

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

Education Committee  
September 10, 2015

---

[LB519 LR238 LR283 LR314 LR334]

The Committee on Education met at 9:00 a.m. on Thursday, September 10, 2015, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on postsecondary education affordability in Nebraska as required by LB519, and LR283. Senators present: Kate Sullivan, Chairperson; Rick Kolowski, Vice Chairperson; Roy Baker; Mike Groene; Bob Krist; Adam Morfeld; Patty Pansing Brooks; and David Schnoor. Senators absent: None.

SENATOR SULLIVAN: Good morning, everyone. We'd like to get started, please. Welcome to the Education Committee. I'm Senator Kate Sullivan, Chair of the committee, representing District 41 and I'm from Cedar Rapids. I'd like you also to meet the members of the Education Committee who are here. We'll start with the Vice Chair.

SENATOR KOLOWSKI: Rick Kolowski, District 31 in Omaha. [LB519]

SENATOR SCHNOOR: David Schnoor, District 15, Scribner. [LB519]

SENATOR GROENE: Mike Groene, District 42, Lincoln County.

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

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

SENATOR SULLIVAN: We have some staff helping us, too, today. To my immediate left is LaMont Rainey, a legal counsel for the Education Committee. Also at my far right is Mandy Mizerski, who is the committee clerk and will be keeping track and documenting this hearing today. And to her immediate left is Tammy Barry, who is also a legal counsel for the Education Committee. We have pages on hand helping us today: Ryan MacDonald, who is a history and political science major at UNL; as well as Brandon Metzler, who is an English and political science major at UNL. We have two charges this morning. We'll be discussing postsecondary

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

Education Committee  
September 10, 2015

---

education affordability, as required by LB519, and also LR283 which has to do with support for programming in poverty and ELL in our public schools. If you're planning to testify today, we'd please ask that you pick up a green sheet that should be on the table at either entrances to the room. If you do not wish to...well, and also fill out the green sheet in its entirety. If you do not wish to testify but would like your name entered into the official record as being present at the hearing, there is a separate form on the table that you can sign for that purpose. Regarding the green sheet, as I indicated, please fill it out in its entirety and bring it up as you come up to testify and give it to the committee clerk. If you have handouts, please make sure that you have 12 copies for the page to hand out to the committee. And we ask that...I know that many of you are veterans at this, but, please, when you come up to testify please speak clearly into the microphone, tell us your name, and spell both your first and last names to again ensure that we have an adequate record. Perhaps it goes without saying, but we ask that you turn off all cell phones, pagers, and anything else that beeps and makes noise so we can give our attention to the testifiers. And I will say, too, that these are hearings on interim studies. And to that end, they differ slightly from a legislative hearing where we are dealing with a bill that has been introduced. We are here as an Education Committee to learn from the testifiers, not to hear either pro commentary or opponent testimony, but simply to gather information that will help us going forward if and when we choose to introduce legislation. And so to that end, our format is a little bit different. It just happens that all of the interim studies that we're dealing with today have been either introduced or connected to a senator who is on the Education Committee. That introducing senator when we start the hearing on the particular topic will make the introductory comments, such as I will do momentarily. But I will not do it from the testifying table. I will simply do it from my seat here. And also again, because we're focusing on gathering information, we're asking the senators not to field questions or to ask the introducing senator questions. We will wait and reserve our questions for the testifiers who will come before us. We don't have a full house, but we have plenty of you here and so we are going to be using the light system and limiting testimony to five minutes. And so again, if you're familiar with the light system, the green light will come on when you start talking; the yellow light indicates you've got a minute left; and then the red light is please finish up. I think that probably covers it. We want to appreciate all of you that have come to testify and give you opportunity. And as you listen, please try not to be, to the extent you can, be repetitive of some of the things that have been already said. Obviously, we don't want any outward displays of support or opposition, vocal or

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

Education Committee  
September 10, 2015

---

otherwise. And again, just reminding you that these are interim study hearings and not actually dealing with specific legislation that has been introduced. So before I start with my introduction, can I have a show of hands, first of all, all those that will be testifying on the affordability study for higher education. Okay. And then the ones that will be testifying on poverty and LEP. Should be very manageable this morning so thank you very much. Okay. And with one exception, one of the things that we're doing with the introducers of the interim studies, they have also reserved the right to have certain people follow them before the public is giving their testimony. And so I'm deviating from that time limit slightly because I'm asking Dr. Mike Baumgartner, who is executive director for the Coordinating Commission, he will be allowed 15 minutes for his overview of what's going on with higher education and affordability. And I think, Mandy, have I covered everything logistically? Okay. So I would like to give you just a little background on how we arrived at this interim study on postsecondary education affordability. It really...well, I think it's fair to say it's been a concern for a long time. But the Education Committee last year conducted a study looking for new uses of the funds that are designated for education that come to us through the sale of lottery tickets because, under the current situation last year, all of those existing uses were going to sunset in the year 2016. So the Education Committee was charged at looking at how we could continue to use those dollars to support education in a variety of different ways. The largest use of those dollars did go to use for need-based aid for students pursuing higher education. And with the legislation that resulted from that study, which was LB519, it still does. But it was not lost on us in our discussions that affordability for higher education is a concern. So in the legislation, it actually specifies that the Education Committee of the Legislature shall conduct a study of postsecondary education affordability in Nebraska and alternatives for supporting students and families with that cost. So that's where we find ourselves today. We fully recognize the challenges of paying for higher education, but we also recognize the value and the need for it in terms of work force development in our state. So how does public policy interplay with all of those? And it's fair to say, too, that we have provided support in those arenas. But what we're looking for today is not so much of what is currently going on, which we're going to hear initially from Dr. Baumgartner and probably from others, but are there more effective strategies, are there different things that we should be doing? And that's in part the quest we are on today. So with that background, as I indicated, Dr. Baumgartner will start; will be followed by Dr. Mike Chipps, who is president of Northeast Community College; followed by Dr. Paul Illich, president of Southeast Community College; and also Dr. Hank Bounds, who is

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

Education Committee  
September 10, 2015

---

president of the University of Nebraska. So with that, we will welcome Dr. Baumgartner to the table. Welcome. [LB519]

MIKE BAUMGARTNER: (Exhibits 1 and 2) Thank you, Madam Chairwoman. My name is Mike Baumgartner, M-i-k-e B-a-u-m-g-a-r-t-n-e-r, and I'm the executive director of the Coordinating Commission for Postsecondary Education. Thank you for allowing me to speak today on affordability in Nebraska. I don't think a day goes by where I don't run across a story on student debt, college affordability, debt-free college, income-sharing agreements, state divestment in higher education. In part that's because that's my job, but it's also in the news a lot. So in the midst of all this information, I'm going to present a context for affordability discussions in Nebraska, some information on the need-based aid programs that we have, and ideas for improving affordability. You have in front of you, I believe, our annual tuition and fees report, but we also put together something that I think is more succinct and gives you an opportunity to follow along--some of the charts and updates, some of the figures that are in the previous report that you have. So I will commend that to you as well. And if you have any questions about that or the tuition fees report, be happy to answer them now or later. So in an overall context, I think you know that Nebraska supports public higher education comparatively well. National comparisons of funding for public colleges and universities has long shown that Nebraska supports its colleges and universities relatively well. In 2014, Nebraska was in the top ten states in education appropriations per FTE and it was the 20th lowest in net tuition revenues per FTE. Since 1989, student share has grown from 27 to 41 percent of total education revenues in Nebraska; but nationally it's gone from 24 to 48 percent. So it has increased. There is more of a burden on students than there was in the past, but we are still in a better position than most other states. As a result of that strong support, Nebraska's tuition and fees are among the lowest in the country. According to the annual survey by the College Board, among community colleges, Nebraska's tuition and fees were the 10th lowest in the country in 2014-15; and at the four-year institutions, Nebraska's tuition and fees were the 15th lowest in the country. I think that that's strong support for public institutions and the lower tuition that we have in Nebraska is reflected in the educational attainment and college continuation that we have in Nebraska, which again is ranked very highly. But even though we support colleges and universities more so than some of the other states, among low-income families in particular, tuition and fees as a percentage of family income have increased substantially. Tuition and fees are still rising faster than family

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

Education Committee  
September 10, 2015

---

income. So we have for low-income students a range from 18.8 percent of family income to a low of 4.7 percent at Metro. And what that does is look and say just tuition and fees alone, how does that compare to the family income by income quintile usually. And for the lowest income students, it's about 20 percent at the highest and about 5 percent at the lowest. But tuition and fees aren't the only cost that students pay. As you know, students live on campus or off campus. Some of them live at home. But unless they live at home, they'll have room and board expenses. And even if they do live at home, like all students, they'll have textbook and material expenses and transportation and miscellaneous expenses. Some of them will have day-care expenses. All of these are collected uniformly by the federal government in something called a cost of attendance where you combine the tuition and fees and all of the other costs of attendance. So there are many sources of scholarships and grants in the state, state grants and federal grants, and Nebraska has a wealth of private foundations and organizations that provide grant aid. But even with that, there's still a lot left to be paid by students and their families. As with tuition and fees, Nebraska does well compared to other states in the net price to students, but it's still a substantial chunk of family income. So when you look at net cost after grant aid for the lowest income quintile in the state, it still takes up over half of the income of those families after grants. And for the four-year campuses, I'm sorry, four-year campuses it takes up over half the income; for two-year it takes up about 40 percent. So taking into account the total cost and subtracting the grant aid to get the net cost of attendance, families have to come up with a substantial amount of money from savings and work and from borrowing. The average net cost of attendance at a four-year campus in Nebraska is around \$11,500; again, that's room and board, tuition and fees, transportation, everything, minus grant aid. And it's around \$15,000 at UNL. At community colleges, it's about \$7,000. Those are substantial amounts. And I have within the packet I just handed out in table 4 a range of what the average borrowing is by students at the different campuses--I did it by sector--and the amount borrowed. I won't go into great detail there; but in general, about half of students borrow and they borrow generally about \$5,000 a year. While aggregate debt figures are hard to come by because the federal government's IPED System doesn't collect in that way, the aggregate figures reported by College InSight in 2013 at the University of Nebraska campuses doesn't appear to be too far-fetched and that would show that at graduation 49 percent of students at UNK had borrowed about \$18,173. At UNL, about 59 percent of students had borrowed about \$23,600. At UNO, about 66 percent of graduates had borrowed about \$26,000. So borrowing is a substantial piece of going to college in Nebraska. In

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

Education Committee  
September 10, 2015

---

spite of, as I said, relatively good state funding and relatively low tuition, it's still expensive. The state has addressed that issue with its own grant programs, particularly the Nebraska Opportunity Grant. The Nebraska Opportunity Grant, as Senator Sullivan noted, is receiving a large portion of its funds from the lottery fund. It also gets about \$6.9 million from the General Fund. It's administered by the Coordinating Commission. It was founded in 2003. There were precursor programs before that. And it's available to students at public, independent, and private for-profit institutions. About 16,000 students received grants in 2013-14 and the average grant is slightly over \$1,000. More than 30,000 eligible students did not receive grants in 2013-14. The program is a decentralized program, which means that we calculate the amount that each institution should be awarded based on a statutory formula, give that money to the institutions, and they choose what students get it within the parameters in the legislation. They have to be students with need. It can't be merit aid; it can't be given to just anyone. But they are able to package that aid to be most effective based upon whatever parameters they apply after it passes through our office. This is unlike some states where the money goes directly from an agency to the students. The program has been very successful. We've been looking at success rates, and our most recent study of 2011-12 first-time freshmen who received a NOG award found that 67 percent of eligible students who received award had graduated or were still enrolled in college after four years. Of those students who were eligible but did not receive an award in their first year, only 44 percent had graduated or were still enrolled. There is still a lot to tease out there because there are other years of award that could be given. And again, the schools decide to package the aid in different ways based on student eligibility. But that is a highly effective program when you compare the eligible students to the noneligible students and really gives pause to think that we have 30,000 eligible students who are not receiving grants because there's not enough funding. And that, if we can tease out further what the difference 23 percentage points is, if we're losing students because we're not providing enough NOG grants to them, that is a substantial problem. Nebraska ranks 33rd in the amount of need-based aid per undergraduate FTE student. Again, this is a state that has chosen to put a lot of money into its public institutions compared to some other states. That is a good thing. It leads to low tuition. But we have 44 percent...we have about 40 percent of students in K-12 who are in free and reduced lunches. That has been increasing over the past several years. And the difference between low-income students who attend college and non-low-income students who attend college is substantial. It's over a 20-point difference between low-income and non-low-income students. So I again worry that we're not putting

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

Education Committee  
September 10, 2015

---

enough into the NOG program. I know that the commission has made that request any number of years in its budget request, but I think it's important to remember. The ACE scholarship program is a program for high school students who are participating in dual credit courses. It started in 2007. It's currently funded at \$750,000 in General Funds. It did have federal funds, but those are ending. It pays for the tuition and fees for students taking dual credit courses at Nebraska colleges and universities. This is one of the statistics that really shows how much difference the program makes. More than 86 percent of ACE recipients who are low-income students by definition go on to college compared to 53 percent of low-income students who are not ACE recipients and go on to college; 77 percent of non-low-income students go on to college. So students who are getting ACE are going on to college at a better rate than the non-low-income students. That's another program where we're not able to meet all the need that we have from the students. Finally, in terms of state programs, the newly created Community College Gap Assistance Program will allow low-income adults to receive noncredit training for work force credentials. That program will get underway in 2017, starts in July. We are working with the community colleges now and Dr. Tracy Kruse of Northeast Community College has connected us with some folks in Iowa who run the program there, and they've been very helpful in putting that together. And they've seen excellent results in Iowa. So we have high hopes for that program in Nebraska as well. But let me talk about some systematic improvements that could be made beyond money, and some of them are ongoing right now and some of them could be implemented in the future. I've mentioned in the context of the ACE program dual credit. Dual credit shortens time to degree for students. It prepares them for additional college coursework. It helps them meet ed general requirements. And it encourages some students to see themselves as college material if they hadn't before. The ACE scholarship is particularly important to make college affordable for those low-income students. Additional funding for the ACE program or a new funding mechanism that meets that need would allow demand for courses to be met. As you know, the first step in receiving financial aid, both federal and state, is the completion of the Free Application for Federal Student Aid, the FAFSA. That form, which is computerized now, has a bad reputation for being lengthy and difficult. And there are many low-income students who don't take the first step in applying for financial aid because of the difficulty just looking at it and trying to figure out in some circumstances what the income of their parents was or how their family circumstances fit into it. There is help to fill out those forms. EducationQuest, College Possible, Avenue Scholars, high school counselors, many entities are around to help students fill

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

Education Committee  
September 10, 2015

---

out the FAFSA, but it still is difficult. And people get started or get started and don't finish it. We are implementing this year, with the help of an appropriation that the Legislature gave to the Coordinating Commission, a FAFSA completion initiative, which is a Web-based tool that allows high school counselors to see whether or not their seniors have completed the FAFSA. They can see if they started it; they can see if they completed it. And that is going to go on-line live in January 2016. Another place where we can make progress in improving affordability is in remediation. If we are able to identify students in need of remediation in high school, we'll be able to address their needs sooner. They won't take noncredit courses. They won't use up financial aid eligibility. And we can take care of some of that in the high school. In terms of transfer, we have good opportunities to expedite time to degree. There are about 5,000 students who transfer each year into Nebraska public colleges and universities. If you look at nonpublics as well, that's 9,000. In 2013-14 the Nebraska state colleges and University of Nebraska partnered with the community colleges to develop a reverse transfer process that identifies students who have transferred from a community college without completing associate's degree. And it allows the colleges to determine whether or not those students have carried out the coursework necessary to be awarded an associate's degree. In the first two years of the initiative, over 270 associate's degrees have been awarded out of thousands of potential students identified so that is a good place to continue to work. On the heels of that, the University of Nebraska, Nebraska state colleges, and community colleges developed Transfer.Nebraska Web site. It is another tool that allows students to see exactly how their courses transfer. Transfer is big and will get bigger, and the state ought to consider funding that on behalf of all students in the state going forward, I believe. Finally, additional articulation agreements would be very helpful because students who come in with an associate's degree and are able to complete a bachelor's degree in two years afterward are able to save a substantial amount of money by going through that process. States that do that very well, California and Florida, use the model effectively; and I think it's a good avenue for Nebraska. Finally, one thing left for borrowing that I want to talk about: Students who stay in college longer borrow more. And one of the best illustrations I've seen of this is a study done at the University of Texas which showed that students graduating in four years or less had borrowed \$22,900 compared to \$30,886 for five-year graduates and over \$34,000 for six-year graduates. It's imperative to get students out as soon as they complete all of their coursework. Lingering costs money, not just in terms of tuition and fees, which is probably the least of the cost if they're paying on a per credit basis, but in terms of living expenses and the



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

Education Committee  
September 10, 2015

---

opportunity cost as well. This has been a recognized issue in Nebraska in the past. It's part of the Education Committee's vision statement last year, the P-16 Initiative, and recognize that timely completion is important. One state that's addressed this in a unique way is Indiana. Indiana University began three years ago to require that financial aid offices send to students letters summarizing borrowing, loan indebtedness for the student, estimated payments, principal and interest, and percentage of borrowing limit reached. That resulted in a large decrease in borrowing at Indiana University. The state legislature liked it so much that they adopted legislation and the program has been mandated statewide by the general assembly beginning in 2015. So that's another place where I think the state could look at some opportunities to increase affordability. [LB519]

SENATOR SULLIVAN: Thank you, Dr. Baumgartner. I really appreciate that overview. A couple of questions that come to my mind: I know that the Coordinating Commission provides and has a wealth of data that you collect and analyze. But are there holes in that? Are there things that you still don't have that I think would be important in framing this discussion and trying to figure out how to be more successful in helping students? [LB519]

MIKE BAUMGARTNER: One thing that would help the state and students is to better understand transfer, better understand how dual credit students are transferring their credits. Are they being applied effectively? Is it leading to shortened time to degree? What are the credit hours that our transfer students are getting before they get a degree? I think that knowing what we do about other states that making transfer effective is a great affordability strategy. I know that the campuses here have been working hard on that and making great strides. Transfer.Nebraska is a great Web site. I think that additional research showing what we could do to improve transfer opportunities for students would be a particularly important thing. Student debt, the figures we get from the national government show the average student at an institution, we don't really know what the Nebraska student situation is. So it may be high, it may be about right. Some of our institutions don't have a lot of nonresidents, some have more nonresidents. That is likely to impact the figures that we have there. [LB519]

SENATOR SULLIVAN: How long do we follow a student? Do we have the capacity to know...first of all, I think we know something about their completion rate. But do they

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

Education Committee  
September 10, 2015

---

successfully enter their career that they've been educated for and how long they stay or how long do we follow them? [LB519]

MIKE BAUMGARTNER: We need more information on that. Migration studies are difficult to do. The Department of Labor and most of the colleges and universities have partnered to see where students go immediately after graduation. Other states are doing that, and I think that's important information for students as well as the state to find out am I likely to be employed. Am I likely to be employed in my field? If I'm borrowing money, what is my expected income? Does it make sense for me to follow this occupation? I think that's a place where Nebraska can build on some preliminary work with the Department of Labor and build that out. It will also help us to see where the students go. There are partnerships that the Department of Labor is developing with other states. And just anecdotally, I know that a lot of the students go either to Colorado or to Texas. Do we know why whenever there are openings here? Is it just for a change of pace, scenery, because they're young, or is it because of the salary and the opportunities? I think that would be very helpful and, again, for students and for the institutions and the Legislature. [LB519]

SENATOR SULLIVAN: Thank you. Are there other questions? Senator Groene. [LB519]

SENATOR GROENE: I don't see in here per capita spending by taxpayers for higher education in the state of Nebraska. I've heard we're third or fourth in the nation. [LB519]

MIKE BAUMGARTNER: It is in there, well, not per capita. It is on an FTE. Let me see if I can find that one for you. [LB519]

SENATOR GROENE: You've got what we spend per student, but not what the taxpayer is paying. [LB519]

MIKE BAUMGARTNER: Well, it is...I can get that for you. I tried to cover everything, but it...we... [LB519]

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

Education Committee  
September 10, 2015

---

SENATOR GROENE: I think a Dr. Vedder out of Ohio University does that study every year. [LB519]

MIKE BAUMGARTNER: Yeah. Well, it...I would expect it to be relatively high, given the support. [LB519]

SENATOR GROENE: I see the cost, but is there anybody putting a finger on the administrations of colleges? Are there any studies trying to see why we're not efficient, why we have such huge inflationary...when basically it's wages and benefits is the cost? [LB519]

MIKE BAUMGARTNER: Uh-huh. We do have expenditure data. We've done expenditure data by peer groups. I'd be happy to share that with you. There are other studies that have been done similar. In general, Nebraska looks good on those. Now you could say that everything in higher education is too high. I think somebody could make that argument. But if you're just looking at Nebraska in terms of the other states, our spending is well in line, generally lower on a per-student basis at every sector, not necessarily every campus every year. But in general, it is in line or a little bit lower than what's going on at the other places. [LB519]

SENATOR GROENE: Have you looked at other states that maybe they're more efficient, we have more students per employee, the ratios of professor to employee, that we can prove that; how many hours the professor spends in the classroom versus wages? Have we done any of that on the taxpayer side of this? [LB519]

