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Education Committee
February 24, 2015

[LB379 LB382 LB435 LB601 LB617 CONFIRMATION]

The Committee on Education met at 1:30 p.m. on Tuesday, February 24, 2015, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on a gubernatorial appointment, LB601, LB379, LB382, LB435, and LB617. Senators present: Kate Sullivan, Chairperson; Rick Kolowski, Vice Chairperson; Roy Baker; Tanya Cook; Adam Morfeld; Patty Pansing Brooks; and David Schnoor. Senators absent: Mike Groene.

SENATOR SULLIVAN: Good afternoon, everyone. We'd like to get the hearing underway. We are expecting a call in on a reappointment to a commission. I'm Kate Sullivan of Cedar Rapids. I'm Chair of the committee and I represent District 41. Several of our members are introducing bills in other committees but those who are here, I'd like them to introduce themselves. Senator Baker.

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

SENATOR COOK: I'm Senator Tanya Cook from District 13 which is northeast Omaha and Douglas County.

SENATOR SCHNOOR: I am Senator Dave Schnoor. I represent District 15 which is Dodge County.

SENATOR SULLIVAN: Thank you, Senators. And as I said, the others will be joining us as the afternoon progresses. We have several staff that are helping us. To my immediate left is LaMont Rainey who is one of the legal counsels for the Education Committee. To my far right is Mandy Mizerski who is the committee clerk and will make sure that we have an accurate record of today. And we also have a page helping us, Seth Thompson from Ogallala. And he's a student at Wesleyan majoring in criminal justice and political science. And the two senators who have just joined us, would you please introduce yourselves: the Vice Chair of the committee.

SENATOR KOLOWSKI: Rick Kolowski, District 31 in southwest Omaha.

SENATOR MORFELD: And Adam Morfeld, District 46, northeast Lincoln.

SENATOR SULLIVAN: As I said, today before we start the hearings on the bills, we do have a reappointment to a commission. So we'll be hearing from that individual shortly via a call in. So as I'm going through all the protocol for the committee, we might be interrupted as soon as that

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call comes in. We will be hearing testimony today on five bills, LB601, LB379, LB382, LB435, and LB617. If you are planning to testify on any of those bills, we ask that you pick up a green sheet that is on the tables at either entrance. And 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. Regarding the green sheet, we ask that you fill it out completely before you testify. Please print and then when you come up to testify, give it to the committee clerk. If you have handouts, please make sure you have 12 copies for the pages to hand out to the committee. When you do come up to testify, please speak clearly into the microphone. Tell us your name and spell both your first and last names again for the record. Perhaps I don't need to say this, but I do remind everyone to, please, turn off your cell phones, pagers, or anything that makes noise so as not to be distracting to the testifiers. The introducers of the bill will make the initial statement followed by proponents, opponents, and neutral testimony. And I'll stop right there and we will take the call. Yes, is this Dr. Gong?

BRIAN GONG: Yes, this is Brian Gong. [CONFIRMATION]

SENATOR SULLIVAN: Hi. Okay, Dr. Gong, we are...the Education Committee is here and ready to hear your testimony. As I understand, this is a reappointment to the Technical Advisory Committee for Statewide Assessment. Is that correct? [CONFIRMATION]

BRIAN GONG: That's correct. [CONFIRMATION]

SENATOR SULLIVAN: Could you tell us a little bit about, since this is a reappointment, your experience on the committee thus far and why you'd like to continue? [CONFIRMATION]

BRIAN GONG: (Exhibit 1) Sure, the...as you may know, the committee is established to provide technical assistance or advice to the Nebraska Department of Education regarding assessment and accountability, accountability being the use of the assessment information for a variety of educational purposes. In the course of...that the committee, the Technical Advisory Committee, usually meets about twice a year and has an agenda that is set by...primarily by the Department of Education that focuses the technical advisory committee's attention on issues about which the department would like to have advice. And some of the...because the committee only meets twice a year, there are some things that the department may consult on through e-mail or other things because they can't get everything done in the one-day meetings that we have. The...I think the function of the Technical Advisory Committee is to provide a technical expertise as well as an outside perspective. Now, outside perspective is both outside the state and then outside the department. As you know, two of the members of the current committee are Nebraska educators, an administrator and a teacher who is also a board member. I think that balance of perspectives is very important. And the technical advice, I think--I hope--is helpful to the department. I'm a

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member of several technical advisory committees for states. And in some states that are large, they have departments that have that technical expertise in house, but they still usually have an outside technical committee to provide some balance and perspective and check on things. States that don't have quite as much technical experience rely more heavily on their technical advisory committees. My experience has been that Nebraska has used its technical advisory committee very well. Nebraska has a number of very interesting technical challenges. As you know, the state has been transitioning from primarily a local assessment system, which from a technical perspective is very interesting, to a state-sponsored, centralized assessment. And any time an assessment starts up, there are a number of technical issues that it's good to have advice for. Personally, I've enjoyed the experience very much. The department is very professional. The other members of the committee are very collegial. I think there's a good give and take. People are very willing to say what they think but do it in a civil and respectful way. I hope that the advice has been useful to the department. [CONFIRMATION]

SENATOR SULLIVAN: Dr. Gong, what particular aspects of your background and expertise do you bring to the table? [CONFIRMATION]

BRIAN GONG: My background is: Currently I'm the executive director of a nonprofit company called the Center for Assessment. We provide technical assistance primarily to states around large-scale assessments. We're working currently with about 35 states and a number of districts and then we provide technical assistance and advice to other organizations that are interested in assessment and accountability issues. We've worked with the U.S. Department of Education. I'm working on a group now that is revising the federal peer review guidance for English language proficiency assessments. We've worked with the Council of Chief State School Officers extensively with the National Center on Educational Outcomes which specializes on assessment for students with disabilities. So I've had...worked in this area for 20 years and I have had a wide range of experience for most of the types of issues that come up in large-scale assessment and the uses of assessment over the past 20 years which have certainly changed over time. [CONFIRMATION]

SENATOR SULLIVAN: Thank you very much. Are there questions for Dr. Gong? Seeing none, thank you for your testimony. If you'll just perhaps stay on for just a minute, we'll see if anyone else wants to make comments regarding your appointment. Is...are there any? Seeing none, again, thank you, Dr. Gong, for your service and for calling...oh, excuse me. Senator Pansing Brooks would like to ask a question. [CONFIRMATION]

SENATOR PANSING BROOKS: Sorry. I would. Thank you, Dr. Gong, for calling in. You're certainly an amazing writer. You have lots of incredible publications and presentations that you've listed for us. I'm interested just if you could give a brief overview of...you've been writing

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and been quite connected in the peer review of No Child Left Behind. And I...do you have a quick summary that you could give to us about your current stand? It looks like you've been working on it for a while and it says that you're in process of finishing or of working on a paper on the validity and reliability of school accountability, so I was just wondering how that all is coming along. [CONFIRMATION]

BRIAN GONG: (Laugh) Well, I think that there are two main points just quickly about this. One is that education is a function of the states. And there's been this interesting interplay between the federal government and states for the past, you know, 20...actually longer than that, but the strong hand of the federal government going on for about 20 years. And so the Center for Assessment in contrast with the states...the states will typically say, we have a mandate. Either our state legislature or the federal Congress has decided to do something and we want to make sure that we can do that in as valid and reliable a way as we can. Can you help us do that? And so our position largely is, if the states feel that that's what is best for them then we typically are quite willing to help them. So we aren't passing judgement on what states are trying to do. Sometimes they say, you know, we know that this isn't the best policy but we have to do it. So we just need to do it as well as we can. My personal opinion about No Child Left Behind is that I think it had many good intents. From a technical standpoint, it had a lot of faults. And those, I think, were pointed out from 2001 when it first came out. And I think that people have been sort of trying to work around the problems and advocate for changing them and hoping that when ESEA is reauthorized that those wouldn't be repeated. We'll see how the U.S. Congress does in terms of its next round. But our...I guess our position is that we try to help states do the best they can with the hand that they're dealt. [CONFIRMATION]

SENATOR PANSING BROOKS: Well, thank you, Dr. Gong. Of course, that's the conundrum because you're looking to states to see whether or not they think it's beneficial. And of course, states are looking to the federal government to look at what you all think is beneficial. So it's, again, the chicken and the egg and who is going to listen to whom. Anyway, thank you very much for your time and testimony. [CONFIRMATION]

SENATOR SULLIVAN: Any other questions for Dr. Gong? Again, thank you for your service and for calling in today. This will end the hearing on the reappointment. [CONFIRMATION]

BRIAN GONG: Thank you very much. [CONFIRMATION]

SENATOR SULLIVAN: All right. I will continue as I was kind of laying out the protocol for today. We will be using the light system today. After the introducer makes the initial statement then each testifier will have three minutes. And we really hope that you will abide by that. The yellow light comes on, you have one minute to complete. And then when the red light is on, you

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need to be ending your testimony. And to that end, also while the committee hopes to allow themselves to ask questions, that's exactly and precisely what we will try to do rather than having a long interaction with the testifiers. So we'll want to make sure that, to the extent we can, everyone has a chance to have their say today and also indicating sometimes--I don't anticipate this--but to be respectful of everyone's time and efforts and no displays...outward displays of emotion concerning anything that might be said today. Okay, I think with that in mind, we will start with our first bill, LB601 with Senator Bloomfield. Welcome, Senator. [CONFIRMATION]

SENATOR BLOOMFIELD: If I don't fall down here before I get in the saddle... (Laughter) Good afternoon, Chairwoman Sullivan and colleagues. 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. I'm here today to present LB601 to the committee for your consideration. The intent of LB601 is to prohibit any member of a school board from having a contract to teach or being employed in any other capacity by that school district. It also states that no immediate family member of a school board member shall be employed by the school district while said school board member is serving on the board. LB601 defines a family member as being the spouse, child, parent, stepchild, or stepparent of the school board member. I understand that this is not necessarily a popular bill. I brought this bill after hearing from constituents for the last two years about concerns they had with how their school board was handling the issue. Some of these individuals will be following me. Please keep in mind, they are testifying here today much to the dismay of some members of their community. You will hear from opponents that this is not a problem, that this will make it incredibly difficult to find individuals to serve on school boards especially in the rural areas. I will concede that we currently do not allow board members to hold a teaching position in the same school district but is it not a conflict of interest if they are hired by the district in some capacity? I acknowledge that there are ways to avoid the conflicts of interest that may arise. But how can you avoid these conflicts when five out of six of your board members have immediate family members working for that district? How do you have three impartial members to serve on the contract negotiation team when the livelihood of your family is in part determined by those very negotiations? Oftentimes, in small communities, you find that it is the same group of individuals that are highly involved in the community. Maybe if we put these limitations on school board members, we will see more individuals willing to get involved. It is not only the conflict that we must defend against but the very perception of conflict of interest. This change will be met with opposition. That doesn't mean that it's the right thing...not the right thing to do. I was told before I was appointed down here that nobody would take the position that I vacated, which was chair of the county political party, if I resigned. We wouldn't get anybody to fill that. The party would melt away. Well, the party is stronger than it was in Wayne County when I left that position. People will step up if they're challenged. The idea that we would have half, five-sixths of a school board run by people that work for that school board system is...seems atrocious to me. And there are...like I say, there are people following me that will testify to some of the

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problems they've run into. And I'll try to answer any questions you might have, but they're going to be better able to do it than I am. Thank you. [LB601]

SENATOR SULLIVAN: Thank you, Senator. One question, though, regarding the way the bill is written right now: You do not grandfather in those existing school board members or employees. Is that correct? [LB601]

SENATOR BLOOMFIELD: I don't want to force a mass retirement if that's what you're talking about or a resignation. [LB601]

SENATOR SULLIVAN: Or a resignation, yeah. [LB601]

SENATOR BLOOMFIELD: I...if you want to put some sort of an amendment in there that would give them some time, I would like to see it done away with. I don't know that we should grandfather in everybody that's there right now because, like I said, that one board at least, the letter I got said that there was five of the six members had people working for the school board. [LB601]

SENATOR SULLIVAN: Okay. Senator Baker. [LB601]

SENATOR BAKER: Senator Bloomfield, I want to refer to the first section where you say: No member of the school board shall be employed in any capacity, essentially. What about a volunteer? [LB601]

SENATOR BLOOMFIELD: If he's volunteering, he's not getting paid, and I don't have a problem with that. He's not really an employee. [LB601]

SENATOR BAKER: Thank you. [LB601]

SENATOR SULLIVAN: Any other questions? Senator Schnoor. [LB601]

SENATOR SCHNOOR: Employees, you're talking full- or part-time? If you're...say you drive a school bus every now and then for activities. You are getting a paycheck although you're just there working on a part-time basis. [LB601]

SENATOR BLOOMFIELD: I think anybody--and again, this is my thought and the committee certainly has the right to adjust anywhere they want to go there--but anybody that is receiving

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payment from that school probably should not be involved in making the decision of how much they get paid. [LB601]

SENATOR SULLIVAN: Any other questions? Senator Kolowski. [LB601]

SENATOR KOLOWSKI: Thank you, Madam Chair. Senator, I just wanted to share some e-mails that I've received on this topic, as you can imagine, and... [LB601]

SENATOR BLOOMFIELD: I would...we probably both got the same e-mails. (Laugh) [LB601]

SENATOR KOLOWSKI: I think we probably did. (Laughter) And also the experiences we had working on the NRD board...as we talked about boards across the state, 23 NRDs, in some places, including school boards, they're having trouble getting people to run, having people to come forward with the time and energy to do things and you have a limited population. One of the e-mails I had was four people working in the district that were connected familywise to some board members: a bus driver, a cook, a paraprofessional in the classroom, and one other position. Those are not the decisionmakers as a board of education is chosen to be the deciders for policy and direction in that district. I'm trying to get a feel for the linkage that you see of that being a threat or a negative upon a population base that may have trouble trying to find enough qualified individuals to do the things that you need done in a community and then you'd be hampered because your mother or father or someone is a school board member. Would you respond to that? [LB601]

SENATOR BLOOMFIELD: It is my understanding that, when I was on the school board but...I hate to think but it's been 40 years ago that I was on the board. But at that time, the school board decided how much the cook got paid. And I assume they still do and that they have some input into the decision how much the bus driver gets paid. And in that case, I would...I really don't know that the husband or the wife of the school board...or of the bus driver should be serving on the school board making that decision. And that's the intent of this bill. [LB601]

SENATOR KOLOWSKI: And that's a rampant problem in certain areas, or... [LB601]

SENATOR BLOOMFIELD: I'm going to let the people behind me answer that if it's all right with you, Senator. [LB601]

SENATOR KOLOWSKI: That's fine. Thank you, sir. [LB601]

SENATOR SULLIVAN: Senator Baker. [LB601]

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SENATOR BAKER: Senator Bloomfield, actually my predecessor Norm Wallman was a board member. His wife was a teacher. I remember that he would abstain from those parts of anything that had to do with compensation of teachers. Would that be a common practice, do you think? [LB601]

SENATOR BLOOMFIELD: Senator Schnoor and I have discussed this and their board does the same thing up there. But when you have five members, how do you abstain? And I guess I'm not supposed to ask you that but I did. (Laughter) [LB601]

SENATOR SULLIVAN: Any other questions? Will you be here for closing? [LB601]

SENATOR BLOOMFIELD: I will not. I'm going across the hall and we're going to talk about animals. [LB601]

SENATOR SULLIVAN: All right. Thank you very much. [LB601]

SENATOR BLOOMFIELD: Thank you. [LB601]

SENATOR SULLIVAN: We will now hear proponent testimony on LB601. Welcome. [LB601]

TROY LAUNSBY: Welcome. Ready? Senators of the Education Committee, I want to thank you for letting me talk today. And thanks to Senator Bloomfield for introducing LB601. I'm Troy Launsby, T-r-o-y L-a-u-n-s-b-y. And I'm from Homer, Nebraska. I went to Homer Community School K through 12 my whole life. I was on the board for ten years. My last board meeting was in December. So I've been on the prior ten years, as board president probably for three or four years, have three children that went through Homer Community School. One is now a senior at UNL. I have one that's a freshman at UNL. And my youngest daughter is a freshman at Homer Community School. And I want you to know, it wasn't real easy for me to come here today. As...my wife is afraid of the repercussions that could happen from me talking with you today. And some of the board members who have the conflicts of interest, they're my friends. And one is also my friend and my banker. I feel very strong about LB601 so I really felt strongly that I had to come talk to you today. Homer has a six-person board. Three of the six are employed by the school as coaches and one of the three has a wife who is administrative assistant. Over my ten years on the board, I've seen a lot of favoritism towards sport programs. We have a completely remodeled gym, new football field lights, and both were really fine before they were done in my opinion. Things like that seem to always come first at Homer Community School. Things like long-distance learning, offering of more classes, they don't take precedence over sports programs in our community. Now a little about myself: After graduating from Homer, I

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started repairing cars and selling cars. Before I got on the board, I never got any business from the school at all. After getting elected, they had me repair some of their vehicles and sell them some vehicles. And, you know, I never thought anything about this until we had the...we had a meeting with the school board association one evening. And the gal that gave the meeting, we talked about working for the school and being employed by the school and whatever. And she said it was a huge conflict of interest to do this and we should either resign or resign our position. And it kind of took a while for this to soak in. But, you know, after I thought about it awhile, they were absolutely correct. After thinking about all the things that happened at the school, I really...I believe she was right. So a few months later, I announced at a meeting that I couldn't work for the school anymore...I couldn't work for the school under the cars as long as I was on the board. And I wanted this printed in the minutes which the superintendent wouldn't...didn't want to do. I wanted everyone to know I realized my conflict of interest I had and I was going to solve the problem. I eliminated my conflict as a challenge for the other board members to do so. They had no interest in doing so. I haven't gotten any business from the school since and I don't think they appreciated my honesty. It's virtually impossible to make a good decision when you have, you know, something to gain. That's why I don't think you should work for the school and be on the board. Then you don't have to worry about putting yourself in compromising situations. Another thing I see as problematic is coaches, they spend too much time at the school. They hear a lot of things from teachers and staff about situations that make it almost impossible to have a biased opinion. It's too easy for them to make decisions on things they only know one side about. And if you have a wife working for the...in the office, you have way too much information on many subjects. I...it's short, can I just briefly quit? [LB601]

SENATOR SULLIVAN: Okay. [LB601]

TROY LAUNSBY: And this makes it almost impossible to make a nonbiased, you know, opinion on situations that may arise. As you can see, it's not right to work for the school and be on the board. It's really a conflict of interest. This can be resolved with LB601 passing. And another quick thing, we have tried to get different people to run for the board but a lot of people don't want to run to get...against these people. They have control and the other people don't want to go against that. [LB601]

SENATOR SULLIVAN: Thank you, sir, for your testimony. How big a community is Homer? [LB601]

TROY LAUNSBY: We have around 375 to 400 kids at any one time. [LB601]

SENATOR SULLIVAN: In the enrollment? [LB601]

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TROY LAUNSBY: Some of...and we have open enrollment kids too. [LB601]

SENATOR SULLIVAN: Okay. All right. Any other questions? Senator Kolowski. [LB601]

SENATOR KOLOWSKI: Thank you, Madam. How many other auto repair places are there in town? I'm thinking of competition among your own. [LB601]

TROY LAUNSBY: There's one. But as far as, like, repairs, there's one other guy in town. Car sales, Sioux City, Iowa is close, you know, and there's tons and tons and tons. [LB601]

SENATOR KOLOWSKI: How far is Sioux City? [LB601]

TROY LAUNSBY: About 15 miles. [LB601]

SENATOR KOLOWSKI: Okay. Thank you. [LB601]

SENATOR SULLIVAN: Any other...Senator Cook. [LB601]

SENATOR COOK: Thank you, Madam Chair. And thank you, Mr. Launsby, for coming and bringing your testimony today especially considering you come from a small community. I come from a large community by Nebraska's standards. And the challenges I would have with a proposal like this is that I can speak for myself and my own family: We're...both my parents were teachers in the district. I can think of many members of the school board who, through no fault of their own and no preplanning, were related to employees of that district which is 51,000 students. So as you consider this, is this something that you're just offering through your lens from a relatively small community? Or how might you see this playing out in...within a district like the Omaha Public Schools District or the Millard Public School District? [LB601]

TROY LAUNSBY: All I can think about, I guess, is when you know these people and they're your relatives, you don't want to make your friends and relatives mad at you. You sometimes might make a bad decision to keep everybody happy. [LB601]

