That is granted to the districts as it should be. So I don't think we could enact Erin's Law, per se, in Nebraska. But this at

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least gives the schools some information they can work with. That is...the entirety of my goal here is to give the schools some information they can work with if they feel it is a problem. [LB303]

SENATOR MORFELD: I just wanted to clear up that fact. Okay. Thank you. That helps. [LB303]

SENATOR SULLIVAN: Thank you for your testimony and introduction of the bill. [LB303]

SENATOR BLOOMFIELD: Thank you. [LB303]

SENATOR SULLIVAN: We will now move onto LB371. [LB371]

SENATOR KOLOWSKI: And then LB371...Senator Sullivan will introduce this, please. [LB371]

SENATOR SULLIVAN: (Exhibit 1) Vice Chairman 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 LB371. My introduction of LB371 is the result of this committee spending the past two interims studying issues related to school finance and strategic planning. To that end, the Education Committee spent the entire 2014 interim researching and identifying ideas and policies to create a vision and/or strategic plan for education in this state. This visioning process engaged the public through the use of an electronic survey. It organized roundtable discussions and three public hearings to identify education priorities that the committee should rely on to coordinate and direct legislative priorities. The report of these efforts is on the Education Committee's legislative Web page and on file with the Clerk of the Legislature. And if you recall as a committee when we first met at the beginning of the session, we gave you a copy of that report. I believe LB371 is the next step in this visioning effort. It creates the Nebraska Council for Educational Success, an entity that will continue the discussion of those educational priorities and in so doing keep the Legislature informed on their recommendations. I see this Nebraska Council for Educational Success focusing initially on three areas: (1) identifying ways to increase collaboration between publicly funded programs from early childhood through postsecondary education; (2) measuring the implementation of the visioning plan for education pursuant to Section 50-4427; and (3) to make recommendations for a more coordinated, integrated, and seamless education system that enables children to enter school ready to learn, to receive challenging instruction through their school careers, and graduate from high school ready for postsecondary education and careers. Time and time again, whether it's in conversations with members of the K-12 community or those in postsecondary education or when I attend educational conferences in other states or even discussions that we've had in our own Education Committee, I hear the need for more collaboration,

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communication, and cooperation among the different educational entities. We need to focus on helping our Nebraska students transition more successfully from early childhood education to K-12, from K-12 to postsecondary institutions, and from postsecondary institutions to the work force. The Nebraska Council for Educational Success can help us do that. Furthermore, it will give us more guidance and a clearer idea of what the state should prioritize by way of educational policy and funding. And finally, I believe that this council would be able to report to the Legislature progress towards implementing the strategic plan that was created under LB1103 from 2014 and make research-based recommendations on how to better implement the strategic plan going forward. In other states, and even here in Nebraska, similar entities are called P-16 or P-20 educational councils. Here in Nebraska, the P-16 Initiative was instituted through executive order by then Governor Dave Heineman. And it continues to operate at the pleasure of Governor Ricketts. I propose to create the Nebraska Council for Educational Success through statute, giving it a permanence that is currently lacking. It also tells Nebraska citizens how serious we are about setting educational priorities in our state. LB371 gives specific recommendations for the leadership and makeup of the Nebraska Council for Educational Success, naming as cochairs the commissioner of the Department of Education representing K-12 and the executive director of the Coordinating Commission for Postsecondary Education representing postsecondary education. I also attempted to identify those who I thought needed to be on this council in terms of both public officials and private citizens. I know it's possible that the final makeup of the council may change, and I want you to know I certainly am open to suggestions that I hope we're going to hear in today's testimony. I simply was seeking membership on this council that would provide the best information pertaining to education to the Legislature and educational governing bodies in as nonpolitical way as possible. The only thing that this council should be concerned with is the education of our kids and how we can provide that education to the best of our abilities utilizing the resources available. Now, I must call to your attention that an amendment would ultimately be necessary to correct a reference on page 3, line 6. It simply should read subdivision 12 instead of 13. Bottom line: I hope you will feel, as I do, that the Nebraska Council for Educational Success can pave the way for communication and collaboration among all educational entities with the outcome becoming more successful and productive educational experiences for all Nebraskans. I thank you for your attention on this matter and I'd be happy to answer any questions. Thank you. [LB371]

SENATOR KOLOWSKI: Thank you very much. Senators, questions? Senator, we've all had background and some experiences with P-16 and P-20 and other efforts that have been made in the state. This, coming off of our work over the last two years, seems to be much more focused than anything that I've seen in the P-16 or the P-20 work that's been done in the state, and I certainly commend you on that because it gives us a continued direction to work on. And I know your efforts to seek additional people coming to the table from all different associations will make a huge difference as well. Would you elaborate on that as far as the different players within the state and within our

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community here that could do that? [LB371]

SENATOR SULLIVAN: Well, it was, quite frankly, a little difficult to come up with what I proposed as the membership to this group. And I will say that it was our first, best effort. And if there is some entity that feels that perhaps wasn't included, it wasn't certainly intentional on my part. It's just difficult when you try to go through all the different educational entities that should be represented. Now when you...and also when you put something in statute, there are some boundaries and parameters that you have to appreciate. If you'll notice that there are the Chairs of Health and Human Services, of Education, Revenue, I think. And all of those are to be present in a nonvoting capacity. And then there are several gubernatorial appointments that try to help guide the Governor in terms of selecting people that would sort of round out the membership representing a parent, a teacher, a nonprofit educational entity. And then of course we have the Governor serving or his or her designee. I picked the two cochairs and that's significantly different than what the membership was of the P-16 Initiative as we currently know it. But again, those are two individuals who are really charged with the only responsibility of dealing with education, one representing K-12 and the other representing postsecondary education. So it sort of marries the whole continuum that I thought should be covered. So it was my first, best attempt, but as I indicated, I hope in the hearing today we'll hear some other ideas of some things either that could be changed or that we've not indicated. [LB371]

SENATOR KOLOWSKI: Thank you. Senator Groene, please. [LB371]

SENATOR GROENE: Is there funds being appropriated now for the P-16 and the P-20? How did the Governor do that? [LB371]

SENATOR SULLIVAN: Indirectly. If you look at...the university has designated some dollars to be used for the P-16 Initiative. And that basically has come out of their appropriation. So we really haven't designated it as such in statute or any other place other than their direct appropriation. The same is true for the Department of Education. They have had a line item in their budget that was designated to P-16. So the question would be for all of us, if we decide to go forward with this Nebraska Council for Educational Success, under those parameters it's quite possible that we could leverage those dollars to be used for this effort. [LB371]

SENATOR GROENE: So we'd morph those two things? Are we going to have more levels of bureaucracy? We'd get rid of the P-16 and P-20 and... [LB371]

SENATOR SULLIVAN: Well, keeping in mind that the P-16 as we know it and kind of the dollars are sort of a different thing than how the P-16 came about. The P-16 came about because of executive order by the Governor. It didn't necessarily bring dollars with it. But those institutions that became part of P-16 advocated for dollars for P-16 in

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their budget. [LB371]

SENATOR GROENE: I will say being on this committee, the most frustrating thing is the fact where I found that these public entities don't talk to each other. [LB371]

SENATOR SULLIVAN: That's... [LB371]

SENATOR GROENE: They all have their turf wars and they're all government employees. And that's really frustrating with the testimony yesterday and today. And anyway... [LB371]

SENATOR KOLOWSKI: Thank you, Mr. Groene. And I think that's exactly the mode behind this that's come forward today. And I think that's part of the answer we would have for the future. Thank you. Thank you very much. [LB371]

SENATOR PANSING BROOKS: I have a question. [LB371]

SENATOR KOLOWSKI: Yes. [LB371]

SENATOR PANSING BROOKS: I just...I was wondering...sorry, I was just wondering whether or not...I see it as really heavily, the people are either attached to or appointed by the Governor. So that must have been a direction that you chose to go after the study. So I'm just interested, because I know that, like with Health and Human Services, that some of those Coordinating Commissions have been directed by the Legislature or at least have influence by the Legislature. So I guess I'm just looking at, the Governor is there, a number of his heads of departments, and then he gets to appoint eight people. So I'm just interested in how that all arose and... [LB371]