MIKE BAUMGARTNER: Oh, we don't do the number of hours a professor spends. We can do the number of students for each professor. We...again, we do...we are able to do a number of comparisons like that. I will give you the expenditure data by campus by peer group. I think that's the best way to do it because each of the institutions has similar peers in the country. And we've just gone through the process of revamping those with...in conjunction with the colleges and universities. Some of that peer information is in the back of this when you look at individual campuses. [LB519]

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

Education Committee  
September 10, 2015

---

SENATOR GROENE: Have you done any studies or anybody done any study of the benefits and retirement plans versus...the employees at public education versus the taxpayer who pays it? [LB519]

MIKE BAUMGARTNER: Not in our office. That isn't something that's really under our purview. I'm sure the institutions could probably speak to where they compare to like institutions. [LB519]

SENATOR GROENE: I mean private sector, compare private sector. [LB519]

MIKE BAUMGARTNER: Yeah. We have not done that in our office. [LB519]

SENATOR GROENE: Thank you. [LB519]

SENATOR SULLIVAN: Senator Morfeld. [LB519]

SENATOR MORFELD: Thank you, Dr. Baumgartner, for coming today. And I've already asked you this question a week or two ago, but I do want to ask you in public now. And maybe I should have told you beforehand that I was going to ask you at the hearing. But Parent PLUS loans are not included in the aggregate or are they? Have you been able to look into that in the aggregate student loan debt? [LB519]

MIKE BAUMGARTNER: Yeah. I don't believe they are in the way it's collected. [LB519]

SENATOR MORFELD: Yeah. I don't think that they are either, and I think that is one thing that concerns me. As a recent college grad, my parents took out a substantial amount of Parent PLUS loans so I could make do, particularly in law school. And my family, and I know many other students' families, have basically gentleman's agreements that you pay those loans, we'll take them out for you to get you by, but you're paying for them in the end. So I'm paying two different loans right now. I'm paying my Parent PLUS loans and I'm also paying my loans that I took out with my obligations with the federal government. And so I think that that would be interesting if we could find some kind of data on how many Parent PLUS loans are taken out for students

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

Education Committee  
September 10, 2015

---

within the state. I don't know if we'll be able to match it up with specific students or not, but I think that would be useful because I think the way that the federal government and pretty much every other state that I've looked at--I don't think we're an anomaly--only reports the student loan debt on an aggregate level with the non-Parent PLUS loans. And I think it's underreported then how many students are...how much debt is being taken out. [LB519]

MIKE BAUMGARTNER: Well, it probably is underreported because there are private loans that may not be counted in that as well. And you probably know that the aggregate undergraduate borrowing limit is I believe \$33,500. And a freshman can borrow from the federal subsidized and unsubsidized program up to \$5,500; a sophomore up to \$6,500; a senior, junior or senior up to \$7,500. And if a family really has no resources and there is not an opportunity to earn enough money and you think if I work ten hours a week at minimum wage, that's about \$4,000. If I have \$15,000 in need after grants are subtracted and I contribute \$4,000, I still have to come up with \$11,000. Maybe my parents can do \$2,000 or \$3,000; I still need to come up with more than \$5,500. So it may be underreported. It's just hard to find that outside of...an institution's financial aid office would be the best place to do that. They could pull all the information for their students that they're aware of in a way that the federal government...we try to make it comparable to other states, to other peers. The federal government doesn't get into everything. It's actually not bad, but it can't answer every question. So we can look into...I'll see what we can find. [LB519]

SENATOR MORFELD: That would be great. And I can contact the institutions, too; but if we could work together on that, I think that would give us maybe perhaps a bit more of an accurate picture. But I also understand the challenges with collecting some of that data. One thing I wanted to comment on, on your testimony is, first, I do realize that as a whole Nebraska does fairly well compared to the rest of the nation in supporting our public institutions and keeping them as affordable as possible. So I want to acknowledge that and thank the institutions and the previous Legislature and our current Legislature for doing that. That being said, I've said it to you and many others in the past that that still doesn't negate the fact that higher education as a whole, even though Nebraska does better than our peers, is increasingly out of reach for many Nebraskans and many people in our country. I was just...some of the numbers that you threw out, I think it was \$11,500 in the college/university systems average amount that's taken out. [LB519]

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

Education Committee  
September 10, 2015

---

MIKE BAUMGARTNER: Uh-huh. [LB519]

SENATOR MORFELD: And that average per year cost... [LB519]

MIKE BAUMGARTNER: After grants. [LB519]

SENATOR MORFELD: After...oh, after grants. [LB519]

MIKE BAUMGARTNER: Yeah. [LB519]

SENATOR MORFELD: Okay. Well, even with that amount, I just did some quick math here. In my district, the median household income is \$31,000 a year; \$11,500 is 37 percent of the median household income per year for somebody in my district. Seven thousand dollars for the community colleges, after grants I guess, is 22 percent of that income per year. And \$15,000, which is another number...I think that was maybe UNL... [LB519]

MIKE BAUMGARTNER: That's UNL. [LB519]

SENATOR MORFELD: ...UNL is 48 percent. So while we're doing better than most of our peers nationwide, and I really do commend everybody for that. I'm not saying that, you know, I'm coming out of one side and then on the other hand, but this is just an increasing problem. And I know that for many young people my age coming out of school it inhibits our ability to buy houses, to buy cars, to move and be mobile, and then also start businesses and be innovative and create jobs. But I want to thank you for all your work, and I'm looking forward to working with you to look at some more numbers and see if we can get the true cost with some of the other loan options. Thank you. [LB519]

MIKE BAUMGARTNER: Okay. Certainly. [LB519]

SENATOR SULLIVAN: Senator Kolowski. [LB519]

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

Education Committee  
September 10, 2015

---

SENATOR KOLOWSKI: Thank you, Madam. Dr. Baumgartner, thank you for your presentation this morning. My question is, is one of sort of an 18-year duration. I'd like to know if you have any information or does your office collect anything on the number of 529 plans parents might get into? Have those increased with different financial institutions and do we see an improvement of families trying to do some savings over a long period of time? Do you have any information on that at all or is that available anywhere that you know of? [LB519]

MIKE BAUMGARTNER: I don't, but the number and growth I'm sure is probably available from the state's 529 plan so we can definitely research that for you. [LB519]

SENATOR KOLOWSKI: I don't know if that's worthy of being in your report as far as it's a long-term future, where are we going and how are parents trying to prepare for that, rather than here's where we are, here's the dollars, as Senator Morfeld said, that people are struggling with in different districts. And it might give us a little more indication of the seriousness of where families are coming from with that. [LB519]

MIKE BAUMGARTNER: Yeah. The Midwest Higher Education Compact in its indicators--and I know that you're a member so you may have seen it although I know that as a senator you see many, many things--it does an interesting graph showing how much a family would have to save over an 18-year period projecting tuition out. And it's a graph of surrounding states. They did it for Nebraska and it's kind of cool. It's not something that we included in here, but I can get that to you as well and we'll follow up on 529. [LB519]

SENATOR KOLOWSKI: I appreciate that. Thank you. [LB519]

SENATOR SULLIVAN: Thank you for your testimony, Dr. Baumgartner. [LB519]

MIKE BAUMGARTNER: Thanks. [LB519]

SENATOR SULLIVAN: And I would like to mention, as our next testifier is coming up, who will be Dr. Chipps, this morning's session we will be dealing with two of the interim studies and so to that end we've designated an hour and a half for this hearing, followed by an hour and a

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

Education Committee  
September 10, 2015

---

half for the next one. So again, to try to be mindful of your testimony so everyone can get included. [LB519]

MIKE CHIPPS: And thus as I listened to Dr. Baumgartner, I "Xed" out a number of my areas that he covered, just on your behalf, Senator. Chair Sullivan and Education Committee, my name is Mike Chipps. It's M-i-k-e C-h-i-p-p-s. I'm the president of Northeast Community College, as Senator Sullivan mentioned earlier, and I'm here to speak on the growing concern of college affordability with an eye on how community colleges play a major role in the conversation. I chose to speak only to the community college because that's what I've done for 35 years and that's what I know best. We have other testifiers that can speak to the other sectors of higher education. I have to tell you, Senator Morfeld, I looked at your letter a number of times before preparing my comments because it is a major concern, especially on your last sentence about middle- and lower-income Nebraskans remain. And I listened to your testimony and I appreciate that, coming from a relatively poor family myself and working my way through education. But since the mid-'70s, and I mean this sincerely because I'm a Nebraskan, born and bred. I actually, again, have served over three decades with Nebraska community colleges, so I have a heartfelt sense of what it is to be poor as well as what it is to serve the mission of the community college. And I want to thank Nebraska and the Legislature for setting the tone for this because I work on national boards. As you get age on you and you have an opportunity to see what happens across the nation, and Nebraska while not fully spared from all this, is the fact is that you do support your higher education quite well. You know, and when you talk about affordability, and that's why I'm going to speak on the community college because I truly believe that affordability is what we still do. So I want to...while Dr. Baumgartner did an exceptional job of laying out what it is and some recommendations for future thought, Dr. Illich behind me will be doing that. He's an institutional researcher. He has a lot of data. I'm a sociologist, psychologist, and counselor so I'll address it from that vantage point. Tuition this year at Northeast is \$86 per credit hour. And thanks to you, we're able to maintain that. The boards are able to keep it reasonable and affordable for people to do this. It addresses basically 20 percent of the operational needs of most of our community colleges. It's...I think it's at 22 percent right now at Northeast and that's tremendous. But we are not able to keep it at that rate if you aren't able to do your part, and that's I think something that we need to look at as far as continuing affordability. The path that we're heading down in Nebraska is one that is beginning to adversely affect affordability; and that



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

Education Committee  
September 10, 2015

---

concerns me as a Nebraskan, a taxpayer, and a citizen. For example, I have served Nebraska community colleges for years and observed the rise and fall of state funding in our community college system. And when you see the system today that you've actually put together for us in the late '60s and early '70s, the intent of the Legislature was to secure a relatively stable, we called it back then 40/40/20. And as new senators come on board, I think it's good to reeducate everyone on that three-legged financial stool, with about 40 percent coming from state aid, give or take; and 40 percent coming from the taxpayer, which Senator Groene speaks about quite often actually; and 20 percent coming from students and families. And to me, that's been a very reasonable approach over...and it's pretty much stood the test of time. There have been a few times over the last 35 or so years where you actually closely fulfilled your intent as a Legislature to be able to try to get to that balance of that three-legged stool. But for the most part, while the student affordability factor--namely, tuition--stayed around 20 percent for most Nebraska community colleges, the remaining 80 percent has shifted more to the property taxpayer, which Mr. Groene has talked to me often about, now Senator Groene, especially in the rural areas. However, do not feel alone as state aid in neighboring states has considerably declined. And I think if you look at your stats you'll find that to be true. In those cases, the students usually assume more financial aid load. It is really passed to the student, and you can look at that statistically across the nation what's happening. For example, instead of 40 percent state aid share at Northeast Community College, the state portion in our case has declined close to 30 percent rather than 40 percent and then the taxpayer is close to 50 percent, 48 percent or 49 percent. But we've been able...the board has been able to keep student families contributing around that 20 percent figure, which is very important. What Nebraska Community College has seen the skewing of intent and also I was in the community college system when Governor Mike Johanns infused \$30 million of additional state aid into our formula which became immediate property tax relief for the property taxpayer. But this gradually shifted as the state aid portion did not keep up over time. So as far as keeping tuition and other costs affordable and thereby keeping higher education accessible, I would encourage the Legislature revisit its original intent and infuse additional dollars into the community college system. You have an opportunity to do that, and I know there's a lot of people want those reserves to be used, but Governor Johanns made a perfect decision to drive that property...that levy down with community college by infusing the dollars into it and keeping it affordable and accessible for students. In closing, because I see I've already got the yellow light which I usually do, Senator, collectively we have a

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

Education Committee  
September 10, 2015

---

responsibility to keep the doors of higher education open as wide as possible for our citizens. With a state with little or no population growth, that matter is even more vital. Seven out of ten high school students in Nebraska enroll in college, yet four out of ten of our adult population have an associate's degree or higher. And almost seven out of ten of Nebraska jobs in 2018 will require training beyond high school. So your community college is extremely vital to be able to keep it in place and to fund it appropriately. And you've done a great job over the years, and I just want to encourage you to continue that. Thank you. [LB519]

SENATOR SULLIVAN: Thank you, Dr. Chipps. Any questions for him? Senator Groene. [LB519]

SENATOR GROENE: Dr. Chipps and I go way back. That's why he's referring to me. [LB519]

MIKE CHIPPS: I didn't look at you when I spoke. You remember that. [LB519]

SENATOR GROENE: He used to run our community college before he moved on to North Platte, I mean to Norfolk. But...and I gave him shocks--a taxpayer actually showed up for the budget hearing. [LB519]

MIKE CHIPPS: Yes, you did. [LB519]

SENATOR GROENE: And a few of us did. But anyway, I've noticed cost of community colleges, I'm seeing brick and mortar all over the place. I'm seeing Broken Bow, I'm seeing places, Imperial, Nebraska, where in an age of technology that we can take a class here, why are community colleges starting all this brick and mortar? I hear about a plan in Valentine to put brick and mortar in my...that seems very costly to have employees teaching brick and mortar in these outposts. And also as far as the state, I think if you look at your property taxes that we have really increased what we give the community college. But I think if you look at state aid, it's gone up quite a bit, too, over that same period. So anyway, I look at cost. [LB519]

MIKE CHIPPS: Sure. [LB519]

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

Education Committee  
September 10, 2015

---

SENATOR GROENE: Why is all this brick and mortar going up in the community college system? [LB519]

MIKE CHIPPS: That's a very good question. Not that you agree with it, but I'm going to speak to it. President Truman in 1947 was the initiator behind...set a charge, a task force together to be able to assemble America's community colleges, the first in the world. And then those were built out to at that point to 1,130 of us across the nation. And his goal was to bring higher education within 50 miles of every American resident and they were unable to do that. They ran out of money. In the '60s, we were actually building one community college a week across this country. And so what it is, is that in theory, whether you agree with it or not, I find taxpayers--this is the gospel truth because I've done what he's talking about over at Mid-Plains, four extended campuses, and three of them at Northeast. And I haven't put all those in place. Some of those were there when I arrived. But the issue is, is that taxpayers want education, especially higher education, close to them for two reasons. First of all, they love higher education. But even more so than that, and we just did one at O'Neill on Monday, the new extended campus there, by the way, privately raised, almost all of it. That's the importance of a town of 3,500 that believes regionalization is where Nebraska is going. One of the facets that they want are new business and industry, but they believe that higher education is in the top three of what needs to be in that area, whatever they define as their area, Senator Groene, as what they want close-by them. And I'm here to tell you that the complaints in my office decline dramatically depending on our outreach efforts. And whether you agree with them or not, a lot of people don't want to just do on-line. As a matter of fact, that's beginning to plateau out and so it's just not Internet based. Human beings still want to have a lot of contact with people. Is that right, Senator Kolowski? [LB519]

SENATOR KOLOWSKI: (Inaudible). [LB519]

MIKE CHIPPS: It really is. I mean it. I've been in this business a long time. I thought maybe on-line would take over and it didn't. It's gone like this and actually it's tapering down. I could go on and on about it, but that's where we're coming from, and a lot of that is privately raised. [LB519]

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

Education Committee  
September 10, 2015

---

SENATOR SULLIVAN: Thank you. Any other questions for Doctor? Senator Morfeld. [LB519]

SENATOR MORFELD: Thank you very much for coming today, Doctor. I started out in community college after working full time for two years at a private community college up in South Dakota, so not this system. But there certainly is a lot of value in the community college system, particularly for nontraditional students like myself, who wasn't quite sure college was good for me. So that's more of a statement. But moving to my question, and perhaps it was in your testimony, I missed it or maybe you didn't get to it, but how many...do you guys have numbers on how many students in the community college system transfer over into the state college or university system? [LB519]

MIKE CHIPPS: The answer is an unqualified yes. As far as having those numbers available, I'd have to probably go through Dr. Baumgartner to get kind of the collective whole that you might be looking for. We at Northeast Community College, give or take, I'm an average guy, so you're looking at about 60 percent of our student body really of the full-time students on campus where you visibly see them, not in the on-line environment and so forth, you're looking at about 60 or so percent are in technical education. And I don't want to get into this issue about technical versus academic transfer. But I'm here to tell you Nebraska is one of the few still hanging on barely to keep technical education alive. And that's another whole testimony from me, but I'm here to tell you nationally that's not happening. And, matter of fact, there's a great migration of community colleges taking "community" out of the name across nationally and they are turning them into bachelor degree institutions. And that's another whole conversation that is not part of what you asked in your letter. Forty percent there for academic transfer. It's interesting with Wayne State, is our greatest partner. I think the last placement report had 101 of our students transferring that year, the latest year, to Wayne State. If you're looking like at programs, look at agriculture, Senator. You're looking at...we have 350, give or take, part- and full-time students in agriculture. Thirty-some years ago we started with three. Okay? We're at 350 and growing, starting a Center for Ag and Water Excellence because water is the bag of gold and Nebraskans have some type of an edge on that. So we're trying to be visionary to make sure we understand and our farmers and ranchers understand water. But the issue is things like that we send about half of those students to East Campus at the university, give or take again, about half those students go to East Campus. The rest of them go directly back to the farm and ranch operations,

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

Education Committee  
September 10, 2015

---

generally speaking. And those East Campus graduates go back to their farm, if they can. They go back to their farm or ranch, most of them. [LB519]

SENATOR MORFELD: Thank you. [LB519]

SENATOR SULLIVAN: Senator Kolowski. [LB519]

SENATOR KOLOWSKI: Dr. Chipps, thank you very much for being here this morning. Certainly the community college system is one of the great success stories of American education,... [LB519]

MIKE CHIPPS: It is. [LB519]

SENATOR KOLOWSKI: ...from the founding of Joliet Community College in Illinois where I came from... [LB519]

MIKE CHIPPS: Really. [LB519]

SENATOR KOLOWSKI: ...all the way to where we are today. I also happen to be...I was fortunate enough to be involved in the foundation of the community colleges in Nebraska. Dr. Paul Kennedy was dragging me all over the state as a graduate student and that was a very good experience when you were holding your meetings. And you have evolved from the Metro Community College, Metro name as some of the things have happened. Metro Tech Community College it used to be called, and the Tech is dropped and you are much more inclusive. And to your credit, and I mean this sincerely because it was a difficult situation for a lot of high school students that we were graduating and they were looking at options in their life. The transferability now uniformly across the state of community college credit to the colleges and university is extremely important. We need to keep that up and continue to apply those things. The job creation aspect is extremely important... [LB519]

MIKE CHIPPS: Very much so. [LB519]

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

Education Committee  
September 10, 2015

---

SENATOR KOLOWSKI: ...for the one-year or two-year programs that your businesses and industries are thriving with and do a great job with. We need to continue to do that. And every chamber of commerce in every size city needs to understand how beneficial that is for their local community. So we've got...sometimes we have to continue our sales pitch because not everyone knows what's happening in that particular area. So I hope with the leadership of yourself, many others across the state that will remember the niche that you fill, how important that is, and fund it properly and importantly for the students that desire to do some of those things. Many do catch the fever and do go on beyond that for many different reasons and for many different career paths. But I hope...I'm not being a cheerleader for you. I'm just trying to state some facts that I think are extremely important. We need to remember the role of the community college in our state, how it's grown to where it is, take great pride in that, and continue to support it financially and every other way to make affordability across the board better for all students. So I thank you in advance for what we are able to do in this state, and I hope we'll respond appropriately for the possibilities of where we might go in the future. So thank you. [LB519]

MIKE CHIPPS: Thank you, Senator. [LB519]

SENATOR SULLIVAN: Thank you, Dr. Chipps. [LB519]

MIKE CHIPPS: Thank you. [LB519]

SENATOR SULLIVAN: Welcome. [LB519]

PAUL ILLICH: Thank you. Good morning. My name is Paul Illich. I'm the president of Southeast Community College, that's P-a-u-l I-l-l-i-c-h. And like Dr. Chipps, I'm going to try not to be redundant with some of his points, but one of the things I just heard about...I just heard a comment on, I kind of want to start off with that, is that Dr. Chipps was just talking about and Senator Kolowski was mentioning that one of the key roles of community college is the career and technical side as well as the academic transfer piece of it. But one of the challenges we face, if you look at our career and technical programs, they are often very expensive to maintain, to make sure we're staying up with industry. So one of the unique...one of the great things that happened in Nebraska when it was formed back in the early '70s was when the community