SENATOR COOK: Okay. [LB601]

TROY LAUNSBY: My opinion. [LB601]

SENATOR COOK: Thank you. [LB601]

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SENATOR SULLIVAN: Any other questions? Thank you so much for your testimony. [LB601]

TROY LAUNSBY: Thank you all. [LB601]

SENATOR SULLIVAN: Welcome. [LB601]

ERIC GEORGESEN: Thank you, Madam Chair, Senators. My name is Eric Georgesen, E-r-i-c G-e-o-r-g-e-s-e-n. Thank you for allowing me the opportunity to testify for the need of LB601 and a special thank you to Senator Dave Bloomfield for introducing this bill. I'm a lifetime member of the Homer Community School District and currently have two children in junior high. I have previously served six years as a member of the Homer School Board, being appointed to fill out two years of a vacancy and thereafter being elected to serve a four-year term. Conflicts of interest by a school board member are legal under current Nebraska law. However, this legality has created significant issues in my school district. The Homer Community School Board has six members, three of which are employed as assistant coaches at the school. The wife of one of these coach/board members is also employed as the administrative assistant to the superintendent. Employment at the school while being a board member creates an additional issue related to contract negotiations. The athletic director at our school is also lead negotiator for certified staff in the negotiation process. Some of our board members/employees also represent the board during the negotiation process. Salaries of assistant coaches are paid as a stipend calculated as a percent of the salary of certified staff. Once again, the situation I described is legal under current Nebraska law. Although it may be legal, is it ethical and right? As a community member and parent and prior board member, I see other issues. One of the expectations of a school board member in the state of Nebraska is to be impartial and avoid micromanaging the school. As half our board members are employed in the athletic department, how does this not fall into micromanagement of a particular school activity? How can these board members remain impartial regarding board decisions that regard athletics? Our district just installed new lights on the football field this summer and rejuvenated the school gym. Were these board decisions not in some way influenced by their employment in the very department where public funds are being spent? Another issue that arises is impartiality in regards to student and staff issues that come to the board for review. As employees at the board...or as employees at the school, they have a working relationship with staff and are privy to information other board members are not. This includes student conduct as well. If a parent should come to the board with a problem regarding their child or a staff member, how can any board member/employee claim to have no foreknowledge of many of the situations that may arise? If a staff member should have an issue to bring to the board, would it not be awkward to address the very people you work with and expect a nonbiased review of an issue? As you can see, allowing board members and their close family to be employed at the school creates many awkward situations and raises many questions in regards to what constitutes a conflict of interest with how decisions are made. It is very hard to distinguish the line between personal self interest and the public

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interest. The reputation of a board as a whole suffers when half of its body is a school employee and/or spouse an employee. A board that does not have the respect of the community it serves is very ineffective in its duties. This lack of respect also makes it very difficult to recruit new school board members as they do not want to have their name associated with that type of behavior. I know that I am not sorry that my term on the board has come to an end. LB601 would be a great tool in removing conflicts of interest that currently exist throughout our great state and help inspire greater standards of ethics and integrity that our education system should demand. Thank you very much for your time. [LB601]

SENATOR SULLIVAN: Thank you, Mr. Georgesen. So how long have these assistant coaches been on the school board? [LB601]

ERIC GEORGESEN: We have one coach who is going on 20 years, his term. I do not know if he has been assistant coach all that time but he has been on the board for quite some time. One took the position that I held when I did not run and he was hired after the election as an assistant coach. [LB601]

SENATOR SULLIVAN: And are the... [LB601]

ERIC GEORGESEN: And I...that was a not an advertised position either. [LB601]

SENATOR SULLIVAN: Are the assistant coaches...are they certificated in... [LB601]

ERIC GEORGESEN: No, they are not. [LB601]

SENATOR SULLIVAN: Okay. All right. [LB601]

ERIC GEORGESEN: There's a head coach who is certified and they serve under him. [LB601]

SENATOR SULLIVAN: Um-hum. Okay. All right. Any other questions? Senator Baker. [LB601]

SENATOR BAKER: Thank you. Mr. Georgesen, is this something that's just fairly recent in the Homer Community district? [LB601]

ERIC GEORGESEN: No, it has always been an issue over the years with different board members and different employment situations, I would say. [LB601]

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SENATOR BAKER: So does this come up in board elections as an issue? [LB601]

ERIC GEORGESEN: It is...when the board...like, our last election, it was never mentioned. There was no one...what would you call, interview of the candidate type publications. There was nothing published in our paper. A lot of people are not even aware that these people are employees unless they know the situation well. [LB601]

SENATOR BAKER: So if they were, I suppose they could vote people out... [LB601]

ERIC GEORGESEN: Yes. [LB601]

SENATOR BAKER: ...that they thought were in a position of... [LB601]

ERIC GEORGESEN: That's the argument that some use, yes, but... [LB601]

SENATOR BAKER: Yes. Thank you. [LB601]

SENATOR SULLIVAN: Senator Kolowski. [LB601]

SENATOR KOLOWSKI: Thank you, Madam. Sir, I thank you for your comments and appreciate that. I come from a small town in northern Illinois. And I know small town culture and all the rest. And everybody knows everybody else's business and all those kind of things. If the behaviors of the board are truly well known, how do they get elected all the time? [LB601]

ERIC GEORGESEN: That's a very good question. The elections have been close, you know, but it's hard to throw out an incumbent as you know. That's why they have term limits in other situations and things like that. But I just feel it would be...serve the community better if they could separate an employee from a school board member. [LB601]

SENATOR KOLOWSKI: Do the coaches also feel in peril because of these assistant coaches that sit on the board of education? [LB601]

ERIC GEORGESEN: Well, I cannot speak for them personally. [LB601]

SENATOR KOLOWSKI: All right, but you know what takes place in a small town, who gets playing time, who is leading favoritism... [LB601]

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ERIC GEORGESEN: Yes, they all have children who play and, you know, if I was a coach I would think about it, yes, personally. I cannot speak for the coaches themselves but as for myself, if I was the coach in that community, I...would my job be safer if their children played? Probably. [LB601]

SENATOR KOLOWSKI: Thank you. [LB601]

SENATOR SULLIVAN: Do you know, in your visits, conversations with, maybe, board members of other communities, do you think that this happens in other communities? [LB601]

ERIC GEORGESEN: Yes, it does. Yes. It is...happens in other communities as well, I know. [LB601]

SENATOR SULLIVAN: Okay. Senator Schnoor. [LB601]

SENATOR SCHNOOR: Well, I was the board president at Scribner-Snyder and we had three of our six board members--and four at one time, because my daughter worked at the school--that are either employed or spouses teach, daughters work there, and so on and so forth. And for us it has never been an issue. So, you know, I guess that doesn't exactly answer your question. But in rural areas, I think it happens everywhere. And I think in some areas...obviously in your case it's a big problem, but in Scribner-Snyder we had no problem. You know, in fact, the vice president when I was the president of the board, you know, he asked specifically that he stay off negotiations committee because his wife taught so he would not get involved in that. So, you know, we always made sure that those things were taken care of. Now, does that stop people from spreading rumors or talking? No. But those...there can always be issues, but we were always able to work through it at Scribner. [LB601]

SENATOR SULLIVAN: Any other questions for Mr. Georges? Thank you so much for your testimony. [LB601]

ERIC GEORGESEN: Thank you for your time. [LB601]

SENATOR SULLIVAN: (Exhibit 1) Any other proponent testimony on LB601? I would like to enter into the record a proponent for the bill, John Ross of Bancroft, Nebraska. We will now hear opposing testimony. Welcome. [LB601]

JENNIFER JORGENSEN: (Exhibit 2) Thank you, Senator Sullivan. Committee, my name is Jennifer Jorgensen, J-e-n-n-i-f-e-r J-o-r-g-e-n-s-e-n, and I'm here on behalf of the Nebraska

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Association of School Boards in opposition to LB601. The biggest restrictions we see on LB601 for the school boards come up with some of the things that have already been stated as far as getting people to run for the board. We believe that it's hard enough sometimes to get good candidates to run for our boards. And if we place restrictions to get people to run for the board, that's going to be a detriment to our communities and our districts. The other thing is, again, the small communities, you're...a lot of times your schools are your largest employer, so it's going to be hard to find people who aren't in some way connected with the schools. But we also believe that this is going to affect larger school districts as well, larger school districts in a matter of, there's a lot of families that have, just, passion for education. And again, that passion in that family or that tradition in that family is going to resonate in those larger districts that it's just very common that somebody who had a parent or children that are part of education want to represent education on a school board. And we don't want to put restrictions on those people doing that. So we feel this is a small district and a large school distraction for our school districts. And most importantly, we feel that most of the problems that this is trying to solve are already addressed in our accountability and disclosure laws. And what I've passed out to you today is something that's actually been prepared by Frank Daley at the Accountability and Disclosure. This is something he specifically drafted for schools. And at the Nebraska Association of School Boards, we handed this out to our boards when we do training to talk to them about the conflict of interest that might arise being a school board member. And we highly encourage our school boards to look through this and to always follow the proper accountability and disclosure laws that are existing to take themselves out of voting. That might be a conflict of interest for them if it's a financial situation, if it's a contract that has a financial interest, as you'll see on the handout there. We truthfully believe that these kind of restrictions should really be addressed at the local level whether that be, again, with elections, talking about those restrictions at elections, or even policies. If this is only happening for a small area of districts then maybe they can implement some policies locally that would address this as opposed to making this an issue for our school boards across the entire state. And with that, if you guys have any questions for me, I can answer those. [LB601]

SENATOR SULLIVAN: Thank you, Ms. Jorgensen. So just having briefly looked at this and this...different scenarios, so it's, as you said, best handled at the local level. So when they have to file a conflict of interest, it's not...it's just simply put in the files of the local school district. Is that correct? [LB601]

JENNIFER JORGENSEN: It is. It doesn't have to be filed with the Accountability and Disclosure Act at the state level. So what they would do is they would fill out the form stating they had some type of conflict. They would give that to whoever keeps the records for their district. And that would be on record that they have a conflict. And then if there was ever a vote that dealt with the conflict, they would excuse themselves from that vote. And we even go so far

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as to asking them to possibly excuse themselves from the room during that vote so they can't be accused of, you know, influencing anybody else on that board. [LB601]

SENATOR SULLIVAN: So then it...if they happen to be in violation... [LB601]

JENNIFER JORGENSEN: At that point, we would say each individual board has the...definitely the ability to contact the Accountability and Disclosure Commission if they feel like there's something going on and trying to solve it at that level. [LB601]

SENATOR SULLIVAN: And if there is found to be, on the part of the commission, a violation then what's the next step after that? [LB601]

JENNIFER JORGENSEN: Off the top of my head I don't know what the penalties are for that, Senator Sullivan. But I can definitely look into that and find out what penalties would be assessed or what the next steps would be for that level. Absolutely. [LB601]

SENATOR SULLIVAN: Okay. All right. Very good. Senator Schnoor. [LB601]

SENATOR SCHNOOR: Is it...at Scribner when I was on the board, we had a policy that no...you couldn't be an employee or...excuse me, you couldn't teach and be on the board. Is that in statute? [LB601]

JENNIFER JORGENSEN: It is. It's already in statute that you can't teach and be on the board of the district in which you have a teaching contract. [LB601]

SENATOR SCHNOOR: Okay. [LB601]

JENNIFER JORGENSEN: So you can be on a different board. You can be a teacher and sit on a board of a different district. [LB601]

SENATOR SCHNOOR: Yes, and we had, I think, at least two teachers that fit that. But you cannot...the statute says you cannot teach at the district and be on the school board in that same district. [LB601]

JENNIFER JORGENSEN: You're right, absolutely. [LB601]

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SENATOR SCHNOOR: But employees, that could be...that...there's not a statute but it could be in their local policy to enact that? [LB601]

JENNIFER JORGENSEN: They could, absolutely, if they chose to do that at a policy level, they could then do that at a policy level. [LB601]

SENATOR SCHNOOR: Right. Okay. Thank you. [LB601]

SENATOR SULLIVAN: And regarding the filings of these conflicts of interest statements, following the rules of the commission, just to make sure I'm clear on this, so...but it's really on the onus of the school board to make sure that those conflicts of interest are filed locally? [LB601]

JENNIFER JORGENSEN: Yes, yes. It is. It would have to be, you know, the school district themselves or a superintendent, you know, asking about those conflicts of interest. But that's where, again--and I think the association can really help and we do try to help--is any time we do trainings or those kind of things making it very, very clear to districts that there is a responsibility on the board members to make sure that they are filling out the proper disclosure forms, how to deal with disclosures. We do trainings on that, how to deal with conflicts of interest. I know I get questions from school board members personally in my position at the association walking them through how to deal with it. And I think, at least from the short time I've been at the association, we do get school board members who do call me and are concerned about making sure they're following the proper conflict of interest laws. So we see, at least from our level, that people are concerned about this and want to make sure they're doing the right thing with conflict of interest. [LB601]

SENATOR SULLIVAN: What sort of latitude does a patron have if they're not on the school board in terms of being concerned and registering a concern about a conflict of interest? [LB601]

JENNIFER JORGENSEN: And that is a great question as well, Senator Sullivan. It's probably a question that I would pose more towards...to Frank at the Accountability and Disclosure and kind of find out from their level. We answer from a school board level if school boards have questions. But I can absolutely get you that answer as well. [LB601]

SENATOR SULLIVAN: And of course, that commission, in terms of fielding questions, they have a Web site. He's a...the staff there is available to answer questions. Is that correct? [LB601]

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JENNIFER JORGENSEN: Absolutely. And we've, at least again working with theirs, we've always...they've always been very open to answering questions for us. Frank has been very open, again, to providing such materials as I handed out today for training. And he always mentions, if anybody has any questions, they are more than welcome to call the commission and ask questions of the commission. [LB601]

SENATOR SULLIVAN: And I did notice on this handout that you passed out regarding violation, there is the potential for civil and criminal penalties. [LB601]

JENNIFER JORGENSEN: Okay. At that level. [LB601]

SENATOR SULLIVAN: Yeah, up to \$2,000 for each violation if it's a civil penalty, so...and then penalties elevated to a Class V misdemeanor or a Class IV felony, so okay. Any other questions? Senator Schnoor. [LB601]

SENATOR SCHNOOR: Is the Homer school system part of NASB? [LB601]

JENNIFER JORGENSEN: They are, yes. [LB601]

SENATOR SCHNOOR: Okay. Is there...you know, because I do, you know, agree that they have a tough situation that they're dealing with. There's no doubt about that. Is there any way that your organization can help them, you know, from that approach? You don't necessarily have to answer. It's kind of a statement, just... [LB601]

JENNIFER JORGENSEN: Absolutely. As long as they're a member, they are more than welcome to contact NASB. We have board development members on staff that do great trainings with all of our boards. I'm the legal counsel for the NASB and they're always welcome to call as well to get those questions answered that they might have. [LB601]

SENATOR SCHNOOR: Okay. Thank you. [LB601]

SENATOR SULLIVAN: Any other questions? Thank you, Ms. Jorgensen. [LB601]

JENNIFER JORGENSEN: Thank you very much. [LB601]

SENATOR SULLIVAN: Welcome. [LB601]

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SANDY WOLFE: (Exhibit 3) Thank you. Good afternoon, Senator Sullivan and senators of the Education Committee. My name is Sandy Wolfe, S-a-n-d-y W-o-l-f-e. I represent the Norfolk Public Schools Board of Education. I've been a member of the board of education for the past two years. And for the past 15 years, I've been the high school dance sponsor, the Pink Panthers. I got involved with both entities because of my passion for kids and for our community schools and for education. And I...when I became a board member, I really did not realize all that was involved. So I did. I took that training by the NASB and I was...it was refreshing to know exactly what I could and could not do. I think between the state statute and also our public school policies, it's clearly delineated how to--at least in our schools--how to avoid conflict of interest. And I've never felt that there was a conflict of interest nor has anybody ever alluded to the fact that there was a conflict of interest. Our board president, Bruce Mitchell, has been on the board for six years. And his wife has been a para and a nurse tech at our junior high for the past eight years. So both of us have other things going. Had this LB601 been in place at the time, neither one of us could have even ran for school board. And I think it's really imperative that you find people that are passionate about kids, passionate about education, and a lot of times they go hand in hand with a spouse or a family member or even yourself who is already doing something with the schools. And so I think it's important that we don't restrict our prospective board members by putting these restrictions on. The thing I found that probably was the most interesting when I did the training is, no matter what, I only have one vote. And if I think there's a conflict, I don't vote. There's discussions that we do as a board but I don't really have much control at all. In fact, I have none. So when we talk about fee structures and things like this, I don't have anything to do with that. That's done in policy and that's done without me. So I can't set how much I make which is next to nothing anyway. So...and as a school board member it is nothing. But I do think that we have great people that would like to get involved. And they probably already in some of the smaller communities or larger communities may already have somebody who is currently employed by a school. And they would not be able to be...to run as a board member and I've really enjoyed both hats I've worn without any conflicts. So I would offer any...questions?
[LB601]

SENATOR SULLIVAN: Thank you, Ms. Wolfe. Any questions for her? Senator Kolowski.
[LB601]

SENATOR KOLOWSKI: Thank you, Madam. Thank you for your testimony, appreciate that very much. If...where your school district does its business with a bank, if a member of that bank family was elected to the board of education, should the district move its funds from that bank?
[LB601]

SANDY WOLFE: That's so interesting that would be your question because our board president for many years was also the president of a bank. [LB601]

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SENATOR KOLOWSKI: And I didn't know that, so... [LB601]

SANDY WOLFE: No, I know you didn't. [LB601]

SENATOR KOLOWSKI: I was just asking in general. [LB601]

SANDY WOLFE: And we have our business among many banks. Norfolk is a small community and we have spread our business. And one of those banks happened to be his. Whether it happened before or not he was there, I don't think there was ever a conflict because I'm sure he's a very good individual and he, you know, abstained from that vote and didn't have anything to do with it. But I think, in a small community like that, as long as you take yourself out of the vote, the rest of the people are going to vote. And I've found, on our board, it's not about taking care of this person or this person. Everybody is doing what's best for our school because we're all very passionate about our school. And our decisions are based upon doing what's best not about our own interests. [LB601]

SENATOR KOLOWSKI: Thank you. [LB601]

SENATOR SULLIVAN: Any other questions for Ms. Wolfe? Thank you for your testimony. [LB601]

SANDY WOLFE: Thank you. [LB601]

SENATOR SULLIVAN: (Exhibit 4) Any other testimony in opposition to LB601? I would like to read into the record a letter from Virginia Moon from the Nebraska Council of School Administrators in opposition. Anyone in a neutral capacity? And Senator Bloomfield has waived his closing so that closes the hearing on LB601. And we will now move on to LB379. Welcome, Senator Bolz. [LB601]

SENATOR BOLZ: (Exhibits 1, 2, 3) Thank you. Good afternoon. Well, I'm pleased to have the opportunity to talk with you today about extended learning opportunity programs. I believe these programs have real benefits that relate to our public education goals including addressing the achievement gap, promoting career education, and engaging families and communities. So today, I'm pleased to bring you the Expanded Learning Opportunity Grant Program Act. Specifically, expanded learning opportunities are programs that are school-based, community-driven partnerships that build on local assets and respond to local needs to provide youth with opportunities to engage in a range of positive learning experience during the after-school and summer hours. Currently, there are 108 expanded learning opportunity programs in Nebraska in