SENATOR SULLIVAN: I don't know if it necessarily arose from the visioning. The visioning showed us that we tried to...we need to try to bring together as many of the different representative entities as possible. But when...again, as I said earlier, when you put these things in statute, you're limited a little bit by the parameters of how you can appoint them. That's why the heads of the legislative committees are ex officio. But because it's in statute then we are guided a little bit by the fact that the Governor has to make some of these appointments. And so, yes, maybe it seems a little heavy in one area, but perhaps we'll hear some alternatives in the testimony. And that, again, too, would be something that we would probably as a committee need to work through to be comfortable with the makeup that we would suggest. [LB371]

SENATOR PANSING BROOKS: Well, thank you for all your work on this, Senator Sullivan. [LB371]

SENATOR KOLOWSKI: The direction and the frequency, I think, would be quite

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different than P-16, as I remember it, and I think that's one of the... [LB371]

SENATOR PANSING BROOKS: Oh, I see. [LB371]

SENATOR KOLOWSKI: ...really called-for things that would make a difference, I think. So, Senator Sullivan, thank you very much. Any other questions from senators? If we could have proponents, please. Those who would like to come forward for this LB371, please come. [LB371]

MIKE BAUMGARTNER: Mr. Chairman, members of the committee, my name is Mike Baumgartner, M-i-k-e B-a-u-m-g-a-r-t-n-e-r. I'm the executive director of the Coordinating Commission for Postsecondary Education. And first I want to assure you that I don't think you're going to see me next week. You've seen me a lot the last two weeks. (Laughter) So you're going to get a break from me. But I do think this is an important bill and we wanted to lend our support to it. The Education Committee and the staff have done important work during the last nine months to gather input and create a framework for an education vision for Nebraska. We believe this bill would do something equally important which is to put into place a council of state leaders to flesh out that vision and push it forward. We support the council proposed in this bill not only for its far-reaching membership, but for the ambitious range of issues it plans to address: early childhood education, work force development, the effective use of state resources, the use of a longitudinal data system to better understand the education pipeline. These are all issues that need to be addressed in a collaborative nature in Nebraska. This bill would formalize that collaboration as well as give the council the necessary statutory power to move forward with a unified plan for Nebraska education. And for that reason the Coordinating Commission supports it. Thank you. [LB371]

SENATOR KOLOWSKI: Thank you. Questions, please, for Mike? Seeing none, thank you very much. [LB371]

MIKE BAUMGARTNER: Thank you. [LB371]

SENATOR KOLOWSKI: Addition proponents, please? Welcome, Tip. [LB371]

TIP O'NEILL: Senator Kolowski, members of the Education Committee, I'm Tip O'Neill, that's T-i-p O, apostrophe, N-e-i-l-l. I'm the president of the Association of Independent Colleges and Universities of Nebraska. We are here in support of LB371 not because we certainly oppose the current P-16 committee or process, because I think the fact that...when Governor Heineman kind of took over the reins of P-16, he brought the group together and made it a priority. And we started having meetings, I think, on a more regular basis. And what's important about getting all the interest groups together and meeting on a regular basis is that it needs to be a high-profile group and it needs to meet on a regular basis. And we need to take a look at the goals and aims and what we

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need to accomplish. And we need to do it on a regular basis. And so the structure, I think, is less important as long as we have people who need to be there there. What's more important is that we not just establish something and then forget about it. We need to work at it and make sure it works. So that's why I'm supportive of getting something in the statutes. But we don't want to forget what our past successes were with the P-16 process but see that this continues those successes and makes it work better in the future. Be happy to answer any questions. [LB371]

SENATOR KOLOWSKI: Thank you, Tip. Any questions for him, Dr. O'Neill, please? Thank you very much. [LB371]

TIP O'NEILL: Thank you. [LB371]

SENATOR KOLOWSKI: Additional proponents, please? Good afternoon, Dr. Moon. Welcome. [LB371]

VIRGINIA MOON: Thank you. Senator Kolowski and members of the committee, my name is Virginia, V-i-r-g-i-n-i-a, Moon, M-o-o-n. I'm here representing the Nebraska Council of School Administrators. We too are here in support. We met this morning as a...the legislative committee met this morning and we have a formal mandate to support this. And we do certainly support this effort in terms of helping the work that you've done already on visioning to become more of a reality. Any kind of conversation that happens across a broad stakeholders group and talks about education, what our mission is, and how to get that done, is important to us. We do...we're here partly to make Senator Sullivan's wishes come true. We have some suggestions about the makeup of the committee. Our group feels and I feel that in order to make the discussion pertinent, relevant, and something that can be implemented, the committee is lacking practitioners and administrators and teachers...a balance of those things. So we're suggesting that the makeup of the committee, the appointed officials, perhaps include maybe administrators from a variety of levels. So it does ask for one school administrator, but in order to have a good discussion about what's happening at preschool and primary schools, that principal is not going to be as knowledgeable about current technical education...or that the committee include curriculum directors, special education directors, career and technical administrators, people who work with assessments really at that practitioner level. And those people can do some things for the committee and for those broader leadership personnel. They can help to inform the discussion. They can talk about what's really happening already, what the needs of the different parts of the discussion are. They can help to provide data and also to get other practitioners to come to those committees when the discussion requires more discussion about what's really happening, what's really needed at that level. And they could also help with identifying pilot programs or places where certain programs are already in implementation that could help to inform the discussion on that broader policy basis. With that, that concludes my testimony. I'd be willing to answer any questions. [LB371]

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SENATOR KOLOWSKI: Thank you, Dr. Moon, for those inputs as well. Questions from senators? Thank you. Thank you very much. [LB371]

VIRGINIA MOON: Thank you. [LB371]

SENATOR KOLOWSKI: Any additional proponents, please. Good afternoon. [LB371]

JODI KUPPER: Good afternoon. Thank you, Senator Kolowski and members of the Education Committee. My name is Jodi Kupper, J-o-d-i K-u-p-p-e-r, and I am vice chancellor for academic planning and partnerships for the Nebraska State College System. I'm here today on behalf of Chancellor Stan Carpenter who had previously scheduled meetings at Wayne State. And I'm testifying in support of LB371. The Nebraska Council for Educational Success appears to be a continuation and expansion of the work of the P-16 Initiative. Chancellor Carpenter has been an active participant in the existing P-16 Initiative. Examples of outcomes from that initiative include a reduction in the number of credits required for graduation at our three colleges; an increase in the graduation requirements for K-12 education; a collaboration to apply for the Race to the Top Grant, although not funded; and a statewide P-20 database that now informs a high school feedback report. The NSCS feels that in whatever form, it is critical for all sectors of education to come together and consider how to better coordinate, cooperate, and strengthen the overall educational experience at all levels for the state of Nebraska. There are changes we would propose related to the makeup of the council. First, we would suggest that the leadership of the council be shared between the Commissioner of Education, as proposed in LB371, and a rotation of the president of the university and the chancellor of the State College System. This would strengthen the leadership component by selecting an individual with responsibility and authority over a sector of postsecondary education who can ensure necessary follow-up based upon the recommendations of the council. The executive director of the Coordinating Commission for Postsecondary Education could serve as a member, bringing the viewpoint of coordination among higher education sectors. There is also one technical correction. On page 4, line 11, where the legal reference to the Nebraska State College System should be Board of Trustees of the Nebraska State Colleges if in line with reference to the Board of Regents. Again, the Nebraska State College System supports LB371 and the related establishment of the Nebraska Council for Educational Success. Thank you for your time, and I would be happy to try to answer any questions you may have on behalf of the chancellor. [LB371]

SENATOR KOLOWSKI: Thank you, Ms. Kupper, appreciated that very much. Questions from the senators, please? Seeing none, thank you. Thank you very much. [LB371]

JODI KUPPER: Thank you for your time. [LB371]

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SENATOR KOLOWSKI: Any other proponents, please? Ms. Fritz, welcome. Thank you. [LB371]