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

Education Committee  
September 10, 2015

---

colleges...when the junior colleges were put together with the technical colleges, that created a great opportunity to share those resources. So that's one of the wonderful things that we have here in Nebraska is we have that ability. When we combined those two, we can move the resources from one side to the other. So that allows us to keep that affordability for the career and technical. Otherwise, you'd have to charge those students much more than you would academic transfer. It simply costs quite a bit more. But I've been here for about a little over a year, and I came from Texas where there are 50 districts. And I can tell you that what I've seen in Nebraska is just incredible in terms of the support, the state support, not only that but also just overall the incredible support that's there for community colleges. But one of the things that you heard Dr. Chipps talk about but I want to mention because I think it's absolutely critical to keep mindful of, what is the role of community colleges? We have a very unique role and we are basically open door. How can you...what does it mean to be open door? To be open door for a lot of folks like we heard Senator Morfeld say, it means you must be affordable. So affordability is not something on the outside for a community college. It's absolutely in the center of our mission. There's no other way we can be open door, open access if we don't have that affordability. So that leads me to this three-source funding model that is so key. That's one of the reasons why I applied for the position here in Nebraska is because you have those three sources. So what's really amazing about the three sources is one of those three sources the local governing boards have control over, and that's the local tax levy. Four of the six colleges right now in Nebraska are approaching the 11.25 cent cap, and so what that means is they're going to have less control over that. And we're at a time right now where we're getting a great push to really increase the qualified workers that we have out there. I will tell you that in my area we just...we're about...we spent the last year studying what the needs are throughout the 15-county area. We had 3 locations where we have a 15...3 locations, 3 counties, we have a 15-county service area. So starting this year we're going to have six learning centers throughout the 15-county service area. So what that means is that while we have...Southeast Community College has had a slightly lower tax rate than some of the other colleges, as we go out to the 15-county area, as we expand our services to make sure we're meeting those work force needs, that rate is likely to go up in order to meet those needs. So what that means is one of the challenges we're going to have, one of the great things that the tax levy has done, it's allowed us to keep our tuition at \$90, for example, per semester credit hour, which is about \$2,700, \$2,800 per year for the cost of tuition and fees. So that tax levy is absolutely critical to the affordability

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

Education Committee  
September 10, 2015

---

part of our mission. So I think that's really a key point that we need to keep mindful of. And again, I'm very thankful for that. I wouldn't have applied for this job had we not had those three sources of funds. The other couple of things we heard already, but articulation is absolutely critical to the affordability. Because if we're not articulating effectively what's going to happen is, yeah, you're going to pay less to go to the community college but then you're going to have to take three or four or five additional courses, now you're cutting into your affordability. A couple of other things: This hasn't been mentioned yet but I think it's key. There's two parts to affordability. It's not just how inexpensive you are. That's not the whole deal. The other critical part is how much value are you getting from that education. So if I get out and I owe \$10,000 but I'm making a lot of money because of the wonderful high-value degree, that's a huge part to the affordability equation. So it's not just about...we look at...we've got to make sure the community colleges, as well as all the institutions of higher education, are really offering very high value, so we've got to make sure. For example, we just last year we opened up a Precision Agriculture program because that's where ag...that's probably going to be the standard agriculture program in the future. But we've got to make sure we're creating high-value graduates that can earn the money to pay back any debt that they incur. I think I'll stop with that. [LB519]

SENATOR SULLIVAN: Thank you, Dr. Illich. With respect to affordability, and then you mentioned the technical courses offered at a community college are more expensive, and many times you're training those students to step right into a job that is very much needed by businesses. So my question is, what role do businesses play? And should they play a more active role? Because in some respects I sometimes wonder if community colleges have taken over what had previously been a responsibility of a business to train their employees, so what role should business play in this? [LB519]

PAUL ILLICH: Well, that's a great question. They actually play a very extremely...very active role. So we're required by our accreditation body, we'd do it even if we weren't required, but we have to partner directly with the industry and we do that through what we call advisory committees. So every career or technical program has an advisory committee made up of anywhere from 15 to 20 employer representatives. And so they actually play a very key role in the curriculum development. We follow a process, we call it DACUM, but basically we meet with employers on a regular basis to make sure we develop the entire curriculum based on input



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

Education Committee  
September 10, 2015

---

from those employers. And then they meet on a regular basis to make sure what's happening with our graduates, when they come out, those skills vertically align with the skills needed in the industry. So they play a very active role. You've probably have heard about we just opened the doors to our career academy. It's a partnership with LPS where juniors and seniors can earn up to one year of college credit while at the same time gaining very valuable skill sets. Some of them can almost go right into the work force right after that experience. But that career academy was very much a partnership with the industry as well. They donated funds for equipment. They donated equipment. But they also...we have separate advisory panels that are serving on that career academy project as well. So the industry absolutely is critical to making...we survey them. We're always seeking input. But I think they play a very active role and that's very important. [LB519]

SENATOR SULLIVAN: Do you have any relationship with business to the point of actually supporting or helping a future worker, if you will, pursuing their education? [LB519]

PAUL ILLICH: We do. In fact, some of our programs are entirely employer based, meaning that, for example, we have a program with John Deere where the student already has a job before they even arrive. So they're coming in on sort of a guarantee. So they are guaranteed employment at a John Deere dealership. Well, we've got Chrysler, we've got Ford. We've got a number of different industries. And I think that's an excellent model. So they come in. They basically are getting their equipment, their tools, all of that paid for. But in return, they have to go to that particular dealership. So we have a number of those programs. [LB519]

SENATOR SULLIVAN: Very good. Thank you. Any other questions? Senator Groene. [LB519]

SENATOR GROENE: I'm a big fan. A good politician always throws a compliment out--... [LB519]

PAUL ILLICH: Sure. [LB519]

SENATOR GROENE: ...Adam is better than I am--first, before he asked a hard question. (Laughter) But... [LB519]

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

Education Committee  
September 10, 2015

---

SENATOR MORFELD: I'm going to remember that. [LB519]

PAUL ILLICH: Dr. Chipps didn't even get a compliment, so I feel...yeah. [LB519]

SENATOR GROENE: But one of the things you didn't mention on affordability, what's good about community college, that people in Lincoln and Omaha and Kearney don't understand the cost of travel and housing for the rural people who send their students off to college, because they can live at home if they live in Omaha and Lincoln and go to college. Can't do that in North Platte. The community college allows that student to go to school, save that huge housing, Mom and Dad, the cost of feeding them. And maybe Mom and Dad buys their Christmas presents in North Platte instead of Lincoln when they come to visit their child and go on a shopping trip. So the community college plays a big part in affordability for that. My problem, what I hear from my constituents, is basketball teams from Bosnia, softball teams, which they added in North Platte where the administrator at that time bragged about a 2 percent increase in enrollment and it added up to exactly to 24 new softball players. Those are the things that frustrate the taxpayer, because we believe the community college is for somebody who just wants an education, not a college experience. And this trend towards a college experience is what frustrates a lot of us. Are you seeing that too? [LB519]

PAUL ILLICH: Well, this is probably dangerous, but I'm going to give you a viewpoint. So I've been in this business for about 19 years and, actually, I had a...I was one of those students that you're saying that concerns you. When I was 18, I pursued a track scholarship at Blaine College, a two-year college. I came from a family that no one had actually gone to college. My brother had just gone--he was the first one--and I followed him. So I really didn't know what was going on so I had an opportunity to go with winning that track scholarship. And what I discovered with that experience and then being...you know, going all the way up through my Ph.D. from Texas A&M, then going back to work at a community college, what I discovered is I would certainly agree that there's a multiple...we're a little unique. So community colleges do not have...we do not have a single market. We've got a lot of markets. We've got a commuter market, exactly what you're saying. We've got students that absolutely want to go there, come home and go to work and that's it. But we also very much...it is, you're right, it's a growing trend that I think has a lot to do with the economy. More and more students who want that college experience are pursuing

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

Education Committee  
September 10, 2015

---

community colleges. If you...there's a...the National Student Clearinghouse published a study about a year or so ago. Fifty-seven percent of all of the four-year graduates from Nebraska had taken at least some of the coursework at a community college. So what I would say is that you're exactly right. There is a growing trend of those that want that college experience. But I think we need...again, we're open door, so I don't want to not serve those students. I want to serve those students. I want to serve the commuter students. I want to serve...community college has seen a drop off in the last three or four years in enrollment for the age 25 to 45, and I think that's because those students are pursuing a...they're specifically there to get a better job or a promotion. And they may be holding off a little bit until they may...want to make sure they can get that return on their investment if they don't feel like the economy is in that position. But I do think that's a growing trend and I think community college needs to serve that market while being prudent and responsible in terms of making sure that those taxpayer dollars are being spent wisely. But I do think it's part of who we are now and we serve many, many different markets. [LB519]

SENATOR GROENE: Thank you. [LB519]

SENATOR SULLIVAN: Any other questions? Thank you, Dr. Illich. [LB519]

PAUL ILLICH: Thank you. [LB519]

SENATOR SULLIVAN: Welcome. [LB519]

HANK BOUNDS: (Exhibit 3) Good morning. Good morning, everyone. Chairman Sullivan, members of the committee, I'm Hank Bounds, H-a-n-k B-o-u-n-d-s, and I'm president of the University of Nebraska. Thank you for the opportunity to talk with you today about college affordability, a topic that is very important to me and to our Board of Regents. I'm pleased that you are conducting this study and I look forward to working with you to make sure a college degree remains within reach for all Nebraska students and families. With a growing share of jobs in our state requiring higher education, achieving that goal is vital to Nebraska's economic competitiveness. I've been in this job for almost five months. I've traveled the length of the state, visited dozens of Nebraska communities, and talked with countless Nebraskans: students,

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

Education Committee  
September 10, 2015

---

parents, taxpayers, alumni, farmers and ranchers, business leaders, and of course legislators. Some key things have emerged from my conversations. The cost of college is one of them. Nebraskans rightfully want to know what we are doing to make sure our students get to the finish line in less time, with less debt, and into the work force sooner. No doubt you hear the same questions from your constituents. Fortunately, we have a good answer. You just have to look beyond the national headlines about "ballooning" student debt and "meteoric" rises in tuition. And our answer gets even better when you think about higher education not as a cost but as an investment in the future, which I think is the right way to frame this discussion. Here in Nebraska, we understand that an educated work force is the key to a successful future. The Legislature has made affordable access to higher education a priority that has helped guide its decisions and investments. And as a result, the University of Nebraska is able to provide our students with an excellent education at a great value. I know this is not the case everywhere and I'm grateful for your support. The productive partnership between the state and its public universities was, in fact, one of the reasons or one of the things that attracted me to this position. The message I want to convey to you today is that our partnership has never been more important. On your end, I hope the Legislature will continue to invest in the university at a level that will allow us to ensure affordable excellence for Nebraskans. And on our end, we will be effective with the dollars you entrust to us so we keep our costs down for students. The University of Nebraska relies on two sources of revenue to support our core operations: state appropriation, and tuition. These are the funds that allow us to pay our faculty and staff, maintain our facilities, and cover day-to-day cost. Historically, the two have had a teeter-totter relationship--when one goes down, the other is forced up. So if we want to maintain the quality that you expect of us, while also keeping tuition low, we depend on a stable investment from the state. It's true that the state has increased its support for the university over time. Because of that, we have been able to keep tuition increases moderate and predictable, including a freeze for resident students in the last biennium. Our current tuition and fees are at least 25 percent below our peer averages. We have the lowest levels in the...lowest debt levels in the Big Ten because our tuition is almost 50 percent below our Big Ten colleagues. But increases from the state have not kept pace with inflation or our enrollment growth, which we just announced has reached a 22-year high. We also find ourselves in a troubling trend over the last few decades of receiving a shrinking slice of the state's total budget. And even as the purchasing power of state dollars has declined, our needs are more pressing than ever. We are operating in the most competitive higher

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

Education Committee  
September 10, 2015

---

education marketplace of our lifetimes. The competition for bright students, talented faculty and staff, and coveted research dollars has never been more intense. You have probably heard me say that I want the University of Nebraska to be a giant in higher education. If we want to be that giant, we will need to make investments in people, in our facilities, and in other areas that advance our strategic priorities. Students and families should not bear those costs alone. They have done their part and will continue to do so. But the state has a stake in the success of its public university, responsible for sending 10,000 graduates into the work force annually, conducting research that improves the quality of life for Nebraskans and people around the world, and engaging with citizens in all 93 counties. The University of Nebraska has a responsibility as well to make sure every Nebraskan has the opportunity to pursue a college education, and we take that responsibility seriously, which is why the strategic priorities of the board begin with affordability. So let me just mention a couple of areas where we're working. We have significant amounts of student resources that we provide. We pursue private dollars in many ways. And we're also working to reduce time to degree as an important strategy in lowering our costs for students. It should be noted that a fifth year can add 20 percent to the cost of degree. The board recently kept all degrees at 120 hours. And finally, let me close by saying that cost-effectiveness is an important part of this equation. We have repurposed more than \$80 million from our budget since 2000, and more is on the way. This has prevented a 25 percent tuition increase. So thank you for the opportunity. I see that the red light has come on, so I will end and at least attempt to answer any questions that you may have. [LB519]

SENATOR SULLIVAN: Thank you, Dr. Bounds. You talked about your two sources of revenue being state support and tuition. What role does support from the University of Nebraska Foundation provide for not only general support but student support? [LB519]

HANK BOUNDS: So the two sources that I mentioned again are state, our state support, and tuition. We are very fortunate in this state to have generous donors who care for and support the university, and so that support comes...helps us in a number of ways. It helps us to build facilities that help to make us competitive. We have significant resources that come to us in the form of grant and aid dollars so that we can help particularly fund scholarships. The scholarships that I'm most interested in is, you know, how do we...how do we find those students that otherwise would have a real difficulty coming to us. So we have lots of need-based aid dollars that come to us

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

Education Committee  
September 10, 2015

---

from private philanthropy. I think that moving forward, our philanthropic efforts really have to be focused in two areas: one, again, on students to make certain that we can provide opportunities to students who otherwise wouldn't be able to afford the cost of a college education. I guess there's three areas. Two, we are an incredibly...we're in an incredibly competitive marketplace and so bringing in the best and retaining the best faculty comes at a cost. And so we are able to endow professorships. That's helpful. Donors don't give for operations. They don't give to help us to reduce faculty-student ratio, which is one of the things that makes us competitive. They typically don't give dollars to renovate facilities. We have \$4 billion worth of facilities; about 10 million square feet of space; about \$650 million of deferred maintenance. It's hard to get private...to get donors to give in those areas. And so we, I think, purpose private gifts really in a good way that helps us to fulfill our mission to the state. [LB519]

SENATOR SULLIVAN: You alluded to it earlier, but what is the university doing with respect to building awareness among students of the length of time it's going to take them to reach their degree, the amount of debt that they're incurring along the way? And what expectation is there for the dollars that they can earn with the degree they're trying to acquire? [LB519]

HANK BOUNDS: So we are actually working now to not only do that with our current students but to move all the way back into middle school. Really, this is a financial education issue that needs to start much before high school, much before college begins. So if you think about debt, and many...you know, there are lots of reasons that students carry too much debt. One, they don't finish in time; they change their major multiple times. Two, they go borrow money for things that they don't need to borrow money for, which plays into this expanded debt situation. We are working hard to advise students. You know, up until recently, the federal government wouldn't allow that kind of advisement to take place, and so now there's a brand new view on how we can advise students. And so we're really moving into an intrusive advisement space, which is the right place for us to be to help students to understand that when they take courses and drop them, when they enter into majors and they, you know, they move down the road for a couple years or three years and then they decide they want to go into a different major, that that just adds additional time. We're probably not as sophisticated in the area of helping students understand debt and what that means to them long term. We're probably not as sophisticated in high schools. Our work is not as sophisticated as it needs to be in terms of getting into every high school and

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

Education Committee  
September 10, 2015

---

into every middle school and creating awareness with those students and with their parents. We're doing lots of good work, but we have lots of work to do. [LB519]

SENATOR SULLIVAN: Okay. Thank you. Any other questions? Senator Groene. [LB519]

SENATOR GROENE: Thank you, sir. I'm glad you brought up the third leg of the stool is cost, not just the income you're getting, but you mentioned that you're looking at the cost of education too. [LB519]

HANK BOUNDS: Sure. [LB519]

SENATOR GROENE: There's an old story out there about the two youth, I'll say Texas graduates, that went into the hay bale hauling business and they bought bales for 75 cents and sold them for 50 cents. So they had a business meeting and they said, what can we do to improve our business? They said, well, let's buy a bigger truck. I'm referring to the story the other day about how we're so proud about all the out-of-state students. One thing that was missing in that story: What does our low tuition have to do with attracting those students? I used to live in Colorado in my career, and the kids there would go to Kearney State. They would go to UNL from northeast Colorado because they could pay less out of state than in-state tuition in Colorado. As a taxpayer, does it really do me any good to have a low tuition to educate other state's students? Are we, in net, gaining anything by doing that or are we just buying a bigger truck? [LB519]

HANK BOUNDS: That's a really good question, but I would view this from a very different point of view. So number one, there's resident tuition and then nonresident tuition on top of that. Some of that nonresident tuition is waived. My argument back would be, so if this were my classroom, right, and I had capacity in this classroom and you see all of the empty seats, how much tuition do we receive from the empty seats? The amount is zero. So every student that we bring in as a nonresident that sits in an empty seat, as long as they're not taking the seat of a Nebraskan, is a value-add to us. [LB519]

SENATOR GROENE: Do you limit enrollment in courses of study that are full:... [LB519]

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

Education Committee  
September 10, 2015

---

HANK BOUNDS: So... [LB519]

SENATOR GROENE: ...engineering,...? [LB519]

HANK BOUNDS: So a good point, but we're... [LB519]

SENATOR GROENE: Or do you expand? [LB519]

HANK BOUNDS: But recall that I said as long as we have capacity, right, and as long as we can keep student-faculty ratios an appropriate place because that, you know, faculty-student ratios are a way that we are rated and so we have to pay attention to that. In many places, we absolutely have space available. The other thing that I think is important to note is that we are in a really good space in that we have the lowest unemployment in the country. But that's a double-edged sword. The problem there is that so we know that over the next decade tens of millions of new jobs will be created. What we don't know is what those jobs are because they haven't been invented yet. But what we do know is all of those jobs will require some education beyond high school. And so if we're going to bring those kinds of jobs in, we're going to have to grow with nonresident students because the population of, you know, if you look at census data... [LB519]

SENATOR GROENE: Do you have a retention rate of out-of-state students that stay? Do you have that number? [LB519]

HANK BOUNDS: Not committed to memory. [LB519]

SENATOR GROENE: All right. [LB519]

HANK BOUNDS: But even if we keep some portion of them. And then we also have to remember, while they're here, they're in the empty seats, paying tuition. They're shopping in our stores. They're eating in our restaurants. And if we keep some of them in state, it's a value-add. So I would view it in a very different way. I think they're truly a value-add to our state. [LB519]

SENATOR SULLIVAN: Senator Morfeld. [LB519]



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

Education Committee  
September 10, 2015

---

SENATOR MORFELD: Thank you for coming today, President Bounds. I'm excited about your tenure here, particularly because of your...I think you truly believe in the importance of becoming or being affordable and staying affordable based on your history and your past action at other institutions. I don't know if you were here at the beginning, but one of the things that I pointed out is based on the numbers from Dr. Baumgartner, after grants and other types of funding given to students, it's about \$15,000 a year for a student to go to the University of Nebraska-Lincoln. [LB519]

HANK BOUNDS: Right. [LB519]

SENATOR MORFELD: And in my district, the median household income is \$31,000 a year. And so while I really truly do congratulate the past Legislature, the current Legislature and all of the work of the universities and college system for keeping us well below our peers, the fact of the matter is, is that higher education as a whole across the country, even though we're doing much better than most people, is increasingly out of reach, particularly for low and middle income people, people that I represent, people that are in the middle of where the university headquarters is at Varner Hall. And then I have a question. But one of the things that I think has been a little bit alarming to me is that as I talk with my friends who are generally, you know, fairly doing well--you know, attorneys and doctors and some other folks--they're starting to have children now. I'm 30. So they're all starting to have kids and they're thinking about what are they going to be doing in 18 years when they are starting to look at their options down the road. And it's interesting. I would say about half of them are skeptical as to whether or not a four-year degree will be the best investment for their children, which kind of shocks me, in particular, because I grew up where a four-year degree was kind of the Shangri-La, even though most of my family didn't have one. And so for me, this is not only an issue about affordability, which is very important, but it's also about the viability of our institutions of higher education, which I care very much about. And so one of the questions that I have in the next three years that I'm here, at least, and maybe seven years, is how do we look at systemic change so that 18 years from now, when my friends' kids are looking at higher education, that it's not 200 percent higher in tuition and fees where it's completely out of reach and we've completely devalued essentially the value of a liberal arts education or a very targeted liberal arts education? That's a bit long-winded of a statement, but that's where I'm coming from and that's my concern, is not only the affordability,

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

Education Committee  
September 10, 2015

---

which is incredibly important, but also the viability of institutions that I think are critical to having an informed society and a competitive one. [LB519]

HANK BOUNDS: So you make lots of good points. So we can't just talk about averages, to answer the question. So if you have an average family income with two children and you're at \$30,000, then so there's a sliding scale. So that family is receiving more in grant and aid than someone that's making...has a \$70,000 net income. And so you can't really use the averages to really tell the full story. So that's one part of it. The second part of it is I do think, as a state, we have to be much more intentional about providing need-based aid. That's clear if we're going to grow our economy long term and grow our tax base. Knowing the kinds of jobs that are going to be available, we have to have a higher percentage of our population that has some education beyond high school. I worry about the same issue. There are more than 4,000 institutions of higher education across this country. If I were to just speculate and look into the crystal ball, I'll tell you that a good portion of those won't be around in a decade from now. I do think that there are lots of institutions out there that are pricing themselves out of the market. I don't think we're there. But we do have to be, I think, as a university much more intentional about being really efficient. And so that means looking at having multiple IT processes or multiple HR processes, looking at back office operations, look at every way that we can find efficiencies, and then put those dollars back into what's happening in the classroom. We are at an important place right now. We're sort of on...a place where we really have to be thoughtful about what the future looks like from a cost perspective. We also have to make certain that we are compensating faculty in a way that allows us to stay in a competitive place so that we can continue to attract students. Students have choices. I think we are in a competitive place because of our pricing. But I really want us to go back to value proposition. On average, the student who earns a college degree, a four-year degree, makes \$1 million more over the course of their lifetime than someone who gets a high school diploma. That is worth \$20,000 in debt because not only do...not only is there a compensation, enormous compensation gap, but you also have to understand that they're going to be much more likely to read to their children. They're going to be much more likely to be involved civically, including voting. All the data that...all the research out there is very powerful that says a four-year college degree is worth the cost because the value far outruns the cost. [LB519]