25 communities serving over 17,000 kids. These programs were developed with the Department of Education through the 21st Century Community Learning Center Act. These programs have clear goals, high quality indicators, and have been evaluated to be...to provide significant value. And if the page would grab some handouts for you, I have some information about the goals of the program and some of the evaluation components. These programs have been proven to improve student achievement and performance and to provide social and behavioral benefits. These goals align with some of what I heard and learned through the work of this committee over the summer through your visioning sessions in terms of addressing the achievement gap and the need for more career education as well as visions related the educational opportunities that prepare young people for success and establishing high expectations for kids and parents and communities. These programs have very high quality expectations including having qualified staff, having an appropriate child-to-staff ratio, and ensuring that the programs complement existing academic programs. Additionally, extended learning opportunities are based on strong research and evaluation. Research shows that consistent time in after-school activities during the elementary school years is linked to narrowing the gap in math achievement specifically by age five. Research also shows that participation in expanded learning opportunities results in greater gains in academic and behavioral outcomes, reduced school absences, better work habits, improved academic performance, and improved grade point averages. Evaluations of Nebraska's programs specifically have been shown to be significant in terms of increasing student achievement, improved reading scores, and to be based on national best practices. Here in Nebraska, these programs have been funded for over a decade through the federal 21st century community learning centers program. Investment of grant funds and existing programs have stepped down over time. Federal funds provide a percentage of the original grant and the rest is provided through local and philanthropic funds, school district contributions, support from local nonprofit organizations and businesses. Some parents pay a sliding scale fee. At this time, there are more than 100,000 Nebraska youth that attend over 370 schools that meet the poverty threshold that should be considered for this type of program but do not currently have one. So here's how the bill works and what it works to achieve. First, the bill defines what an extended learning opportunity program in the state of Nebraska should be to establish fundamental quality requirements and indicators. Second, it establishes a grant program that prioritizes first, sustainability of existing programs; and second, expanding new programs to students in high-need areas. The grant program would require a one-to-one match through philanthropic funds, local funds, and/or parent contributions. The page is diligently handing out to you two amendments. The first amendment is actually an amendment that is a suggestion of an expanded learning opportunity staff person here in Lincoln who suggested that we add sign language, foreign language, and social studies instruction to the list of appropriate activities. And the second bill...or, sorry, the second amendment suggests that we should use Nebraska Education Innovation funds to fund the initial startup of expanded learning opportunities in Nebraska. The funding level that we have requested in the amendment would provide for support for 30 existing or new programs in the state and would help us not only to sustain existing programs but to reach

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out to communities that are struggling to start up these initiatives. So today you'll hear from a variety of educators, experts, and young people but at this point I'm happy to answer any questions. [LB379]

SENATOR SULLIVAN: Thank you, Senator Bolz. The current 21st century community learning centers that we have, are they all funded with that federal match? [LB379]

SENATOR BOLZ: My understanding is that they all receive a portion of the federal match and that they all receive local and philanthropic match. [LB379]

SENATOR SULLIVAN: And what's the status of those federal funds? [LB379]

SENATOR BOLZ: My understanding is that those are sustainable, that we can expect to be able to receive those funds into the future. Mr. Jeff Cole with the Nebraska Children and Families Foundation has worked deeply with those grants and can speak to it in more depth. But the way that we've thought about this bill is complementary to those existing federal funds and making sure that we can provide essentially the third leg of the stool to sustain existing programs and grow additional programs as appropriate. [LB379]

SENATOR SULLIVAN: And you're recommending under this proposal that the programs would be similar or the grants that would be funded would be similar to those that are currently operating as community learning centers? [LB379]

SENATOR BOLZ: That's exactly right. We did our best to craft the bill language so that we're retaining those high quality standards that were required through the federal funds. [LB379]

SENATOR SULLIVAN: And you mentioned that they would be looking to use lottery dollars for startup. How much per startup entity? [LB379]

SENATOR BOLZ: So the grants committee established in the bill would have some authority to make decisions about whether the funds would be used to sustain existing programs that maybe are hitting rough times or not being able to pull down funds that they've been able to pull down in the past. So sustainability is the first priority as written into the bill. The second piece would be the startup funds. And we've averaged about \$100,000 per program for either sustaining or startup. And the reason that they are the same is that a startup program would likely be in a smaller community. So it would be a smaller percentage of kids. [LB379]

SENATOR SULLIVAN: Okay. Thank you. Any other...Senator Baker. [LB379]

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SENATOR BAKER: Thank you, Senator Bolz. I like the idea of the type of program you're talking about. But at present, school districts are free to apply for any number of grant programs. Why is LB379 needed if they can already apply for grant programs? [LB379]

SENATOR BOLZ: It's a fair question. The heart of the question is, why state dollars? The first is that the amount of federal funds that we receive through the 21st Century Learning Centers doesn't meet the demand. We can identify over 200...oh, sorry, get this correct, we can identify over 100,000 Nebraska youth and over 370 schools that currently meet the poverty definitions in the bill but aren't receiving programming. And while you're absolutely correct that a variety of grant programs exist, I would say a couple of things: One is, while my experience in the nonprofit world is that grant funds can come and go and part of the idea of providing state funds is achieving a goal of sustainability. At the same time, the bill requires a one-to-one match of local or business or philanthropic funds. So it's not only the state putting in dollars. It's the state putting in dollars to help the community achieve these goals. [LB379]

SENATOR BAKER: There would be other grants which would require matching funds too. So help me here, but it seems to me that basically all you're asking is for the \$1,530,000 to be appropriated from the Education Innovation Fund. I'm not seeing any reason why a school couldn't already apply for an existing grant program without your LB379. [LB379]

SENATOR BOLZ: I think that the schools that are working with the Nebraska Children and Families Foundation and the Nebraska Department of Education would be thrilled, perhaps ecstatic, if you could point them in the direction of funds that would help them achieve these goals. I think that the existing funds that they have pursued have not been sustainable or have not been sufficient to meet the needs of these communities. And I guess I would maybe take the opportunity to rearticulate that this initiative is targeted at low-income communities. So there are income requirements around the communities that we're targeting. And so it is a bit more challenging in low-income communities who have the greater need but also have fewer resources. So I would encourage you to ask those questions about some of...to some of the other program and school district analysts to see whether or not they've pursued additional funding streams, what those experiences have been. I do know that the Nebraska Children and Families Foundation provided me with a report that they had done exploring ways in which you could braid funding together to provide sustainable funds for extended learning opportunities and that they did do that work and do that heavy lifting before they came to me to carry the bill. [LB379]

SENATOR BAKER: One last point: You know, many grants out there do have those requirements that you have to have a certain poverty level in order to qualify. And so at this point, I'm still believing this is about asking for the \$1,530,000, Education Innovation Fund. And

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I'm not seeing anything that would prohibit such a grant existing and schools being able to apply for it right now. [LB379]

SENATOR BOLZ: As I said, Senator, I'd be thrilled to hear about those grant funds and where they're from because... [LB379]

SENATOR BAKER: I'm not providing funds. I'm just saying, if there...someone is...have a grant made available to schools and assume there's some funding. And it looks to me like your funding is going to be, at least in part, from the Education Innovation Fund. Would that be true? [LB379]

SENATOR BOLZ: That's right. [LB379]

SENATOR BAKER: Okay. I'll leave you alone. Thank you. [LB379]

SENATOR BOLZ: Well, the...sorry, if I could just finish the thought: If there were funds available, if there were...if we had a fairy godmother who came to Nebraska and decided to invest in extended learning opportunity programs, I still think some of the components of this piece of legislation are valid and useful in terms of explaining and articulating in our state statute what the expectations for expanded learning opportunity programs are, what best practices are, and helping that cooperation with the Nebraska Department of Education. [LB379]

SENATOR SULLIVAN: Senator Kolowski. [LB379]

SENATOR KOLOWSKI: Thank you, Madam Chair. Senator Bolz, I have a couple of questions. On the...did you mention that there would be about 30 additional programs? How many students potentially would be touched by those 30 expanded programs? [LB379]

SENATOR BOLZ: Look at my notes... [LB379]

SENATOR KOLOWSKI: Please. [LB379]

SENATOR BOLZ: When I asked for those numbers, the...my question was, how quickly could be ramp this up? And, you know, I don't want...mean to overuse the phrase, but what's shovel-ready? [LB379]

SENATOR KOLOWSKI: Sure, sure. [LB379]

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SENATOR BOLZ: You know, what's realistic in terms of ramping up these programs? Right now we have 108 programs that serve 17,000 students. So you can kind of do the quick math and say 170 students per program. [LB379]

SENATOR KOLOWSKI: Thank you. And programs could be enrichment or also working with areas of concern or need on a student's learning? And if we're trying to improve student performance, what accountability pieces are built in as far as checkpoints that we would get a report that says, this is working with this range of kids in this location? [LB379]

SENATOR BOLZ: Well, that's a great question. [LB379]

SENATOR KOLOWSKI: Yes, it is. (Laugh) [LB379]

SENATOR BOLZ: And I'll try not to be too long-winded in answering it. But the first answer to the question is that this is built on existing models that have already proven to be effective. So that's step one. Step two is that the bill itself outlines several measures in terms of expectations: appropriate staff to child ratio, appropriate quality staff, articulating in a little bit more depth in the bill what learning opportunities are appropriate. [LB379]

SENATOR KOLOWSKI: Sure. [LB379]

SENATOR BOLZ: You know, this is not a bill to promote basket weaving. That's an... [LB379]

SENATOR KOLOWSKI: Sure. [LB379]

SENATOR BOLZ: Yeah. The other component is that there is a strong evaluation piece written in to the bill that dovetails with the existing work done by the community learning centers. But the department will provide a report evaluating the programs to the Legislature every other year, odd numbered years. And there is some opportunity not only to provide technical...to provide evaluation for the programs but also to provide technical assistance. So up to 5 percent of the funds could be used to help a program get where they need to go not just to tell them where they need to improve. [LB379]

SENATOR KOLOWSKI: Okay. One last question, and that would be--perhaps another speaker would deal with this in more depth--but aligning your additional work with students after school with the school district's curriculum especially in reading or math, the two key elements of elementary as you're working in that...those areas. How do the grant recipients work with those districts in order to get that alignment, because not everyone has the same math series or reading

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series and there's...in service and direction? The thing we don't want to do is send a student off into a wrong direction by misusing some material, of course. And I know that's not the plan to make that happen. But what do you do? [LB379]

SENATOR BOLZ: No, that's...it's a great question, and I think some of it hangs on the strength of the proposal. So the proposal requires demonstration of how the activities would specifically improve student academic achievement, prove that they are aligned with what the school is providing, demonstrate that it aligns with learning objectives and behavioral codes so it's not just academic, it's also your overall expectation. So there are some parameters written into what is expected from the proposal and I think a good proposal will have those conversations up front before they submit for the dollars. [LB379]

SENATOR KOLOWSKI: And each grant proposal has an evaluation component built into it, correct? [LB379]

SENATOR BOLZ: Absolutely. [LB379]

SENATOR KOLOWSKI: Thank you. [LB379]

SENATOR SULLIVAN: Senator, is there any effort in the proposal to disburse these grants among rural and urban? [LB379]

SENATOR BOLZ: Um-hum. In fact, page 4, line 16: The department shall make an effort to fund expanding learning opportunity programs in both rural and urban areas of the state and to provide grants that offer a broad array of school programs and activities. So it is an expectation. [LB379]

SENATOR SULLIVAN: Okay. Very good. Any other questions for Senator Bolz? Will you be here for closing? [LB379]

SENATOR BOLZ: Um-hum. [LB379]

SENATOR SULLIVAN: Very good. [LB379]

SENATOR BOLZ: Thank you. [LB379]

SENATOR SULLIVAN: Welcome. [LB379]

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TOM CASADY: (Exhibit 4) Good afternoon, Senators. My name is Tom Casady. I'm the public safety director here in Lincoln. And I'm testifying on behalf of the city in support of LB379. And I'd like to thank Senator Bolz for introducing the bill and the committee for its time hearing my testimony. I'm bringing my perspective of a 40-year career in public safety here today. I began my career as a foot patrol officer with the Lincoln Police Department in 1974. I went on to serve one term as the sheriff of Lancaster County, 17 years as the police chief. I've been the public safety director for the past four years. I'm a believer in prevention and the importance of prevention and in early intervention. I'm not alone. There are many people like me in the field of public safety, people who are police chiefs and chief prosecutors and sheriffs, in fact about 5,000 of us total who have joined an organization called Fight Crime: Invest in Kids. This organization exists to lend the support of law enforcement and public safety to such things as early childhood education and enhanced learning opportunities. We do this because we've learned as public safety professionals during our careers that these are investments that have a long-run payoff in less crime, lower criminal justice costs, and improved public safety. We're spending a lot of time right now here in the Legislature and around the state grappling with the issue of prison overcrowding in Nebraska. It would probably be a good time for us to consider what we are doing on the front end, maximizing the likelihood that our kids develop and grow and prosper rather than the alternative that we faced later on. I know from my personal experience that things like early childhood education, after-school and summertime programs, specifically community learning centers, these provide the kinds of support that not only improve educational outcomes but they also reduce the likelihood of criminal behavior and the likelihood of criminal victimization among kids. I passed out a graph that I produced a couple of years ago before my last visit here to the Education Committee. It's a bit dated now. It's...it shows juvenile arrests here in Lincoln and juvenile offenses over a 10-year period from 2002 through 2012. But the same data would be true today. The...I've looked at this on many occasions and the pattern is pretty clear that by far the riskiest time for kids becoming involved in crime either as victims or as perpetrators of crime is that time in the late afternoon, the time that I characterize as being between the school bell and the dinner bell. And expanded learning opportunities address that time period very well. I think they're a cost-effective means of mitigating the risks that occur that children face and supporting their successful transition into adulthood as law-abiding citizens. I think our state and communities need to work together to find a way to fund and expand the opportunities that are available for enhanced learning opportunities and make sure that our children are able to participate in safe, nurturing programs under the supervision of caring adults. And I think this bill does just that, creates a framework for such cooperation and the city is very pleased to support Senator Bolz's efforts. I'd like to thank you for the opportunity to be here this afternoon. I'd be happy to try to answer any questions. [LB379]

SENATOR SULLIVAN: Thank you, Mr. Casady. So there is a community learning center here in Lincoln, am I right? [LB379]

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TOM CASADY: Yes, several. [LB379]

SENATOR SULLIVAN: And so have you been involved or connected with any of them?
[LB379]

TOM CASADY: I have. In fact, I think a really good thing for people to do would be to see the environment at a community learning center. And it's pretty heartwarming to see what's going on and particularly if you see the alternative. And I oftentimes suggest to citizens places they could go to see both the...what's going on at a community learning center and also what's going on at places that aren't providing that same environment. [LB379]

SENATOR SULLIVAN: So in these centers, do you think that they are reaching the intended audience, at-risk youth? [LB379]

TOM CASADY: That's my perception very definitely that we're reaching kids that need that additional support. This isn't to say that there aren't kids there that would be fine otherwise. There probably are. But there are lots of kids. And this is what you see when you get to be my age, I suppose, in this profession is you get to see the difference it makes to have this kind of programming available. I experienced it myself when I was 10, 11, 12 years old. So I know how much it meant to me and I know what it does for the lives of some of these kids that you'll see at our community learning centers. [LB379]

SENATOR SULLIVAN: Very good. Any questions for Mr. Casady? Senator Kolowski. [LB379]

SENATOR KOLOWSKI: Thank you, ma'am. Mr. Casady, thank you for your testimony and for your enlightened service over all the years, appreciate that. I remember seeing this a number of years ago. I was a high school principal and, of course, I recognize the 12 noon open lunch hour especially with high schools and the peril that brings to a community at times. And I thank you for your testimony which you've done bringing this to its place in Lincoln and for advocating for it. So thank you very much. [LB379]

TOM CASADY: Absolutely. [LB379]

SENATOR SULLIVAN: Senator Pansing Brooks. [LB379]

SENATOR PANSING BROOKS: Thank you. I just want to thank you for your service as well, Chief. You've been an amazing force in Lincoln for us. Thank you. [LB379]

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TOM CASADY: Thank you, Senator. [LB379]

SENATOR SULLIVAN: Any other questions? Thank you for your testimony. [LB379]

TOM CASADY: Thank you. [LB379]

SENATOR SULLIVAN: Additional proponent testimony? Welcome. [LB379]

TESS LARSON: Thank you. Senator Sullivan and members of the Education Committee, my name is Tess Larson, T-e-s-s L-a-r-s-o-n, and I am representing the Sherwood Foundation. The Sherwood Foundation is dedicated to improving the lives of low-income children and families in Nebraska. Our work spans a wide variety of topics including rural leadership development, child welfare, public education, neighborhood revitalization, and more. I'm here today to share with you a bit about the foundation's work in expanded learning opportunities. The hours outside of the classroom, as we've heard, can lead students down one of two paths. Research shows that the unsupervised hours between 3:00 and 6:00 are when students are more likely to engage in undesirable activities such as drug and alcohol abuse, sexual behaviors, and criminal activity. Counter to this, there is substantial evidence that shows students who regularly participate in expanded learning opportunities throughout the year are more engaged during the school day, experience less absenteeism, and have better academic performance than their peers. They are also considerably less likely to engage in the undesirable behaviors I mentioned previously. It's because of the overwhelming evidence that since 2002, the Sherwood Foundation has invested over \$45 million in expanded learning opportunities. The vast majority of these resources have gone to expanded learning opportunities for students in Omaha. We recently began funding ELOs in Lincoln and across the state via the Beyond School Bells Initiative with the Nebraska Children and Families Foundation. Currently, the foundation invests nearly \$5 million annually to support ELO programming and we would like to expand to do more in Nebraska's rural communities. In Omaha and Lincoln, we have had the unique opportunity to blend our private dollars with the federal 21st century community learning center dollars to offer youth a more robust experience that includes a hot meal, tutoring, and a wide array of activities ranging from a Raptor Recovery program to medical career path exploration, VEX robots, and theater. Our focus and the focus of the 21st Century CLC funds is in low-income communities. Many of the youth served by these programs are getting their last meal of the day, their only opportunity for enrichment, and access to school assistance their parents could not otherwise afford. We have capped costs at a rate of \$1,500 per student per year including the summer months. This is lower than the national average but it still allows for a meaningful experience with trained staff. This braided funding is very appealing from the perspective of philanthropy because it helps to ensure sustainability as well as aid in stabilizing the ELO programs that working parents rely upon. The only challenge to our expansion is that with only philanthropic and federal funds supporting this

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work right now, we essentially have a two-legged stool. LB379 is an important step in strengthening the stability of these essential youth enrichment opportunities. LB379 effectively begins to build the third leg of the stool. On behalf of the Sherwood Foundation, our excellent grantees, and our closest friends in philanthropy, we hope you will join us in seeing the immense value in providing our youth with safe environments to engage in educational activities that expand the mind and encourage lifelong learning. Thank you. [LB379]

SENATOR SULLIVAN: Thank you, Ms. Larson. What age groups are we talking about? [LB379]

TESS LARSON: We specifically help fund the seven sites in Omaha for junior highs but there are also CLC centers, too, of elementary that we work with. [LB379]

SENATOR SULLIVAN: Okay. Thank you. Any other questions? And you indicated the Sherwood Foundation has invested \$45 million over what period of time? [LB379]

TESS LARSON: Since 2002, and it's... [LB379]

SENATOR SULLIVAN: Specifically in the Omaha area? [LB379]

TESS LARSON: Omaha and Lincoln. [LB379]

SENATOR SULLIVAN: Omaha... [LB379]

TESS LARSON: And statewide a little bit with our Beyond School Bells initiative but mainly Omaha and Lincoln. [LB379]

SENATOR SULLIVAN: And maybe someone is going to be talking about Beyond the School Bells (sic) a little bit more but is...expressly you're trying to reach out more to rural Nebraska? [LB379]

TESS LARSON: We would like that, yes. [LB379]

SENATOR SULLIVAN: Okay. Any other questions? Senator Kolowski. [LB379]

SENATOR KOLOWSKI: Thank you, Madam. Thank you very much for your comments, Tess. [LB379]

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TESS LARSON: Yes. [LB379]

SENATOR KOLOWSKI: Do you...is there a teacher training aspect with your development of the sites that goes hand in hand with a community college or anyone else locally? [LB379]

TESS LARSON: Um-hum. In Omaha we have the Collective for Youth program that kind of coordinates all of the CLC programs. And they have a strong training component. They train the staff and the leading agencies and the program providers who come in and offer programs. [LB379]

SENATOR KOLOWSKI: Do they have an inhouse staff or is it connected to the university or community college? Or where do they come from, all over? [LB379]

TESS LARSON: I mean, I know they have inhouse staff and I also...my understanding is, they reach out for other training opportunities. [LB379]

SENATOR KOLOWSKI: Thank you. Thank you very much. [LB379]

TESS LARSON: Yeah. [LB379]

SENATOR SULLIVAN: Thank you for your testimony. [LB379]

TESS LARSON: Thank you. [LB379]

SENATOR SULLIVAN: Welcome. [LB379]

JULIE MASON: Hi. oh, jeez, is this on? [LB379]

SENATOR SULLIVAN: Yes. [LB379]