SUSAN FRITZ: (Exhibit 2) Thank you. Good afternoon. My name is Susan Fritz, S-u-s-a-n F-r-i-t-z. I am the executive vice president, provost, and dean of the Graduate College for the University of Nebraska system. I'm here to offer proponent testimony for LB371 on behalf of the University of Nebraska. I first want to acknowledge Senator Sullivan for inclusion of the president designate of the university, in our case Dr. Hank Bounds, and the executive director of the Buffett Early Childhood Institute, Dr. Sam Meisels, in the membership of the proposed Nebraska Council for Educational Success. The university has been fully engaged in the forerunner to NCES, P-16, and will continue its efforts through the NCES. We have demonstrated ongoing commitment to P-16 through staff, faculty, and collaboration with other postsecondary institutions. Nebraska has had a long history of state and local partnerships that have achieved success in building strong and enduring programs and services. As postsecondary institutions, we have demonstrated that we work well together on common goals as with the Transfer Nebraska Web site, the nursing program alignment, and many other collaborations. We have responded to and been on the forefront of initiatives to make real progress in higher education as shown by the increase in community college graduates through reverse transfer and curricular reform. These efforts have been led by our system heads who are skilled in leading institutional change, motivating staff, and preparing college graduates for the future. I give you this background as foundation for our leadership recommendation in maintaining the strongest state and local partnership possible. The university recommends that, in addition to the Nebraska Department of Education commissioner cochair, who has administrative responsibility for K-12, the other NCES cochair be the University of Nebraska president or chancellor of the State College System on a rotating basis. These system-level leaders have administrative responsibility and can best represent higher education because they understand degree programs, accreditation, curriculum, faculty, and student needs and issues. They can respond to higher education issues as they are discussed and lend their expertise and leadership to problem solving and decision making. This is not unlike other P-20 leadership structures that recognize the need for direct leadership involvement of their postsecondary institutions. Connecticut's P-20 Council, for example, is cochaired by the Board of Regents for Higher Education and the K-12 commissioner of education. Also, I would like to highlight the long-term contributions of the university to the P-16 effort and ask that the committee further engage the university and all of higher education. Former President Milliken and interim President Linder demonstrated continuing commitment to P-16 by hiring dedicated staff and incorporating P-16 into university priorities. Several P-16 goals have been facilitated by university contributions such as messaging focused to all Nebraska eighth graders and parents on the value of a college education, impacting the strong college going rate in Nebraska that was raised from 64.5 percent in 2009 to 69.5 percent in 2013, improving

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affordable access to college through Collegebound Nebraska; implementing strategies to decrease time to degree; providing intensive and long-term K-12 math and science teacher professional development; and leading development and implementation of transfer.nebraska.edu. To conserve state resources, the university is prepared to costaff and contribute support with existing resources. This collaboration is important to the university and we can significantly contribute to the efficiency and effectiveness of NCES and avoid duplication. Additionally, it is important the NCES operate as a forum for the exchange of best practices. We have a Board of Regents that provides strategic oversight. We are not looking to add a bureaucracy with approval authority fed by extensive reporting. Lastly, it is a rarity to have a university president with both statewide K-12 and university leadership experience. Equipped with this knowledge and experience, Dr. Bounds could provide tremendous insight and leadership as an NCES cochair. Thank you, and I'm happy to answer any of your questions. [LB371]

SENATOR KOLOWSKI: Thank you. Questions, please? Thank you very much for your testimony today. [LB371]

SUSAN FRITZ: Thank you, Senator. [LB371]

SENATOR KOLOWSKI: Thank you. Additional proponents, please. Good afternoon, Doctor. Good luck. [LB371]

DENNIS BAACK: Senator Kolowski 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, executive director of the Nebraska Community College Association, here to lend our support to this bill. I think it's important to put it into statute and that we have a continuing process in place. The...and I don't disagree that maybe we need to have some amendments about who ought to cochair this committee. But I would think that if we're going to have proper protocol in this place we probably should rotate it on a four-year cycle: president of the university; chancellor of the State College System; someone from the community college system, if that's me, the executive director; and possibly someone from the four-year not-for-profits, which would be Tip O'Neill. It would seem to me that that then puts us all kind of in the same bailiwick. I know that we're kind of the stepchildren of higher education. I always say the university is highest education, the state colleges are higher, and we're just high. (Laughter) But I think we have a very important place and I think we serve a very important purpose in the state. And I think it might be good if there was a rotation every four years so that higher ed...all of the sectors of higher ed are represented as the cochair. With that, I'd be happy to answer questions. [LB371]

SENATOR KOLOWSKI: (Exhibits 3, 4) Thank you very much, Dr. Baack. Any questions for Dennis, please? Thank you, Doctor, appreciate it. Any additional proponents, please? We have two letters for the record that were sent in: Dr. Ken Bird, president and CEO of Avenue Scholars Foundation in Omaha; and former Senator Greg Adams,

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president and CEO of Accelerate Nebraska also sent in a letter for the record. We have those two. At this time any opponents, please, to LB371. Seeing none, any neutrals, please, to LB371? Good afternoon. Welcome. [LB371]

BRIAN HALSTEAD: Good afternoon, Senator Kolowski. Members of the Education Committee, for the record my name is Brian Halstead, B-r-i-a-n H-a-l-s-t-e-a-d. And as I think you've all heard from me previously, the State Board of Education will meet tomorrow to take positions on bills that have been introduced this legislative session, so I find myself in the neutral chair on this bill. We are more than happy to work with the committee on however you want this council composed. The Commissioner of Education is fine being on this, if you want him to be the cochair, whatever. We're here to work with you. The P-16 Initiative, as I recall, started back in the 1990s when the then Commissioner of Education, the then president of the University system, the state colleges, and the community colleges all thought about, we need to start talking and working together. We have done that through funding streams through the years. You can see from the fiscal note that the department contributes \$50,000 to this right now, the university has \$100,000 in its budget, and a private foundation contributes an additional \$50,000 that has generally funded this. But that's all done by agreement. There's nothing in law that requires it or drives it. Our previous Governor took an opportunity to try to reinvigorate it and provide some leadership on that, so it got a little more publicity that it didn't have prior to that. So if anyone was thinking that the postsecondary institutions and K-12 weren't meeting or talking to each other, we've been doing that a long time in Nebraska. However, you can't find that in the statutes anywhere because it doesn't exist. We have been working together in a cooperative way in that regard. So with that, I'll stop my testimony, take any questions you might have. [LB371]

SENATOR KOLOWSKI: Thank you, Brian. Questions, Senators? Seeing none, we thank you for your neutral stand today which will probably change tomorrow. (Laughter) Thank you very much for those...for all those who have come forward. And, Senator Sullivan, we'll ask you to close if you are ready, please. [LB371]

SENATOR SULLIVAN: Thank you, Senator, and I appreciate all those who testified and gave suggestions as to the possible changes in membership. And I'm quite confident. I'm open to them and we'll take them under advisement in the committee. And I wanted to also say, you've heard references to P-16 and not to diminish in any way the work that that group has done. As Chair of the Education Committee, I have served on it since I've been in this position. You heard yesterday, one of the really positive things that have come out of that, the Transfer Initiative. So it's...and it may very well continue. But again, that's the pleasure of the Governor. But as I said earlier and will say now, that I thought there was some value in giving it--the Nebraska Council for Educational Success--permanence by putting it in statute. I want nothing more than to carry forth the vision for education that the Education Committee has worked on and in so doing,

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making the whole education continuum more effective and efficient. So I thank you.
[LB371]

SENATOR KOLOWSKI: Any last questions for the senator, please? Thank you very much. [LB371]

SENATOR SULLIVAN: Um-hum. [LB371]

SENATOR KOLOWSKI: If we may just take a five-minute rest break. Stand, move around a little bit, and then we'll move onto Senator Scheer's presentation. Thank you very much. [LB371]

BREAK

SENATOR SULLIVAN: Okay, folks, I think we will reconvene and restart the hearing. The next and final bill that we will hear is LB49 to be introduced by Senator Scheer. Thank you, Senator. [LB49]

SENATOR SCHEER: (Exhibit 1) Thank you, Senator Sullivan and members of the Education Committee. I'm back again today, so I appreciate the opportunity. My name is Jim Scheer, S-c-h-e-e-r, representing District 19 in the Legislature. LB49 is an effort to try to provide similar educational opportunities to all students regardless of where they might reside within the state of Nebraska. It is similar to a bill that I introduced last year, but there were substantial changes made to it after trying to work with those that were not as zealous about my previous attempt. But I think I did a good job. I listened, and I tried to accomplish and accommodate those concerns from districts and school boards that really had legitimate concerns. And there were some. And I will tell you today that I feel that there was some common ground that could be made, and I've tried to do that. But in my opening, I think what I will strictly try to do is just simply go through what LB49 will do or does do and then let those, hopefully, that are supportive and perhaps not...and some that may not find this appealing to them, I will come back and try to answer any concerns that may be addressed or comments during the hearing process. LB49 would affect school districts under 650 students--K-12--a year. They would be asked to join an allied school system. That system would be three affiliated school districts. And it could also, if a single school district would choose to, could affiliate with one school district above 650. So it's not necessarily that they have to be three. If they were able to find a school district larger than 650, they could simply join...ally with them so there would just simply be two. It requires that the school districts in the allied system have a common bell schedule only for the first three periods of the day. Previous bill talked about having a similar or identical bell schedule for the entire day. Listening to those that had concerns, for example, some districts had two lunch periods, one, or three. They may have an emphasis on math or reading or English that wouldn't allow them to have the flexibility in their schedule to utilize that. So by only using the first three