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

Education Committee  
September 10, 2015

---

SENATOR MORFELD: Thank you. [LB519]

HANK BOUNDS: Yes, sir. [LB519]

SENATOR SULLIVAN: Senator Kolowski. [LB519]

SENATOR KOLOWSKI: Dr. Bounds, thank you very much for being here this morning and for your testimony. I've heard you before and today you said it again, but I'm repeating it because I think it's a really important piece for the future. That's the infrastructure of the university and the buildings and the repair and the upkeep. We're doing a pretty lousy job in this country right now about our roads and bridges and harbors and everything else that we have as far as infrastructure, and we've got to do a much better job telling our public and selling the public on the importance of maintaining that. Do you have a plan for...because you've been very specific about this, do you have a plan of moving ahead, because the university has a lot of building and a lot of land and it's extremely important that we maintain that properly? This building is an example itself. [LB519]

HANK BOUNDS: Exactly. So our buildings are state buildings, just like this building is a state building. And we have an obligation and the Legislature has an obligation to maintain our buildings, our roads, our bridges. We've spent a lot of time in the past several months really looking at all of our facilities, from how we use the buildings, when we use them, what kind of space we have, when the space is used, what the shell of the building looks like, what the roof looks like, HVAC system. And so we've gone through a pretty sophisticated process of putting a rating score. It would startle you if I gave you the amount of money that it would take to get all of our buildings to 100 percent. I think an acceptable rating is about 80, if you look at industry standards. That number is enormous. So we're actually putting those statistics together to have a conversation with the members of this Legislature. It's important that we invest in our facilities long term; will be one of the things to Senator Morfeld's comments that will keep us competitive long term. So we are in the process of pulling all that data. Anything that we bring to you will really be data driven and based on what's in the best interests of the University of Nebraska, the students we serve, and our state. [LB519]

SENATOR KOLOWSKI: Thank you. We'll look forward to that. Thank you so much. [LB519]

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

Education Committee  
September 10, 2015

---

SENATOR SULLIVAN: Thank you, Dr. Bounds, for your testimony. [LB519]

HANK BOUNDS: Thank you, Madam Chair. [LB519]

SENATOR SULLIVAN: Welcome. [LB519]

JODI KUPPER: Good morning. Chair Sullivan, members of the Education Committee, I'm Dr. Jodi Kupper, vice chancellor for Academic Planning and Partnerships for the Nebraska State College System. I'm here today on behalf of Chancellor Carpenter, who is at a Board of Trustees meeting in Chadron and could not be here. Postsecondary education affordability is an extremely important topic for the Nebraska State College System. Our mission statement says that the NSCS serves our students, communities, and state by providing high-quality, accessible educational opportunities. We cannot be accessible if we're not affordable. One of our core values is to maintain affordable tuition and fees. The challenge, of course, is to maintain affordability while still assuring high-quality educational opportunities for our students. The state colleges are extremely price competitive with peer institutions. We're in the lowest quartile of costs for tuition, fees, room and board, and are very efficient in our operations, which helps us keep costs down. This includes having very lean administrative teams at all three colleges, shared services and positions across the system, and many strong conservation measures and initiatives. As you know, as with the university, there are two revenue sources for the colleges: state appropriations, and tuitions and fees. When state appropriations are not adequate to cover our annual core needs, including salary, health insurance, utilities, operating costs, new building openings, the only remaining option, other than cutting programs and expenditures, is to raise tuition and our fees. It's not that many years ago that in the NSCS 2001 to 2003 biennium budget proposal noted, quote, in the past, state tax dollars provided around 75 percent of the cost of a state college education and students furnished about 25 percent. In the last ten years the proportion of state support has changed, leaving our students to pick up as much as 34 percent of the cost. The heavier burden on students means more indebtedness for graduates and may keep students from pursuing college at all. At that time, the Governor and Legislature agreed in concept to a plan whereby the Legislature would provide an additional \$5 million per year for four years beyond the core needs of the NSCS to move toward the return to a 75/25 percent cost share. That agreement was short-lived when an economic downturn caused significant budget

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

Education Committee  
September 10, 2015

---

cuts in the state's budget, and the initial \$5 million toward that plan was eliminated. Since that time, the student's share of the cost of an education has continued to increase. This year, about 58 percent of our general operating budget is covered by state appropriations, with the other 42 percent provided by our students. We're an open enrollment institution, colleges of opportunity. Many of our graduates remain in Nebraska to live, work, and contribute. They serve in various roles and are leaders in their communities. As the chancellor often states, our colleges anchor rural Nebraska. To counter the rises of attending, the rising costs, the state colleges have integrated a number of initiatives. The first is reducing the number of credits to 120 for a baccalaureate degree, which should allow students to complete their programs in four years. The CCPE's comprehensive statewide plan guidelines indicate the importance of comparatively low nonresident tuition and fee rates to attract out-of-state students to the state. The NSCS has worked diligently to attract nonresident students by virtually eliminating out-of-state tuition at both Peru and Chadron and at Wayne's College Center in South Sioux City. For many years, the state colleges have had informal agreements with the community colleges in Nebraska for students who have an A.A. or an A.S. degree to come in to their colleges and have their general studies fully met. Last year the NSCS Board of Trustees formally established that agreement into policy, which provides all transfer students from Nebraska Community Colleges with assurances of how their completed degrees will count toward the next step in their educational process. In addition, as Dr. Baumgartner discussed, with the implementation of transfer evaluation system software and the newly developed Transfer Nebraska Web site, all transfer students can have the support they need to access the system and immediately identify how the courses they've taken will come in for equivalent courses at the state colleges. In addition, students who have served in military or would like to pursue a degree after time spent in the work force can receive credit for work experiences or training that demonstrates critical knowledge and skills, which can decrease the overall cost for them. Finally, all three colleges are in the process of replacing traditional textbooks with open educational resources, or OERs, in specific courses and programs. Using OER materials in place of traditional textbooks can significantly reduce costs for students and removes the high-cost hold that publishing companies have had on higher education courses and materials. The results of this initiative are impressive. Chadron State College, the leader across the system, has redesigned the function of their campus library to include a teaching and learning center which provides comprehensive support for faculty development of OER materials. Since its inception in fall 2011, 232 core sections have used OER materials instead of traditional

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

Education Committee  
September 10, 2015

---

textbooks, impacting a total of 4,725 students. The actual cost savings to these students through the implementation of OER at Chadron was more than \$455,000. This past year reflects the largest implementation with 100 core sections using OER materials, 262 students impacted with a total cost savings of more than \$205,000. While these initiatives positively impact the overall costs, keeping tuition affordable is the most critical component. As the NSCS has noted, we believe it's extremely important that public support for higher education be focused on public institutions. I thank you for the opportunity to speak and will address any questions. [LB519]

SENATOR SULLIVAN: Thank you, Dr. Kupper. I was reminded that perhaps you didn't spell your name. [LB519]

JODI KUPPER: Sorry. [LB519]

SENATOR SULLIVAN: Could you please do that? [LB519]

JODI KUPPER: J-o-d-i K-u-p-p-e-r. [LB519]

SENATOR SULLIVAN: Thank you very much. What is the cost per credit hour on average at the state colleges? [LB519]

JODI KUPPER: It is set for the 2015-2016 year at \$153 per credit. [LB519]

SENATOR SULLIVAN: Okay. Good. Any other questions for Dr. Kupper? [LB519]

JODI KUPPER: Yes. [LB519]

SENATOR SULLIVAN: Oh, Senator, yes, Senator Baker. [LB519]

SENATOR BAKER: Have you looked at the cost of dormitory residence and food as a proportion of the total? [LB519]

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

Education Committee  
September 10, 2015

---

JODI KUPPER: Right now the total cost for a student taking 30 credit hours for a year, which would be one-fourth of a program, with mandatory fees, room and board, comes out to around \$12,000, \$12,000 to \$13,000 depending on the institutions. They all have different room and board rates. [LB519]

SENATOR BAKER: I was wondering how that compares with historical data. I mean I look around, I see college dormitories being built that feature much larger rooms. You know, I went to the University of Nebraska. And two or three years ago they had an open house for Cather Hall, where I stayed as a freshman. I mean I couldn't believe how small it is. I understand kids not wanting to stay in a place that small, but is that a factor in the increasing costs of college and the amount of debt being racked up, the more spacious accommodations? [LB519]

JODI KUPPER: Much of the increases in room and board go to maintaining and upgrading those facilities, as Senator Kolowski discussed. Especially at some of the colleges, we're just trying to make sure that there's air conditioning in all of the dorms and that they've been brought up to code. I would not say that the state colleges are creating spacious living quarters for students but they have created new spaces for the growth that has occurred on campus. For room and board, in the last five-year average both room and board have gone up around 4.5 percent. [LB519]

SENATOR BAKER: Thank you. [LB519]

JODI KUPPER: Uh-huh. [LB519]

SENATOR SULLIVAN: Any other questions? Thank you, Dr. Kupper. [LB519]

JODI KUPPER: Thank you. [LB519]

SENATOR SULLIVAN: Welcome. [LB519]

TIP O'NEILL: (Exhibits 4 and 5) Hi, Senator Sullivan, members of the Education Committee. I'm Tip O'Neill, that's T-i-p O-'-N-e-i-l-l. I'm the president of the Association of Independent Colleges and Universities of Nebraska. We are a consortium of 14 privately controlled, nonprofit

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

Education Committee  
September 10, 2015

---

colleges and universities. We are probably the most sensitive to the whole issue of tuition and college costs of any of the sectors of higher education, because we don't receive the benefit of state support and the tuition subsidy for our students. So we have to respond to market forces. And we understand how students and families struggle with paying for college, but we believe it's important that a student attend a college where he or she stands the best chance for educational success. And, you know, I think there's a truism that the only thing more expensive than going to college is not going to college. And I think one of the...the first sheet that I'm handing out here from the Pew Research Center, if you look on page 2, and this is the median adjusted monthly household income of households headed by millennials, the 25- to 34-year-olds. You'll see the stark contrasts in income based on educational attainment between those with professional and doctorate degrees versus those with less than a high school education. And this is again, these are for recent, recent college graduates versus those who don't have a high school education. And the difference between 1984 versus 2009, it's incredible. It costs money to provide educational services, particularly quality educational services. Someone has to pay for those services. In our sector, where state support is limited to a modest investment in student aid, we are more dependent on tuition. And we charge, on the average in Nebraska, about 20 percent less than the average national tuition for private colleges. We are also dependent on federal grants and loans for our students and the generosity of friends, alumni, and other donors to help fund our colleges and universities. We provide significant amount of money in scholarships and other financial aid to students. Almost no student pays published tuition costs. Personnel costs are the biggest expense of our operation--faculty and other personnel. Operations, buildings, utilities, and expenses of compliance with federal regulation is a huge expense for us and we must cover those costs in some manner. Now when you're looking at pricing in the public sector, Nebraska has historically practiced a low-tuition, low-aid model. And this does not necessarily benefit those who are the neediest students. We clearly lag in funding for need-based student aid programs, as Dr. Baumgartner pointed out. I handed out a "Trends in Student Aid 2014" publication from the College Board, which has some really interesting information both on state grants and federal student loans. And, Adam, Senator Morfeld, it has some information for you on PLUS loans, actually Parent PLUS loans on page 16. You'll see that in terms of the total federal loans that were given throughout the nation, 9 percent of those loans came from Parent PLUS loans, and 9 percent of the total loans in the United States came from nonfederal sources in 2013-2014. But if you take a look on page 35,



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

Education Committee  
September 10, 2015

---

you'll see where Nebraska ranks on a per-student basis for grant expenditures and also...that's in the top table, and on the bottom table on page 35 you'll see where we rank on grant expenditures as a percentage of total state support for higher education. And you'll see that we rank comparatively low in both of those areas, in fact, very low in both of those areas--less than 2 percent of our total state grant expenditures as a percentage of total state support for higher education. You know, we have to look at some things. Enrollment is not the goal for a college. Graduation should be the goal. And perhaps Nebraska should explore some outcomes-based incentives in terms of the way we fund higher education rather than funding based on enrollment. I think those types of incentives might assist in terms of some of Senator Groene's concerns in terms of how we would reduce costs, both to the students and to the taxpayers. And as President Bounds indicated, we need to improve financial counseling at every step, both in the college process but in the precollege process. Financial counseling is very important, I think. And we have students who borrow for noncollege purposes and we don't counsel families and students very well. So we could reduce the amount of money that's being borrowed for college, I think, in a lot of instances. But we'll do what we can to reduce the cost of the enterprise and we'll continue to work with Senator Morfeld and this committee as we work toward that goal. Be happy to answer any questions you might have. [LB519]

SENATOR SULLIVAN: Thank you, Tip. When you mentioned performance-based funding, are you thinking mostly about completion rates? Is that what it would be tied to? [LB519]

TIP O'NEILL: I'm thinking about in terms of degree production, more than anything else,... [LB519]

SENATOR SULLIVAN: Oh. Okay. [LB519]

TIP O'NEILL: ...and maybe tying it to state needs. You know, I mean we have state needs in terms of teacher education degrees, in health in terms of health sciences, maybe in terms of business and entrepreneurs, those sorts of things. And maybe we ought to be tying some of our financial aid programs or creating new financial aid programs and tying it to the degree production at institutions. Because if you tie it to degree production, you'll actually be incenting colleges to create degrees in those areas... [LB519]

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

Education Committee  
September 10, 2015

---

SENATOR SULLIVAN: Uh-huh. [LB519]

TIP O'NEILL: ...and speed up the degrees in those areas. [LB519]

SENATOR SULLIVAN: Okay. Very good. Any other questions? Senator Groene. [LB519]

SENATOR GROENE: Thank you. Have you ever done research? Well, how does your compensation for your professors compare to the university system in Nebraska? [LB519]

TIP O'NEILL: The Coordinating Commission actually publishes that information. And based on my recollection, I don't have it in front of me, faculty salaries in the independent sector on the average are lower than in the public sectors of four-year higher education in Nebraska. [LB519]

SENATOR GROENE: So you consider that your education value is less,... [LB519]

TIP O'NEILL: No, absolutely not. [LB519]

SENATOR GROENE: ...instructional value is less because we don't go out and just play in the market and just keep escalating wages? [LB519]

TIP O'NEILL: Well, again, you know, we compare with peer institutions. A Creighton would have a higher salary, based on comparisons with a York College or Concordia, just because it's compare...you know, it's competing in a different marketplace than a Concordia or a York or a Hastings or a Wesleyan or a Doane. [LB519]

SENATOR GROENE: So the quality isn't exactly related to the pay scale in higher education of the instruction? [LB519]

TIP O'NEILL: Well, it depends on how... [LB519]

SENATOR GROENE: I'm just making a statement. You don't have to... [LB519]

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

Education Committee  
September 10, 2015

---

TIP O'NEILL: ...depends on how you define quality, Senator. I...you know. [LB519]

SENATOR GROENE: I just don't like that excuse of why higher education is going higher.  
[LB519]

TIP O'NEILL: Well, Senator Warner used to say peers are just like a cat chasing its tail. So I mean he was never a big fan of peers, but. [LB519]

SENATOR GROENE: (Laugh) Thank you. [LB519]

SENATOR SULLIVAN: Thank you for your testimony. [LB519]

TIP O'NEILL: Thank you. [LB519]

SENATOR SULLIVAN: Welcome. [LB519]

JAMES GROTRIAN: Yes. Good morning. Jim Grotrian, J-i-m G-r-o-t-r-i-a-n. Have the pleasure of being the executive vice president of Metropolitan Community College. And one of the advantages of sitting through some of the great testimony previous to me is I could pick up on some of the questions. One of the biggest advantages is I'm probably at the end of the line and you're getting tired. So I'll do the best I can to be brief and efficient. And you know, I think I'd be remiss to say, as Dr. Michael Baumgartner started you out this morning with his testimony, we are really fortunate to have him in Nebraska with the Coordinating Commission and his leadership, because I think he really set the tone really well for us today. Not for sure exactly what direction you wanted to go this morning. I overprepared. I don't have a handout. But I think if you're not familiar with Metropolitan Community College, you might be interested in knowing, as I mentioned the Coordinating Commission, a couple years ago they updated our peer groups as higher ed institutions in Nebraska and they actually did not give us a peer community college in Nebraska. We really are primarily an urban institution, as you know, that serves greater Omaha across four counties. We do have two rural counties. But there are some things that make us unique and one of the things I wanted to make sure I got into testimony this morning were a few things that we do to hopefully make Metropolitan Community College a

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

Education Committee  
September 10, 2015

---

little more affordable for our students, because they have similar challenges to students that do across the state but then also some unique challenges that might be unique to an urban setting. One other item that I am following pretty closely as far as federal policy and impact around affordability and costs of education, loans and debt have been mentioned a lot this morning. And growing up on the farm, I learned the value of getting to know your banker and not being scared to borrow money occasionally. But we also know it can certainly be a detriment if you do so without a goal and a vision in mind, and particularly a goal of completing your degree because that's the worst debt of all. But one thing that is a trend across the country, as community colleges are being held accountable for default rates of their students that have actually borrowed through the federal student loan program and are continually...you know, could be threatened by the federal government to no longer be allowed to offer all Title IV grant money, which also includes Pell Grants. And some community colleges, particularly in the southeast, have actually opted out of the federal loan program. And as a matter of fact, 237, according to a 2014 report for the Institute for College Access and Success, out of the 1,100 community colleges in the country have opted out of the student loan program. So when you think about that, think about the impact and the effect the high default rate might have in some of those particular areas and they feel like their only choice is to opt out of making federal loans available to their students in which maybe that's the only means or the best means for them to make their college affordable. Fortunately, that hasn't occurred and I don't anticipate it occurring here in Nebraska, but I think that was one important fact that I wanted to share with you this morning that has not been brought up. And if you weren't aware of that as a committee, might want to do a little more research. And there's quite a bit of literature out there around the phenomena of community colleges opting out of the federal loan program. Metropolitan Community College, as I said earlier, we do some things to do the best we can of making MCC affordable. Senator Groene mentioned a couple things early on about do we track our costs. One thing I'm prepared to share with you this morning is we actually do know that at MCC our cost, our expense per student per FTE, is \$7,896. We monitor that closely and we've tracked it for years. We consider that an effective tool in the way we work, put our budget together, how we share the impact of our budget and how we share things such as setting our local levy and sharing with the taxpayers. So that is available and it's something we believe to be an important measurement as far as our efficiency and impact. I can tell you, although we're the largest community college in Nebraska and our fall enrollment this fall will about 14,500 students across our four counties, I'm the only

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

Education Committee  
September 10, 2015

---

executive vice president at Metropolitan. We only have one president. We're not too top heavy and we take a lot of pride in that. But then there are also some efficiencies in the proximity and the geographic proximity of our campuses and so forth. One of the other things that was mentioned earlier on, Senator Sullivan, I'd like to thank you for your continued support for the Nebraska Opportunity Grant. And in 2014, '13 and '14, 1,286 students were recipients and the beneficiaries of the Nebraska Opportunity Grant Program. So we do believe that continues to be an important state support and state program that supports a lot of MCC students, for a total of about \$1.1 million in that academic year. So we were glad that you continued the support for that program. Thank you. Three items that I wanted to share with you today that were unique to MCC that we are doing, and one is around the area of transportation. Although some of our campuses might not be more than 7 or 8 miles from one another, transportation is an issue in an urban setting. Many of our poorer students and many of our urban students, don't even have to be poor, don't drive. They choose not to drive. I'm amazed whether or not they don't have the means to...for a vehicle, sometimes choose not to drive. And because we're in an urban setting, take advantage of more public transportation than other areas of the state. Back in 2009, in an effort not to build too many parking lots and build out too much infrastructure, we partnered with the Metro Area Transit and we offer a free bus pass for every full-time Metropolitan Community College student. And the only main campus within our system that's not served by public transportation is our Elkhorn campus and we regularly get complaints and have concerns about our students not being able to get from the east side of the city to the west side of the city. And I want to respect your light. Can I finish a couple more points? [LB519]

SENATOR SULLIVAN: Okay, quickly. Uh-huh. [LB519]

JAMES GROTRIAN: Okay. So if you're not familiar with our Pass the Class Program, we do pay for that out of our general fund at the cost of about \$74,000 a year. But we're often asked, not only by our students but many of our constituents, why don't we have buses and transportation. And my answer is I can't be in the transportation business by ourselves for less than \$74,000 a year. So we'll continue to have a viable relationship with Metro Area Transit and we have really good statistics on that. And we are...we account for 7 percent of the total riders of the Metro Area Transit System itself across the metro area. Another thing that hasn't been mentioned yet this morning is the cost of textbooks. And we talk about all the other barriers that