JULIE MASON: Okay. Hi. My name is Julie Mason, J-u-l-i-e M-a-s-o-n. And I am representing Dawes Middle School and their CLC program. I have been in the CLC program for three years now. I participate in the STEM portion. I am on the robotics team and I travel around. And there are occasions where I go to other elementary schools. [LB379]

SENATOR SULLIVAN: Can you move a little closer so we can...there you go. [LB379]

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JULIE MASON: I'm sorry. I've never done this before. [LB379]

SENATOR SULLIVAN: That's all right. You're doing fine. (Laugh) [LB379]

JULIE MASON: Okay. And I do believe that this grant would help us with the fundings that we actually do need because the school that I am at now, Dawes, we qualify for these places that need the extra funding so that we can continue to support kids that actually need it. And I've seen kids that go to CLC who...they are changed by it. And they do a lot better. Their grades go up. They participate in school much more often. And I think that it would be better off if we did have this sort of grant so that we would be able to form a better community. [LB379]

SENATOR SULLIVAN: Thank you very much. Can you tell me a little bit more...you're...the emphasis for the program you're in is with STEM? [LB379]

JULIE MASON: Um-hum. [LB379]

SENATOR SULLIVAN: So tell me a little bit more what kinds of things you do. [LB379]

JULIE MASON: We are...it's a lot of technology and math that we work on. And the kids that are in our program, we do a lot of coordinating for things, like if the school needs fundraising, we help them with the financial portion since we're math and we're pretty good at it. (Laugh) And the...we do...we have lots of college kids come in and we learn more from them. They get the opportunity to teach us more about career paths and there are some days where we will actually just spend the whole entire day talking about college opportunities and how we can move forward. And I think it makes a difference in how kids look towards their future. [LB379]

SENATOR SULLIVAN: So this is a program that starts after school. It goes how long in a day? [LB379]

JULIE MASON: From 3:00 to 5:00, two hours. [LB379]

SENATOR SULLIVAN: Okay. All right. Very good. Any other...yes, Senator Pansing Brooks. [LB379]

SENATOR PANSING BROOKS: Thank you, Madam Chair. Wow, we are...our future is bright with you, a middle schooler, coming forward to speak to us like this. Thank you for your time. Thank you for getting into the STEM robotics course. And I...for you to be able to come and

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...speak without notes so clearly and articulately, I am thrilled. Thank you for making this...taking this time and making this effort. We really appreciate it, Ms. Dawson...Mason. (Laughter) [LB379]

JULIE MASON: Thank you, Senator. [LB379]

SENATOR PANSING BROOKS: See, I couldn't...(Inaudible). [LB379]

SENATOR SULLIVAN: Any other questions? Senator Schnoor. [LB379]

SENATOR SCHNOOR: I, too, just want to say you did a very good job. Thank you. [LB379]

JULIE MASON: Thank you. [LB379]

SENATOR SULLIVAN: Thank you very much for your testimony. Any other proponent testimony? [LB379]

SENATOR PANSING BROOKS: Good luck following her, Joe. (Laughter) [LB379]

JOE KOHOUT: (Exhibit 5) I know, I know. Great. Should have been here earlier or later. Good afternoon, Chairwoman Sullivan. Members of the Education Committee, my name is Joe Kohout, and I am appearing today on behalf of our client, the Boys and Girls Clubs Alliance of Nebraska in support of LB379. We would like to express our support to Senator...or our appreciation to Senator Bolz for introducing the bill. Boys and girls clubs in Nebraska offer a variety of programming aimed at reinforcing and supporting the academic work of our children in the out-of-school hours. Under this proposal, funding would support a menu of programs from which clubs could choose to implement on site. Clubs would implement programming using a comprehensive strategy developed by the Boys and Girls Clubs of America called Project Learn, a comprehensive program strategy developed and field tested by the BGCA that it reinforces and enhances a young person's skills and knowledge in the out-of-school hours. This comprehensive program strategy is based on Dr. Reginald Clark's research showing that students excel in school when they spend their nonschool hours engaged in fun but academically beneficial activities. I've provided an abstract of that study and will provide the totality of the study to the committee once we receive it. Apparently we have to pay for it, so I...we didn't get it right before the hearing. So this study has shown that Boys and Girls Clubs model and programming have positive and lasting effects on the young people who come to our clubs daily. Continuing to discuss the study conducted by Dr. Clark, it demonstrated the Project Learn strategy is the most effective method of addressing out-of-school time for students who live in disadvantaged circumstances. Dr.

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Clark's findings were validated by the Columbia University School of Social Work that showed youth in boys and girls clubs who participated in Project Learn performed higher than youth in generic after-school care including 15 percent higher GPAs, 16 percent higher GPAs in math, 20 percent in history, 14 percent in science, 20 percent in spelling, and an 87 percent reduction in absenteeism. These statistics prove that students do...do when not in school truly affects their academic achievement. Longitudinal studies show that youth who wanted...who attended a boys and girls club two or more times per week seeing reinforced learning and other positive character improvements. Through our national youth outcome survey, club members have given valuable feedback about Boys and Girls Clubs of America's three priority outcome areas. The results of that 2013 survey give confirmation that youth we serve are developing skills and habits that will serve them for a lifetime. I'll go ahead and skip the rest as you can read it, but for these reasons we would ask the committee advance LB379. [LB379]

SENATOR SULLIVAN: Thank you, Mr. Kohout. And for the record, could you spell your name? [LB379]

JOE KOHOUT: Oh, absolutely. K-o-h-o-u-t is the last name. [LB379]

SENATOR SULLIVAN: (Laugh) Thank you very much. [LB379]

JOE KOHOUT: And it's J-o-e. [LB379]

SENATOR SULLIVAN: Okay. Any questions for Mr. Kohout? Thank you for your testimony. [LB379]

JOE KOHOUT: Thank you. [LB379]

SENATOR SULLIVAN: Welcome. [LB379]

BRIAN HALSTEAD: Good afternoon, Senator Sullivan. 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. I'm with the Nebraska Department of Education. I'm here in support of LB379. The State Board of Education and the Department have been looking at extended learning opportunities. As we know, our communities are expecting college and career student graduates when they graduate from high school. And the seven hours we have during school time is not always going to be enough to meet the needs of making these children be college and career ready. You can certainly see from the \$5 million of federal funds we get through No Child Left Behind under the 21st Century Learning Community piece of that how much we've been able to leverage. But there is far greater need

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than that \$5 million can take us. As we look at the state budget, we find there are no state dollars for extended learning opportunities. And I know trying to find funding in the state budget is always difficult. But as we learned over 25 years ago with early childhood education, a little bit of money can do a lot of good things. So the board is supportive of the state taking a look at starting to provide some state funds to meet the needs that are out there. So with that, I'll stop. I'll answer any questions you might have. [LB379]

SENATOR SULLIVAN: Thank you, Mr. Halstead. Any questions for him? Thank you for your testimony. Any further proponent testimony? Welcome back. [LB379]

JENNIFER JORGENSEN: Thank you. Senator Sullivan, committee members, I'm Jennifer Jorgensen, J-e-n-n-i-f-e-r J-o-r-g-e-n-s-e-n, and I'm here on behalf of NASB, the Nebraska Association of School Boards in support of this bill. And I won't go into what everybody else has already stated on the importance of ELOs. The Nebraska Association of School Boards has had the pleasure of working with organizations such as Beyond School Bells. We're very dedicated to working on three...well, we're dedicating our time to working on three areas--and ELOs are one of those--in partnering with organizations and the private sector, on really supporting organizations such as ELOs. And we just wanted to be on record stating that we are in support of this bill, understanding that a lot of the school time, again, for our students doesn't offer sometimes enough for them. And they need the before- and after-school programs and we're in support of that. [LB379]

SENATOR SULLIVAN: Thank you. Any questions for Ms. Jorgensen? Thank you for your testimony. [LB379]

JENNIFER JORGENSEN: Thank you very much. [LB379]

SENATOR SULLIVAN: Welcome. [LB379]

JEFF COLE: (Exhibit 6) Thank you. Thank you, Senator Sullivan and other members of the committee, for the opportunity to testify in support of LB379. My name is Jeff Cole, J-e-f-f C-o-l-e and I'm the network lead for Beyond School Bells, a public/private partnership at the Nebraska Children and Family Foundation that works with expanded learning opportunity advocates and practitioners across the state to build partnerships and support policies that lead to more high-quality, sustainable ELOs for more Nebraska youth, especially youth from our state's highest need communities. Beyond School Bells partners feel strongly that passage of LB379 would be an important step that we can take in Nebraska right now to grow and sustain Nebraska's important after-school and summer expanded learning programs. To summarize, the research is clear: High quality after-school and summer programs support and enhance the

learning and growth that takes places in our state's high quality public schools. How do they do that? ELO programs like those that would be supported by LB379 can target children who need them the most: low-income youth who have limited access to structured, out-of-school-time learning opportunities during the 80 percent of their waking hours that they...are spent outside of the classroom. ELOs help both parents and law enforcement by providing safe, enriching spaces for youth to go to when school is out and parents are still working, but they do much more. After-school and summer learning programs create innovative opportunities for youth to get the engaged, hands-on opportunities like the STEM experiences you heard about today that are so important to their future success. And importantly, ELOs can protect the gains that Nebraska will see from increasing investments in quality early childhood programs as those same youth continue to grow and develop. And finally, ELOs can create opportunities for local communities to develop innovative public and private partnerships that leverage public investments. We are supporting LB379 because it provides, for the first time in Nebraska statute, a definition for ELOs and the general parameters for a competitive grant program that would provide limited state support to programs meeting the needs of thousands of youth, their families, and communities. While this is a first step for the Nebraska Legislature, LB379 would not be starting from scratch. Over the past decade, the Department of Education has done an excellent job at developing the statewide program, 21st Century CLC, built on federal funds and matching local dollars. However, we are near the limit of the scope of what we can accomplish with those federal dollars. Hundreds of eligible Nebraska schools and tens of thousands of needy Nebraska students will never be able to participate in these programs without state-level action. However, with an infusion of new state funds, additional leveraged dollars can be mobilized in communities across the state to expand the reach of these important programs. That is one of the strongest points of the CLC model supported in LB379. Built on strong school/community organization partnerships, it is flexible and can build on local strengths, leverage local resources, and meet local needs. In closing, we feel that passage of LB379 would send a strong signal that this committee, and hopefully this Legislature, is committed to supporting innovative approaches to education that recognize the important learning that takes place outside of the school day and the traditional school year, one which embraces community strengths and builds community assets and which holds tremendous potential to address our lingering educational achievement gaps. Again, thank you for your time today and your consideration of this important bill and I'd be happy to answer any questions. [LB379]

SENATOR SULLIVAN: Thank you, Mr. Cole. All right. [LB379]

JEFF COLE: Right. [LB379]

SENATOR SULLIVAN: Explain to me a little bit more about the Beyond the School Bells (sic). [LB379]

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JEFF COLE: Right. [LB379]

SENATOR SULLIVAN: You said it was a public/private partnership, and where's... [LB379]

JEFF COLE: Right. Right. It's a public/private partnership housed at the Nebraska Children and Families Foundation. [LB379]

SENATOR SULLIVAN: Okay. [LB379]

JEFF COLE: We're one of 48 statewide after-school networks across the country that are advocating for these kinds of programs. And so we work with partners across the state to try to raise attention about these important programs. [LB379]

SENATOR SULLIVAN: Okay. And so what's the public partner or...federal dollars? [LB379]

JEFF COLE: Right. We do get some federal dollars from both the Department of Education and the Department of Health and Human Services. And our private sector partners, there's some national foundations, as well as the Sherwood Foundation alluded to, some Omaha based foundations. [LB379]

SENATOR SULLIVAN: Do those federal dollars come down the same pipe as this...does the funds for the community learning centers? [LB379]

JEFF COLE: No, it's a separate funding stream. [LB379]

SENATOR SULLIVAN: Okay. [LB379]

JEFF COLE: And it comes from the...it's actually Health and Human Services, the child care subsidy dollars are the source of the fundings. [LB379]

SENATOR SULLIVAN: Okay. And how stable are those federal funds for Beyond the School Bells (sic)? [LB379]

JEFF COLE: Those have been stable for the past ten years that we feel comfortable with that. [LB379]

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SENATOR SULLIVAN: Okay. I see. Okay. Senator Morfeld. [LB379]

SENATOR MORFELD: Senator Baker brought up some points about potential funding and Senator Bolz noted that you might be the person... [LB379]

JEFF COLE: Yeah. [LB379]

SENATOR MORFELD: ...to talk a little bit about available funding streams currently for schools. [LB379]

JEFF COLE: Right. [LB379]

SENATOR MORFELD: Can you kind of go through that a little bit and why this funding would assist in that? [LB379]

JEFF COLE: Sure. Sure. You know, Nebraska gets the minimum amount allowed under the No Child Left Behind Act for the 21st Century programs so that's \$5.5 million federal dollars annually. That's a formula appropriation. As I mentioned, we work with 48 other states. Other states have state grants that they work to blend in to grow that pot of funding. That is the only source of funding that the federal government provides for the kinds of school-based, after-school programming outlined in this bill. There are other strands that you can do for particular segments of funding and what we really urge our partners to do is to think about how you can best braid those funds. A great example is nutrition dollars. And you can seek out funding to help support low-income youth meals during the after-school programs and blend that into the after-school structure. But what we found is the critical piece--and I think some of the other questions alluded to--the critical piece that the site coordinator and then a city-level systems coordinator can play and pulling all of these very complex funding streams together so that you have sustainable, predictable programming for kids that meets those quality benchmarks that we know are so important. [LB379]

SENATOR SULLIVAN: Okay. Any other questions for Mr. Cole? Thank you for your testimony. [LB379]

JEFF COLE: Thank you. [LB379]

SENATOR SULLIVAN: (Exhibits 7, 8, 9, 10, 11, 12) Any other proponent testimony? I would like to read into the record several letters of support for LB379 from Jay Sears from the Nebraska State Education Association; Megan Addison from the Collective for Youth; Coleen

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Langdon from Cool Kids Club/No Limits after-school program with Sidney Public Schools; and Cody Thatcher of Lincoln, Nebraska. Anyone wishing to speak in opposition to LB379? Anyone in a neutral capacity? Senator Bolz, for closing. [LB379]

SENATOR BOLZ: I just want to make a couple of brief points before offering you an opportunity to ask any final questions. Page 3 of the bill, I would like to draw your attention to, because that articulates in a little bit more depth the expectations of people who...of organizations and entities who are applying for these funds. There's the requirement of a grant planning period, the requirement of matching dollars, the requirement of the utilization of sliding scale fees when appropriate, the requirement of an advisory body to help the initiative come together. So I draw your attention to that to illustrate how this bill is an opportunity to support existing efforts and initiatives in a really strategic, well thought-out manner. So I hope that helps to add to your thinking. And I'm happy to answer any final questions. [LB379]

SENATOR SULLIVAN: Thank you, Senator Bolz. How many other states have some state buy-in, if you will, to expanded learning opportunities? [LB379]

SENATOR BOLZ: Oh, that's a great question. And I don't know the answer but I'll get it to you. [LB379]

SENATOR SULLIVAN: Okay. Thank you. Senator Schnoor. [LB379]

SENATOR SCHNOOR: Just a couple questions, just I guess, I don't know, summarize or whatever you want to call it. This is...this also is...can be used for any school system. It's just based on, I see, the 40 percent free and reduced. However, I mean, judging by the young lady that spoke, you know, it goes beyond just...and I guess that's probably a very poor way to characterize it but, you know, it...anybody can get...any school system, any kid can be involved in this program. Is that correct? [LB379]

SENATOR BOLZ: The grant funding in the bill as it's conceptualized is targeted at low-income communities. That said, there are, I think, as one of the testifiers alluded to, opportunities for kids who are not low-income to participate in the programs in their communities. There's also a tiny piece of language that offers up notification requirements for private schools or parochial schools in the community so that we're trying our best to capture the kids in any low-income neighborhood. [LB379]

SENATOR SCHNOOR: Okay. And it...does it...it can be rural, it can be urban schools, it can be any school? [LB379]

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SENATOR BOLZ: That's absolutely right. And some of what I heard...I had the chance to attend the Beyond School Bells state-level conference a couple of weeks ago. And I think some of those middle level communities like yours, Senator Schnoor, like Fremont are the ones who are wanting to provide these programs and can do it but for just a little bit additional assistance from the state level. [LB379]

SENATOR SCHNOOR: Okay. And then my last question is on the fiscal note. Now, it says LB379 does not specify any amount of General Funds. Now...and I think the question was answered but if you could just verify that this is federal money that is essentially being reallocated to a different grant program? Is...in a nutshell? Am I right or wrong? [LB379]

SENATOR BOLZ: Forgive me, I may have rushed through the amendment a little bit too quickly. I've brought you an amendment that suggests that using Education Innovation Funds...and forgive me, I can't think of the new title we've given to those funds, but what has been previously referred to as Education Innovation Funds to do just that, to see if these state-level investments help us to innovate within after-school learning programs. So the requested dollar amount is \$1.5 million through those Education Innovation or lottery funds which we think would help to support 30 or so schools in this, you know, initial grant period. And what I would say about that is that, you know, I think as initiatives grow and become more sustainable, the goal is to move those programs into sustainability through other funding streams and help the next one come up or to help an existing program through a difficult time. So I hope I've answered your question. [LB379]

SENATOR SCHNOOR: I think so. So the Education Innovation Fund, that is lottery money? [LB379]

SENATOR BOLZ: That's right. [LB379]

SENATOR SCHNOOR: Okay. Thanks. [LB379]

SENATOR SULLIVAN: Any other questions? Thank you, Senator Bolz. [LB379]

SENATOR BOLZ: Thank you. [LB379]

SENATOR SULLIVAN: This closes the hearing on LB379. We will now move on to LB382. Welcome, Senator. [LB379]

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SENATOR COOK: Thank you, Madam Chair. Good afternoon, fellow members of the Education Committee. My name is Tanya Cook. That is spelled T-a-n-y-a C-o-o-k. I appear before you today as the introducer of LB382, the Diploma of High School Equivalency Assistance Act. The intent of LB382 is to recognize the vital challenge in preparing an adult work force in which all individuals possess adequate basic skill levels in reading, writing, mathematics, and computer skills. LB382 will create the High School Equivalency Grant Fund which will help support the critical GED training being performed by all institutions in the state. Finally, LB382 proposes a transfer of funds from the Job Training Cash Fund to the High School Equivalency Grant Fund. Here is why this policy deserves support: Studies have shown that workers who have a high school diploma or a general education development, GED, certificate, have both greater employment opportunities and greater earning potential than those who do not. In order for the state to continue to attract employers that provide reliable and gainful employment, it is important that we continue to provide easy access to educational opportunities to all Nebraskans. Again, the purpose of LB382 is to review, establish, and fund a comprehensive statewide system for providing GED education. A few years ago I passed, with the help of this committee, LB366. LB366 served primarily to support community colleges in the state who are currently training and testing students for high school equivalency. LB366, the Remedial Adult Education innovation Act, was a bill, now law, that requested the Legislature to allocate funds from the state General Fund to the Nebraska Department of Education to reimburse providers of GED preparation classes for the costs of providing the program. It is...it has recently been brought to my attention that a private, nonprofit institution is also providing critical GED training and testing. Although, according to the Department of Education's fiscal note, the Literacy Center of the Midlands is the only private nonprofit currently offering this critical training the in the state, this does not need to be the case. The Literacy Center of the Midlands in Omaha is currently training hundreds of students to pass high school equivalency testing each year. A representative of the Literacy Center of the Midlands is here to testify today. They can tell you about the great work that they do and the impact that it has on individuals. LB382 proposes to make these investments through a transfer of funds from the Job Training Cash Fund to the High School Equivalency Grant Fund. During the last budget year, the Legislature made a onetime \$10 million transfer from the Cash Reserve Fund through the General Fund to the Job Training Cash Fund in the Department of Economic Development. The Job Training Cash Fund is used to provide employee training assistance to businesses that maintain, expand, and diversify the state's economic base, and in the process, retain and create quality jobs for Nebraska residents. Given the estimated cost that is reflected in the fiscal note, which is approximately \$30,000 to \$50,000 per year, a modest transfer of \$400,000 at most would fully fund this grant program for more than eight years. My position is, and I hope you will join me, that this transfer supports the intent and purpose of the Job Training Cash Fund. This transfer is necessary, however, to target this investment to a population in specific need of GED training. The momentum that GED training instills in someone's life is a true game changer for that person, for his or her family, and for our communities. I appreciate your thoughtful