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periods of the day, it allows the rest of the school day to be at the will and the leisure of each individual school district to try to accomplish what it is that they might want to do that's different within...from any other school district in the state of Nebraska. Last year, the system...or the bill would require a common calendar. That has been deleted entirely. There is no commonality of calendar. I believe school districts will work that out amongst themselves if indeed they move forward in trying to utilize the positive portions of LB49. The other thing that was in the bill last year, but technically in an amendment, so in fairness, perhaps not many were aware of it, there was the eligibility to be reimbursed up to \$25,000 per district for additional equipment, hardware, software, and labor that would come in place to try to facilitate the ability to utilize staff in a manner that would allow really cross-utilization of staff among districts. One of the largest concerns that I heard last year was that this was a veiled attempt to try to consolidate or merge districts. It's specific in the language. It is not required. That is not the intent of this bill. This bill is trying to keep small school districts open. We...in looking at the preliminary run of TEEOSA, it appears that next year we'll have 239 school districts. That's down from 249 just two years ago. We can't afford to lose more school districts. I might add, as a school district either merges or consolidates, a school district dies in the state of Nebraska. If we're going to repopulate or reenergize rural Nebraska, there has to be schools in those communities. The bill is silent on who you could choose to align with. And that's specific. That was the concern that I heard from school districts: well, you're trying to get us all put together and then the next thing, two years from now, you're going to merge us. If that were truly the case, the bill would read, you can align yourself with three districts...two other districts, but they will have to be contiguous. Sure, I get that. That would be a red flag to me, too. But that's not what it says. The bill simply says, find two other school districts wherever you would like within the state of Nebraska and align yourselves, because with technology you don't have to be close. We're not asking teachers to drive back and forth to the other school districts. It will all be Web based. But the beauty of those three periods is that those students now will have the opportunity to take a broader array of classes than they would be under the currently...allow or are available in those small districts. And that's not to impede the quality of instruction in small districts. They do a wonderful job. But they're jack among trades. Most teachers in small districts will teach four or five, maybe six different subject matters. It's really tough for those people to get prepared and maintain the expertise in all of those areas of curriculum. I'm not saying it's impossible, but it's difficult. This would allow small districts to use staff in a more pinpointed way. One of the concerns that I have and a number of people across the state, they'll say, well, we're doing this. A lot of districts are. But some of those districts that are doing long distance education, those classes are what...are nonteacher led, I guess would be the easiest way for me to explain it. They're reading, they're getting all the information on-line. There's not a teacher present. If they've got to ask a question, there may or may not be anyone within their building that can answer it appropriately. And they may have one time period during the year or maybe every other...or during the week or every other week that they have access to somebody on-line to not necessarily visually see and have a

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conversation with, but to be able to type in questions or concerns. I don't think that's what Nebraska education should be. I think it's very important to have a teacher in front of these kids regardless if it's on a screen. It's live. They can see those kids. They understand if they get it or not. And more importantly, those teachers are available to those kids when we're not in class. If I'm taking a class from Senator Sullivan's school district, I can simply ask that teacher, what time are you going to be in the office? I'd like to talk with you tomorrow morning. I'm missing something. And they could both get on-line via the Web and FaceTime and go through any concerns just like if that teacher had been in the building. One of the things we're asking students to do in smaller rural schools, is they may want to take, for example, quantum physics class, we'll say. But wherever they're wanting to take that, maybe that class starts at 10:15. Their bell schedule...they get out of their class at 10:02. So now they're waiting. They can do their studies for ten or 12 minutes, I'll grant you that. But then what happens on the other end is they go now 15 minutes into their next period. So maybe I'm not real good at English. I excel at math. But the next class that I have to take is English, because that's the only time it's offered during that day. So I either can take my quantum physics, which I can excel at, and I really want, or I'm going to lose the first 15 minutes of that English class every day. I can't afford to do that, because I'll miss too much. I don't have the skill to make up that difference. We're making kids choose. By allowing those first three periods a day, those classes, regardless if they're in the computer lab or they're in one of their own rooms in their building, the bell rings, they get up. They make walk across the hall into the computer lab, put on the earphones, pop on the screen, and they see the teacher that may be 10 miles or 500 miles away. They know the teachers. The teachers are available, just like they are in their home school. When that class gets over, the bell rings. They take off their headphones and they walk back across the hallway and they start that English class the same time everybody else does. We can't...we've got to start changing how we do education. We can't let kids that live in smaller rural areas lose the competitiveness of having those classes that are available to them. Technology exists to do this. This isn't a wish anymore. This isn't a pipe dream. Some districts are doing this, and I applaud them for it. But we all should be doing this. And that's what this helps to accomplish. And last and maybe most important, all this bill does is require the first three periods to be the same. It doesn't mean that Senator Sullivan's district and Senator Morfeld's district have to do anything together. Even though they're aligned, those first three periods would be the same, but they don't have to do a thing. If they don't want to, they don't. Nothing changes. But it gives them the availability to do that. It gives them the availability of starting to reutilize staff. This isn't trying to reduce staff by any stretch. It's trying to utilize staff "betterly" (laugh)...better. I used the same example last year, and I'm going to use it again this year. You have three school districts. And I will tell you, what I found out is it's almost universal in smaller school districts, they all teach Spanish. By Rule 10, they have to provide foreign language. It's all Spanish. Well, again, if Senator Sullivan and Senator Morfeld and I all have a Spanish teacher, if one of us, the teacher is either retiring or taking a job someplace else, whatever the case may be, wouldn't it make sense then as the three superintendents to get together and

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say, gee, instead of hiring another Spanish teacher, Senator Morfeld, why don't you hire a French teacher? So now all of the sudden we have two options for the schoolchildren of those three districts. It didn't cost a dime. We're just better utilizing staff that we have. All staff are still the employees of the districts. None of that changes. They're on whatever salary schedule that that current district has. None of that changes. It's just the availability of utilizing staff. This bill is silent on how the school districts may interchange themselves to the extent of...perhaps I have 10/20 kids taking classes from Senator Morfeld's district. He may only have five taking from me. Is that fair? That's up to those local districts to decide. This doesn't put any parameters on how they can operate. They may decide, the more the better, it doesn't make any difference. Maybe this year I'll take 20 from you. Maybe next year you're going to take 30 from me and I'm only taking 15 from you. I don't know. It doesn't make any difference, and it shouldn't make any different to the state how they work that arrangement. That's up to those local school districts. That's the local control. All we're asking is that they start school with three periods alike on a bell schedule that allows those students...those teachers, to teach a variety of classes to a much larger base of students to offer them a greater access to education. That's it. This is an economic development bill as much as education. If a school closes, it dies. And I will leave you with this: Some of you are from small schools, some of you large schools. But no one can name one school district that ever merged or consolidated that came back. When they go, they're gone. If we want to save school districts, this might not be the best way. It might not be the perfect way. But it's a way to start. And each year that we don't do something, we're going to continue to lose school districts. In the two short years that I've been down here, we've lost 10 out of 249. I don't think we can afford to let that continue to happen. With that, I'll wait for closing. I'll answer any questions that might be on anyone's mind at this point in time. [LB49]

SENATOR SULLIVAN: Thank you, Senator Scheer. I don't know about...my community is a product of a merger. Cedar Rapids and Spalding are now together. I'm not quite sure what Spalding Public had offered as a foreign language, but for years, Cedar Rapids never had a Spanish teacher. They always offered Spanish via distance living...or learning. So my question is, do you have any documentation or information as to how much of that...I mean, we know that a lot of distance learning is going on right now. But do we...do you have any knowledge or information on specifically how much of it is that class sharing...instructor sharing is going on? [LB49]

SENATOR SCHEER: There is a certain amount, not as much as I thought. And I apologize. For those of you that were not here last year, I did withdraw the bill. And part of that reasoning was, I was going to do an interim study. School districts were going to provide me all this information. I sent it out. I won't go into some of the comments that I received from superintendents. But I will tell you this: Less than half of those school districts that were just telling me they had so much to share, they were doing so much...I got less than 50 percent of the affected school districts that replied. You know who replied? The top 60...largest 60 school districts. They were very proud of what they