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

Education Committee  
September 10, 2015

---

are in the way for students and it's not unusual for a community college that has low tuition for them to take a class where their textbooks and supplies cost way more than their tuition and fees. Back in 2009, we put together a textbook task force of faculty staff. A couple board members were represented. Came up with some strategies to create customized textbooks, offer more things on-line, really ask ourselves, do we need that textbook. And I've got one example for you. In an Intro to Business class, for example, the natural book price for a textbook in 2013 at that time was \$220. Through that effort we came up with a customized book price that was \$65 that our faculty agreed they could use in the classroom that gave many of our students an option that was different from the purchase of the traditional textbooks. And I don't have...I don't have any data on how many of our students are going to the third market or outside, Amazon and other places, to final turn in (inaudible) for textbooks. But we've seen a direct impact through out textbooks efforts to make MCC more affordable for our students to minimize some of those costs. The last thing I want to share with you is we have received some recent publicity in the last year as far as our relationship and our partnership with AKSARBEN scholars. Senator Sullivan, you asked about what we're doing with business, As you know, many of the leaders on the AKSARBEN Foundation, for example, are area leaders and executives and business owners in the greater Omaha area and so forth. And they've partnered with us to make scholarships available to our students that want to pursue career and technical programs. And as a result of the...that program, we're offering a basically \$4,000 for two years to students that qualify for the AKSARBEN program and in collaboration with the Avenue Scholars Program, which many of you have heard about before. And this fall we're enrolling...we've enrolled 175 students that are AKSARBEN scholars, with the hope of by 2019 we'll be up to 600 student participating in that program. And half of the bill and half of \$4,000 is being paid for through philanthropy and local business support. So those are the three items specific to MCC. You heard from my colleagues earlier, Dr. Chipps and Dr. Illich from Southeast and Northeast. We do the best we can to collaborate. But there are some unique things about MCC. The volume of students we serve, 28 percent of our students are minority. And a couple things we don't have: we don't have intercollegiate athletics; we don't have residence halls. And we do focus on education. We're proud of it. We're not anti-athletics. We're not anti-residence halls. We just come up with other priorities. Every time we study either one of those items, we move on because of the expense. And if we're going to build a new facility, we'd rather do what we're doing now. I'd rather build a new facility around construction education, rather build a new facility around advanced

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

Education Committee  
September 10, 2015

---

technology and provide modern and advanced educational opportunities for our students. And so that continues to be our priority at MCC. So,... [LB519]

SENATOR SULLIVAN: Very good. Thank you. [LB519]

JAMES GROTRIAN: ...be happy to answer any questions. [LB519]

SENATOR SULLIVAN: Any questions? Thank you for your testimony. [LB519]

JAMES GROTRIAN: Thank you. [LB519]

SENATOR SULLIVAN: Uh-huh. Obviously, we're running past our hour and a half. How many more are planning to testify? Okay, very good. Welcome. [LB519]

DAN PABIAN: (Exhibit 6) Good morning. My name is Dan Pabian, D-a-n P-a-b-i-a-n. And my understanding of this hearing was to hear some different ideas. I think mine is a different idea, not necessarily an answer but hopefully gets the wheels rolling. But I'd talk about how we might look at education differently, in particular, preschool education, elementary, and secondary--that's kindergarten through 12th grade--and the postsecondary education, meaning college, trade school, or some other higher level of education. Under preschool education, it used to be that kids went to kindergarten to start the process of learning how to read, write, and count. Nowadays with preschool, seems kids are expected to know how to read, write, and count before kindergarten. Otherwise, the kids without preschool have a disadvantage to those that do have preschool. With the technology we have today, like the iPads and similar things, I hear stories that even toddlers as young as two or three can run those things, sometimes better than adults. Should kindergarten be for the kids that need to learn the basics? And should those that have preschool move immediately into 1st grade, skipping kindergarten, because they already know that stuff? Elementary and secondary education--that's the kindergarten through 12. [LB519]

SENATOR SULLIVAN: Mr. Pabian,... [LB519]

DAN PABIAN: Yeah. [LB519]

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

Education Committee  
September 10, 2015

---

SENATOR SULLIVAN: ...I don't mean to interrupt, but since this is on higher education, could you fast-forward to that? [LB519]

DAN PABIAN: Uh-huh. Oh sure. [LB519]

SENATOR SULLIVAN: Okay. [LB519]

DAN PABIAN: So as far back as 40 years ago, the senior year for some, myself included, was more along the lines of cruising along. Of course, there were the kids that really worked their tails off to go into college. So since that time, we've had many advancements through education, like technology we were talking about. We've got special ed more in place and things like that. So what that moves to nowadays is once again it's common to hear that a college education is more important now than ever before. Also common to hear students have too much debt. So assuming, kind of back to some of the other areas you can read through, assuming basic elementary and secondary education, and my concept was all the advancements we've made in 40 years, why does it still take us through 12 years to graduate high school? And so my concept is I believe we should be able to be done with those things perhaps as early as the end of 9th grade. And then at that point, perhaps we should shift away from the secondary curriculum, as we know it today, and rather implement the community college or trade school level and credited courses starting in what used to be the 10th grade, using those dollars currently spent on whatever we're spending it on in 10th through 12th for teachers, classroom costs, etcetera. And so those kids that come out of what we know as 12th grade today, they could come out with perhaps a two or three years' worth of college credit or trade school experience, some better ready to enter the work force in the skilled labor position and with no debt. Those that go on to continue further postsecondary education, they'll have less debt overall as well. Other points: employers in some areas say there's a shortage of workers, so here's another benefit. Getting the young folks through the educational process with advanced degrees and skills two or three years sooner than has been the norm would help fill the work force shortage sooner rather than later. Costs, according to Nebraska Department of Education Web site, in Nebraska the average cost of educating students in K-12 is in excess of \$11,000 per pupil per year. The cost to students and/or parents for attending local community college, such as Central Community College, including books, is approximately \$3,000 per pupil per year. Of course, that takes into account those kids



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

Education Committee  
September 10, 2015

---

will likely be living at home and they could be either in...maybe the local high schools now have become those learning centers or perhaps through the distance learning for the kids that are out in more rural areas. So actually, there could be some shift of savings of dollars that way. And with that, I guess is a better place to be with our kids' education, today we're looking at P-16 with a lot of taxpayer dollars spent and a lot of debt incurred by a lot of people? Is a better place to be with our kids' education with two or three years of college or trade school completed and little to no debt for the student by what we know today as the 12th grade, or P-12? I believe our students are capable. Thank you. [LB519]

SENATOR SULLIVAN: Thank you, Mr. Pabian. [LB519]

DAN PABIAN: Uh-huh. [LB519]

SENATOR SULLIVAN: You present some interesting ideas. Do you have any thoughts on how to I guess maybe have a conversation among some of these more creative ideas? [LB519]

DAN PABIAN: That's all...it includes the costs are one thing to certainly bring in. And I think with the number of institutions you had here, the community college, universities, and whatnot, I think they're all at the table to talk. So that's where that can start. And a lot of the local high schools we do the dual enrollment where they are high school credit as well as college, but that is at the expense of parents, plus, the taxpayers are still paying the full cost of the K-12 education. So this is a way to help shift, I think better spend those dollars perhaps. [LB519]

SENATOR SULLIVAN: Very good. Okay. Senator Groene. [LB519]

SENATOR GROENE: Thank you for taking the time to come in, as a taxpayer. [LB519]

DAN PABIAN: Uh-huh. [LB519]

SENATOR GROENE: I think you're talking about some of the European models of what they do... [LB519]

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

Education Committee  
September 10, 2015

---

DAN PABIAN: Could be. I know different things are done different places. Yeah. [LB519]

SENATOR GROENE: ...that in the trade school you either make a decision by the 9th grade which direction you're going. But I think we have that here in the United States. It's called homeschoolers. I think if you talk to Metro, there's a lot of 16-year-old kids sitting in their college classes because they completed what they needed to earlier. But I like your idea. Maybe a basic test, you test out, you're gone. You can go on from there. But there's too much money involved here. [LB519]

DAN PABIAN: Uh-huh. [LB519]

SENATOR GROENE: A lot of people don't want to lose it. Well, thank you. [LB519]

DAN PABIAN: You bet. [LB519]

SENATOR SULLIVAN: Any other questions? Thank you, Mr. Pabian. [LB519]

DAN PABIAN: You bet. Thank you. [LB519]

SENATOR SULLIVAN: Uh-huh. Any other testimony? If not, this closes the hearing on affordability in higher education. Originally, I thought we would take a break. But in the interest of allowing adequate time for the next hearing, I think we'll move right into it and that is LR283, which has to do with programming support, funding support for programming around poverty and English language learners in our K through 12 system. Just to give you a little background of that, first of all, it's nothing new, so to speak, that Nebraska has provided extra funding to help school districts to serve students with unique needs. It actually can go back as far as 1949 when we started providing support for special education. In 1997, the Legislature passed LB806 which expanded the whole concept of recognizing that there are extra costs that go along with factors that interfere with a student learning, i.e., in these cases poverty and English language learners. And so at that point, through that piece of legislation, there were student weightings given and added to the school finance formula when there were students in a school district that were in poverty and students with limited English. And then in 2006 we passed LB1024 which said that

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

Education Committee  
September 10, 2015

---

the Legislature went a step further by requiring school districts who receive those funds to actually have a plan that identified how they were going to use that extra dollars to identify programming efforts to identify and help those students with unique needs. And part of the thought at the time was that the plans and the reporting would sort of hold up not only best practices but give the Legislature some direction on how to improve policy and funding in those arenas. And that's really where we find ourselves today. The poverty and English language learners allowances exist in our school funding formula. But as I've looked at this and certainly as I've listened to superintendents, you look at the statistics, we know that poverty is increasing nationwide. It certainly is increasing in Nebraska. I listen to superintendents say we have more poverty students, more students that qualify for free and reduced lunch. But it also begs the question, what can we do better? It's just not a matter of providing more dollars but how can we be more strategic in helping serve the students in those particular circumstances. And so that's what this hearing is all about today. But I thought it was, first of all, important to talk a little bit more about how that process works and so initially we are going to have someone from the Nebraska Department of Education who is the student achievement coordinator. And that is a position that we reinstated through legislation a couple of years ago and this individual is charged with not only receiving those poverty and ELL plans and checking off the box but looking at them and ultimately we hope can hold up some best practices that will give not only us direction on how to support this kind of programming but will give some information to other districts as well. So that's the lay of the land. Again, can I have a show of hands on how many people are going to be testifying? Good. That's manageable. But we will start first of all with Aprille Phillips from the Department of Education. Welcome. [LB519 LR283]

APRILLE PHILLIPS: (Exhibit 1) Thank you. Got some handouts here. Good morning. Aprille Phillips, A-p-r-i-l-l-e P-h-i-l-l-i-p-s. Good morning, Chair Sullivan and members of the Education Committee. This morning I want to talk a little bit about some of the processes that we have in place related to limited English proficiency, or LEP plans, and poverty plans and then, as you mentioned, some of the ways that we're focused on continually trying to improve those processes and support for districts. And so you'll see here's a summary of information related to LEP and poverty plans. Let me highlight a couple of items and then do my best to answer any questions that you might have. So right now, NDE has two primary processes in place related to LEP and poverty plans. The first process is actually happening right now, so our

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

Education Committee  
September 10, 2015

---

districts across the state are submitting LEP and poverty plans that outline their estimated expenditures and then their program of services and support for the targeted student populations. Those reports are then collected at NDE. We review and approve those plans, provide technical assistance for districts throughout that process. And so those plans are all related to what will happen next year. And then in the spring of each year we have a team that goes out to a sample of those schools to actually look at implementation from the previous year, so what were the expenditures. We take one of our school finance representatives. So we look at what were the expenditures. We also look at what was the implementation of programs and services. It's an opportunity to hear from districts, where do they see that they would like more support and then also what are those best practices, what are those things that are working for the unique contexts that we have across the state. And so I've outlined both of those key processes, but I do want to highlight a couple of the best practices related to LEP plans and then poverty plans. And I think the most important thing is to realize that, you know, we're talking about complex situations and so it really drills down to individual student needs for support. And so when we look at LEP plans in particular, you know, what are the systematic ways that we review programs and services to make sure that we're meeting specific student needs, that we're supporting student achievement, so that annually--and that's a part of that LEP plan--so that annually we can look at data. And we can see are students growing, where do they need more support, and drill down to that specific level of what can we do for individual students. The other piece is collaboration with ELL and content area teachers. When it comes to poverty plans, I think one of the best practices is making sure there's a structure in place so that every student is well known by at least one person in the building and there's a way to advocate for that student to make sure that they're receiving the support, the academic support that they need, and then a systemic way of engaging families. I will say that in our review of 22 different schools this spring, our schools were using their funds appropriately. They're investing in the right things. They're requesting, you know, more opportunities to see exemplars and more opportunities to see best examples. And we're certainly working on that and it's been a collaborative process with the districts and NDE. And we're really focused on trying to make sure that we can continue feeding those best practices back to districts. And so with that, I'll do my best to answer any questions that you might have. Again, my role at the department working on student achievement is really focused on how do we support the engagement and the achievement and the growth of those students that are coming from these unique student populations. My background is an ELL teacher and then

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

Education Committee  
September 10, 2015

---

working with students across the Omaha metro area in OPS. So when we talk about these kids, I think of specific faces and families in complex situations. So thank you so much for your time and I'll do my best to answer any questions that you might have. [LR283]

SENATOR SULLIVAN: Thank you, Ms. Phillips. In the recommendations that you indicated, apparently, as you indicated, that they're submitting their plans right now but it's for the 2016-17 school year. [LR283]

APRILLE PHILLIPS: Right. [LR283]

SENATOR SULLIVAN: And so apparently from your recommendation there's not a whole lot of flexibility in terms of them changing or modifying their plans once submitted. [LR283]

APRILLE PHILLIPS: So one of the complex issues, and my background is not in school finance, but it's schools are submitting their estimated expenditure costs on poverty and LEP programs and services for the next year. And so in order to make sure that that's figured into their school finance, they're submitting that now. And right now, as we know in certain communities there can be situations, demographic change, influx that requires a change in services. And there's not a process in place right now to be able to allow school districts to go back in and amend if they have a significant change in the students that they're serving from year one to another. [LR283]

SENATOR SULLIVAN: You mentioned that there are actually on-site reviews in school districts. [LR283]

APRILLE PHILLIPS: Uh-huh. [LR283]

SENATOR SULLIVAN: Is that a random sample or is that strategic in terms of making sure you have a variety of school districts in terms of enrollment and size? [LR283]

APRILLE PHILLIPS: So we're trying to make sure that we make it around to all different schools in a period of a few years. It's very strategic. We're trying to make sure that we have

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

Education Committee  
September 10, 2015

---

representation from, you know, all different sizes of schools, all different demographic makeups of schools, and then all across the state. And so we traveled all throughout the state this spring to make sure that we were visiting and to try to hear what are the unique needs and challenges of our schools that are in small rural areas and also in the metro areas. [LR283]

SENATOR SULLIVAN: I know that this is probably too large a question and we may hear from...some specifics from some of the other testifiers. But can you give us just sort of a broad brush of some of the particular strategies that school districts are using. [LR283]

APRILLE PHILLIPS: Well, I mentioned that we have some school districts that are really focused on trying to reach out to parents. And so a couple of the districts that I visited, they make sure that they have an entire process for welcoming in families, and particularly for students that are limited English proficient. Even if that district does not have translators that can interpret or translate for specific families, they're calling on resources and sharing across districts to receive help and support, but making sure that families understand, you know, what is the process of school in this new context, in this new space. But then also looking at schools that have some great processes in place within their...with their school day, whether it's an advisement session period that they're using very strategically, that they have a curriculum outline, that they're really working on building relationships and they're building between students and staff members so that students can ask and access the specific things that they may need. So their needs maybe go beyond breakfast and transportation but making sure that there's a way for that communication to occur. And so you'll see that happen differently, depending on the size of the district. But I think that's a key area that we're seeing that, you know, schools are finding ways within their schedules and finding ways to make sure that students have advocates in the building to represent their needs and to connect them with services. [LR283]

SENATOR SULLIVAN: As I understand it, districts are charged, to a certain extent, to evaluate the success or not of their programs. [LR283]

APRILLE PHILLIPS: Uh-huh. [LR283]

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

Education Committee  
September 10, 2015

---

SENATOR SULLIVAN: Do you see that they're doing that and is there a need for the department to have a role in that, particularly in terms of then identifying best practices and priorities? [LR283]

APRILLE PHILLIPS: So, as a part of the LEP plans, in particular, schools are doing an annual program evaluation review. They keep that on file at their districts. And part of the review process that we undertake in the spring when we look at the previous year's implementation is to specifically look at some of their findings in their program evaluation and to talk about best practices, to provide technical assistance, to try to have that discussion about, you know, what can the department do to support that district better but also where are the goals of that district as far as their own continuous improvement in meeting the unique needs of their students in their building. And so that's a part of our dialogue and conversation, and I think an important part moving forward, continuing to have those site visits to make sure that we're carrying on that conversation from year to year with all different types of schools across the state. [LR283]

SENATOR SULLIVAN: Okay. Thank you. Any other? [LR283]

SENATOR KOLOWSKI: One. Just one. [LR283]

SENATOR SULLIVAN: Senator Kolowski. [LR283]

SENATOR KOLOWSKI: One question. Thank you, Aprille. In your examination of key programs that might be used by districts, best practices and all the rest, you mention some things within the student day, of course, an advisement program and other things. [LR283]

APRILLE PHILLIPS: Uh-huh. Right. [LR283]

SENATOR KOLOWSKI: Do you have certain models like the Breaking Ranks Model from the Secondary School Principals or somebody from ASCD or others that you're looking at more than other examples that you would kind of push because they've been really tested in many, many places across the country? [LR283]

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

Education Committee  
September 10, 2015

---

APRILLE PHILLIPS: Right. So we've not had any specific model that we've been advocating for. We've been just carrying on those conversations with districts about what they're doing and then carrying on conversations about what can we do better and then pointing to resources that might fit the specific unique needs of that particular school and then trying to hear from districts, like I said, each year, what are the things that they're requesting and what do they need. And one of the items they particularly requested this year was some exemplars. And so that's one of the things that we're working on now, what are some of the examples that we can put out there as resources that schools can utilize. [LR283]

SENATOR KOLOWSKI: Thank you. [LR283]

SENATOR SULLIVAN: Any other questions? Thank you, Ms. Phillips. [LR283]

APRILLE PHILLIPS: Thank you. [LR283]

SENATOR SULLIVAN: Welcome. [LR283]

DAN SCHNOES: (Exhibits 2 and 3) Morning. My name is Dan Schnoes, D-a-n S-c-h-n-o-e-s. I want to express my gratitude for all your hard work on the committees. Today I'm representing ESU 3 in La Vista, Nebraska, and also our ESU Coordinating Council, as all the administrators in the state are meeting in Kearney this morning and they allowed me a chance to come visit with you folks today and as they're continuing their work there. As an educator for the past 33 years and in my second year as a chief administrator at ESU 3 in La Vista, I've had the opportunity to see how important the roles are of ESUs, both from a principal for a number of years, a superintendent, and now serving as the chief administrator at ESU 3. Our ESUs across the state work in collaboration to bring efficient and effective services to our school districts that directly impact our student outcomes and success. LR283 provides for an in-depth study on poverty and ELL, two very important tasks, which also is our ESUs number one priority as well. As you know and according to state statute 79-1204, ESUs use core services to provide staff development related to the improvement of the achievement of students in poverty and students with diverse backgrounds. ESU 3 and all ESUs across the state have been providing services to school districts, helping with children in poverty and diverse backgrounds, especially ELL, for



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

Education Committee  
September 10, 2015

---

years. We have witnessed a growth in both areas, not only in the metro areas but also across the state. ESUs serve as the important piece that fills the gaps for many of our school districts. Several superintendents have already commented to me that they could not provide the programs that they have within their schools without the ESU's help and guidance. Our programs have continued to grow and be effective even though our core service funding to ESUs hasn't received any additional funding for six years. We continually try to do more with less. However, as you're aware, poverty rates are rising quickly in urban and rural areas. ESU 3 is unique that it serves 6 metro area school districts and 12 rural districts. On page 3, you'll see that there's a number of programs that we provide on a daily basis to help our school districts be efficient and effective. In many cases, our efficiencies allow school districts to spend more of their money or their dollars directly on the very students we are concerned with today. ESU...a couple examples of this. ESU also strongly supports many agricultural communities across Nebraska. Our Gifford Farm Education Center, for example, provides an educational experience to over 20,000 kids every year. A vast majority of these kids come from the metro area where poverty rates and ELL involvement are very high. This may be the only time they get the experience of having life on the farm, and we feel this experience promotes the value of agriculture and could also promote agricultural jobs across the state. Also, as you may have read in the Omaha World-Herald this week, we strongly promote STEM careers--which is science, technology, engineering, and math--by making available special presentations, such as using drone technology. You notice I copied the news article for you. I think it expresses very good. And if you look at the pictures on the front page of the kids, I think you can see they're pretty excited about that use of technology. Our ESUs, through a coordinated effort provided through and with the ESUCC along with NDE, are being called on to support school districts across the state in a number of key statewide initiatives. Our currently piloted ADVISER Data Dashboard will provide teachers with real-time data for their students on a daily basis so they can better identify their needs and develop personalized learning plans to address these needs. The ESUCC along with NDE have submitted an i3 grant to add "Systems Involved Students" to the ADVISER Dashboard, and this would promote collaboration between educators, child welfare, juvenile and criminal justice professionals, and behavioral healthcare providers. Unfortunately, many of these students we're talking about today are part of the system. We, at our respective ESUs, are up to the challenge, but more than ever we need your backing and support so we can better serve our school districts and the students of poverty and diverse backgrounds in Nebraska. In summary, your efforts and