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consideration of this proposal and ask for your support for the advancement of LB382. Thank you very much. [LB382]

SENATOR SULLIVAN: Thank you, Senator Cook. Okay, so these grant funds would be made available not to an institution but to someone like the Literacy Center, is that correct? [LB382]

SENATOR COOK: Correct, certainly not limited to that...only that organization. [LB382]

SENATOR SULLIVAN: No, and so can you give me examples of some other entities that would find these funds useful? [LB382]

SENATOR COOK: I would use the example of...there are GED training and testing--you can get the materials on your own, as you're aware--that might take place in a community center within a smaller community around the state of Nebraska. That organization, as a 501(c)(3) would be--or an educational institution--would be eligible to apply for the grant funds. [LB382]

SENATOR SULLIVAN: Okay. Very good. Any other questions? Yes, Senator Pansing Brooks. [LB382]

SENATOR PANSING BROOKS: Thank you, Madam Chair. Thank you, Senator Cook. I am interested in...so...the...would it...would prisons...I'm sorry not to understand this. [LB382]

SENATOR COOK: No. [LB382]

SENATOR PANSING BROOKS: Would prisons be able to use this to train prisoners for programming? [LB382]

SENATOR COOK: Yes, and that...absolutely. That language or that population, that entity, is included within the original bill that was the proposal LB366. If I'm recalling correctly, they are expressly mentioned in the statute or within the statement of intent for that bill proposal. [LB382]

SENATOR PANSING BROOKS: Okay. [LB382]

SENATOR COOK: And if I'm recalling correctly, it...that would have been proposed in 2013. I can follow up and confirm that with you if you would like, where to find the language. [LB382]

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SENATOR PANSING BROOKS: Okay. I...it just seems good. I'm sorry if I should have not...seen that here. [LB382]

SENATOR COOK: No, not in that proposal but in my original proposal, the groups that are already covered, if you will... [LB382]

SENATOR PANSING BROOKS: Okay. [LB382]

SENATOR COOK: ...under my original bill proposal: prisons, people who are in prison, and ideally making a transition back to their communities are eligible to already be reimbursed without the introduction of LB382. [LB382]

SENATOR PANSING BROOKS: Okay. Thank you. [LB382]

SENATOR COOK: Thank you. [LB382]

SENATOR SULLIVAN: Any other questions? All right. Thank you. [LB382]

SENATOR COOK: Thanks. [LB382]

SENATOR SULLIVAN: We'll now hear proponent testimony on LB382. Welcome. [LB382]

STEPHANIE HANSEN: Good afternoon. My name is Stephanie Hansen, S-t-e-p-h-a-n-i-e H-a-n-s-e-n. I'm the board chair for the Literacy Center of the Midlands and it is my pleasure to be here to speak with you, Senator Sullivan, and the Education Committee. The Literacy Center of the Midlands is a unique opportunity. We're a 501(c)(3), a nonprofit. We're the second largest provider of GEDs in the state of Nebraska. We have seen a huge increase in our population. We've been around for about 50 years but we've seen a huge increase in the number of students that are coming specifically for GED programming. Omaha Public Schools stopped their GED programming. And actually Bellevue Public Schools just recently voted to stop theirs as well. So that had...adds a large impact that we're going to see very, very soon to the number of students we've seen. In the last five years, we've had a significant impact. I believe it's about 580 percent increase. We're getting ready to move into a new space that's going to help us serve better a lot more students. I come to the Literacy Center, again, as the board chair, but my day job, I'm a prosecutor in Sarpy County. And one of the things that I saw directly in my practice is that I'd watch judges ask people during a plea, what's your highest level of education? And I just started making a little note in my file just kind of at the top when I'd hear people not have a high school diploma. And I'd hear 8th grade, 6th grade, 9th grade, 10th grade, 11th grade, and I'd just kind of

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keep a little note. And then if they were put on probation, the judge was asking as a condition of probation that they get a GED. And so by having that little note in the corner of my file, if they came back on a revocation of probation basically now facing jail time or prison time again, what's the correlation of them not being able to complete their GED with their highest level of education? And as you can imagine, it's pretty significant. And I think that one of the things that the Literacy Center does so well is that we really meet the individual needs of each student. So students come to us from anything from starting with, I need "C is for cat" all the way to GED prep. And I think that, you know, even looking at the bigger picture--and I know as senators you're all going to be looking at the Justice Reinvestment Act and these kind of things--but looking at how important it is to invest now because this is a small investment that can really pay large dividends. And by having that commitment to education, I think that you'll see a lot of adults who have hope, who have promise, and who have better work skills. And I think that this is a great way to fund it is through this work force development because these are people who are already trying to be in the work force, are in the work force, and people who need additional skills. So I appreciate your time and your consideration and your attention. Thank you. [LB382]

SENATOR SULLIVAN: Thank you, Ms. Hansen. So the Literacy Center, only one location in Omaha? [LB382]

STEPHANIE HANSEN: We have one brick and mortar location and we do do satellite services. We have a center or a satellite office at the Sarpy Center in Sarpy County. We've got one at Park Avenue Commons. We're partnering with the Learning Community to do some services out of theirs. And there's one other location and our director is here and she'll tell you. And I'm embarrassed that I can't remember the last location but I believe it's in south Omaha. [LB382]

SENATOR SULLIVAN: Do you have any idea what the average age is of your clients? [LB382]

STEPHANIE HANSEN: I think they're anywhere from...I mean, I think the average age is probably somewhere in the 30s. But I can have Kirsten address that as well. But we've got people all the way into their 80s that come to the center as well. [LB382]

SENATOR SULLIVAN: And what's the length of time they stay with you in terms of getting the instruction and taking the test? [LB382]

STEPHANIE HANSEN: Well, that's the beauty of it: It depends. And it depends on the individual and where they are in their learning. And it's not...I think that one of the things that the literacy center does well is that, because we're not the traditional education system where you have this period of time to move this mark, that it's really very individual. And it...you can have tutors, you can have classroom, you can have a combination of all those. So it really fits the

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student and what their educational needs are and where they come. And we don't let anybody...you know, they say No Child Left Behind, well, there's no adult left behind. We've got students who have come to us who have been turned away from other programs based on their low level of skill, where they test at. And we'll take them from there and we'll work with them as long as it takes to reach whatever their goal is. And not everybody has a goal of a GED but most people do. [LB382]

SENATOR SULLIVAN: So you have a program that's up and running. So how do you perceive your center would interact or ask for funds under this grant program and what you would do with them? [LB382]

STEPHANIE HANSEN: Well, there's a lot of people that come, obviously, to get that GED. So asking based on, I suppose, a per pupil request depending on how many people are looking for a GED at that time. I'm not sure if I'm directly addressing your question. But we do partner with Workforce Development. We do...we've done partnerships with the Department of Corrections in Douglas County. We've...have partnerships with Probation in both Douglas and Sarpy Counties. So, you know, we're serving a lot of different people and not necessarily knowing how that need fluctuates from year to year but anticipating that it would be, you know, based on probably a per pupil served. [LB382]

SENATOR SULLIVAN: Um-hum. Okay. Thank you. Any other questions? Senator Schnoor. [LB382]

SENATOR SCHNOOR: This may sound like a very odd question but, you know, I've heard...you know, you...I've heard all my life in my days in the military about young folks getting their GED but, you know, I've never really thought, where do they go to get a GED? And, you know, it's an organization like yours? I mean, obviously they aren't going to high school because they quit high school. [LB382]

STEPHANIE HANSEN: Right. And personally, I think if we all would take a step back and put ourselves in an adult's shoes, wouldn't it be easier to go to a center where there's other adults and not go back into a high school maybe when you're 50 years old or you're, you know...at different places in your life, it feels really comfortable to come to the Literacy Center where you have like-minded adults that are all there to learn. And they're all focused on learning and getting better and moving their own self ahead. [LB382]

SENATOR SCHNOOR: So you do have...you have middle-aged and elderly adults coming back to finally... [LB382]

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STEPHANIE HANSEN: And some young as well. [LB382]

SENATOR SCHNOOR: Really? [LB382]

STEPHANIE HANSEN: We had a student recently who was homeschooled and he was our first graduate under the new GED program and he was being educated through the Sarpy Center, one of our satellite locations. But he just got his GED. And so it's an example of a young person getting their GED as well and being able to serve that population as well. [LB382]

SENATOR SCHNOOR: Okay. Thank you. [LB382]

SENATOR SULLIVAN: Any other questions for Ms. Hansen? Thank you for your testimony. [LB382]

STEPHANIE HANSEN: Thank you. [LB382]

RICO CAMPBELL: How you doing, Senators? [LB382]

SENATOR SULLIVAN: Just fine. Welcome. You're doing fine. [LB382]

RICO CAMPBELL: My name is Rico Campbell. And it's spelled R-i-c-o C-a-m-p-b-e-l-l. I am a GED graduate and here to support this bill. Without the Literacy Center help, I wouldn't be here today. The teachers and staff worked with me until I got my GED. I dropped out of school at a young age to get a job to support my children. Going back to school at the age of 58 was very hard but the Literacy Center made it easy to fit in because they teach young and older students. Now I'm a volunteer at the Literacy Center and working on my second goal, to go to college. That's why I think it is important to have places like the Literacy Center to help others like me. Thank you for your time and consideration. [LB382]

SENATOR SULLIVAN: Thank you for your testimony. Can you tell me a little bit more about how your volunteer works, volunteer activity at the center? [LB382]

RICO CAMPBELL: Well, right now I answer phones and I'm learning about the things that's going on in the school. And one day I'm going to college. I want to go to work study to come back down and help some of the students, you know, help them out the way that they helped me out, thank the staff and the teachers down there at the literacy center. They will help you until...you know, they make you learn. You know what I'm saying? They don't give up on you.

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And I had a couple great teachers that made me...because some...a lot of times I wanted to give up at my age. But I knew I need my education now to get going further in my life. And I'm getting ready to try to start at Metro Tech Community College and with their help in the Literacy Center...I don't think I could do it. [LB382]

SENATOR SULLIVAN: What are you planning to study at Metro Tech? [LB382]

RICO CAMPBELL: I'm going for culinary arts and business. [LB382]

SENATOR SULLIVAN: Very good. Thank you. Any other questions? Thank you. Senator Pansing Brooks. [LB382]

SENATOR PANSING BROOKS: Yeah, thank you, Madam Chair, just wanted to say, thank you for coming to testify. And again, you're inspiring. And I wish you the best and we all do. [LB382]

RICO CAMPBELL: Thank you. [LB382]

SENATOR SULLIVAN: Senator Schnoor. [LB382]

SENATOR SCHNOOR: I, too, just want to say thanks for the courage to get up here and say what you had to say. Thank you. [LB382]

RICO CAMPBELL: Thank you, sir. [LB382]

SENATOR SULLIVAN: Thank you very much for your testimony. Welcome. [LB382]

KIRSTEN CASE: Hi. Good afternoon. My name is Kirsten Case. I'm the executive director of the literacy center. Thank you so much for the opportunity to be here today. The spelling of my name is K-i-r-s-t-e-n, last name Case, C-a-s-e. The Literacy Center has a long history of serving adults in need of basic literacy skills and then over time that changed and we've added English as a second language and GED prep programming as well. More recently, with the increase in the use and need to understand and how to use technology, we've, you know, also included that into our programming. We...as mentioned previously, we are a unique organization in the fact that we do serve pretty much any student who is willing to learn and ready to learn. We will serve them. So regardless of what level they come to us at, we help them with reaching their long-term goals. They may need to be broken down into shorter-term goals over several years depending on their

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level but we have seen students come in at a 4th grade level and graduate with their GED in the next year. So a lot of it is partially commitment and the team around them helping to support them and encourage them along their way. You've also heard a little bit about our growth recently. So in the last five years, our programs have grown about 597 percent. That is in part to some of the changes in other service providers in our area. It did have a great impact on us and we anticipate that as well with the closure of the Bellevue program that's in our near future. We're the second largest service provider in the Omaha metro area so we do operate out of five different locations. We are opening...our new location will be near 72nd and Dodge. And so that will increase visibility and will provide a significant increase in the space that we'll have as well. We'll have about 154 percent more programming space available to us. Our other locations are at the South Omaha Library, Millard Library, the Park Avenue Commons nonprofit location and then the La Vista Library. And we will be starting some programming with the Learning Community at their north Omaha center in the near future. And quite frankly, we've got probably more opportunities than we can handle right now in partnering with different organizations. And so we're really working hard to increase our capacity to serve more of the needs in the community. Approximately 16 percent of the Omaha metro population has low literacy skills. So this means that it impacts their daily lives. That translates to about 70,000 adults in the area. And even with all of the service providers in the metro area serving at or above capacity, we are not meeting all of the needs and demands in this area. The GED program is our largest and most quickly growing program that we have. The need is high and what we're seeing is that students are finding that they...if they are employed, they can't get a better job or a job that will provide them with self-sufficiency without that continued education. A lot of our students do have a goal and a desire to continue their education and go on to college. And it's really exciting to see an adult come in at any age with an opportunity to dream and hope about their future in a new way because of education. As previously mentioned, we're currently the only adult ed service provider in our area and in the state right now that does not have access to funding to help support the...our GED programming. So I do hope that you consider, you know, passing or recommending this bill because it would provide a tremendous support to a program like ours. In our last...our current fiscal year operating budget is \$418,000. Outside of the education funds that we receive, currently we're predominantly funded through private and corporate foundations as well as private donations. I'd be happy to answer any questions that you may have. [LB382]

SENATOR SULLIVAN: Thank you very much for your comments. You answered one of the questions that I had in terms of where your sources of funding are. And so the GED program is just one aspect of what you do at the center? [LB382]

KIRSTEN CASE: Yes. So it's about one-third of our current student enrollment. But a lot of students that come in, possibly with an English as a second language need, could transfer over into that program. And that's what we consider to be unique about the program, is that regardless

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of where you come into the program at, we can help carry you through...all the way through GED completion if that is your goal. [LB382]

SENATOR SULLIVAN: So support through funds such as what would be provided through LB382, what would that...how would that enhance your programming? [LB382]

KIRSTEN CASE: It would be wonderful. It would go right back into our GED programming to allow us to serve more students in that space. So as I mentioned previously, there's a lot of need and a lot of interest in the community. We have identified through formal to more casual conversations at least a dozen organizations that we could partner with to provide that programming on-site at their location. And we do work very closely with Probation and General Assistance. So they are a strong referral source for our program. As Stephanie mentioned earlier, it's really important that, as individuals are identified maybe receiving other services, when they haven't obtained their GED, that they are referred on to get that need met. [LB382]

SENATOR SULLIVAN: Okay. Thank you. Any other questions for Ms. Hansen...Ms. Case, rather. (Laugh) All right. Thank you for you... [LB382]

KIRSTEN CASE: Thank you so much. [LB382]

SENATOR SULLIVAN: Yes, thank you. Welcome back. [LB382]

BRIAN HALSTEAD: Good afternoon, Senator Sullivan, 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. I'm with the Nebraska Department of Education and the State Board of Education. We're here to support LB382. Although Senator Pansing Brooks has left, I will let you know, the current recipients of funding under the High School Equivalency Assistance Act, the Nebraska Department of Corrections is the state agency that receives funding along with York Public Schools, Plattsmouth Community Schools, Crete Public Schools, Alliance Public Schools, and the Bellevue Public School District. Although I think you've heard some testimony that Bellevue, because of some reduction in federal funds, is looking at dropping this program. All of the community colleges in Nebraska participate and receive funding under this. So those are the providers. What this bill would allow is the Literacy Center currently to access some funds for that. Had they been eligible when this was put into place, they would have received approximately \$32,000 in Fiscal Year '13 based on the student counts there. At the moment, they are the only private provider we're aware of. That doesn't mean in the future there may be other private providers that may come forward. But as you can clearly see, there's a need and a demand for this in Nebraska. I'd like to think that we graduated all of the students in high schools throughout our entire history. But as you're seeing, we've got...there's about 160,000 Nebraskans who are estimated who don't have a high school

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diploma. So in that regard, the state board and the department are here to support LB382. I'd answer any questions you might have. [LB382]

SENATOR SULLIVAN: (Exhibit 1) Thank you, Mr. Halstead. Any questions? Thank you for your testimony. Any other proponent testimony? Anyone wishing to speak in opposition to LB382? I would like to read into the record, there is one letter in opposition from Nicole Sedlacek, president of the Nebraska Economic Developer's Association. Anyone in a neutral capacity? Senator Cook. [LB382]

SENATOR COOK: Thank you, Madam Chair, and thank you, colleagues. You've heard testimony. I think the...probably the best is always a personal story. I'm very proud that Mr. Campbell made time to tell his story and that he is committed to furthering his education. The GED is also part of my personal story. My father left school in the 8th grade...country school in the 8th grade, when his mother died suddenly, to stay home to raise his younger siblings. So...but by the time he joined the United States Air Force, he completed his GED while in the Air Force. And when he died, he had a master's degree and many, many hours beyond that and had taught school for 20 years. So I just...one of the...this sounds a little bit expansive. But one of the things I appreciate best about living in the United States and in Nebraska, it's that it's a place you can start over. Your lot is not cast when you're born. There are many opportunities. I hope that you see LB382 as a way to open those opportunities to some more citizens. Thank you. [LB382]

SENATOR SULLIVAN: Thank you, Senator Cook. Any questions for her? Senator Schnoor. [LB382]

SENATOR SCHNOOR: It's kind of the same questions I had for Senator Bolz. This money, you know, in your fiscal note, if I'm reading and understand this correctly, the money is already there but it's in a different...goes to a different group, I should say, and it's being...you're asking it to be reallocated to...for this. [LB382]

SENATOR COOK: Not the entire pot, a portion of it to be transferred to this fund for this opportunity. [LB382]

SENATOR SCHNOOR: Okay. Thank you. [LB382]

SENATOR SULLIVAN: Thank you, Senator. [LB382]

SENATOR COOK: Thank you. [LB382]

SENATOR SULLIVAN: This closes the hearing on LB382. We'll now move on to LB435.
[LB382]

SENATOR COOK: Fellow members of the Education Committee, my name is Tanya Cook, T-a-n-y-a C-o-o-k. I appear before you as the introducer of LB435, the Time to Teach and Time to Learn Act. LB435 establishes a collaborative grant program between Nebraska Department of Education and professional educators to support efforts to increase classroom learning time, reduce class size, and support collaboration among educators. Advancement of the Time to Teach and Time to Learn Act will recognize that teaching and learning the curriculum are the primary functions of public schooling. Here is how the bill as introduced would operate: LB435 creates the Class Size and Instructional Time Task Force that will assess class size and instructional time across the state and make recommendations to reduce class size and increase instructional time. The makeup and the proposed duties of the task force are outlined in Section 3 of the green copy. I will note at this time that my office, as well as Chairwoman Sullivan's office, have received a memorandum from Speaker Hadley in regard to potential constitutional problems with the task force's current composition and its voting authority. Committee counsel also noted potential constitutional problems with the task force portion of the legislation in the bill summary distributed to each of you prior to today's hearing. I appreciate that input and look forward to working towards resolution of any constitutional issues. I am amenable to an amendment that would remove the task force from the bill and instead require data collection and reporting by the Department of Education. That data collection and reporting requirement are, in my estimation, the crucial element to this legislation. Finally, in LB435, the Time to Teach and Time to Learn Grant Program is established. This program will support best practices throughout the state. It will allow school districts to apply for grants of up to \$100 per student or \$500 per teacher or building administrator for increasing time for teaching and learning. The criteria for the State Board of Education to award the grants is outlined in Section 4 of the green copy of this legislation. These criteria include: increasing the number of instructional days, creating blocks of uninterrupted instructional time during the school day, reducing class sizes for at-risk learners, and providing collaboration time among teachers and administrators to set student learning goals, establish strategies to address learning issues, and the use of diagnostic assessment data. Colleagues, the grant funds proposed by this legislation would operate outside TEEOSA and would be available to all districts regardless of equalization status. This allows for the proposed policy to impact students across the state. Instructional time and class size are important factors to achieving this committee's goal of quality education for all Nebraska students regardless of geography or socioeconomic status. Professional educators will testify today about the importance of smaller classroom size and increasing instructional time. These factors are well established as indicators of greater success in education for students who face challenges in and outside of the school environment. I look forward to working with the committee to address any concerns and to polish the legislation for advancement to the full body. Thank you. [LB435]