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were offering. They answered everything. They provided me with everything. I got "none of your business" on a couple of responses. Now, I'm sorry. Kids' education are more important to me than that. You're right, Senator Sullivan. Some districts are utilizing that. And they have over the previous years. But it's a start. And until we start taking the impediments--and I will consider class scheduling as an impediment--until we take that away from students wanting to stretch themselves, it's going to be impossible, really, for districts to start to excel. I'll give you one point that I was really astounded by, Senator. Districts that are 600 students and larger...60 percent of those districts provide AP courses. Districts from 350 students to 599, 10 percent. And oddly enough, districts from 349 and smaller, 13 percent of those districts do. So the very smallest are even doing better from the middles. But there's such a huge, huge difference between those smaller school districts and larger school districts. We can't let the kids fall back like that. We have to start making those available to all kids regardless of where they're at. So honestly, I can't answer your question because my questions weren't answered. And if they had been, I probably would have more information for you. I can only speak to what I received. And in fairness, I don't know which 50 percent I got. I may have gotten those that aren't doing much. I might have gotten sort of a mix that could be accurate. But I really don't want to say this is factual because that's not a high enough return that I really would feel comfortable saying, here's the real answer, because I don't have it. [LB49]

SENATOR SULLIVAN: Okay. Thank you. Any other questions? And you'll be here, obviously. (Laugh) [LB49]

SENATOR SCHEER: I will be here. Thank you. [LB49]

SENATOR SULLIVAN: (Exhibit 2) We'll now hear proponent testimony on LB49. Proponent testimony? For the record, I want to indicate that Amy Shane, superintendent at O'Neill Public Schools has indicated and submitted a letter of support for LB49. Anyone wanting to speak in opposition to LB49? Welcome. [LB49]

ROBERT CHRISTENSEN: Thank you, Senator Sullivan. My name is Robert Christensen, R-o-b-e-r-t C-h-r-i-s-t-e-n-s-e-n. I'm a board member from Loup County Public Schools at Taylor, Nebraska. I planned on printing this out and my printer wouldn't work. Technology. (Laughter) I'm testifying in opposition to LB49. Our school already makes extensive use of distance learning as well as traditional classroom learning. Forcing us to ally with other schools would unnecessarily add restrictions that would interfere with the schedule. All schools in our area have been cooperating with a wide variety of issues. We have entered into cooperative agreements with athletics and activities. We share teachers and administrators. The agreements that are currently in place in our district and other districts in our area have dealt with a variety of issues that arise from working across district lines. All of this has been done while retaining local control of our districts. The districts in our consortium groups have already found

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solutions to problems such as sporting events that require distant travel. Our football team last year had a football game at Hemingford, Nebraska. I think they left at 7:30 in the morning, pretty well took care of cooperating with the bell schedule. They also...there's storms, early dismissals, different things that...late starts that alter the schedule. We've been able to work around that. That's something that our administration and other administrations have taken into account and work very well with. It appears that LB...it appears to us that LB49 adds an unnecessary layer of bureaucratic red tape and further interferes with local control of our districts. It's not wanted or needed to enhance educational opportunities in our area. It seems that to further interfere with opportunities by adding more workload to our schools or administrators...I encourage you not to forward this legislation. I'm ready to answer any questions you might have. [LB49]

SENATOR SULLIVAN: Thank you, Mr. Christensen. [LB49]

ROBERT CHRISTENSEN: Or I think I'm ready to answer questions. (Laughter) [LB49]

SENATOR SULLIVAN: You mentioned in your testimony that in some of the things you currently do you share teachers. Can you expand on that a little bit and tell us how that's being done? [LB49]

ROBERT CHRISTENSEN: Yes. We...for some time, we've shared a Spanish teacher with a neighboring district. That's...they're nine miles apart so she has traveled back and forth...also have shared a music teacher that teaches both vocal music and band and travels back and forth. We have our math teachers. Each of us have a math teacher. One teaches one series of math classes and does part of them distance learning or has classes distance learning. The other one teaches another and I'm not sure. I think it seems to me that one of them was geometry and one of them was maybe trigonometry or precalculus or something of that nature, but they do that distance learning. We share superintendents. We are co-oped with a neighboring school for athletic events so we cooperate with a variety of things. The distance learning classes, besides the ones that I mentioned, have been with other school districts. It seems to me that they were talking...we had some distance learning cooperation with Sandhills High School and I'm not...I think there was another one, maybe Burwell had...maybe we had something with Burwell. So there...you know, we're cooperating with a variety of school districts. You know, and I think most of the districts, it would not make any difference if the first three bell schedules were identical because the classes are spread out all over, you know, throughout the day. We just adapt our schedule to fit around the distance learning things the students want to take. [LB49]

SENATOR SULLIVAN: Are you aware of any advanced placement courses that your school offers? [LB49]

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ROBERT CHRISTENSEN: I'm not familiar with that at this, you know, at our school. I know there have been. Some of the other districts...I'm also a retired teacher and some of the districts I was with while I was a teacher did have some advanced placement courses. And I believe we have some, but I'm not...I can't testify exactly what they are. [LB49]

SENATOR SULLIVAN: Sure, okay. Thank you. Any other questions? Senator Kolowski. [LB49]

SENATOR KOLOWSKI: Thank you, Madam Chair. Mr. Christensen, thank you for being here today. And I wanted to ask you how many students you have in your district as a... [LB49]

ROBERT CHRISTENSEN: I knew you were going to ask that and I... [LB49]

SENATOR KOLOWSKI: K-12. [LB49]

ROBERT CHRISTENSEN: We...K-12 I think we have probably about 75 or 80. I'm not exactly sure but I think that's about right. [LB49]

SENATOR KOLOWSKI: And the other schools, like you mentioned Sandhills and Burwell, about their size? [LB49]

ROBERT CHRISTENSEN: I'm not sure what Sandhills...Burwell is a little bigger. Sandhills, I'm not sure what they have. We...our sporting...our athletic co-op is with Sargent, which is nine miles apart. They're slightly bigger but not a great deal bigger. When each one of us were alone, Loup County played six-man football and Sargent played the smallest class of eight-man football. And now that we're co-oping, we are playing the larger eight-man football. [LB49]

SENATOR KOLOWSKI: Thank you. [LB49]

SENATOR SULLIVAN: Senator Groene. [LB49]

SENATOR GROENE: Isn't everything you're doing exactly what Senator Scheer is trying to encourage other districts to do? You guys are way ahead of that. [LB49]

ROBERT CHRISTENSEN: Well, that's what it seems to me, and I'm not... [LB49]

SENATOR GROENE: He's just trying to encourage what you're already doing without... [LB49]

ROBERT CHRISTENSEN: Well, yeah. And I think that adding another level of

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something in statute is just going to confuse and make things a lot more difficult. [LB49]

SENATOR GROENE: I do know, being from out in that area, when you talk to a rancher, you don't ask him how many acres he's got and you don't ask him how many cattle he's got. And you talk to one of those small school districts, you don't ask them how many kids they got (laugh) because they don't want you deciding. It's kind of a...I don't think what he does is any harm, but I admire what you're doing because that can save small schools out there. [LB49]

ROBERT CHRISTENSEN: It keeps our school... [LB49]

SENATOR GROENE: Affordable. [LB49]

ROBERT CHRISTENSEN: Yeah. Well, it's affordable. The kids are going to...it's local control and we get the results that we are striving for. [LB49]

SENATOR GROENE: But you already have four schools you cooperate with, don't you? [LB49]

ROBERT CHRISTENSEN: Well, I know that we have a distance learning thing with different schools. And I know Sargent is one that we've co-oped with, with teachers. We've got distance learning with some classes, but I know that there was some other classes and I'm thinking...as I recall, Sandhills was one of them. I think maybe Burwell was one. Anselmo-Merna might have been in the mix sometime, but it doesn't always stay the same because it depends on what, you know...one school one year is going to offer some class distance learning and then the next year they may not offer it or it may be at a different time that our students can't take it so we go to someplace else. And we've got...right now we've got three distance learning labs in our school. So it's not like, you know, the lab is going to be filled at a particular time. So Johnny wants to take some kind of an advanced math and Susie wants to take some kind of advanced writing. We've got enough distance learning labs that we can get both of them at the same time from different locations. [LB49]

SENATOR SULLIVAN: Mr. Christensen, I guess I haven't thought through this enough to think about what Senator Scheer is proposing and what you are currently doing. But would what he is proposing maybe cause problems for what you're currently doing? [LB49]