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

Education Committee  
September 10, 2015

---

your consideration for expanding the services at ESUs can efficiently and effectively provide for all of our Nebraska school districts is appreciated and very needed. You notice I have two handouts. One included mine. There's an article that's included with the Omaha World-Herald. And then Dave Ludwig, your executive committee executive director of our ESUCC, submitted a letter as well. And he was sorry he could not attend today. I do want to point out at the top of page 3 under our programs our ESU serves over 77,000 kids, which is one-fourth of the students of the state of Nebraska. We have a \$24 million budget. Our core service dollars amounts to 16 percent of that and property tax is another 29 percent. So hopefully you can see that we are trying to be very efficient with our funds and our programs. Thank you. [LR283]

SENATOR SULLIVAN: Thank you, Dr. Schnoes. You just mentioned the breakdown of where your dollars come from. And then contracts and grants, 55 percent. Where do some of that...those dollars come from? [LR283]

DAN SCHNOES: Well, for example, the i3 grant is a one-point-some million dollar grant that we're working along with ESUCC to get. That would be in addition. We do a lot of contracts with the Nebraska Department of Education. We work with autistic kids. We work with hard-of-hearing kids. We work with visually impaired. And a lot of those grants come from that area. We also have one of our programs is what we call Brook Valley Schools. We have over 90 kids now that come to us every day that we work in collaboration with all of our districts in the area plus some outside of our ESU so we can provide special services to those kids that need it. Many of those kids are...well, a high percentage of those are autistic kids and the other are Level III behavior disorder kids. And so, by working together with our school districts, we come together to fund that program so the school districts would help pay for that and we'd help run it for them. [LR283]

SENATOR SULLIVAN: Do you get involved in conversations specifically with each district particularly around poverty and English language learners? [LR283]

DAN SCHNOES: We meet with every district every year and develop what we call our district service plan, and the districts and our staff sit down and talk about what their needs are and how we can best serve them. And then we put those plans together and use all of our resources to

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

Education Committee  
September 10, 2015

---

meet the needs of each district. And so, in a lot of cases, poverty and ELL are part of those discussions. So if we can provide some of our services, say technology and some of those areas, and we can provide them at a lower cost than what the districts can do on their own, then they can better put some of their funds towards working directly with the kids from poverty. [LR283]

SENATOR SULLIVAN: What has been your observation of some of the...I guess the problems that have arisen because we've seen these increases in poverty levels? [LR283]

DAN SCHNOES: Say your question again, please. [LR283]

SENATOR SULLIVAN: What kinds of problems have you seen on the part of students because we've got more children in poverty? [LR283]

DAN SCHNOES: Well, I think...and I think it's been alluded to in one of the last hearings, is are our kids coming to school ready to learn? And those kids that are in poverty, as has been seen and through research, they're not where they need to be to keep up with the rigor that's now down in the kindergarten and 1st and 2nd grade classrooms. So there's a lot of catching up that we have to do with some of those kiddos. And that's where we try to come in and help work with the teachers and the school districts to help provide those means to help those kids catch up. [LR283]

SENATOR SULLIVAN: Okay. [LR283]

DAN SCHNOES: And it's all across the board in all curriculum areas. [LR283]

SENATOR SULLIVAN: Uh-huh. Okay. Any other questions for Dr. Schnoes? Thank you for your testimony. [LR283]

DAN SCHNOES: Thank you. [LR283]

SENATOR SULLIVAN: Welcome. [LR283]

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

Education Committee  
September 10, 2015

---

MARK ADLER: (Exhibit 4) Good morning. Good morning, Chairwoman Sullivan and members of the Education Committee. My name is Mark Adler, M-a-r-k A-d-l-e-r, and I am honored to serve as superintendent with the Ralston Schools and definitely appreciate the opportunity to appear before you to talk about students in Nebraska, especially Ralston students, and the whole issue of poverty. What my goal is I hope I can add to some of the information this morning about things that are happening in poverty. I think it's clear that poverty is rising quickly across Nebraska. And I can say...I feel like I can say with confidence that poverty impacts every single district in some form, whether it's urban or rural or wherever you are in Nebraska. And I have a saying that I use once in a while. And I submitted some information. I'm not going to read every single word. I'm going to hopefully just talk about some main points. And then if I can answer some questions, I would definitely try to do that. But I have a saying I use once in a while: Sometimes we don't even know what we don't even know. And I think that applies to students in poverty. I think there are kids and families, the struggles that they go through in poverty, I think few of us know about some of the struggles that they have in their homes. And just getting to school sometimes is a big issue. The story for us in Ralston, over the last ten years our poverty level has risen 24 percent. We're right around 54 percent. Our highest school for poverty is 78 percent; the lowest, or the most affluent, is 44 (percent). So we've seen some big changes. And what we talk about in our district a lot is we don't want to use that as an excuse. We really like to view that as an opportunity to have a great impact. I would say that even through the incredible growth in poverty, some things that I'm proud of our staff about is our enrollment is growing steadily. Our attendance rate continues to be at nearly the state average. And then our student achievement scores, as measured by NeSA have had a positive trend in the upward in all areas assessed. So I feel like we're moving in the right direction, but I'd also be willing to say or confirm that there's still a whole lot of work to do. So when we study things on poverty, some things that we've studied over the last few years, especially in the metro area, is two authors: Dr. David Kirp and Paul Tough. And the two authors look at things a little differently. And I think Ms. Phillips talked about it some, but Tough writes about the importance of students developing noncognitive skills--such as persistence, self-control, curiosity, conscientiousness, grit, self-confidence--to help them develop social, emotional, and academic success. And so I think sometimes we forget about those things and I will say in our school we really work hard on those, you know, try to develop the character of the student outreach and support systems. Dr. Kirp talks about things that...and he just says that there are no quick fixes to problems facing

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

Education Committee  
September 10, 2015

---

public education. Long-term success is only possible if we commit to some core principles. I've listed those in there. But some of the ones that I think stand out to me is, schools that are fighting for their students, they start early by investing in preschool, quality preschool; they rely on a rigorous and consistent integrated curriculum; they make extensive use of data to diagnose problems and pinpoint how they can hopefully have an impact on student learning. And so what I did is I outlined 16 points on the third page there of things that we're trying to do in Ralston that are hopefully making a difference. And so just...and I'm not going to go through every single point but I'll just list a few. The first one is at our school in our district, all elementary schools have free high-quality preschool and early childhood programs for students, especially students with at-risk populations. This goes back to the family connection. All students in grades pre-K through 9 get a home visit every year from their teacher. What we hope to do is immediately build quality school-home relationships. Then rigorous and consistent curriculum continues to be implemented across the district. And all schools have weekly opportunities to review student performance data and make immediate instructional changes to impact learning and student academic growth. Some other things, you know, we really worked hard on our food service program to make sure that nutrition is good. All elementary students have grab-and-go breakfast every morning that they can eat in the classroom. And so I feel like we're really working hard on a lot of different areas. The last page or actually it's probably about the fourth page is just global areas to consider as we address poverty. These are things that I've been thinking about a lot: support and invest in high-quality teachers to deliver a rigorous, consistent, and integrated curriculum. And I see the light is on, but you can look at those. I would also say that I think there's a lot of good things happening in Nebraska and I think we can look to each other to hopefully identify what those quality practices are and try to build on those and move forward. So with that, I would try to answer any questions that you might have. [LR283]

SENATOR SULLIVAN: Thank you, Dr. Adler. Any thoughts on why poverty is increasing?  
[LR283]

MARK ADLER: Well, you ask a tough question, Senator. You know, one thing that has happened with us recently is, you know, the unemployment rate is low, but we have multiple areas in our district that we still have jobs open and we can't find people to work. So I don't know. I don't want to profess that people aren't willing to work, but we have a lot of openings

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

Education Committee  
September 10, 2015

---

and just...we can't find people to fill them. So I don't know if that adds to it. You know, and I think we also know that poverty, you know, a family in poverty perpetuates itself over time. If we can't help a family get out of poverty, they're going to continue to just dig deeper. And I think, you know, we always talk about first generation college students and, actually, I'm one of those myself, so if there's a way to move that mark. I think, and we talked a lot about, and this is a little off the subject, but we invest a lot in early childhood. And we feel like if we can get to students before they have an achievement gap, we're going to have a better chance at having them be on grade level as they go forward. And I always talk about the importance of students reading. I feel like if a student can read, they have a shot. And so we really work hard on trying to get students to read as soon as possible. [LR283]

SENATOR SULLIVAN: You talked about your...Ralston's enrollment growing. Is that because the area is growing or do you have a lot of open enrollment students coming in? [LR283]

MARK ADLER: Twenty-four percent of our students come from open enrollment. And actually, this year our enrollment has grown more than we have saw in a long time. We're up about 185 students, which is about 6 percent. Normally, in our school if enrollment grows 20 or 30 we're really happy. So a lot of students have chosen Ralston this year. I believe some of it has to do with a smaller school. And I also think when you start talking about the early childhood programs and where they have those opportunities to move, although our enrollment growth right now is kind of split between secondary and elementary. We're up about 120 kids in secondary schools and about 60 or so in elementary, so. [LR283]

SENATOR SULLIVAN: Okay. Thank you. Senator Groene. [LR283]

SENATOR GROENE: As a bystander from a family who looks at public education as not the center of our community, it's just another government function, wasn't public education the great equalizer we were sold over the last 150 years? And isn't the word "poverty" just a catch phrase for the politically correct way to say we've got a culture problem? I talked to a preschool teacher the other day that 3 out of the 18 students had a father at home. [LR283]

MARK ADLER: Hmm. [LR283]

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

Education Committee  
September 10, 2015

---

SENATOR GROENE: And my real problem is, people I hang around with, is those parents are your alumni. So why should we trust you with three- and four-year-olds? And why do we believe public education is going to fix it now when the parents that we have troubles with are your alumni? Could you answer that? If things change, is the culture changed in the public schools? Do we allow the culture changes that we did the last two generations, accept the teenage pregnancies, accept the single-parent families as a culture? That came through our public schools. [LR283]

MARK ADLER: Senator, I would say...how I would address that the best is I think for us the best thing we can do is address what those situations are. And I would agree with you that cultures have changed over time and I don't know that any of us are crazy about the direction some of that has went. But from my share, I would like to take things on the best we can and hopefully allow people to have a chance to change some of those things. And you're absolutely right. Some of the things that we do in our early childhood programs are work with parents. So when we're doing home visits with parents, we're hopefully helping move the mark with them on how to be a good parent and support their kids in education. So your points are very well taken. And from my chair, I guess we'd like to see how can we help move the mark to maybe get back off of that culture change that has taken the turn that maybe we don't like it the best, so. [LR283]

SENATOR GROENE: Thank you. [LR283]

SENATOR SULLIVAN: You raise a point though about maybe those families are not your alumni. How have the demographics changed in your school district, or have they? [LR283]

MARK ADLER: I'm not sure I understand the question, Senator. [LR283]

SENATOR SULLIVAN: Well, I mean what...do you have more English language learners? [LR283]

MARK ADLER: Yes. [LR283]

SENATOR SULLIVAN: Do you have...I mean what does your district look like? [LR283]

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

Education Committee  
September 10, 2015

---

MARK ADLER: We're very diverse. I appreciate the question now. Thank you. Sixty percent of our students in Ralston are Caucasian, so 40 percent are not. Twenty-nine percent are Hispanic and Latino students. So our demographics over time have really switched and we're very diverse considering how we were 10 or 15 years ago. So as poverty has risen, so has the diversity of our student population. I actually though, I will tell you all three of my own students go to Ralston and I see that as a positive for them to be able to be in a school where there's cultural differences that they can be exposed to and experience before they actually move on into other parts of their life, so. [LR283]

SENATOR SULLIVAN: Very good. [LR283]

MARK ADLER: But it's definitely a challenge at times, definitely, so. [LR283]

SENATOR SULLIVAN: Sure. Any other questions for Dr. Adler? Thank you for your testimony. [LR283]

MARK ADLER: Thank you. [LR283]

SENATOR SULLIVAN: Welcome. [LR283]

BLANE McCANN: (Exhibit 5) Thank you. Good morning, Madam Chair Sullivan and Education Committee members. My name is Blane McCann, B-l-a-n-e M-c-C-a-n-n, and I serve as the superintendent of the Westside Community Schools. I would also like to thank the committee for your service and interest in the unique educational needs of students living in poverty and/or students with limited English proficiency. Our district has a long history of being an innovative and high-achieving district. We consistently express high expectations for all of our students regardless of their free or reduced status or language proficiency needs. During the past 15 years, beginning in the year 2000, the district had approximately 13.6 students living in poverty. And by 2015 the number had increased to 31.9 percent. This is an increase of 18.3 percent and represents more than double the students who were categorized as free and reduced lunch in 2000. The number of students with limited English proficiency has remained relatively stable at 2.5 percent. Our primary challenges educating students living in poverty and/or with



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

Education Committee  
September 10, 2015

---

limited English proficiency would be a limited access to high-quality, low-cost childcare or preschool programming, such as Head Start. If the district were to start universal early childhood programming, it would have to fully fund it for three years before state funding would become available to offset the cost of the programming. I simply do not have the funding to do that for our community. Consequently, I rely on the Westside Foundation to assist the district in providing early childhood programming usually at a substantial cost to the family. A second challenge is creating student access to Wi-Fi outside of the school or in the home. The lack of Wi-Fi in homes of students living in poverty inhibits their opportunities to learn while not at school. I have seen creative solutions from around the country in my work with the U.S. Department of Education as a Future Ready Superintendent, which focuses on improved technology and Wi-Fi access in schools. During my time in Washington, D.C., I learned that some school districts park school buses with Wi-Fi in the parking lot of schools located in low-income areas so their students may access Wi-Fi in the community. We're exploring ways within the Westside Community to provide access outside of school, but it's expensive and budgets are tight. Westside is experiencing a great deal of success in educating all students and those, specifically, students living in poverty. We are proud of our one-to-one learning initiative where each student in K-12 receives either an iPad or a MacBook Pro laptop computer. We're closing the access gap with technology for students and we're seeing the investment pay off in big ways with fewer students recommended for summer school and other remedial programs. The cost of technology is now very similar to a utility bill in that it's not going away. It's here to stay. We're also finding that our achievement gap through some of the programming that we're offering is also narrowing in our four Title I buildings, especially in the areas of reading and math. In fact, two of our four Title buildings are among the highest achieving schools in the entire district. I humbly suggest the following ideas that have assisted our district in narrowing the achievement gap of students living in poverty. I believe these solutions are solid investments to improve outcomes for all, especially those living in poverty. First would be instructional coaches. Three are funded by...we have three instructional coaches in our district that are funded by grants: two by the Learning Community, and one by the state of Nebraska. We're seeking to expand coaches to more of our buildings by reallocating our current FTE so that we don't add any costs to our budget. Also, the multitiered support systems, or MTSS, was a second iteration of response to intervention for struggling students who need enrichment. These programs serve students in the classroom, reducing the need and cost of pull-out programming. A teacher does

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

Education Committee  
September 10, 2015

---

not wait for a student to fail to intervene but creates opportunities to customize learning for students within the classroom. My experience is that it's always best for a student to learn in the classroom with a high-quality teacher. Last year we changed our elementary schedule to include intervention enrichment time built into the school day for every student. This schedule allows all students to pursue their interest and/or to have their learning needs addressed in a personalized learning environment. Also, nine schools are implementing the University of Connecticut Schoolwide Enrichment Model, allowing students to explore career pathways and areas of interest beginning in kindergarten. We're finding a direct relationship with an increase in student attendance, positive student behavior, and student engagement. Also, our Youth Career Grant from the U.S. Department of Labor supporting career awareness for high school students through business partnerships that over the last year increased from 30 to 300. We have internships, job shadowing opportunities, and dual credit opportunities for all of our students, 9 through 12. Well, not all yet, but we're working on it. It's growing. I'm working hard to develop ways to sustain these programmings after the funding is gone. Your help would be crucial to sustaining these types of programs. I certainly appreciate the opportunity to share my thoughts regarding the importance of increased funding for students living in poverty and/or limited English proficiency. As a society, it is our obligation to level the playing field for those from disadvantaged backgrounds or with barriers due to language. While they're not one in the same, it does take more resources to educate those students. And I would be happy to answer any of your questions. [LR283]

SENATOR SULLIVAN: Thank you, Blane, for your comments. [LR283]

BLANE McCANN: Sure. [LR283]

SENATOR SULLIVAN: I'm going to ask you the same question I did Dr. Adler, and that is why do you think poverty is increasing in the Westside School District? Is it partly a reflection of your changing demographics or are there other things at work? [LR283]

BLANE McCANN: Sure, partly. We have a very wide economic gap within the Westside Community School District, which is, as Mark mentioned, I think it's a good thing for us in terms of our kids being able to get a reflection of society. I also think the earning power of

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

Education Committee  
September 10, 2015

---

people over the last 20 to 30 years across our society has not always kept pace with that. We'll have families who...we have several communities that are more affordable than others in our district, and you'll see people working two and three jobs to be able to afford that home and be able to live in the Westside School District. So when we passed our bond this past year and I told people that the average home in Westside was \$175,000 or \$150,000, the realtors were like, no, that's not possible; it's got to be more than that. But our, you know, our average is around or our mean is around \$175,000 for that home. So I think it's a combination of a systemic issue around earning power for people. And I think we know that with increased educational opportunities and getting more education, you have more earning power through the course of your life. So to me, that's it. [LR283]

SENATOR SULLIVAN: Tell me a little bit more about these instructional coaches and how that works. [LR283]

BLANE McCANN: Okay. We have, at our Title I schools, we through grants have instructional coaches who go out and work directly with our teachers around our literacy framework, around the effective elements of instruction so that it's a professional development embedded in the classroom. We're seeing fabulous results within those three schools. We're seeing increased test scores in that. And what we're seeing, I don't want to get too technical, but there's a researcher John Hattie that will talk about...it's about a .4 effect size means a year's growth. We're seeing a .8 effect size with our instructional coach schools and the impact of that. So that's why I'm working really hard to look at all of our FTE to say can I refigure things to put an instructional coach in each of our elementaries, as well as probably two coaches at our middle school and, say, three coaches at our high school. But I have to...I cannot add to our budget. It is way too tight to do that, so I have to do it within the money that I have currently. [LR283]

SENATOR SULLIVAN: Is it fair to say that some things, like the instructional coaches, are sort of an indirect support for dealing with poverty issues? [LR283]

BLANE McCANN: Oh, absolutely yes, because what it does is it helps us to be able to achieve more success within the classroom. You know, I'm not a big fan of pull-out programming. I think kids need to be in front of a highly qualified teacher most of the day. I don't like...there are some

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

Education Committee  
September 10, 2015

---

needs when you do need to pull them out of the classroom, but we really want to go into that tier one where we make those interventions in the classroom in a customized and personalized manner. That's why our class sizes are lower. I think one reason to have lower class sizes would be to make sure that we differentiate and personalize the learning for students. Obviously, it's easier to do that with 20 or 22 kids than it is with 28 or 30 students. So our focus has been to maintain those reasonable class sizes while giving support to our classroom teachers through job-embedded professional development. [LR283]

SENATOR SULLIVAN: Okay. Good. Senator Kolowski. [LR283]

SENATOR KOLOWSKI: Thank you. Blane, would you for a second just elaborate upon the best practices within the Learning Community that have come up, as well as the funding that is assisting your district at this time, please? [LR283]

BLANE McCANN: Yeah, I think the two biggest ones that I think, and being new to the area, that I felt were really instrumental, one has been the GOALS with the attendance. I think we're able...now we may not access it as much as other districts because our attendance is pretty strong, but we are able to use the GOALS Program. And I think the GOALS Program, being able to go at an earlier age, be able to catch kids before they get in the habit of not coming to school, would be a great shift for that program. And then the early childhood programming, we had a question earlier about, you know, sort of the breakdown of society. But what we're going to be working with, with the Buffett Institute: one, we have an early childhood program full, fully served by the Buffett Institute on Early Childhood; secondly, we'll have professional development around all of our schools around how do we engage the family in the educational process. And I think that gets at that point of some of those societal issues that creep into schools. How do we go out and really...we want to work with the families as well. It's not just about a student, it's about the family. And the Learning Community, through their early childhood initiative and the GOALS initiative, allow us to both work with families on both those issues but also really support our students that are kind of off the tracks and how do we get them back on track. [LR283]

SENATOR KOLOWSKI: Thank you. Thank you. [LR283]

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

Education Committee  
September 10, 2015

---

SENATOR SULLIVAN: Any other questions? Thank you, Blane. [LR283]

BLANE McCANN: Great. Thank you. Appreciate your work. [LR283]

SENATOR SULLIVAN: And since the...it was mentioned that...about the Learning Community, I should also add that we have a letter for the record from Lorraine Chang, who is chair of the Learning Community Coordinating Council. (Exhibit 6) Welcome. [LR283]

MARK EVANS: Thank you, Senator. Mark Evans, M-a-r-k E-v-a-n-s, superintendent, Omaha Public Schools. Thank you, Chair Sullivan. Thank you, committee. Thank you for your time today. Thank you for your commitment to Nebraska, Nebraska young people. Just to start off, a little demographics for everyone in the room, we're currently at about 52,000 students in Omaha Public Schools, growing at approximately 500 to 1,000 students a year. We think it's going to be about 1,000 this year when we do our official count. The trend chart over the last 20 years shows that we were about 41,000 two decades ago and now we're going to be over 52,000 pre-K-12. So we're about 20 percent of all pre-K-12 kids in the state of Nebraska. Other demographic shifts that you might see as well as the growth is a growth in ELL population. We currently have 17,287 students and just a decade ago it was 3,400. So we've seen a five-times rise in ELL students in that 52,000 student bloc. Interesting note, and it's not a huge number for our whole district but a growing number, four years ago we had about 987 refugee students. Today we have over 2,000 refugee students, which is a whole nother set of issues to overcome for our society and culture and community, as well as for our school system. The good news is, with the growth in challenges, whether it's ELL, whether it's poverty, and our poverty rate, by the way, is approximately 73 percent and is flat right now. It's been flat basically the last three years. It seems to have leveled out, which is kind of an interesting statistic. If you look over time, there was kind of a time where it was going up pretty dramatically. Now it seems to have leveled off at that area. But regardless of the poverty, the ELL, the refugee population, whatever it might be, the really good news that I thank all of you for and I thank this great state for, our NeSA scores are up in reading, writing, and math. In fact, they're double-digit over the last four years. Our graduation rate is up to its highest level ever. We're currently at 80 percent, 80.1 actually. We are the second best graduation rate for any urban district in America. Des Moines is ahead of us by .10, but we're going to stop that this year with the new data. (Laughter) So look out, Des Moines.