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SENATOR SULLIVAN: Thank you, Senator Cook. Have you worked or contacted or been in conversation with the Department of Education regarding if they're aware of how school districts are already addressing some of these challenges that you've outlined? [LB435]

SENATOR COOK: Yes, and they have been asked to address that issue directly as part of their testimony today. [LB435]

SENATOR SULLIVAN: Okay. All right. [LB435]

SENATOR COOK: That's a place I always like to start. I don't want to invent new laws to do things that are already expected of or required of state agencies. [LB435]

SENATOR SULLIVAN: Very good. Any other questions? All right. Thank you. [LB435]

SENATOR COOK: Thank you. [LB435]

SENATOR SULLIVAN: Proponent testimony on LB380...LB435, excuse me. Welcome. [LB435]

NANCY FULTON: (Exhibit 1) Thank you. Good afternoon. For the record, I'm Nancy Fulton, N-a-n-c-y F-u-l-t-o-n. I'm a 34-year classroom teacher and a president of the Nebraska State Education Association which we currently have about 28,000 members. I'm here today to support LB435. The reducing of class size and allowing time to teach were two of the three highest priorities that we found when we did some focus groups about a year ago in the spring of 2014. The third concern was the lack of mental health resources to address the needs of the students. This bill addresses two of those concerns, those priorities. LB435 proposes a Class Size and Instructional Time Task Force to research and to assess class size and instructional time at school districts across this state and to make recommendations for creating incentives for school districts to reduce class size and to increase instructional time. I understand that these recommendations would be made then by December 1, 2015. The second part of LB435 provides for a Time to Teach and Time to Learn Grant Program. And this would be implemented in the 2016-17 year. NSEA does realize that these two provisions would require an increase in General Funds to support the research and grants. Last year, the Legislature phased out the allowances for teacher education and instructional time in TEEOSA and LB435 is an attempt to incentivize districts, whether they are equalized or nonequalized, to implement proven strategies that increase student learning and student achievement. I've passed out this attachment before. I've seen a video by Jamie Vollmer. It's called "The Ever Increasing Burden on America's Public Schools." Vollmer illustrates the decade-by-decade creep of mandated nonacademic duties for

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schools. I have attached a list of it in written form by decade of these mandated tasks that have been passed down since the early 1900s. I've lived through the last four decades of these mandates as a classroom teacher. I do encourage you to advance LB435. Thank you. [LB435]

SENATOR SULLIVAN: Thank you, Ms. Fulton. Calling upon your years of experience in the classroom and thinking about how this proposed legislation might play out, what...how do you foresee these grant dollars could be used to address some of these concerns outlined in this bill? [LB435]

NANCY FULTON: I...probably some...adding to the school day, possibly, or the school year. You know, we don't want to have more time in the school day for students but it would be...and use of the dollars to help for longer periods of instructional time for our students so that they're not interrupted by some of these other activities. [LB435]

SENATOR SULLIVAN: So I'm just trying to get a sense of...the parameters in the bill are, I think, like, \$100 per impacted students up to \$500 per impacted teacher or principal for increasing teaching and learning. [LB435]

NANCY FULTON: Yeah, I...that would probably help in the reduction of the class sizes so that more, you know, so smaller class sizes, students would get more individualized help. [LB435]

SENATOR SULLIVAN: Okay. All right. Very good. Any other questions for Ms. Fulton? Thank you. [LB435]

NANCY FULTON: Thank you. [LB435]

SENATOR SULLIVAN: Welcome. [LB435]

MICHAEL FRYDA: (Exhibit 2) Thanks. Good afternoon, Madam Chair. Members of the Education Committee. I am Michael Fryda, M-i-c-h-a-e-l F-r-y-d-a. I am a science teacher at Westside High School in Omaha and an adjunct professor of education at UNO. In 2010, I was honored as Nebraska's Teacher of the Year. The advantages I have benefitted from as a teacher at Westside Community Schools have encouraged me to come before you today and speak in support of LB435. One of the first things that struck me about Westside was the commitment of this district to encourage teachers to collaborate on teams and to provide time for those efforts. On a daily basis teaching in teams, I talk with my colleagues frequently. This communication is supported by our modular schedule, a collegiate-style schedule that allows students to take many electives while allowing time to get help from teachers. This schedule allows me, when not

directly helping students, the time to collaborate. In fact, the flexibility of this schedule allows me to be here to advocate for students and still not miss any scheduled class time this afternoon. Flexibility provides educators the much-needed time to have professional conversations. The tough questions we ask each other make us more effective. What helped students understand this idea What didn't help? These questions form the backbone of a truly student-centered learning environment. Having been given the time to share our ideas, we create what we call super courses. All of the best lessons and curricula that we have toiled and moiled for combine into an experience that is a true merging of the minds. As the years have gone by, we've only gotten better. Up to date, techniques like flipping the classroom and personalized learning have encouraged us to treat our students like the individuals that they are with unique strengths and challenges. Despite all the successes in the classroom, despite these new techniques that teachers are eager to bring to their learning environments, there is a very large limitation that most school districts in Nebraska face. We know how students learn and we know how best to help them. Saying that and doing that are two completely different matters. Here's why: To really do a great job with students, teachers need the time to interact with them personally. Great teachers know that students are not numbers. They're living, breathing human beings that have special requirements depending upon who they are to be successful. The inconvenient truth of public education is that learning is messy. It does not follow prescribed times or methods. Every student that we add to a class makes it more difficult for the adult in the room to specialize for children. Let me say that again. Every student that we add to a class makes it more difficult for the adult in the room to specialize for children. Crafting a sound society through public education doesn't happen with a cookie-cutter approach. I'm here today because I don't believe that my kind of success should be limited to my students. I want to give all teachers in Nebraska the opportunity to develop innovative curricula that recognizes and nurtures the whole child. LB435 would give us the opportunity to do that. My sincere thanks to Senator Tanya Cook for introducing this legislation and my appreciation to the committee for the opportunity to share my thoughts with you and for your time. I would be pleased to answer any questions you might have. [LB435]

SENATOR SULLIVAN: Thank you, Mr. Fryda. Can you define modular scheduling? Is that what you said? [LB435]

MICHAEL FRYDA: Yeah. So modular scheduling is a schedule where we limit the number of classes that a student can take so that they have more flexible time during the day to get individualized help with teachers. So their typical day, rather than going seven periods in a row, might be one on, one off, two on, one off, one on, one off. Each class is a little bit shorter. But that extra time that we're carving out of the schedule gives teachers and students the opportunity to collaborate with themselves and also time for teachers to collaborate with other teachers. [LB435]

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SENATOR SULLIVAN: So is it fair to say that with that approach--also you mentioned more collaboration among your peers and your...the faculty--those are management decisions that your district has made? And has that resulted in increased costs? [LB435]

MICHAEL FRYDA: Modular scheduling is more costly to implement. Modular scheduling arose in the 1960s, the late 1960s, as an example of how Westside decided to work with a more efficient classroom environment. It would probably look very different for other school districts in the state, especially rural schools. I'm not saying that Westside's model is the model that LB435 should push for. What I'm trying to get at is, by working in a model that gives me flex time to collaborate with my colleagues, we've seen a lot of educative advantages for it. And so I would hope that whatever it would need to look like for individual districts in Nebraska, those districts would be able to apply for the grant in a way that would hopefully allow them to make those sorts of decisions. [LB435]

SENATOR SULLIVAN: Why is it more expensive to implement it? [LB435]

MICHAEL FRYDA: You need staff full time to be organizing all those individual classes into the slots where we can put the staff in the appropriate times so that we have someone to teach the kids in that location. And so the major cost that's added is that you would need an extra staff member who really works on making sure that that environment can...all the Ts cross and I's dotted and the kids are in the right spots at the right time. [LB435]

SENATOR SULLIVAN: Okay. Thank you. Any other questions? Senator Schnoor. [LB435]

SENATOR SCHNOOR: We're hearing a lot about class size. And you taught at Westside...you taught or you currently do teach. What is the average class size for you and what is the, if you could, and you may just have to guess on this one, but of the average class size overall at Westside? [LB435]

MICHAEL FRYDA: My class, the natural science course, which is a group of especially at-risk students...my free and reduced lunch population in my class is over 50 percent and the average for Westside is a little under 30 percent. And so the flexibility of modular scheduling has allowed us in our department, in the science department, to especially focus on smaller class sizes for my at-risk students. The drawback of that is that for our other classes, we've had to increase class sizes. And so for some of our more advanced science courses, we might, just within our own department, have a teacher teaching 30 students at any given time. [LB435]

SENATOR SCHNOOR: Really? Okay. Overall class size for classes in...at Westside? [LB435]

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MICHAEL FRYDA: At Westside High School is in the...24, I think, is the cap. [LB435]

SENATOR SCHNOOR: Okay. What do you think would be ideal? [LB435]

MICHAEL FRYDA: An ideal...it would depend upon the clientele. Ideal for all students would be the minimum possible but, of course, we have fiscal problems with that. And so for at-risk students, we would want class sizes to be lower. But any time we could get class sizes under 20, that's a huge benefit for teachers to be able to specialize and work on students with the personal needs of individual students. [LB435]

SENATOR SCHNOOR: Okay. It's kind of ironic, because where I was at in Scribner, we have a lot of parents complaining that our class sizes are too small, that we have ten kids in a class, that that doesn't give them the opportunity to learn because there's not enough competition. And we're hearing exactly the opposite which, I've always agreed that, you know, that many kids in class, it's got to be tough for a teacher to teach adequately. I mean, you can put out a lot of information but...or you can put out the information but for them kids to learn it, it's very difficult. But I just...that's why I wanted to ask that. I just was kind of curious more than anything. That's...it's rather ironic from my perspective from a rural area. [LB435]

MICHAEL FRYDA: Sure. And if you want it, I could speak to rural schools as well, but, yeah. [LB435]

SENATOR SCHNOOR: Yeah, go speak to the parents. [LB435]

MICHAEL FRYDA: Sure. (Laughter) [LB435]

SENATOR SULLIVAN: Senator Morfeld, did you have a question? [LB435]

SENATOR MORFELD: Actually, Senator Schnoor asked the exact same question I was going to. Thank you. [LB435]

SENATOR SULLIVAN: All right. Very good. Any other questions for Mr. Fryda? Thank you for your testimony. [LB435]

MICHAEL FRYDA: Thank you, Senators. [LB435]

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BOB FEURER: Hi. I'm Bob Feurer from North Bend, Nebraska. I taught for 35 years. I was the... [LB435]

SENATOR SULLIVAN: Excuse me, would you, please, spell your... [LB435]

BOB FEURER: Okay, I'm sorry. The last name is F-e-u-r-e-r. [LB435]

SENATOR SULLIVAN: And you'll fill out a green sheet afterwards, right? [LB435]

BOB FEURER: Okay. [LB435]

SENATOR SULLIVAN: Yeah. Okay. Gotcha. (Laugh) [LB435]

BOB FEURER: Didn't give me that homework assignment. [LB435]

SENATOR SULLIVAN: You missed my explanation at the first, all of the... [LB435]

BOB FEURER: Okay. [LB435]

SENATOR SULLIVAN: No problem. [LB435]

BOB FEURER: I wanted...I want you all to imagine--I think you've all been here--you walk into a restaurant and they take you to your seat and sit you down. And they say, your server will be here in a second, his name is Bob. Five minutes later, Bob shows up with water and a menu. And you don't see Bob again for ten minutes. You start to tap your toe and Bob is still not there. He's busy. You can see him running around the restaurant to lots of other people. But he doesn't get there to take your order for 15 minutes. And then he takes your order and he says, I'll be right back with your salads, and it's another ten minutes. Now imagine that happening 175 days in the classroom. You feel the sense of frustration that those kids might have because they didn't get waited on? I'm in a unique situation. I did retire last year, but I've been called back to service. The kid that replaced me is being called back to active duty. So I've had the pleasure of being in his classroom the last three weeks in transition and watched some of the sorts of things that we've done to that young man. I told him when we started the program that it was too rigorous of a schedule for him. And it isn't because he's extremely talented. But when I signed on at North Bend 35 years ago...36 years ago now, excuse me, the situation was such that I had two planning periods, I taught five classes, I had three preps. We changed superintendents and I gained another prep and I lost my planning period. When I had the extra planning time, I could do more things

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for kids. I required every student to do a term paper for every class every quarter. So they had to write four term papers for me every quarter. I couldn't do that when I had to prep for another class, okay? I couldn't do all that extra work. I retired for that very reason. I had four preparations. I taught six classes. You know, but I was also part of our districts cottage industry, you know, activities, because I was coaching one sport. But at some points in time I've coached as many as three. I had five preps at that point in time. You know, so we need to really consider what we're doing to our kids. Computer lab, when Bernie (phonetically) was in there the other day, 24 kids, seven hands were up in the air. How many kids could he serve at that point in time? He can only get to one. Some of them waited for ten minutes for him to get there. I couldn't help them because I didn't know what they were doing. Okay? I think that's the sort of situation that this bill would allow us to address. You know, the collaboration time for teachers, if we could add a contract day or half a contract day to that schedule would allow us some of that time for workshops to really make some difference. We still have the same number of contract days at North Bend that we had when I started 35 years ago. It's 185 days with 176 days of contract...or contact time with students. You know, that simply isn't enough with the change in our demographics, in the change of the curriculum with the integration of technology. Michael and I talked earlier about, you know, utilizing technology well and we don't. And we have the technology but we have not been trained. And that's something this might do is give us some time to get our teaching force across the state up to speed on so many things by providing some financial support outside. Thank you. Questions? [LB435]

SENATOR SULLIVAN: Thank you, Mr. Feurer. So perhaps what you're saying is that...are there, maybe, systemic changes that need to be made to our system? [LB435]

BOB FEURER: Michael--I don't know if Michael is still here--we talk a lot about the changes. A lot of things that Westside does, we can't do at North Bend just really because of our size. We don't have the staff. And he said they have 18 science teachers. We have three. You know, that reduces your flexibility. I was lucky I was in the system yet. I was still in North Bend so I could fill in for Bernie (phonetically) while he was leaving...or when he was leaving. You know, we don't have those sorts of opportunities every place. And one size doesn't fit all. You asked about how we would apply these funds. It depends upon the district. You know, if we're talking about OPS which is a huge system...North Bend, we have 13 zip codes, you know, but only 500 students. You know, so there's a lot of difference and I think this would give some flexibility to those schools to put the funds where they saw fit which I think is a distinct advantage. [LB435]

SENATOR SULLIVAN: Okay. Thank you. Any questions for him? Thank you for your testimony. [LB435]

BOB FEURER: Thank you. [LB435]

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SENATOR SULLIVAN: And don't forget to fill out the green sheet. (Laugh) [LB435]

BOB FEURER: Got it. [LB435]

SENATOR SULLIVAN: Any other proponent testimony for LB435? Anyone wishing to speak in opposition to LB435? Welcome. [LB435]

DEB ANDREWS: Thank you. My name is Deb Andrews, D-e-b A-n-d-r-e-w-s. It's so ironic. My family moved to Westside School District because they had such small class sizes and spent the most per student. My son's elementary school at Westside had 120 students K-6. It was very small classes, 12 and 14. But it was a nightmare. They had things like magic spelling where children can spell words however they want to. It was very innovative in that sense but it proved very, very difficult for my child who loved learning. The focus was on behavior instead of mastery of curriculum content. I learned through my child's experience the most important things in school are curriculum. The learning of knowledge should be prized. And also, the preparation of teachers, instruction, and curriculum makes all the difference. I moved him to a...well, first, I couldn't get any help despite the funding and the small classes at Westside for his curriculum and instructional needs and it was affecting his behavior. I moved him to a public school in Iowa that had much larger classes. There were 650 children in the K-6 school. Most classes had over 30 children. They...because they had low funds, they focused on the basics. They didn't have innovative curriculum. Spelling was as it was 50 years ago. As a result of that, he started doing research for NASA at the age of 14 at UNO. It made just a tremendous difference. He was allowed, as others were, to learn at his own pace. That was in Council Bluffs, Iowa before the casinos. It was a very poor area. I learned a lot through that. It has prompted me to stay involved with education. Children are suffering in our schools like my son was. They need to learn and they need to learn well and be allowed to go on at their own pace and perhaps bring the shuttle back. Thank you. [LB435]

SENATOR SULLIVAN: Thank you, Ms. Andrews. Any questions for her? Thank you for your testimony. Any further testimony in opposition to LB435? Anyone wishing to speak in a neutral capacity? Welcome. [LB435]

BRENDA VOSIK: (Exhibit 3) Good afternoon. My name is Brenda Vosik, and I'm the director of the Nebraska Family Forum. The NFF is a statewide organization of more than 800 people, mainly parents of school-aged children, who are concerned about education and the parent and family role. I'm here representing those parents today as our members have expressed a great deal of concern and questions about LB435. I've read the bill repeatedly and I'm still a little confused particularly about the funding, about the grants, since there is no fiscal note attached. What I think this bill is about is the federal extended learning time grants that are being pushed

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by the U.S. Department of Education. I might be wrong but I can't seem to verify one way or the other in spite of asking lots of questions of state senators, local school board members, and State Board of Ed members. The fact that I can't seem to get a clear is a concern in itself. What I do see is that some of the verbiage in this bill is identical to the federal ELT grants and that alarms me and I'll tell you why. Extended learning time grants are being used as a carrot by the federal Department of Ed to incentivize longer school days and school years. But when you bite the carrot, you have to watch out for the stick. And that's what I'm concerned about. I think we've all learned that with No Child Left Behind and Race to the Top. The first thing I need to point out is that LB435 forms a task force consisting of teachers, principals, superintendents, members of this committee, representatives of teacher training institutions, and staff from the state Department of Ed. Lots of stakeholders are included on the task force but I wonder if you notice anyone missing, because the members of the NFF certainly do, and that's parents. The primary stakeholders in a child's education and a child's future are missing. And if the task force does move forward, we think it's crucial that parents be included in that. It appears that the intent of LB435 is to help children who are struggling with issues that affect learning, particularly poverty. We all know that the relationship between poverty and education is striking, and I applaud any efforts to address that issue. However, I urge you to proceed with caution on this bill, because extended learning time is not the answer for everyone. And I'd go so far as to say that extended learning time is not the answer for most children. If, indeed, we're talking about federal ELT grants, academic program can't be offered to targeted students only. One hundred percent of the population has to attend extended learning time and this is occurring in New York state. In fact, many districts in New York state who originally accepted these grants have rejected the grants after strong outcry from parents and community members. Kids as young as pre-K were being required to attend school 8, 9, 10 hours a day, longer than an adult work day, which affected sports, religious instruction, scouts, and most importantly, family time. Our kids don't need a longer school day. They need a break. This bill acknowledges that the school calendar has been burdened with too many programs unrelated to teaching and learning and we parents couldn't agree more. So let's eliminate those programs instead of making room for them by expanding the school day or year in order to get grant money. Our children get tired. They need rest, downtime, play, and most of all, family. Keeping them in school sitting at a desk for hours on end, which is what has happened in New York, is absolutely not a positive thing to do. Their little brains can only absorb so much. I'm done. I'm going to submit to the committee a list compiled by one of our members with several line item questions about the funding and the data collection, and I hope you'll take time to review the numerous items that are unclear in the bill before proceeding. And more importantly, please think about our kids. Consider the many negative aspects of extended learning time. Their physical wellbeing, their brain development, and their family relationships are not worth sacrificing for grant money if that's indeed what this is about. [LB435]

SENATOR SULLIVAN: Thank you, Ms. Vosik. [LB435]

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BRENDA VOSIK: Thank you. [LB435]

SENATOR SULLIVAN: Any questions for her? Thank you for your testimony. [LB435]

BRENDA VOSIK: Thank you. [LB435]

SENATOR SULLIVAN: Anyone else in a neutral capacity? Senator Cook. [LB435]