ROBERT CHRISTENSEN: Well, it's not the first bell periods that necessarily are going to be the things that we need to adapt. We have been adapting to whatever situation arises. It has not necessarily been and it may not be a first period or second period or third period class. It may be one at, you know, first period after lunch or it may be last period of the day. It could be, you know...we are adapting our schools. All the schools

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out there are adapting to offer classes at the times that they're most needed for the various student. [LB49]

SENATOR SULLIVAN: Okay, very good. Senator Kolowski. [LB49]

SENATOR KOLOWSKI: Thank you, Madam Chair. I wanted to add, Mr. Christensen, we were out in Burwell. We stayed in Burwell one night as we were doing our hearings across the state, and you've got beautiful country out there. [LB49]

ROBERT CHRISTENSEN: Thank you. [LB49]

SENATOR KOLOWSKI: Just thought I'd...I love the topography and watching all the things...a lot of harvesting going on at the time we were out there, and just very, very beautiful country. Also relating to your distance and...to the other schools and what you're doing in your own community, that's shorter than most of the districts I know in the metro area--that we would still not even leave OPS or sections of Millard by nine miles. We'd still be in our own district. And so what I think...commend you on the cooperation, things you've been able to do to give out alternatives to your students. It sounds like it's working well for you, and I hope that continues. [LB49]

ROBERT CHRISTENSEN: I think it is and thank you very much for...and I'm glad you enjoyed our country out there. [LB49]

SENATOR KOLOWSKI: It was very beautiful. [LB49]

SENATOR SULLIVAN: Thank you for your testimony. [LB49]

ROBERT CHRISTENSEN: Okay. [LB49]

SENATOR SULLIVAN: Welcome. [LB49]

JON HABBEN: Thank you, Senator Sullivan, members of the committee. This is one of those struggle issues. [LB49]

SENATOR SULLIVAN: Excuse me, Mr. Habben, can you introduce yourself? [LB49]

JON HABBEN: (Exhibit 3) Oh, yes. My name is Jon, J-o-n, Habben, H-a-b-b-e-n. This is one of those struggle issues where, as the tug of war supposedly goes on, there are right things said on both sides of the issue. There are misconceptions that are there. But I think it ought to be this way and you think it ought to be that way. And in the end, what is it that we're trying to do? Does this lead us on a path that helps us accomplish what the bill is attempting to do? I would tell you that yesterday our legislative committee met, 23 superintendents from around the state. Our association has six districts. They reflect

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all six districts, 88 counties. The response to LB49 was very simple: No, thanks. We don't need allied systems to do the things we're doing, trying to do, working on. We don't need to have that restriction. We don't need to deal with things in that manner, because we are working to deal with things in our own ways. We are exchanging. We are bringing in. We are sending. Is it identical in each of the districts below 650? I'm sure not. There are different attitudes about how much to do, how little to do, whom to do it with, how to lock in the schedule, which teachers ought to do this, which teachers ought to do that. It's part of the fabric of rural community schools. And it's part of who they are. And it's part of how they get their job done. And sometimes the frustration of how many courses we have available comes to the surface. I know we don't have an ocean around here, but I'd sure love to have marine biology. Well, the school district has to determine, are they going to satisfy that need in that way? Or is that one of those...doesn't make sense to do that. We're working on this. We're working on that. We're doing it in a different way. I think in a lot of ways, the intent of the bill to improve curriculum across the state...I don't have any disagreement with that. I was working on shared circumstances when I was a principal in the late '80s. We moved teachers. We moved kids with our neighbor. We figured out what to do, what not to do. Did it work? Didn't it work? We went through all of that. And in the first two school districts that I superintended, we continued working on that, and technology was making its way into the discussion which seemed to open up a lot of doors. And we worked on the things that we believed we ought be working on. And we included parents in the discussion. And we made efforts to move curriculum and change curriculum and grow curriculum and reflect the needs of our students. When I was at Newman Grove, we were putting together a distance learning lab along with seven other districts. Remember the lottery fund days when those monies were available? And we did that, seven of us plus Norfolk Public Schools. And our goal was to share curriculum, to grow curriculum, and Norfolk being a partner allowed us to think, ah, look at some possibilities here. Sadly, all of Norfolk's teachers were fully engaged and we never got to draw anything from Norfolk. We did share otherwise between other schools. We found out what we needed. We figured out how to move cost or no cost. But we figured those things out. I'm afraid our school districts, at least as reflected by our legislative committee in a meeting I had earlier today with the western Nebraska administrators, tend to see the allied schools concept as an overlay that is restrictive, that does not produce the kinds of things that they believe they can work on. I will add one more thing. I understand it's red. When schools talk about reorganizing, the discussion has to do with how many students we have. And how many students you have tends to dictate a lot of the things that are occurring and the discussions that occur. And of course it involves curriculum and a few other things. Allied schools is not, in our opinion, a defender of maintaining a school's...stay open or close. That's not the connection. In any case, that's a reflection of our legislative committee. The president of our association will also make some comments relative to the legislative committee. That's all I have. [LB49]

SENATOR SULLIVAN: Thank you, Mr. Habben. Any questions? Senator Cook. [LB49]

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SENATOR COOK: Thank you, Madam, Chair. And thank you, Mr. Habben. Are your remarks today in essence the same opposition you showed last year when we... [LB49]

JON HABBEN: I think pretty similar. Yeah, I think pretty similar. [LB49]

SENATOR COOK: Nothing new added. Nothing...none of the changes that Senator Scheer made to the bill make it less horrible than it was last spring when we were all there waiting to vote? [LB49]

JON HABBEN: Thank you. Thank you for that question. Yeah, toward the end of the...toward the end, Senator Scheer had an amendment that included the financial reimbursement piece. And it didn't really strike a chord, because the opposition to the allied schools concept was the overriding point. And, you know, I think there was a question of, is there any money left to really do this kind of thing in this fashion? But that was not for...ours to say, obviously. The changing to three periods...as a principal for many years and a superintendent in small schools, I can tell you that once you start locking up periods, whether it's all of them or some of them, you have affected everything. You have affected teacher assignments. You have affected locations of classrooms. You have affected all kinds of things. It is not simply, lock them up and call it good. It doesn't work that well. If you're familiar with the conflict matrix...I don't know that any of you have seen that. Certainly Senator Baker has. It would give you the impression of, oh my. There are that many permutations and combinations in this discussion. Senator Kolowski has seen this for years. I mean, it is a complex thing that everything affects everything. So that was not really something that excited very many people. Removing the calendar was, yes, of course. The schedule: not a lot of difference in forming the opinion of our rural district representatives. The money: You know, it's one of those circumstances where, yes, being able to get reimbursement for all of these kinds of things is important, but the overriding question still was the allied school concept. So that's as far as I can tell you with that. (Laugh) [LB49]

SENATOR COOK: All right. Thank you. [LB49]

SENATOR SULLIVAN: Any other questions? Thank you, Mr. Habben. [LB49]

JON HABBEN: You're welcome. [LB49]

SENATOR SULLIVAN: Welcome back. [LB49]

JOHN BONAIUTO: (Exhibit 4) Thank you. Senator Sullivan, members of the committee, John, J-o-h-n, Bonaiuto, B-o-n-a-i-u-t-o, representing Nebraska Association of School Boards. What's that old saying? When you dig yourself into a hole, sometime you want to stop digging? Let's see how...if I get a little deeper here on this bill. Actually, I have

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talked to Senator Scheer, and I wanted to acknowledge the fact that he has listened and he has made an effort to make some changes from last year's bill. Unfortunately, in talking to the school board members--and you have the position that the School Boards Association has taken with their resolution, and I won't read that for you--that the two groups aren't close enough to come together. And so we still are not able to embrace his concept, although I know that he's trying to do this for a lot of the right reasons. But board members are talking about the fact that this is still mandating what board members can do as board members right now if they need to work with other districts. In visiting with board members from...I'll give you an example: Wauneta-Palisade, talked to Jon Anderjaska. And he said, this takes the flexibility that smaller school district boards need, because depending on the students' needs, this year they may work with these two or three districts, and then another group of students, they need to go to other districts. So the districts that might be in your allied group may not always be the districts that you need to work with. Sometimes they may need to work with North Platte. But then another year they may not work with North Platte. So I think that flexibility is critical. And that may be one of the biggest stumbling blocks for the board members and the districts, that it needs to be more fluid and it should be something that they decide locally. With that, I'm going to conclude my testimony. [LB49]

SENATOR SULLIVAN: Thank you, John...Mr. Bonaiuto. It occurs to me: Is there any mechanism--and maybe you can't answer this--that provides all the school districts information about what is available in all the other school districts that...as far as distance learning and cooperation along those lines? [LB49]

JOHN BONAIUTO: And I saw a nod, and I was going to say I used to know the answer to that question. I believe the department does have that information available to districts. [LB49]

SENATOR SULLIVAN: Okay. [LB49]

JOHN BONAIUTO: And so it's easier now than it used to be. And I've...there's a special site that... [LB49]

SENATOR SULLIVAN: Okay. And maybe the ESU Coordinating Council provides that. Okay. [LB49]

JOHN BONAIUTO: Yes. It is very much a part of that. And so... [LB49]

SENATOR SULLIVAN: Okay. Very good. Thank you. Thank you. [LB49]

JOHN BONAIUTO: Thank you. I needed that help. (Laugh) [LB49]

SENATOR SULLIVAN: Okay. All right, me too. All right. Senator Pansing Brooks.