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

Education Committee  
September 10, 2015

---

We're ready to catch you there and we're going to be the number one urban district in America. The achievement gap is also diminishing and the gap between subgroups and ethnic groups within our graduation rates has also significantly diminished. So we're headed the right way and we're headed the right way due to quality people doing quality work in a community that cares. And it's never about one single program. It's never about one single person. It's about alignment, focus, and quality people working together with a community and a state that cares. And the evidence that we see is very clear. The progress that we're making is significant. And it's in different ways and different settings, and you do different things at different levels as well. Whether it's elementary, middle, and high, there are different programmatic things that you're doing. But there's also some things that are the overwhelming pieces that are probably the biggest pieces of the puzzle. And I've kind of heard some of those questions that you've been asking this morning and I presume I might have some of those same questions on poverty. Maybe I'll go ahead and just jump right into that. [LR283]

SENATOR SULLIVAN: That would be fine. [LR283]

MARK EVANS: You know the interesting thing on that poverty question to me is I go back to when I graduated from high school in the mid-'70s, and I'll age myself a little bit there, but it's such a different world. I know, Senator, you mentioned culture. I had a ton of buddies that I grew up with in Wichita, Kansas, that either didn't graduate high school or had a high school degree and that's all they had. But they really didn't worry about poverty because, guess what, the Cesna factory in Wichita, Kansas, was hiring people right there to be a machinist and they weren't going to be in poverty. The Coleman Company, that's based out of Wichita, Kansas, was hiring guys to put lanterns together and cookstoves together and, guess what, they weren't going to live in poverty. Beechcraft, Boeing, all those manufacturing jobs, that's the big shift I see. Today, even with a high school diploma, I have people that are working at Walgreens, and I'm not beating up on Walgreens, but they're working the register for \$12 an hour. They're living in poverty with a high school degree, and that's different than the '70s. You could earn a living wage. You didn't have to be in poverty. But if you're making \$12 an hour, just think about that for a second. My wife and I are mentors to some young people and we have been wherever we've been. And you work with those families and you see the single-parent person, who's working their tail off, by the way, working hard, two jobs, but the minute that car breaks down, by the

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

Education Committee  
September 10, 2015

---

time they pay for the brake pads or whatever else it took, they don't have enough money for rent. And now they're moving to another place because they got evicted. Now they're changing schools. Now we've got a whole transitional piece that we got to work with that young person on. But it stemmed from poverty and that's the challenge. I mean that is the big piece: How do we get livable wage jobs? And it really isn't just schools. It's all of us. But we have to give skill sets that allow them livable wages. We have to give skill sets that allows a young person to be an electrician who, by the way, probably is going to start out around \$48,000 a year, which is \$10,000 more than a teacher who has a degree, four-year degree. So we know we need to work on those livable wage skill sets and livable wage jobs, but it's a big picture that involves us. But it's a different world today. We also educate everybody today. When I went to school in the mid-'70s, we didn't educate special-needs kids. I never went to school with a young person who couldn't see or couldn't hear. They didn't have them in schools. They institutionalized special-needs kids. We don't today and we shouldn't. I didn't go school with anyone who couldn't speak English. I'm a first-generation college grad that grew up in a blue-collar neighborhood with a father who was a construction worker. But because of schools, I was given opportunities. I still think we can give opportunities. We are giving opportunities. But it's a bigger challenge today because the jobs are different, the working poor, there's more of those young people, and it's more difficult and they don't see a light at the end of the tunnel. They don't believe they can have success. And schools become part of that, too, as well as the whole community. Specific things that I know we're really supposed to be talking about here, actually, I think Blane stole most of my stories. I think early childhood is a critical piece. Our whole metro area is invested in that. The Learning Community is invested in that. We see the results. He gave the statistics, and those are all accurate. We could bring Dr. Sam Meisels here today and he could give you a litany of reasons why it makes a difference. And then he'd show you data that would knock you out of your socks. He's working with us and he's probably the most renowned expert and author of early childhood practices in the world, and he's based right out of Omaha and based right out of Lincoln working both with the universities but also sharing his expertise with us. So I see that as a critical piece on the front end. I think Blane said it much more eloquently than I could, but clearly if you've got a young person that's coming from a family that doesn't have the kind of supports that my family had, that don't have the kind of supports that my children and your children have, they don't have the vocabulary skill sets, they don't have some of the other pieces and parts that successful students walk into the door, and we know that. We do pretesting and

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

Education Committee  
September 10, 2015

---

quickly you find out their vocabulary base is one-tenth the vocabulary base of what my children had because they had a mom that explained...well, they explained what an avocado was and described the colors and three different meals you could use an avocado in. And that doesn't happen in the home of a high poverty person. They don't have someone that's making sure they're learning their alphabet, their colors, their shapes. So we know that early childhood is so critical and developing those skill sets for the parents, because that's the other piece, which goes back to the senator's culture change piece. Parenting skill sets aren't there. Yeah, I guess we can look around the room and say, well, gosh, who's responsible for that, that didn't develop those parenting skill sets? To me, it's not about who's responsible. It's about how we're going to address it today. Today's needs are different. The work force is different. The expectations from society is different. How do we meet that and particularly with folks that come to the door with needs and gaps that my children didn't have? My children didn't have those gaps. They didn't have the gaps in middle school either, because if they didn't do their homework their mom was on them. And you do not want to cross my wife. I'm telling you, it's not a good deal ever. I've learned that first and so have my children, who are now 29 and 30 and doing quite well, because they learned responsibility. So we're filling those gaps in and it's not really about what caused that gap. It's about how are we going to fill it in. And that's the way I look at it. So early childhood is a critical piece to that. Some of the program pieces that Blane talked about, we would say we're doing all of those as well. We would also say we're working hard on leadership development, we're working hard on understanding how we utilize data and focus strategies and interventions and mentoring that also comes from the poverty plan. We would also talk about how we reduce size. And we'd also talk about how we need to have high-quality teachers--a big and critical component to this. How are you going to attract the highest quality teacher--because if you don't have a high-quality teacher, you will not have success--one that's engaging, knows his or her content curriculum, knows exactly how to reach each and every student, which, by the way, is a huge skill set because they're all different. They're all different. So how do you attract those high-quality folks? You have to be able to pay them enough, and we've worked really hard in OPS on that. You may have read that in the paper. You may have read a lot of this data in the paper. We're really lucky. A lot of this gets covered in the World-Herald so we're fortunate with that. All kinds of stuff gets in there. So my point of the story is it is making a difference and the pieces and parts that we've put into place that are in that plan that was discussed by Aprille, we can show the evidence and difference. Are we there yet? Have we crossed the mountain? No, but



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

Education Committee  
September 10, 2015

---

can we show evidence of improvement? And we do studies that even look at our young people that leave our doors after graduation. Are we seeing more of them entering postsecondary training of some kind? Absolutely. Are we partnering with Metro College and should we? Yes, and also with four-year institutions. So I don't want to repeat everything Blane said because I think he covered a whole lot of the bases that I would have covered as well. But the point of the story is we're filling gaps. We're finding different ways to meet their needs. And your help and assistance has been so critical in that. I can't thank you enough for that. And the other reality of it is if we're not successful, we all suffer. If we don't get them across the stage with a diploma that has real meaning and value, we all lose. If 20 percent of the kids in the state of Nebraska aren't successful, I recognize the economic impact on Omaha as well as the entire state. I recognize that. So it's a pretty big and daunting task, but the good news is again, with all of your help, we're actually making progress on that journey. And I think we're going to accelerate that progress and I think we're working together collectively to find ways to learn from the exemplars. And I heard some evidence of that earlier too. There was a pretty good conversation about how we're trying to bring those exemplars to the table from the state of Nebraska as well as from our colleagues across the state of Nebraska. [LR283]

SENATOR SULLIVAN: Thank you, Dr. Evans. [LR283]

MARK EVANS: Thank you. [LR283]

SENATOR SULLIVAN: Do you think that there is a different way to approach programming with respect to poverty when it's generational? [LR283]

MARK EVANS: I don't know if I would identify it as programming. I would say the need is just bigger when it's generational as opposed to situational. We have some young people that are in poverty because Mom or Dad were recently divorced. But it's a different setting because they're still in a very stable home. They know what time they're going to get their meal and they know they're going to get a meal every day. That's situational poverty. The divorce happened or someone lost their job and they're in between jobs. That's a whole different scenario than the instability of generational poverty, which typically goes with multiple transitions where you're moving frequently from school to school as well as from home to home. So I don't know that I'd

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

Education Committee  
September 10, 2015

---

say there's a singular program. Again, I'm going to say that it's going to require those multiple things we've already talked about: the early childhood, high-quality childhood, not just early childhood but proven effective early childhood experience; lower class size; high-quality teachers; instructional facilitation; development of leadership. It's not one single program. If it was one single program, gosh, we'd all kind of layered that in there a long time ago. The complexity of it I think is what makes it more challenging. But you're exactly right. Generational is totally different than situational that still has stability at home and a family that doesn't worry about where they're going to sleep that night or whether or not they'll have a hot meal and the other family doesn't know and it's much more chaotic and unstructured. [LR283]

SENATOR SULLIVAN: You mentioned several times in your testimony "community." And along those lines--and Dr. Adler I think referred to it too, maybe you did as well--we've got parents working two and three jobs. Minimum wage does not lift you out of poverty. We need better/more jobs at a higher level. We also need educated work force to step into those jobs. [LR283]

MARK EVANS: Right. [LR283]

SENATOR SULLIVAN: But what role is the business community having with the school district in addressing some of these problems? [LR283]

MARK EVANS: Well, and this is a wonderful thing about Nebraska as a state as well as Omaha. The low unemployment rate, I think we're about 2.4 percent right now in Omaha, that low unemployment rate has really driven a lot of collaborative work. We not only participate in meetings where we're talking about how we expand our vocational programs and those skill set programs that go to Metro with electricians, welders, plumbers. Those programs we know are really critical and they've not only said how can we work together to facilitate young people. And we've created career academies--you may have read some of that about Benson High most recently--to help young people that have an interest in some of those specific career pathways. But they're also doing some great work with scholarships through the Ak-Sar-Ben Foundation and the Horatio Alger group. We are now offering scholarships to the entire Omaha metro area. I believe this last year it was \$500 and I believe the goal is up to \$1,000 a year for opportunities

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

Education Committee  
September 10, 2015

---

for young people to develop those skill sets that give them the livable wage. And really, you have to get over \$15 a hour. That's kind of that breakpoint where you have enough of a wage where you can still pay your car payment and your insurance and not worry about paying your rent. You're going to be able to pay it as well. And so you have to find those, so where are those jobs starting at, and identifying those. The chamber has been great. Metro College has been great. They've been working with all of the metro area folks, and I think they have in Grand Island as well. I know they've got a very inclusive and beautiful site that they're doing some vocational work too. So I see them more on that side. They're not working as much with us on the four-year degree side, but that's probably okay. [LR283]

SENATOR SULLIVAN: Thank you. Any other questions? Senator Groene. [LR283]

SENATOR GROENE: A question, sir: You said more money makes quality teachers. So did you lay off 25 percent of the bad teachers and pay new teachers that are better quality a higher wage? Or does just money equate to better performance? [LR283]

MARK EVANS: I think what I said was if we don't pay enough, we won't attract high-quality teachers, which I think is accurate. So I'm trying to rethink how you phrased the question there. We're competing with not only school districts but industry for math teachers, for example. Currently, starting pay is \$38,000 a year. If Lincoln is paying \$41,000... [LR283]

SENATOR GROENE: Have you tried with your school board to raise the base pay and tell the 30-year teachers that they're not going to get a raise this year? [LR283]

MARK EVANS: That's what we did this year. [LR283]

SENATOR GROENE: But I read that you gave everybody like a 13 percent raise over three years. [LR283]

MARK EVANS: It was 5 percent for this year. I think the total is going to be 12.7 (percent) predominantly on the front end of the scale. We're going to go from currently at about \$30...approximately \$37, it will be \$41 in three years. So the predominant amount of that money.

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

Education Committee  
September 10, 2015

---

So it's a great question. And I won't say that didn't come with some pain, too, because you're accurate that folks on the back end of the scale were concerned that we sent... [LR283]

SENATOR GROENE: Well, I had an administrator tell me one time that I didn't understand the Teachers Union, they eat their young. So I keep hearing about the base...the beginning pay, but nobody wants to talk about after 16 years, before they hit the age of 40, they're going to be making \$80,000 in the city of Lincoln with defined benefits and the great insurance plan that the electrician doesn't have, by the way. So anyway, our concern, as taxpayers, is this. We went from \$933 million 25 years ago to \$3.7 billion, when you throw ESUs and aid to handicapped children or whatever that name is, the disadvantaged. And we're sitting here going, you want more money. What did you do with the \$3.7 billion? And the enrollment is only up about 10 percent. And about half of that is because we went to full-day kindergarten, and that was supposed to fix the problem with poverty and readiness. That didn't do it. But now you're back, everybody is back for more money. Here's a question for you. Should we look as a Legislature to make...diverting some of that money that's being given for huge administrative raises? The local one here gave himself a \$25,000 annuity, because when he retired \$200,000 a year wasn't enough. Should we redirect the funds we already do and say it has to go to the early childhood so that the school boards and administrators don't have the money to start passing out in increased wage increases at well above inflation? Should we do that? [LR283]

MARK EVANS: I guess I'd kind of word it differently than that, Senator. You gave some specific examples and those are real individual versus the bigger picture. I think I'm going to address it more in the big picture of that. You have to be a guardian of the taxpayers' money. You have to be. You need to be. You should be. I think you're doing your due diligence to figure out what things are making a difference. I hope that we're not distracted by some singular cases, and maybe we need to address some of those singular cases too. But I wouldn't want to lose focus on the big picture and the forest for the trees. In my mind, and that's why I started out saying you should expect that we see increased graduation rates. You should. You did put money in kindergarten. Why shouldn't we? You should expect that you're making an investment for young people across this state that there's some growth in student achievement scores. If there's not, why not? And that's exactly what I tell my school board. If we don't make a difference and if we're not making a difference while I'm here, I shouldn't be here. I tell them that all the time.

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

Education Committee  
September 10, 2015

---

There's a couple of them that think they'd kind of like to move that direction too, so. But I feel that way, I truly do. And so if we're not giving you something in return for your investment and if I can't show you some results and if I can't even take you physically to a school and show you some young people that are gaining and growing from what we're doing, including kindergarten, including early childhood, then we threw some money out the window. Now I would suggest to you we're not perfect and you certainly gave some pretty good examples that would identify that. And maybe we need to do some things differently. But I'd also say don't throw the baby out with the wash. And don't think that you don't have high-quality teachers and high-quality administrators that are busting their tails every single day to make a difference for kids. So that would be my take on it. And if the state says, you know, under these conditions we think we're making enough progress, we're not going to grow any of these programs, that's your decision to make and I understand that. And I understand you are certainly going to be held accountable by your constituents just like I'm going to be held accountable by my board and, by the way, I should be. And I don't have any problem with that. If I can't demonstrate a difference in how we made that difference, then that's on me. That's my responsibility and I think that's how I would see that in the larger scope. [LR283]

SENATOR GROENE: Thank you. [LR283]

SENATOR SULLIVAN: Senator Kolowski. [LR283]

SENATOR KOLOWSKI: Mark, thank you for being here. And just a different tone of a question that I have, it's going to be about housing that you talked about as far as the...or to the percent of poverty in your districts stabilizing at the current time. But I want to make a comment that you made also because of our generational similarities. I went to a high school in northern Illinois, a large township high school, that had 500 students in our freshmen class. Two hundred ninety-six of us graduated four years later. None of us would stand for that today. But those students that didn't keep with the high school could walk down the hill and walk into one of a dozen places and get a job because we had industrial foundation surrounding our entire community. That doesn't exist today. [LR283]

MARK EVANS: Yeah. [LR283]

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

Education Committee  
September 10, 2015

---

SENATOR KOLOWSKI: My question on your stabilizing your poverty situation, do you think it's possible also due to housing being more dispersed now? Every community has some older parts of their community and less-expensive homes and they may be more available for rental by combinations of families that would come in. Do you think that might have done some of the dispersing throughout the metro area as far as the figures that you have? [LR283]

MARK EVANS: We think it's kind of multiple factors. We see one, there's kind of a regentrifying around the... [LR283]

SENATOR KOLOWSKI: Yeah. [LR283]

MARK EVANS: ...midtown area and we're seeing some families that in the past would have taken a choice to go to private school or opted out of OPS who are now opting in, in some of our midtown schools,... [LR283]

SENATOR KOLOWSKI: Sure. [LR283]

MARK EVANS: ...which we're excited about. And we see families that also lived in the far west part of our district who are now staying with us. We had 600 opt-ins from the Learning Community this year, the largest ever in the history of the district since the L.C. started. So it's kind of a combination of factors. And I also think we're going to see a decline as the unemployment rate remains low. I think that's going to help us all. I think the 2.4-2.5 percent helps everybody. It's just we got to get them employed at a livable wage. [LR283]

SENATOR KOLOWSKI: Sure. [LR283]

MARK EVANS: But I think we're moving the right direction on that, too, and I think we'll see...we're anticipating the poverty rate in our school district going down where, as I said, we were 73 percent now and the last three years. And we think it's going to be more in 72 range next year, which is a little different than the state's, because the state is, I think, pretty consistently I think we're at 43 percent across the state of Nebraska. So a little bit of a growth thing there, but we may see it also flattening. And I don't know that I could give you all the reasons why, but I

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

Education Committee  
September 10, 2015

---

think housing patterns for us is part of it. Regentrifying is part of it. And I think we're going to see more of the regentrification. You don't have to look around too often in that midtown area and even further now it's expanding. [LR283]

SENATOR KOLOWSKI: Well, what we saw universally in the Learning Community early days was the continued dispersal throughout the metro area. All districts were gaining in poverty numbers, families of students, and that's been rather well known. So thank you. [LR283]

MARK EVANS: Yeah. Thank you, Senator. [LR283]

SENATOR SULLIVAN: Thank you for your testimony, Dr. Evans. [LR283]

MARK EVANS: Thank you. Thank you all so much. [LR283]

SENATOR SULLIVAN: Welcome. [LR283]

KEVIN RILEY: (Exhibit 7) Welcome, Senator. Thank you. My name is Kevin Riley, K-e-v-i-n R-i-l-e-y, superintendent of the Gretna Public Schools. Since the completion of our Superintendent's Learning Community Report in December of 2014, much of the conversation has focused on our recommendation to eliminate the common levy. Our recommendation to increase funding for poverty and ELL at times was almost lost in the conversation. Please understand that these two recommendations are inextricably linked. We thank Senator Sullivan, her staff, and this committee for keeping this concept on the front burner. I would like to remind the committee that in our December 2014 report, we recommended to increase TEEOSA funding through an expanded tiered weighting of poverty students and ELL students statewide to direct more funds to school districts with high concentrations of poverty and/or ELL needs. This is the second time in ten years that the metro area Learning Community superintendents have made the recommendation to increase funding for poverty and ELL and half of us will not benefit from such an increase. Now, as then, we make this recommendation based on our belief that an increase is necessary and imminent. You see, educators are the first to see the effects of poverty and language in the lives of young people. We're also the first to see the changing demographics within our society. There was a report released in April of this past year that stated our country's

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

Education Committee  
September 10, 2015

---

wealth since 2009 has grown by \$30 trillion. In roughly the same amount of time, the percentage of homeless children has grown by 60 percent. Our biggest challenge as a country is in the disparity of income that we currently are experiencing. As school districts, what we see, depending on where you live, you see the effects of that disparity walking into our buildings year after year after year. And what it requires to meet the needs of children, whose hippocampus in their brains have been hardened or even shrunk by the effects of poverty and violence in their lives, require more staff. That's really what it comes down to. You're trying to backfill all those needs that my predecessors here today have mentioned. You're trying to backfill all that and it requires more staff. That's what...not more administrators, more staff to meet the needs of those kids. See, I don't need that in a school district like Gretna. We can wrap our arms around our poverty kids. And our poverty kids look much different than Mark's do. That's why they need help. That's why the funding is so important. That's all I have. [LR283]

SENATOR SULLIVAN: Thank you, Dr. Riley. You're absolutely right that the wage disparity is widening and school districts perhaps can't do much about that but they take the results of that. But if you heard my remarks when we started this, what we're trying to do is be more strategic. [LR283]

KEVIN RILEY: Uh-huh. [LR283]

SENATOR SULLIVAN: And you just said that the poverty in Mark's district looks a lot different than yours. So do our strategies and our funding streams need to be more strategic so that we are addressing not only the locations but programming strategies that are most needed in the places where they're most needed? [LR238]

KEVIN RILEY: Absolutely. None of us can afford to waste money. The focus has to be on best practice with children of poverty. And that research is becoming stronger and stronger. We have like eight or ten ELL children in our entire school district. We can wrap our arms around those kids. But when you have 60 to 80 to 100 different languages, like Mark deals with in Omaha, it's a whole different issue. Now you have to find people with...that can speak Farsi that have an education degree, which aren't easy to find. And then you're trying to plug them into a small group of kids, sometimes six, eight, nine. Well, we can run our classrooms with 22, 25, 26.