SENATOR COOK: Thank you, Madam Chair. I learned a lesson. You should always look behind you to see if the agency is still there before you point over your right shoulder and say that they will be back to offer input. So lifelong learner, I shall remain. Well, here's what I know about one of the collaborative grant programs that is currently under operation within the state of Nebraska. It happens to be among Omaha Public School District, the Nebraska Education Association, and the Sherwood Foundation. They are gathering data on class size--the...when I say they, I mean NDE, the Nebraska Department of Education--are currently gathering data on class size and instructional time. So there's a precedent for that. LB435 would anticipate dovetailing with that, the same data requirement in Section 3 that you see outlined in the bill. Regarding the last testifier, I, until today, had not heard of ELT. My intention in introducing this bill has nothing to do with chasing federal dollars and following through with the strings attached to those federal dollars. My interest in this bill proposal is primarily to offer the best opportunity for student success. And having had the...don't have students of my own, but pointing to my own experience, there are times within classes, unlike Ms. Mason that we met earlier, we got to science and math, I needed to ask some questions. And it...we...those teachers sometimes need the extra time. And it's...can be somewhat intimidating for a student when they recognize on some level that the teacher only has so much time to offer. So my intention in introducing LB435 is to improve student achievement, student success. In terms of family time, the last testifier touched on some issues. Absolutely, in an ideal family situation, there's all kinds of family time and church activities and community activities and dance lessons. As we know through our research here in the Legislature, particularly that available through the Planning Committee, we have more children living in poverty than we did ten years ago. Any effort that I would put forward or this particular effort, the first audience--I will say out loud--that springs to mind is an audience where that student needs to maximize her or his...the help that they get within the school day. This does not extend the length...does not propose to extended the length of the school day but the time on task for teachers and, more importantly, students. Thank you. [LB435]

SENATOR SULLIVAN: Thank you, Senator. Any questions for her? Thank you very much. This closes the hearing on LB435. We will now move on to LB617. Welcome. [LB435]

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SENATOR LARSON: Thank you, Senator Sullivan and members of the Education Committee. My name is Tyson, T-y-s-o-n, Larson, L-a-r-s-o-n. And I am the senator from Legislative District 40, O'Neill. Today I'm here to introduce LB617. And it's another effort to institute reform into an educational system that, as you see, needs possible structural changes and has thus been resisted. LB617 does five major things. First of all, it ends the majority of social promotion after 3rd grade. If a student is struggling in their reading during kindergarten, 1st, 2nd, or 3rd grade, it does direct the school district to develop a plan which we call an individual reading improvement plan for kids not hitting certain targets in kindergarten, 1st, 2nd, and 3rd grade. It does have special exemptions for those with special needs and ELL. And for me, this is more about intervention, ensuring the achievement gap doesn't continue to widen. I know you here...we don't want a 15-year-old in 3rd grade. And I don't think that's ever going to happen. And I think, other states that have implemented this, that hasn't happened. The second thing that LB617 does is it institutes school grading on an A through F scale. First of all, I know the Nebraska Department of Education currently does attempt to do grading to a degree. But it's my understanding, and they might be able to correct me, the grades they offer are excellent, great, good, and needs improvement. That concept where three of the categories are good or above, I think, is ridiculous. And parents deserve to know where their school districts are. You know, A, B, C, D, or F, something that they understand, not excellent, great, good, and needs improvement. The grade is determined by three things: first, student achievement scores based on all scores within the school district; two, student learning gains from all students; and three, student learning gains by students that are in the lowest 25 percentile of reading and math on statewide tests. Hopefully the concept is that we balance this out in that grade and not only all students...testing all students but also measuring gains, because I think that's very important in a school's evaluation, is are they closing that gap? Are they helping their students succeed, not just, how smart are their students? Three, it establishes a school recognition program. Schools that are attaining an A rating will be allocated money on a...for nonrecurring bonuses for either staff or special equipment. I think we've seen in other states that when you incentivize--or just the market in general--when you incentivize behavior, you're going to have more effort from the teachers. And I'm not saying that the teachers aren't putting in effort now. I have a father that's a high school teacher and a mother that sits on a school board and I heard...you know, you heard that bill earlier today. But it...in my mind, it doesn't hurt to put a little market into the educational system. Number four, it has a process in which we can get alternative teacher certification. I think this is a very crucial part of the bill and one that I am particularly proud of, because groups like Teach for America can't come into Nebraska because of the current requirements on teacher certification. And I don't know how many of you are familiar with an organization like Teach for America, but it is an organization that takes kids out of some of the top universities around the nation and puts them in either low-income or very rural areas and what you'd consider difficult districts to teach in and puts them there for two years. And it's a two year contract and...but obviously then encourages them to move elsewhere to where they can influence education from the outside. Many of my classmates went into Teach for America, and I know a lot of people that

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did. It also allows anybody with a doctoral degree or a valid teaching certificate from another state or national accreditation board or, for the Teach for America part of it, with college credits and a qualified examination. The fifth thing that LB617 does is it requires principal approval for teacher transfer. Essentially, that means teacher transfers within a district need to be approved by the receiving principal. The concept is to stop shuffling teachers. If we're going to put a grade on schools and how they're performing, I think that it's reasonable that the...those that are running that school have the opportunity to say no to a teacher that they might not want. That obviously will deal mainly with some of your larger school districts: Omaha, Lincoln, Grand Island, those districts that have multiple schools, because the smaller school districts, that's not an issue, so...but if we're going to grade schools and ask for accountability and a principal doesn't want a teacher, I don't think they should have to...they should be forced to take them. You know, LB617 is a package of reforms. I know it was...similar was brought last year and a lot of questions were asked. You know, each one of these could be individual bills and that's probably true. But then you'd have to sit and listen to me five different times instead of just one big time, so I think you're...I'm doing you guys a favor by putting it all into one. So we can discuss it. It is time, and hopefully there's a few things on here that, as I said, as I read through the transcripts from last year, that I know some members of the community don't...or committee don't like, and that's fine, and we can have that discussion. But there are some things on here that I think are very important. I think they're all very important, I should say. I think they're all very, very important. But, you know, we do need to start discussing alternative teacher certification. I know the union will testify against it. But it is working in many areas across this country, and I would hope that we can all agree that an organization like Teach for America is doing some really good things across this country. And it's being emulated all across the world. So, you know, something of that nature at the very least I'd hope could come out of the committee as well as, you know, the approval for teacher transfer and a few other things. And we can start the discussion on other things. Thank you. [LB617]

SENATOR SULLIVAN: Thank you, Senator. You'll have to refresh my memory from the bill last year. This is very similar to it. But is it reflective of some specific things to be addressed here in Nebraska or is it sort of a road map that was laid out in another state? [LB617]

SENATOR LARSON: Yeah, a lot of these came from...I think a number of other states have implemented things similar to this. I know this bill specifically was drafted off a number of reforms that happened in Florida and those reforms that...included vouchers and charter schools which obviously aren't included in LB617. But a lot of the language is modeled off of what Florida did. But it's obviously tailored specifically to Nebraska in the sense that we cut a few of those things out and are working on a few things that we don't have, such as the alternative teacher certification. [LB617]

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SENATOR SULLIVAN: And to that end, have you interacted at all with the Department of Education to not only identify some of their concerns but some of the things that they are already doing that maybe speaks to what you're proposing? [LB617]

SENATOR LARSON: You know, we've had conversations. I know the Department of Education voted to oppose LB617. I think it was...how many members are on the board? 6? 7? I know two voted not to oppose it or to support it and the rest of them voted to oppose it. Specifically on everything, I haven't dealt with the Department of Education. I know they're doing some things. As I talked to the teachers union, they say the teacher certification can be done already. You know, so many can be part of the...or so many teachers at...in a school district don't have to have a full certificate or can work towards that certificate but it still isn't allowing, you know, as I said, groups like Teach for America to come in and things of that nature. I know when I moved back to Nebraska, I went to get a sub certificate and I was a year out of college. I was able to achieve a triple major. And they came back and told me that I needed to take another four classes just to get a substitute certificate. I don't necessarily think that's the best way...and that's not even a full teaching certificate. That's just a substitute certificate. When we have schools that are struggling to not only get qualified math and science teachers but communities that are struggling to find substitutes, that's an issue and that's something that I think the Department of Education isn't addressing. [LB617]

SENATOR SULLIVAN: Any questions for Senator Larson? Senator Cook. [LB617]

SENATOR COOK: Thank you, Madam Chair. And thank you, Senator Larson. Third grade is a very important time. The research shows that if a child decides that he or she is not successful or interested by that point that the chances of her or his success diminish. A mandate for retention, without the opportunity, as we have now, for parental override...like you, my parents were involved in education and I would hear--these are our dining room table conversations--oh yeah, we wanted to retain Johnny and Jill and Judy but mom and dad came in and overrode the decision. Do you have any thoughts on that, the...I don't see reflected an opportunity for a parent to say, you know what, they're going to the 4th grade. [LB617]

SENATOR LARSON: Yeah, and that's something we can talk about and consider because it's not in the bill. There are some, what you could call, safeguards, like as I said with ELL and special education. And, you know, I have a...my stepson has autism and there's questions whether or not he'll be able to...he probably won't be at the 3rd grade reading level when that time comes, but there's certain aspects that do allow that. Also, there's the stop gap measure. They might not test at the 3rd grade reading level but a parent...or if they're completed their plan and the teachers actually...they might not test well and the teachers say they can read at the 3rd grade level, they can progress. You worry about those mandates in terms of the teacher...or the parents not being

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able to override...or being able to override. And I have mixed feelings because I can understand your concept, Senator Cook, of, you know, that. But at the same time I think, how many parents would actually say, no, or would actually hold their children back? And that's a concern. Now, if the committee feels that that's the best avenue to take, I'd understand that and we can have that policy debate on the floor. But a lot of...some of these students, and I think we've talked about, might not have the most stable home life, might not have the best home life in the world regardless what neighborhood they're in. There's many small communities throughout this state that have rising minority populations that are facing the similar struggles as urban areas when it comes to home lives and parenting. So I get the concept, but I worry...but I hope you can appreciate the worry that they would just pass on because the parents say. [LB617]

SENATOR SULLIVAN: Any other questions? Senator Cook. [LB617]

SENATOR COOK: It's more of a statement. I have become aware, and I'm excited about, kind of a principals academy, if I'm remembering the name...appropriate name that many of the principals with...particularly within the Omaha Public School District have been put through to address what used to be termed the lemon issue... [LB617]

SENATOR PANSING BROOKS: Lemon law. [LB617]

SENATOR LARSON: Regarding number five, the... [LB617]

SENATOR COOK: ...yeah, the lemon law or as...back when I did the research, on Forbes 2000, they called them bad apples, another fruit analogy. So there are some initiatives, public/private partnerships to address behaviors, cultures, if you will, where a teacher may be passed along to another school building. [LB617]

SENATOR LARSON: Yeah, and like I said, hopefully...those are...the trainings are great. But, you know, there's still that concern that you're a principal in OPS and the administration just says, here's your new teacher and yet we're requiring you, through No Child Left Behind and a number of other things, to use him and it could hurt your test scores. So that was the point of...the receiving principal has to okay it. [LB617]

SENATOR SULLIVAN: Tell me a little bit more about how the master teacher program...there has to be a master teacher working with the summer camps for reading programs? How realistic will that play out in rural Nebraska? [LB617]

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SENATOR LARSON: Well, and if I remember right, the master teacher program, you become certified through the Department of Education. In rural Nebraska, it's going to be...it'll be different. You know, I can understand the concerns at Elba or Lynch in terms of having a master teacher program. And some of those communities, maybe they'll have to work together where the nearest one is west Boyd or Albion or something of that nature. And then you get into the transportation issue. That can be interesting in and of itself. But hopefully these schools districts, regardless of where they are, take an active role in their students. But I definitely understand the concern of having a teacher in each educational institution that is certified in the master teaching...or that has that distinction. [LB617]

SENATOR SULLIVAN: Any other questions for senator? Senator Kolowski. [LB617]

SENATOR KOLOWSKI: Thank you, Madam. Senator, have you ever heard of the National Board for Professional Teaching Standards? [LB617]

SENATOR LARSON: Not...no. [LB617]

SENATOR KOLOWSKI: Okay. It's the national certification board for the entire country. [LB617]

SENATOR LARSON: Okay. [LB617]

SENATOR KOLOWSKI: It's been around for quite a while and coming forth with this kind of proposal, it would have been, probably, helpful to read some of that. [LB617]

SENATOR LARSON: Yeah, like I said, I know we're one of the few states that can't have Teach for America come in. And it's working in many other states. And maybe the committee doesn't feel like programs like that are beneficial to kids in Nebraska. I think it highlights... [LB617]

SENATOR KOLOWSKI: Can I ask you a question? [LB617]

SENATOR LARSON: Yeah, go ahead. [LB617]

SENATOR KOLOWSKI: You're saying it's working in other states. What do you mean by, it's working... [LB617]

SENATOR LARSON: Teach for America. [LB617]

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SENATOR KOLOWSKI: ...because I know they get placed and they're there for two years?
[LB617]

SENATOR LARSON: Two years. [LB617]

SENATOR KOLOWSKI: What difference have they made? What do we have? [LB617]

SENATOR LARSON: I think you're seeing difference on two levels. The first difference is, these are individuals that are excited, and we'll put it...we'll use South Dakota as one of the best...as an example close to home because it plays right into my district, a school district like Santee. There's a number of...Santee has a real problem getting teachers to come to Santee. They have a hard time with retention rate. And I know the reservations in South Dakota were having similar problems. And Teach for America has really expanded quite a lot in South Dakota, specifically on the Indian reservations, and these individuals are oftentimes more willing to go into those places that it is very difficult to bring a teacher that isn't truly looking for a massive challenge, because I don't know how many in this committee have been to Santee. It is a sad, sad place and would be just absolutely demoralizing for many teachers when...I know what the attendance rate and a number of other things. The second side that I see that these individuals really help in the model of Teach for America that has worked so well...and some people say, well, they criticize that they're only there for two years, like that's a problem. The model for Teach for America was, they wanted those students there for two years. And if they wanted to continue, they could. But the true model is--and the reason that they're picking oftentimes from the best and the brightest at some of the top universities across the nation--they want their Teach for America graduates to go back into business, to go back into, you know, nonprofits or NGOs and then affect education...because they've experienced the educational system then to affect education from the outside. And it's so hard for, you know...it's difficult for teachers to really get involved in, you know, that political process or that NGO process. So I think that's, you know, one of the massive benefits of a program like Teach for America because it brings the kids...or brings people into areas that it's hard to get teachers. You know, I can only imagine how hard it is to get a math and science teacher in Santee. I've heard from their principal that it's almost impossible. They're not getting applicants. And so I think that is a...would be a big benefit to...I don't think Teach for America is ever going to come to Millard West or Millard South. But they will go to Santee. They might go...you know, they might go to north Omaha. They'll go to, you know, Rosebud in South Dakota. They might go to Mullen, you know, and Mullen struggles to get a teacher or Hyannis, places like that. [LB617]

SENATOR SULLIVAN: Senator Larson, are you familiar and do you remember what were the components of LB438 that we passed last year? [LB617]

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SENATOR LARSON: Refresh me. [LB617]

SENATOR SULLIVAN: The priority schools act... [LB617]

SENATOR LARSON: Yes. [LB617]

SENATOR SULLIVAN: ...and the fact that we will, through that process...and are in the process of identifying low-performing schools could very well be something like Santee and how we will and could potentially intervene in those situations to specifically address those concerns? [LB617]

SENATOR LARSON: With LB438...and I remembered that...talking to you on this bill last year...will that be able...will the Department of Education be able to issue alternative teaching certifications to allow people like Teach for America to come in to those schools to... [LB617]

SENATOR SULLIVAN: Well, I think the more important thing is, the intervention team will look specifically at the needs of that school district and how to improve them whether that is...has to do with teaching certificates or other aspects which is, I think...what do we want to focus on? Do we want to focus on teaching certificates or improvements? [LB617]

SENATOR LARSON: Yeah. I think intervening...I think we focus on both in the sense of intervening at a school like Santee, let's say, is great, but unless you can get the staff, to intervene isn't going to encourage... [LB617]

SENATOR SULLIVAN: I think intervene probably means staffing, probably. [LB617]

SENATOR LARSON: Yeah, encourage....the state still can't force people to go up and teach at Santee or, you know, Winnebago or things of that nature. And I think that's where giving more flexibility would actually be very beneficial. [LB617]

SENATOR SULLIVAN: But I think the mechanism in LB438 does allow intervention on the part of the state to identify the specific needs of...because...and answer those concerns, so. [LB617]

SENATOR LARSON: Okay. [LB617]

SENATOR SULLIVAN: Any other questions? Senator Cook. [LB617]

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SENATOR COOK: Thank you, Madam Chair. I'm looking at Section 23 because we hear this... [LB617]

SENATOR LARSON: What page? [LB617]

SENATOR COOK: ...of the green copy of the bill, Section 23. And I'm noticing that performance-based incentives, commonplace, absolutely, in the private sector. I've got a bill in Business and Labor just looking for equal pay. That's a different topic. But we hear all the time from parents and communities that we're testing our kids to death. In fact, I think it says someplace in some of the letters we've gotten. How would you...let's say I'm a top teacher. I've taken all the licensure and I'm due my performance-based incentive. How do you measure that without testing? Or how do you measure that I get my money for this performance that I've improved? [LB617]

SENATOR LARSON: Yeah, the...it is, and I understand the testing component. But it is testing. Essentially you have the...performance-based is based on whether or not...the school grading formula with the A through F instead of excellent, great, good, and needs improvement. And A schools will be eligible for that performance-based incentive program. And the three components are student achievement scores... [LB617]

SENATOR COOK: Okay. [LB617]

SENATOR LARSON: ...that are tested for all students. And then the second part of it is student learning gains from all students, so on average of all the students in the school, what are the gains from the beginning to the end? And then student learning...the third component is student learning gains made by the lowest 25 percentile of reading and math. [LB617]

SENATOR COOK: Okay. [LB617]

SENATOR LARSON: And so I understand the concerns with tests. And we always talk about teaching to the test and things of that nature. But when you're talking about performance-based incentives, it's hard not to use the testing. I know other schools have taken into...I like the concept of not only using tests but parent evaluations as well because, you know, some parents...or, you know, some teachers exceed really well in terms of communicating with students. I think we've all had certain teachers that were excellent at that side of it and might not be teaching to the test so much so their scores might not reflect...I mean, there's obviously multiple teaching methods. But with LB617, it is a test-based... [LB617]

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SENATOR COOK: All right. Thank you. [LB617]

SENATOR LARSON: Thank you. [LB617]

SENATOR SULLIVAN: Any other questions for senator? You'll be here for closing, I presume? [LB617]

SENATOR LARSON: I plan on it. [LB617]

SENATOR SULLIVAN: Thank you. We will now hear proponent testimony on LB617. Welcome back. [LB617]

DEB ANDREWS: (Exhibit 1) Thank you. My name is Deb Andrews, D-e-b A-n-d-r-e-w-s. I support LB617, Working to Improve Schools Act. I urge you to amend this legislation and transfer consequences for failure to the causal bodies. Teacher preparation is not aligned with the reading research. As widely practiced, current reading instruction and curriculum are ineffective and responsible for reading failure. Phonemes, units of sound, are how the brain has learned languages for 50,000 years. Reading is a simple skill if taught correctly with phonics and only phonics first. In your handouts, again I've put the address to my column that has all the rest of this research online. The first page is Judy Bryant. Judy Bryant raised reading scores quickly at a poor minority school with phonics and she was forced out. Judy's experience and experiences like hers serve as deterrent to others to stay with the approved program and not sway off and do other curriculum. Children are entering schools smarter than ever before. "The Rising Curve" handout you have the on the second page is the research for that. Reading First was a very successful program across the United States. The graph shows the overwhelming success Reading First had in Nebraska. Reading First was defunded in 2008. Like Judy Bryant, it was silenced. If you Google "Gering reading video," you'll be able to watch a 20-minute video that shows how Gering, Nebraska, got all their kindergartners to learn how to read by Thanksgiving using a Reading First program. Learning to read doesn't take years. It takes months if you do it properly. I urge you to watch that Gering reading video. They used a Reading First program. Children should not be punished for being wrong taught. If 98 percent of children are not reading by the end of 1st grade, we'll give them a little more time. Strip accreditation from the school or the district. Strip accreditation also from the sending teacher preparation program. I urge you to support LB617 with that amendment. When teaching reading effectively has a positive impact on the bureaucracy as well as the child, we'll see Gering's outstanding reading success replicated. There's no reason for reading to take all this time. We can do it. Gering has proved it. We should be replicating that. If not, they should lose their funding. The children shouldn't be punished. Any questions? [LB617]

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SENATOR SULLIVAN: Thank you, Ms. Andrews. [LB617]

DEB ANDREWS: You're welcome. [LB617]