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[LB49]

SENATOR PANSING BROOKS: Thank you, Madam Chair. Thank you for coming, Mr. Bonaiuto. I'm wondering about if you could speak a little bit to the concern that Senator Scheer had about the districts that are closing, the ten districts that have closed. And, I mean, when I listened to him it seemed reasonable that there be some efforts made to the economies of scale and making that all work out. So can you speak to that a little bit? And I understand not wanting to mandate things and not wanting to force people to do things. But also having those educational systems available in closer proximity to students in the western part of the state is also important. [LB49]

JOHN BONAIUTO: Sure. [LB49]

SENATOR PANSING BROOKS: So could you speak to that a little? [LB49]

JOHN BONAIUTO: It...I'd be happy to. And what Senator Scheer is saying is a reality and a concern. The...unless something extraordinary happens, many districts...they just continue to shrink. It's really hard to get the students. You talk to people in the smaller districts, and they don't have small class sizes because they want to, it's what they have, and trying to maintain their accreditation and all of the things. And the economic development piece that Senator Scheer referred to is the one where you hate to lose a school in a community. That does have an impact, a real impact, on that community. But the boards are trying to keep those sites open and viable as long as they possibly can. And what happens is...and it's not unusual for school board members to be the ones that start the discussion about consolidation or reorganization because they really see that at some point they need to have other districts to maintain their viability. And it is hard. It's hard on communities. It's hard on board members. But it is just what's happening in greater Nebraska. And if we could get some...it's the chicken or the egg. And I think Senator Scheer is talking about the pieces. If you have economic development where you can attract some kind of a business or an industry that would bring people to your community that would have children, that would be wonderful. That just...that's hard to do. [LB49]

SENATOR PANSING BROOKS: Thank you. [LB49]

SENATOR SULLIVAN: Senator Groene. [LB49]

SENATOR GROENE: They're all trying to do this already to keep their doors open. There isn't any superintendents or school boards out there... [LB49]

JOHN BONAIUTO: No. [LB49]

SENATOR GROENE: ...boy, they're a rival over there, I'm not going to talk to them.

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They want to keep their doors open. [LB49]

JOHN BONAIUTO: Yes. [LB49]

SENATOR GROENE: And what I've seen, it's finally to the point, you've only got five kids and there ain't no six-foot...six-man football team, is what closes the door in reality. [LB49]

JOHN BONAIUTO: Yeah, it's the... [LB49]

SENATOR GROENE: It's the trophy case. It always is. I've lived in small town America all my life. It's not the chemistry teacher. But anyway, that's just... [LB49]

SENATOR SULLIVAN: Thank you for your testimony. [LB49]

JOHN BONAIUTO: Thank you. [LB49]

SENATOR SULLIVAN: Welcome. [LB49]

MATT FISHER: Good afternoon. I'm Matt Fisher, M-a-t-t F-i-s-h-e-r. I'm the superintendent at Northwest Schools in Grand Island. I'm here, I guess, for a number of different reasons. I am the president of the NRCSA association, so I guess that's one of my affiliations. But that really isn't the full reason that I'm here. The last two days I've spent in Lincoln. Yesterday I was at the school board, NASB, conference with a couple of my board members and this piece of legislation was a topic that I had a opportunity to spend time discussing with board members and colleagues. And then I spent yesterday afternoon with the NRCSA legislative committee, and again we had this discussion about this piece of legislation. And then this morning...I'm also a member of the Council of School Administrators legislative committee and they met this morning. Again, we spent time on this topic, so I guess I felt compelled to come and share some thoughts. I didn't list any of those organizations as my supporting organization for being here because they really aren't. I'm here, I guess, basically because I feel it's important to education. I want to just give you a little bit of historical background and my experiences with the things that are relevant to this piece of legislation. I started my teaching career at Rock County High School just a little ways north on the road from where Mr. Christensen, who was here earlier, is up in Bassett, Nebraska. And during the mid-'90s I was the principal there, and we ran into that exact experience that Senator Scheer talked about. Our Spanish teacher, and that was a Spanish teacher that we shared with Ainsworth, one of our neighbors down the road...at that time we had them driving back and forth but the distance learning technology was just becoming available. And several of the other schools in the area were experiencing a same situation where they didn't have Spanish teacher. And so we decided, the schools in ESU 17 area, which basically was all of Rock County and Brown County, Keya Paha County and Cherry County, so

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pretty much the north-central part of the state, we all met together. We created a common calendar. We created a common schedule, all of the things that were a part of Senator Scheer's bill last year, we did those things because we felt like they were in the best interest of our students. And, you know, so voluntarily we did those things. We started out and utilized that system for a number of years. And during that time that we were utilizing that common calendar or that common schedule, we had schools that moved in and out of that planning process and utilization process. Sometimes it worked. Sometimes it didn't. Sometimes schools were more interested in adding a class that they could pick up through their community college. We were spread over two different community colleges so different schools had different opportunities based on where they were located. One of our scheduling challenges was being in different time zones. So as we structured our schedule we had to make our first periods not match because we're in different time zones and it didn't make sense to bring the kids to school at the time in one time zone. So that was my experience with what we're talking about when I was there. From there I went to Chase County High School as a high school principal. And there, there was already a very developed distance learning system in place. ESUs 15, 16, and some of the schools from ESU 10, so basically all those schools from Benkelman to Callaway, from Hyannis to Cambridge, that whole chunk of the state, were sharing courses back and forth. And again, it was structured such that some years you might utilize one school as your partner school for a particular subject. The next year it might be somebody different for a different subject. Schools had the flexibility to move in and out as they needed to. So, you know, I think that, you know, as I read the intent of LB49, to me it implies that schools are unwilling or unable to create the best opportunities for students. And I don't think that that is the case at all. I think it's been done very successfully by schools throughout the state for many years. And I think it's very important that the committee understand that this is being done. Is it being done everywhere? Probably not. But it's being done in a majority of the cases. And I think that to legislate something that would restrict how schools are able to utilize the partners that they see as the best partners I think is very unnecessary. And also I would see it as probably quite likely something that would be counterproductive. Thank you. [LB49]

SENATOR SULLIVAN: Thank you very much, Mr. Fisher. It occurs to me that if, in fact, as you said, there is a lot of this going on, are there ways through policy we could even make it better or allow even greater opportunities? [LB49]

MATT FISHER: You know, I think...again, I'm a firm believer in local control. And I think through my experiences...and I am very definitely a small school person, even though I'm at Grand Island Northwest. I always tell people that's way bigger and way further east than I ever intended to be. I grew up in Hyannis. And I think that school people, and in particular small schools, have a tenacity that makes them go and look for solutions. And I think that, you know, they have policy in place. If you're going to do policy, what I would do is put dollars out there that would be available to those schools that choose to do it and not mandate that they have to do it in any particular structure.

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[LB49]

SENATOR SULLIVAN: Thank you. Any other questions for Mr. Fisher? Senator Schnoor. [LB49]

SENATOR SCHNOOR: Thank you, Mr. Fisher. Did all these challenges that you went through...did it help your school district? [LB49]

MATT FISHER: Well, ultimately, yes. We were able to offer things that we would not have been able to offer, you know, had we not gone through the challenges and worked to put things together. It was beneficial. And like I said, it worked well to have a common schedule and to have a common calendar. But it worked well because we could choose when we wanted to utilize it and when we wanted to move in a different direction because of what our particular students' needs were. [LB49]

SENATOR SCHNOOR: Okay. And you did this on your own, no mandate, no legislation that told you you had to do it? You just wanted to do it because you felt it was the best for your kids? [LB49]

MATT FISHER: Absolutely. [LB49]

SENATOR SCHNOOR: Okay. Thank you. [LB49]

SENATOR SULLIVAN: Senator Kolowski, did you have something? [LB49]

SENATOR KOLOWSKI: Yes. Thank you, Madam Chair. Matt, thank you for being here today and for your testimony. Can I ask you the number of students at Northwest at the current time? [LB49]

MATT FISHER: K-12 we're about 1,450. [LB49]

SENATOR KOLOWSKI: 1,450? And the high school is about how large? [LB49]

MATT FISHER: High school is around 750. [LB49]

SENATOR KOLOWSKI: Nice. That's nice. And that's middle and high together, or high? [LB49]

MATT FISHER: That's just high school, 9-12. [LB49]

SENATOR KOLOWSKI: Okay. Excellent. I think one of the driving forces that has made you as creative as you are with all those options that you brought into play with the kids where you've been...you're probably asking the same question I asked when I had over

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2,200 kids in a high school. And that's: What are we doing and what are we offering, because I always thought about who my graduates would be sitting next to in whatever college or university they go to? [LB49]

MATT FISHER: Um-hum. [LB49]

SENATOR KOLOWSKI: We try to provide the very best opportunities so the competitiveness on their part would be matched wherever they might go. And I think you're trying to do the same. And I commend you on that. It's good to hear that. And I know Senator Scheer well enough that he wants to see that with the options he's talking about in the same way. There just hasn't been a connectivity of some of the things that you're doing naturally with his bill. But I think it's good to see the...and hear the results and creativity you've brought to rural America that we need to have more of as we totally connect the state with opportunities in the very near future. So thank you. [LB49]

MATT FISHER: You're welcome. [LB49]

SENATOR SULLIVAN: Thank you, Mr. Fisher, for your comments. [LB49]

MATT FISHER: Thank you. [LB49]

SENATOR SULLIVAN: Any other testimony in opposition to LB49? Anyone wishing to speak in a neutral capacity? Senator Scheer, for closing. [LB49]

SENATOR SCHEER: I've got to say it's getting better. (Laughter) If you had been here last year, you would know exactly what I'm pointing at, but it is truly getting better. A few things I want to share: In relationship to...there was a lot of comments, well, gosh, we work with district A and B this year, and next year we might want to work with district C and D. This bill doesn't stop them from working with any district they want. They have the flexibility to do whatever they're doing right now. All it does is say that, for three of you, you're going to have the same first three schedule, first three bell schedule. That's it. Those that would want to work better in the afternoon, they can do that. They can do it now. This doesn't prohibit anything. It encourages it. In fact, if they wanted...if they don't want to use the first three periods for whatever reason, they're going to be able to work later in the day. They can still get the same reimbursement. It doesn't say you have...it's only good for those first three periods, that's part of the deal. But the funding doesn't follow three periods. It follows the day. And it follows...the funding follows regardless if you're working with those three school districts. You can use it for the first three periods. And maybe I'm working with Senator Morfeld and Senator Sullivan. And if I'm working with Senator Schnoor's district in the afternoon, if those cost additional dollars or for equipment and so forth, those are reimbursable as well. It doesn't...this isn't pigeonholed. I want to address the local control, because last year it was exactly the same. And what it really comes down to is, don't tell us what to do. I get that. I was

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on a school board for 25 years. But the fact of the matter is, we can't continue to do things the way we've done them for the last 25 years and sort of expect different results. Mr. Habben said...well, maybe it wasn't Mr. Habben. One of the testifiers said, you know, unless something really, really strange happens, you know, we're going to continue to lose schools. Well, if we don't do anything, you can bank on it. I'm...we've got to try something. Again, is this perfect? Maybe not, but it's something. And we haven't been noticing any difference for the last several years. I want to give you an example of why it still has local control. For those of you in education, you know exactly what I'm talking about. And some of those that may not be, I'll explain. The Department of Education, the State Board of Education, has Rule 10 that governs schools. Right now, Rule 10 says you have to have three continuous years of math. Next month they can change Rule 10 and say you've got to have four. Now, is that local control? From the state board, they would say yes. We didn't tell you what math you have to have. We're just telling you, you have to have math. You can put whatever math you want in. You just have to have a fourth year of math. That's local control. This bill says, get together with two other districts, doesn't tell you who, doesn't tell you where, doesn't tell you that you have to do anything. Just get together with two districts. That's it. Your local board still gets to decide everything that's going to happen. They didn't lose anything. We're encouraging cooperation. There's nothing wrong with that as a state policy. If they're already doing them, God bless them. What's the difference? For those that aren't, maybe we can get a fire lit under them so something does happen. I'm sure all of you have looked at the new equalization formula...or, it's not a new formula, but the printout that the Senator Sullivan sent out this week, or maybe it was last week. I don't recall. If nothing changes, and certainly you have the ability to change that, so I'm only speaking as if what was there now, next year we will have 35 more school districts that are nonequalized. And what that means, exclusively, they're all small school districts, they may...were only receiving \$50,000 before. They might have been receiving \$500,000 before, but it's all going to come from local property taxes now. Those people that are looking for tax control or tax refunds or reductions in property taxes, that's not going to happen in those 35 districts, can't. And they're going to be looking at school districts saying, screaming, why can't you do a better job? Here's an opportunity. We can provide more, not necessarily with less, but at least we can go out and say, we're doing more with the same dollars. They're not going to be happy with what's happening. None of them are. It's been going on for the last two or three years that I've been down here. And if we're going to be honest with ourselves, it's going to happen again next year, because these valuations are still a year behind. Last year was still a pretty good year for farm ground. So it is going to continue to accentuate in rural areas. Those of you that will be involved with communities and looking, again, at the economic development...I'm from a larger community. Senator Sullivan is from a small community, some larger, some smaller on this committee. But when a business looks at expanding or moving--I'm going to tell you, because I've had different lives in public service, I was a mayor once--first thing they asked: How are your schools? If a community doesn't have a school, they don't have a chance. Yeah. Is a school's

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problem because...is it a problem that the enrollment is going down? Absolutely. But this is trying to address some way to rebuild that, because if that school merges or consolidates, it's never going to happen. You're not going to get businesses to go into those communities, because they don't have a stream of continuous work force. That's what they're looking for. We can't continue to do the same things, because as we talked earlier, those numbers are going down. They're going to continue to go down. Is there nothing we can do? I don't know. We can not forward this, and we'll find out. But based on the last three or four years' history, something tells me it's only going to get worse. We have the opportunity to at least try to equalize the educational opportunities for those kids. That's first and foremost. Those kids should be getting the same education in Burwell or in Taylor as they are in Bellevue or LPS. There shouldn't be a difference. And this opens up those opportunities. Districts can share with whoever they want. You know, I...and I appreciate the board member from Taylor. That's a long drive. We used to have some ground out there, so I can appreciate he took the time to come down here. And I listened to what he had to say. But when you go back and listen to it, they're sharing some teachers, two teachers, as I recall, math and Spanish, as I recall. They're only nine or ten miles apart, but his concern with this is, oh, well, we're going to have snow days. Well, I've got news for you: The roads are icy, those teachers aren't driving back and forth. You've got the same problems they're going to have regardless if this is instituted or not. What was even more telling was, this all works for activities. By God, we can make it work when we want to make sure we keep the football going or the volleyball team, but are we going to enhance education or the educational opportunities? Nope, don't tell us what to do. I don't want to tell people what to do. I want to give them the opportunity to do more, do better and at least not put it in the hole trying to get it done. This bill does that. We can't afford to let time march on and not do anything. Worst case scenario: Two, four years from now this bill didn't do a damn thing...excuse me, didn't do a thing. Best case scenario: In four years, we've got kids taking more and more classes, coming out of small school districts better educated, higher levels of achievement, wanting to come back to those local communities. Which is it going to be? If we do nothing, it can only be one way. If we do something, we at least have the option, the hope, of something changing. I'll answer any of your questions. [LB49]

SENATOR SULLIVAN: Thank you, Senator Scheer. Any questions for him? Thank you. [LB49]

SENATOR SCHEER: Thank you very much. [LB49]

SENATOR SULLIVAN: Yes. [LB49]

SENATOR SCHEER: I promise I'm not coming back tomorrow. (Laughter) [LB49]

SENATOR SULLIVAN: This concludes the hearing for today. [LB49]