SENATOR SULLIVAN: Any questions for her? Thank you for your testimony. Further testimony in support of LB617? Anyone wishing to speak in opposition to LB617? Welcome. [LB617]

JASON HAYES: (Exhibit 2) Hi. Good afternoon, Senator Sullivan and members of the committee. For the record, I am Jason Hayes, J-a-s-o-n H-a-y-e-s, and I am here today representing the Nebraska State Education Association in opposition to LB617. The bill has similar proposals the committee dismissed last year in LB952. NSEA strongly supports students being able to read, write, and learn math, science, and social studies standards at their grade level. But many of the interventions listed in LB617 are already being performed in our public schools. Local school districts are determining retention in grade and reading intervention programs on an individual student basis with consultation among parents, educators, and administrators. I know this to be true because I attended an IEP meeting this morning for my daughter in 4th grade who has some reading issues, and I appreciate all the work the school is doing to provide her the resources necessary to improve her skills. Nebraska does not need a state-mandated retention policy that is a one-size-fits-all approach to a problem that should be handled on a case-by-case basis at the local level between parents, educators, and districts. In addition, this bill proposes a repeat of a similar A, B, C, D, F type of accountability system that the Legislature avoided last year in favor of another one found in LB438. This would be the first year of the new accountability system created by LB438. It is prudent that we provide time for this system to accomplish its goals before the state considers implementing something else. Under the new Nebraska accountability system, the Commissioner of Education is directed to designate priority schools and three schools for intervention. It is important to our students and schools that we allow this new accountability system time to work. We ask that you continue to trust local school districts with developing strategies to support student reading proficiency and give the State Board of Education the benefit of implementing the accountability system directed in LB438. And I thank you for time to this issue. [LB617]

SENATOR SULLIVAN: Thank you, Mr. Hayes. Any questions for him? Thank you for your testimony. [LB617]

JASON HAYES: Thank you. [LB617]

SENATOR SULLIVAN: Welcome back. [LB617]

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BRIAN HALSTEAD: Good afternoon, Senator Sullivan. 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. I'm here on behalf of the State Board of Education and the Nebraska Department of Education in opposition to LB617. We're still working on implementing LB438 that you enacted last year. Last month, the State Board approved the revisions to Rule 10 which now have to go to the Attorney General's office for their review of the legality and then on to the Governor. So we're still trying to carry out last year's law that we worked with this Legislature for almost four years with this committee and Senator Adams to finally get an accountability piece. So we're not looking forward to starting over from scratch with an A to F system. We haven't yet finished building this system for the LB438 accountability so we certainly would like some time to get that built and give you the opportunity to look and see how it's working. I heard a lot of testimony about, you can't get a teaching certificate in Nebraska. Okay, we have the initials teaching certificate, the standard teaching certificate, the professional teaching certificate. There's the provisional teaching certificate if you haven't met all of the requirements. There's the transition to teaching certificate if you already have a bachelor's degree but haven't taken any courses on how to prepare lessons and actually how to teach children that you can get that I think UNK and UNO are participating in. There is the career education certificate if, in fact, you have an area for which there is no postsecondary institution that offers coursework or endorsements in that. You can get that certificate. You can also get a dual credit certificate. If you've already got a doctorate or at least a master's degree and a postsecondary institution in Nebraska has employed you to teach college credit courses and a high school district is willing to utilize you to work with high school students, you can get a dual credit certificate. We also have the substitute teaching certificate. We have the local substitute certificate which only requires 60 hours of college credit plus one course area in professional teaching. And I know I left out a certificate as I went down that list. So, you know, Teach for America, I don't know that specifically. I don't know all the details. But many of those people probably could qualify for one of the certificates I just listed for you. But it does require in some of them, if you don't yet have the full degree and training, a school district has to decide if they want to hire you first before you can get the provisional, the transition, or whatever. So I think there's a lot of misunderstanding, maybe, out there in the real world as to what it takes to get a certificate. The State Board is going to have Rule 21 up for revisions most likely at the April meeting where we're going to make other adjustments to the rule. So it's an ongoing process by the State Board and the department on certification and the requirements for that. So with that, I see my time is up. I will stop and I'd be more than happy to answer any questions you might have of me. [LB617]

SENATOR SULLIVAN: Thank you, Mr. Halstead. I was asking or commenting about LB438. You alluded to it and the fact that you've been making some changes to Rule 10. But on the other extreme, when we talked about the possibility of intervention on the part of the department, can you elaborate a little bit at...as far as not only what the bill allows the department to do but also, maybe, in your discussions thus far what that might look like? [LB617]

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BRIAN HALSTEAD: Okay. Well, the LB438, it requires the department and the board to classify both districts and schools. So in that regard, we have to create a classification for classifying the 245 school districts and just under 1,000 different school configurations-- schools--of...that our public schools have. We are building the classification component. At the moment, there are four classifications that we have. We haven't yet officially named them although a task force that worked on it and the state board that's looked at it have come up with, at the moment, excellent, great, good, and needs improvement. The needs improvement would be the lowest category both of school districts and schools and up the chain that way. We are required under LB438 to identify three priority schools which are school in the lowest performance classification. And that's part of...so first we need to classify all the schools with the indicators we're going to utilize. Out of the lowest classification, we then have to identify three priority schools. And at the moment, we are defining priority schools as the three schools in greatest need of assistance, as opposed to No Child Left Behind, lowest test scores regardless of the reasons. So that's where we're at at the moment. We intend to carry that out and identify by classifying districts and schools later this fall the first time and then identifying three schools which we think are in the greatest need of assistance for which, as the law calls, there would be an intervention team appointed to go into that school and district to work with the school, the district staff to try to analyze, what are the barriers to student achievement? And what strategies are best able to help address those barriers so that the school and the district can achieve better student outcomes? So right now, we're only six months into building it. So give us a little more time to finish building it all. I know everybody wants a simple situation. I think you're all well aware that in 245 school districts throughout this whole state, there are differences in every district and there are differences within the districts and some of the schools as to who attends them, the issues they're facing, and all of that. So I'll stop there. [LB617]

SENATOR SULLIVAN: Okay. Thank you. [LB617]

BRIAN HALSTEAD: If you've got more questions, I'll try to answer them. [LB617]

SENATOR SULLIVAN: Okay. All right. Senator Pansing Brooks. [LB617]

SENATOR PANSING BROOKS: Thank you, Madam Chair. Thank you, Dr. Halstead. I was just wondering, since it was mentioned previously, could you tell me, do the Native American reservations have more of an autonomy? You aren't directly over...are you directly over their educational system? [LB617]

BRIAN HALSTEAD: Okay. Okay, in Nebraska, all of the school districts are public school districts of the state of Nebraska. Santee Community School is a public school district of the state of Nebraska as is Winnebago, Walthill, and Omaha Nation. They are all public school

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districts. We do not have in Nebraska any schools that are run by the U.S. Department of Education through the Bureau of Indian Affairs. Other states have that. I'm not sure where South Dakota is, because the U.S. Department of Education recently has tried to get out of running schools on reservations because they--I think, in my opinion--they've realized they're no good at it. [LB617]

SENATOR PANSING BROOKS: Yeah. [LB617]

BRIAN HALSTEAD: And it's not a criticism. There are a lot of challenges in many of those schools: high poverty rates. Well, we've known since I've been born that high poverty has a direct impact on learning. So it's not surprising. What we're attempting to do with our accountability system is to look not only in the student status, where is the student at right now, improvement, how well did this year's students do over last year's students, but looking at growth: How well did Brian do the last three years? Is he showing growth, the key component? How well is he...what's his trajectory on learning? What we are seeing when you look at the growth in the student scores we have, the Native American schools have high...some of the highest growth in the state. Well, it's also not surprising if you're starting...if I'm running the 50-yard dash in 15 seconds and I get it down to 10 seconds, I've shown some great improvement for myself but I'm still 5 seconds behind everybody else. So you always have to look at the numbers and the factors. But if you've actually looked at our state, of the schools report, we've had out there indicators for growth. And we've even ranked schools. That wasn't popular, but the schools with the highest growth rates? Some of our Native American schools. They are doing the right things. You know, I heard some commentary about staff at some of schools. Santee has the best teachers they've got. We should be working on making them better if they have needs. I understand this idea that there's a miracle group of people just waiting to get jobs. They want to teach. We haven't found the bus full of those in Nebraska. There are challenges that I know you're well aware of. I suspect, Senator Schnoor, just getting good teachers to work in Scribner-Snyder may not be as easy as it is in Fremont or Lincoln and Omaha. We're learning more and more the geographic remote sites in Nebraska are having a greater difficulty finding qualified candidates because people want to live where all the services are. So it's an ongoing challenge of that. It's not about Santee's hiring minimum qualified...no, they've got some great teachers. they're working in some challenging circumstances. Their mobility rate is high. Their poverty rate is high. There's a number of challenges going on and they're not all in the school as the...being the problem. But the school is looked at to try to solve it. So it's an ongoing challenge. And there are challenges throughout Nebraska in that regard. [LB617]

SENATOR PANSING BROOKS: Thank you, Dr. Halstead. [LB617]

SENATOR SULLIVAN: Any other questions? Thank you for your testimony. [LB617]

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BRIAN HALSTEAD: Okay. [LB617]

SENATOR SULLIVAN: Welcome. [LB617]

JOHN BONAIUTO: Thank you. Senator Sullivan, members of the committee, John, J-o-h-n, B-o-n-a-i-u-t-o, representing the Nebraska Association of School Boards in opposition to LB617. And you've heard all of this before. Our opposition: As we read the bill, it basically...when we see bills that want to put a curriculum and a lot of detail in statute, it makes us nervous. We like to work with a Legislature to set the bar, turn things over to the State Board, and then have the State Board set rules that the local school boards work with. And so that's...you know, if...that's kind of the process that we've seen work the best. And so we see this bill as pretty far reaching and putting the Legislature in a position that I think that the State Board and local boards could work through given time. So with that, I would end my testimony and appreciate that the bill be IPPed and I'd be happy to answer any questions. [LB617]

SENATOR SULLIVAN: Any questions for Mr. Bonaiuto? Thank you for your testimony, John. [LB617]

JOHN BONAIUTO: Thank you. [LB617]

SENATOR SULLIVAN: Oh, I thought you had something, Senator Cook. I'm sorry. [LB617]

SENATOR COOK: No, I was just... [LB617]

JOHN BONAIUTO: She was just twitching. (Laughter) [LB617]

SENATOR SULLIVAN: Any other testimony in opposition? Welcome back. [LB617]

BRENDA VOSIK: (Exhibit 3) Thank you. I am Brenda Vosik, B-r-e-n-d-a, V-o-s-i-k. And I am not here representing any group. I am here speaking to you today as a mom of two struggling readers, neither of whom were reading at grade level in 3rd grade. When I read this bill, I saw a lot of good intent, a lot of good ideas for addressing the problems of kids who have difficulty reading. But I was shocked and truly dismayed at the mandated retention part of the bill. I can't imagine how horrible it would have been if my children had faced retention or flunking, as the kids call it, simply because they didn't read at a certain level within a certain time frame. I'm grateful that my kids are old enough now that they won't be affected by a law like this because I think it would have broken their spirit. My sons are 17 and 14 now. They're both doing fine in school and they'll graduate on schedule. Do they love to read like I do? No, because they've had

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to work hard at it all their lives. It doesn't come easy to them. It's not a natural skill for them. But that's okay. They have natural skills that don't come easy for me like throwing a 90-mile-an-hour fastball or shooting three-point baskets, building a covered wagon in the middle of our living room or making friends without effort. My point is, we're all unique with different strengths and weaknesses and timetables. My boys have turned into wonderful young men. They are kind. They're talented. They're pretty good students. They're both college bound even though neither one of them read at grade level in 3rd grade. They developed their reading skills at their own pace in their own unique way just like God made them and they turned out fine. In fact, they turned out great. But you know, what wouldn't have been fine is for them to suffer the humiliation, the shame, the mocking that would have come with flunking the 3rd grade, being forced to stay behind their peers to graduate at age 19 or 20 just because they didn't hit an arbitrary cut score at a specific time. I spoke to both of them last night and asked them how they would have felt if, because they were struggling with reading, they would have had to stay back with younger kids, leaving their circle of friends, their baseball and soccer teammates, their fellow Cub Scouts, as the others moved ahead just because they were fortunate enough to be on the expected timetable in one particular subject. And here's what my kids said--remember, I'm quoting teenagers so forgive me in advance--Mom, I would have been so embarrassed. Everyone would have known and the other kids would have made fun of me and probably bullied me. But what about all the other subjects I was good at like history and science and art? Why would they have made me repeat those too instead of just helping me with reading? I would have felt pretty crappy about myself and thought I was stupid. I understand that the schools need to be accountable. It's imperative that kids learn to read. But retaining kids is not the answer and research shows that it doesn't even work. Rather than punishing the child for not following the state's prescribed timetable, let's change our focus from the students to the teaching methods. Let's focus on training our teachers to teach the way children learn instead of forcing our children to learn the way the prepackaged curriculum teaches. And let's do this from day one instead of waiting until they're in danger of or they've already been retained. I used my three minutes to talk to you about the retention aspect and my own kids because that's the part that is close to my heart obviously. I do have seven bullet points that I've provided to you in writing which summarize the entirety of my concerns with LB617 and research showing that retention doesn't even work. Although the bill may contain some good ideas for pushing school districts to address literacy, retention is not the answer. It is harmful, not helpful, to children. And of course, the children are why all of us are here today. I ask that you vote against sending this bill to the floor. Thank you. [LB617]

SENATOR SULLIVAN: Thank you, Ms. Vosik. If you can recall back to when your boys were younger struggling in reading, did you interact with the school at all? Did they provide any additional support and activities to help your students, your boys? [LB617]

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BRENDA VOSIK: Well, we had a difficult path, a winding path. My kids started in Catholic school. My older son is dyslexic. My other son has a different issue. And the Catholic school got to a point where they weren't really equipped to deal with the educational needs. And so I homeschooled them for four years. I was told that my younger son might never read. And I said, oh, yes, he will. And I took him home and I taught him to read. And now they're both back in public school. They play sports. We always knew that they wanted to go back so they could participate in sports. And the Millard School District has been fantastic with providing them reading interventions and any accommodations that they need to overcome their reading difficulties. And they're doing great. [LB617]

SENATOR SULLIVAN: Thank you very much, glad they are. Any other questions for Ms. Vosik? Senator Pansing Brooks. [LB617]

SENATOR PANSING BROOKS: Okay. Thank you. All right. Thank you. Thank you, Madam Chair. I just wanted to say thank you, Ms. Vosik. It, of course, is quite poignant to hear what your kids think about that. It is a difficult situation and, of course, with sports, since that's something that they excelled at, they would be in a different grade if they had been held back. [LB617]

BRENDA VOSIK: Right. [LB617]

SENATOR PANSING BROOKS: They would have been in a different grade for sports because you would have to continue along at the same grade because that's by age for sports. [LB617]

BRENDA VOSIK: Right, um-hum. [LB617]

SENATOR PANSING BROOKS: So you would be separated from your academic peers in your athletics. [LB617]

BRENDA VOSIK: Right. [LB617]

SENATOR PANSING BROOKS: So anyway, I'm glad they're doing well and it sounds like they're going to excel in their lives. [LB617]

BRENDA VOSIK: Yeah, thank you. [LB617]

SENATOR SULLIVAN: Senator Kolowski. [LB617]

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SENATOR KOLOWSKI: Thank you, Madam. I want to thank you for including the Educational Leadership article from ASCD. [LB617]

BRENDA VOSIK: Sure. [LB617]

SENATOR KOLOWSKI: It's good to see that you went back and did your homework on the topic and the issue. And it's always good to see someone who is doing that rather than some generated article that has no validity. Thank you. [LB617]

BRENDA VOSIK: Okay. Thank you. [LB617]

SENATOR SULLIVAN: Any other questions? Thank you very much for your testimony. [LB617]

BRENDA VOSIK: Thank you. [LB617]

SENATOR SULLIVAN: (Exhibit 4) Any other testimony in opposition to LB617? Anyone wishing to speak in a neutral capacity? Excuse me, I would like to read into the record one letter of opposition to LB617, Gina Miller from Omaha, Nebraska. Senator Larson. [LB617]

SENATOR LARSON: Thank you, Senator Sullivan. Glad this one was a little shorter than last week's. First of all, as all of you know, anybody on an IEP would...based on their IEP could advance past the 3rd grade without hitting those specific guidelines. The bill does outline that. So a child with dyslexia or learning difficulties, if they do have that IEP, they...we do have that safety valve within LB617. Directly to Dr. Halstead, I think he raised a great point. I didn't say that the teachers in Santee were bad. I talked about the difficulty of getting teachers to Santee and the difficulty of getting teachers or people that want to go there or want to go to rural Nebraska. That's the true issue and not, you know, not that the good teachers aren't there. It's, how do we get more teachers, more good teachers there, because people don't want to go there. And that's why organizations like Teach for America have succeeded. And they've sent those individuals into those places where people don't want to go and...whether that's to start a career or whatnot. But those individuals know it's a two-year gig. And my concept is, if there's so many certificates as he outlined, then what's the issue with tweaking it to make it easier to obtain a few of them so we can have programs of this nature? What's the problem? You know, there's all these different things. Let's make a change to where it is easy for Santee or Mullen or Hyannis to get one of these teachers. He's right. There's a ton of certificates. But they're still not available. Talking quickly on LB438, it's been brought up, looked at it real quick and Mr. Halstead talked about that as well. You know, I have issues with the concept of excellent, great, good, and needs

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improvement. What is excellent? What is good? What is great? And as a parent looking at that, trying to see where I want my kid to go or where my school district is, is good a C because it's the third best? Is good a D or is good a B? Is good...you know, what is good? What is great? What is, you know, what is excellent? Is excellent...you know, at some point, you...does that parent have to go in and look at the test scores and how it compares to other schools and say, well, we're still in the bottom third but we're still good because that's the third out of fourth...four ratings. That concept is just beyond me. You know, they could have set up an A through F scale on the current scale. But I think to try to sugarcoat it-- and so maybe they don't want to hurt anybody's feelings--is wrong. And, you know, how many...we don't know the scale, we don't know anything of that nature. How many schools get to be in each category? So I have issues with that side of it. And that's why we talked about the school grading side of things. But again, it's not that there aren't good teachers in those rural communities or those places where it's difficult to find teachers. It's the fact that it's difficult...there's a difficulty finding teachers. And if there's so many certificates, what's the problem with tweaking it to make sure that these organizations could come in which I think could offer a lot of benefit to our kids? Thank you. [LB617]

SENATOR SULLIVAN: All right. Any...Senator Pansing Brooks. [LB617]

SENATOR PANSING BROOKS: Thank you, Madam Chair. So, Senator Larson, did you talk to some of them about...I do believe that the Teach for America is a valuable program. And I don't know if it's necessary here. I don't know what the needs are. But have you talked to them about that, or... [LB617]

SENATOR LARSON: Teach for America, or... [LB617]

SENATOR PANSING BROOKS: No, have you talked to, like, the Department of Education about whether or not there could be some...how that certification could... [LB617]

SENATOR LARSON: Well, I've talked to...most of my conversations with...have been very informal with members within the union and then circumvented...through the Department of Education. And they're like, well, we have all these certificates. They can get one of these. Well, but when you talk to Teach for America, they're like, no, these still aren't working for us. They...you know, this is the process that we go. These...the individuals that do Teach for America do a six-week...or five- or six-week intensive class in between their senior year and then going in and that...they work to...the national certification board--it might be the board that Mr...Senator Kolowski referenced--they get that certificate. You know, I think they received that certificate. But there's so many certificates but yet that organization still can't find a way in Nebraska or make it work. So I think that's an issue and I know school districts would be interested in hiring

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these teachers. It's...if there's so many certificates, why can't we tweak it and make it work for them, is my big thing here. And I think we should be able to tweak it and make it work for these types of organizations because, regardless of what they say, you know, we have so many, it's not working for them. They can't get in. [LB617]

SENATOR PANSING BROOKS: Okay. I think that's it. Thank you. [LB617]

SENATOR LARSON: Thank you. [LB617]

SENATOR PANSING BROOKS: Thank you. [LB617]

SENATOR SULLIVAN: Any other questions for senator? Thank you very much. [LB617]

SENATOR LARSON: Thank you. [LB617]

SENATOR SULLIVAN: (See also Exhibit 5) This closes our public hearing for today. Thank you all for being in attendance. [LB617]