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

Education Committee  
September 10, 2015

---

Those classrooms are very, very small. It's going to...it requires more staff. So programming and staffing are the key. And can we change society alone? No, this requires all of us. It requires government. It requires schools. It requires business and industry. It requires the philanthropic communities. It requires all of us to focus on these needs because that disparity, again, I think is our greatest challenge as a country today and we have to recognize it and we have to deal with it. We're the first to see it, right? But not everybody believes us. Sometimes you have to be in a building, you have to spend some time with teachers and kids and see it. I've been in some of the programs that are working with refugees and you go in there and you watch that teacher work with those eight kids and the hair on your neck stands up because they're doing God's work. And so programming and staffing is the key. And that's why when some school districts get hampered by finances, they can't meet those needs to the level they need to meet them and the level that our country needs us to meet them, because nobody else takes those kids. The private schools typically don't. They'll take a handful but they don't take very many of those kids. [LR283]

SENATOR SULLIVAN: Thank you, Dr. Riley. Any questions for him? [LR283]

SENATOR GROENE: Yeah, just one. [LR283]

SENATOR SULLIVAN: Senator Groene. [LR283]

SENATOR GROENE: How many hours a day in a child's life is in front of a teacher? Six and a half? []

KEVIN RILEY: Typically seven, seven to seven and a half, depending. [LR283]

SENATOR GROENE: So it's pretty hard to change that culturally, seven hours in a classroom. What I hear from my employers out there, I got the largest road construction... [LR283]

KEVIN RILEY: Right. [LR283]

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

Education Committee  
September 10, 2015

---

SENATOR GROENE: ...company in Nebraska stationed out of there, he'll put an ad in the paper for an engineer and get 30 applicants. He'll put an ad in the paper for a CDL or a general laborer and he'll get 3 or 4. High-paying jobs. [LR283]

KEVIN RILEY: Yes. [LR283]

SENATOR GROENE: And then, because the drug testing kit costs him so much, he put a sign in the window and said, we test for drugs, and his applicants went down in half. Does education have to do with the cultural effect that we're in this society now of single parenthood is okay, young men don't take any responsibility for their offspring, and they'd rather have drugs and play Nintendo? I just...I'm at a loss. I understand where you folks are coming from, but I'm at a loss how seven hours for 180 days a year is going to change that. [LR283]

KEVIN RILEY: It's better than... [LR283]

SENATOR GROENE: I understand your passion but I...and I... [LR283]

KEVIN RILEY: It's better than giving up, Senator, because if we don't make those changes how much do they drain, how much do people who refuse to learn or struggle to learn or deal with alcohol and drug issues, abuse issues, physical, sexual, etcetera, that are all a big part of this sort of thing? To give up on those kids, those kids don't deserve that. Now most kids, if you follow them through and those kids graduate and they go on...and there's some amazing things being done right now by the Avenue Scholars program in Omaha that, if you have time, take a look at, because they're changing lives. Those kids, if we are able to negotiate them through programming and into a career, then we're strengthening this country. If we give up, we never will. [LR283]

SENATOR GROENE: You understand the average taxpayer looks at what we've done and all...any parent who had kids within the 12 years their children were in there, or 20 years when they went through their children's, all the changes, all the new program that's going to fix it. You can understand why some of us taxpayers, our hearts are getting a little bit hard with the educational establishment and where we're at today in America. [LR283]

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

Education Committee  
September 10, 2015

---

KEVIN RILEY: It depends on... []

SENATOR GROENE: I hope you can prove me wrong. And maybe this generation is a lot better than the draft dodgers of the baby...of the Vietnam era that went into public education and took their views with them. And I know you guys are younger. Maybe you guys can change what happened back then, but we had a mess through the '60s and the '70s in public education. Maybe you guys can solve it, but we've really let this country down, my generation did or just a little bit older than me. But that's a lecture and I need lunch so I better shut up. [LR283]

SENATOR SULLIVAN: Dr. Riley, thank you. [LR283]

KEVIN RILEY: Thank you. [LR283]

SENATOR SULLIVAN: Welcome. [LR283]

JEN GOETTEMOELLER: Thank you, Madam Chair. Members of the Education Committee, my name is Jen Goettemoeller, J-e-n G-o-e-t-t-e-m-o-e-l-l-e-r. I'm here on behalf of First Five Nebraska. I will be brief. I know this study focuses on the poverty and LEP allowances. In full disclosure, I've never put together a poverty plan or an LEP plan for a school district, nor can I tell you firsthand how simple or how difficult it is to measure the additional resources it takes to educate a student in poverty. But I can tell you that when it comes to helping educate students and helping them succeed in school, you'd be hard-pressed to find an intervention that works more effectively than early childhood. That's because the neuro architecture for all future learning is built in the first five years. Waiting until children are in the K-12 system to invest in their education is exactly why we're having this conversation today. We have to spend extra resources to try to catch them up later because we didn't invest when the neurological foundation was being built. When students, who would otherwise struggle in K-12, experience the kinds of early interactions that build healthy brain architecture, we change their entire trajectory and we save money in the long-run. So what should we do regarding the allowances? Many schools already count early childhood expenditures toward those allowances, but some may not. So it would be helpful to clarify and encourage that. Also, effective early childhood efforts don't all look the same. They're not all preschool classrooms in a school building. Many of Nebraska's

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

Education Committee  
September 10, 2015

---

most successful interventions are centered on parents and the home environment. If we're being strategic about the most effective ways to help children in poverty succeed in school, every poverty plan should include some element of quality early childhood designed locally by the community. We're ready to partner with you on these important discussions. I know early childhood isn't the entire answer to allowances or school funding in general, but it is a big part of the solution to any strategic and effective investment in the education of our children. Thank you. [LR283]

SENATOR SULLIVAN: Thank you, Jen. Any questions for her? Thank you for your testimony. [LR283]

JEN GOETTEMOELLER: Thank you. [LR283]

SENATOR SULLIVAN: Welcome. [LR283]

MELISSA POLONCIC: Thank you. Ready? [LR283]

SENATOR SULLIVAN: Go ahead. [LR283]

MELISSA POLONCIC: (Exhibit 8) My name is Melissa Poloncic, M-e-l-i-s-s-a P-o-l-o-n-c-i-c. I'm the superintendent of DC West Community Schools and also a member of the Learning Community Superintendents. Senator Sullivan and members of the Education Committee, thank you for allowing me the opportunity to speak on a resolution that would address poverty and potentially assist in creating change in the Learning Community. I'm speaking in support today of Senator Sullivan's LR283. The senator's resolution addresses the study of poverty funding, which is a component of the Learning Community Superintendents' recommendations to revise the Learning Community finances. A good strong step in making some significant change in the Learning Community is the removal of the 95-cent common levy. It has been suggested that some will not support this if poverty funding is not addressed in return. The Learning Community touts its mission of assisting students in poverty and it's made some amazing impact in this area. Yet, our district's 36 percent poverty rate and 49 percent pre-K-grade 3 at DC West is one of the highest in the Learning Community and we lose millions that could be spent on the

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

Education Committee  
September 10, 2015

---

children who need it most. There's no guarantee in the Learning Community common levy formula that the dollars that are leaving our district go toward expenses of poverty in another district. How does this make sense in meeting the mission of the Learning Community or serving the kids most in need? We are supportive of early childhood, and our preschool programs serve over 50 children in our district. Many of them come from homes of poverty. We are very excited to be selected as a full implementation site for the Superintendents' Early Childhood Plan, and we look forward to capitalizing on this program to serve our neediest children and families. And elimination of the common levy would allow us to serve and expand our services for all students in poverty and even more. We wouldn't even need additional TEEOSA funding to be able to do this. And elimination of the 95-cent common levy would return...allow us to return to the individual state aid and individual levy status. It would allow us to return as a nonequalized school and contribute an average of \$1 million or more each year into our district's budget. As a school district that runs a \$12 (million) to \$13 million budget, the 95-cent common levy has had a very damaging effect on DC West and all of our students, including many who live in poverty. Due to the common levy over the past six years, DC West has lost \$6.4 million of potential revenue. We've been unable to contribute to a special building fund or pass a bond to address critical issues of fire code violations, ADA compliance, storm shelters, and basic structural repairs. You're aware that the Learning Community Superintendents' recommendations are out there, but I want to again emphasize that the removal of the common levy was a key component that was agreed to by all 11 superintendents and their district representatives. To get there, we have to address this important component of poverty funding. DC West is simply asking for fair and equitable treatment with respect to the use of our tax dollars. Do the right thing. Find a formula that meets the mission of assisting students in poverty rather than dancing around millions of dollars from 11 school districts and their General Funds with a lack of accountability for how that money is being spent. [LR283]

SENATOR SULLIVAN: Thank you, Melissa. Any questions? Thank you for your comments. [LR283]

MELISSA POLONCIC: Uh-huh. [LR283]

SENATOR SULLIVAN: Welcome. [LR283]

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

Education Committee  
September 10, 2015

---

RENEE FRY: (Exhibits 9 and 10) Thank you. Good afternoon, members of the Education Committee. My name is Renee Fry, R-e-n-e-e F-r-y, and I'm the executive director of OpenSky Policy Institute. We do not have expertise in how you educate a child in poverty, but I did want to provide some data to support the conversation that you're having today. We were looking at some of the poverty allowances that relates to the school finance discussion, and we were really startled by some of the data and we wanted to make sure that you had it for this discussion. So what we see, as you've talked a lot about today, poverty in Nebraska is growing and, in fact, the number of young children in deep poverty, which is 50 percent of the federal poverty level, and 100 percent of poverty in Nebraska is growing faster than the national average and all surrounding states since 2000. So a family in deep poverty, this is a family of two that makes less than \$8,000 a year. A family in poverty, which is 100 percent of poverty, is making less than \$16,000. And we have all those statistics so I'm not going to go through them. I just want to highlight a couple of areas for you. If you look at children under six at 50 percent poverty, this is that deep poverty level, in Nebraska that poverty level has grown 118.5 percent from 2000 to 2013, and the national average is 43.59 percent. So we've grown significantly faster in this area than our surrounding states and than the national average. In terms of children under six that are at 100 percent of poverty, in Nebraska we've grown 80 percent compared to the national average of 42 percent. So we've seen significant growth in deep poverty and poverty in our state at a much faster rate than the rest of the country and faster than our surrounding states, which is reason for alarm. Another piece that I wanted to raise today, according to the research, the relationship between school poverty concentration and student achievement is stronger than the relationship between family poverty status and student achievement. So furthermore, nonpoor students attending schools with high concentrations of poverty are more likely to fall behind than are poor students who attend schools with low concentrations of poverty. For this reason, we requested some data from the Department of Education and I've handed that out to you today. I've handed out part of the file because the entire file is 25 pages. But what we were able to do was look at, by school building, the concentration of poverty in that school. Of the 793 public school buildings for which we have data on, a number of the school buildings were masked due to low numbers. So of those 793, you have 40 percent of our school buildings in Nebraska that have 75 percent or higher free-meal enrollment, just free, not free and reduced but free. So this is 130 percent of poverty so this family, one single parent, is making \$20,000 and a family of four is making \$31,000. So we have \$19,000 students that are going to schools in school buildings

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

Education Committee  
September 10, 2015

---

that have 75 percent or higher of those free-lunch kids. We have 150 school buildings where we have 50 percent or higher free meals and that's 73,000 students, and we have 252 buildings, which is 25 percent of our school buildings in Nebraska, have 40 percent or higher free-meal enrollment, not free and reduced but just free. And that's 111,000 students. I want to make a point, too, that we do have nonequalized districts that have very high free enrollment as well. For example, just a couple that we pulled: Madison Elementary, which is north of Norfolk, has 69.8 percent of its students that receive free lunch, and they are nonequalized; West Point-Beemer Middle School has almost 50 percent of students receiving free lunch. So we predominantly see this by the list in our equalized districts, but it does exist in our nonequalized districts as well. And as you know, they're not eligible for that poverty allowance. So I'm happy to e-mail you the complete data file that we received from the Department of Revenue if you'd like to...or Department of Education that if you'd like to look at this further. But we were just struck by the very high levels of concentration of poverty and the significant increase in poverty over the last...since 2000, and we wanted to share that data with you today. [LR283]

SENATOR SULLIVAN: Thank you. Renee. [LR283]

RENEE FRY: Thank you. [LR283]

SENATOR SULLIVAN: Again the question: Why do you think we have see these dramatic increases in poverty? [LR283]

RENEE FRY: This is an issue that we want to look into. Based on the research that we've seen, I think the most likely answer...I mean I think you've heard several, our economy is different. I think income inequality that Dr. Riley mentioned is a big issue. We've seen that when we've looked at the national research. That certainly is true in Nebraska. Low and middle income...low and middle family incomes are staying stagnant. And so they're not seeing the same growth in income commensurate with the economy that we're seeing in higher income levels. So I definitely think that's a contributing factor. It's something that we're very concerned about and something that we hope to look into further. [LR283]

SENATOR SULLIVAN: Okay. Very good. Thank you. Thank you. [LR283]

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

Education Committee  
September 10, 2015

---

RENEE FRY: Thank you. [LR283]

SENATOR SULLIVAN: As we continue, I just wanted to...you know, obviously we're running way behind and we're going to need just a few minutes to get a little bite to eat before the other hearing starts. So again, how many are still waiting to testify on this issue? Okay. All right. Thank you. Welcome. [LR283]

BRETT RICHARDS: Hi. How's it going? [LR283]

SENATOR SULLIVAN: Fine. [LR283]

BRETT RICHARDS: (Exhibit 11) Brett Richards, superintendent at Springfield Platteview, B-r-e-t-t R-i-c-h-a-r-d-s. And I've got a chance to visit with you many times on this issue. I think when you talk about funding poverty, I just want to talk to you a little bit about today what not to do and that is take from other districts and their resources that they have, within a \$1.05 cap, and give that money to other districts, because that's what's happening to us and I think other districts around the state. And you start paying attention to what has happened to Springfield Platteview because if you...and I passed out the charts here for you to see. And these are updated by the finance director at the Learning Community, not put together by myself, so these are factual numbers. If you look at South Sarpy District 46, they still call us--we're Springfield Platteview really--at the bottom, with the Learning Community we have a total, between pooled state aid and General Fund common levy, \$9,118,441 that comes in out of that 95-cents. On the last three columns, where it says no Learning Community, the total on the far right-hand side for us is \$12,343,021...or \$4,343,021 (sic), sorry. So we lose \$3.2 million. That's over 30 percent of our potential revenue for our school district. So this is what happens when you take from other school districts and give to others, is eventually for us it's going to lead to...we can't survive. Okay? And we're a Class B school district of about 1,150 kids. We've grown 100 students over the past five years. So if you look at the second sheet I gave you, "Receipts Since Learning Community Common Levy Began in 2010-11," you can see in '10 and '11 we had \$9.7 (million), about \$9.8 million in revenue out of that 95 cents. Today we're down to \$9.1 million and we have 100 more students. I don't know how we survive in the long term under this formula. And that's what I want to bring to your attention today is what not to do to school districts because you



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

Education Committee  
September 10, 2015

---

create mediocrity. When you take from the available resources that the districts, by every other state, every other school district in the state can get out of their \$1.05, okay, and you take from that on the cap side, I mean that is what not to do. And none of you did that so I'm not harping on it with you. (Laugh) I just want to make my case to you that that does not work and it creates mediocrity in very high-performing districts like ours. And the answer to this is, and if you look at...back to the L.C. sheet, you're really talking about four winners: OPS, Millard, Ralston, and Westside. In OPS, \$2.1 million, that's about a .5 percent of their entire...or less than that even, of their entire money coming in. You have Westside, that's seen more as a wealthier district, getting money. Millard Public Schools wants to get rid of the common levy. They think it's bad policy. So really, you're talking about not even \$4 million that the winners are getting. But look at the losers. The losers in this situation, it's hurting our kids in our districts and have a devastating effect on the smaller districts. Our valuation went up 10 percent this year in our school district, 10 percent. If you look at our receipts, we actually went down \$24,000 in our district to serve our kids. Our taxpayers' valuations went up 10 percent and where is that money going? It gets redistributed out to the other school districts. Our taxpayers are not happy. They haven't been. They feel like they don't have a voice. I just ask this committee to really consider our situation this year. We are for poverty school districts getting more dollars, no question about it. They should. It cost more money to educate poverty kids. But don't hurt the other school districts in the meantime trying to keep up with growth and serve our own population and keep up our buildings and have mandatory staff freezes every year that we have to put into place. Okay? That's all I have. Thank you. [LR283]

SENATOR SULLIVAN: Okay, Mr. Richards. Any questions? Thank you for your testimony. Welcome. [LR283]

MARY ANN HARVEY: (Exhibit 12) Thank you. Good afternoon, Chairwoman Sullivan and members of the Education Committee. My name is Mary Ann Harvey, M-a-r-y A-n-n H-a-r-v-e-y. I'm a staff attorney at Nebraska Appleseed in the Economic Justice Program. Nebraska Appleseed is a nonprofit legal advocacy organization that fights for justice and opportunity for all Nebraskans. I'm here today to testify about the community eligibility provision as part of LR283. Voices for Children in Nebraska has also signed on in support of this testimony. The community eligibility provision, or CEP, is part of the Healthy, Hunger-Free Kids

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

Education Committee  
September 10, 2015

---

Act of 2010 that allows schools in high-poverty areas to feed all their students free breakfast and free lunch, regardless of application. It's a great opportunity for 109 schools in Nebraska who qualify for it because it can help ensure that students do not go hungry, reduce the stigma related to school feeding programs, eases administrative burdens for schools, and can save costs. We know that hunger can be a significant barrier to learning and, therefore, our funding formula should encourage a program that ensures students are fed and ready to learn. I've included with my testimony a map of legislative districts in this state and their ability to take part in the program. Thus far, very few schools in the state have opted to take up CEP in Nebraska. To date, only eight schools have: two in Santee and six in Omaha. This is not due to a lack of school or school district interest in the program but rather due to confusion in how to deal with some of the process changes under the option. CEP allows schools to forgo the household applications that are traditionally required for free- and reduced-price meals. Instead, schools may use data that has been determined to be an accurate proxy for free- and reduced-rate students. Moving to a model under CEP schools, where schools do not collect applications, has very important considerations since schools use that data for programs, like Title I and state aid to schools. For example, Nebraska currently uses the data from school lunch applications to determine who is a poverty student for purposes of TEEOSA. Because of this reality, LB525 was passed last session to create a new method for CEP schools to ensure that important TEEOSA funds are not lost. Up until recently, schools had to calculate their poverty students by adding those students that are directly certified for free meals to those who qualify for free meals based on meal applications. However, LB525 now permits schools to collect an alternate income survey which allows information to be collected and used just like the free and reduced lunch applications in order to allow schools to find out which students would qualify for free or reduced lunch if the school collected applications. Each school participating in CEP can then calculate the number of students who qualify for free meals based on the survey and add them to the number of directly certified students. In this way, there should be minimal change to TEEOSA for schools participating in CEP. But unfortunately, there has been confusion among schools and districts about the use of the alternative income survey for purposes of TEEOSA. Indeed some districts indicated that they cannot use the surveys for purposes of TEEOSA calculations and could only use the number of students directly certified for free meals as a proxy. This does not work in practice, however, because directly certified students are only a subset of students who qualify for free meals. Therefore, the proxy would leave out some students who qualify for free meals

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

Education Committee  
September 10, 2015

---

based on application and can have negative impacts on a school district's TEEOSA allowance. In short, school districts are worried that feeding all their students under CEP will cost those same students educational opportunities because of the loss of TEEOSA funds. This is incorrect, and Nebraska students may be left hungry because of this confusion. Indeed, Nebraska is one of the poorest performing states in the nation in take-up of community eligibility. In Nebraska, 43,582 students attend schools that are eligible for participation in CEP but only 2,084 of these students attend schools that are taking part in the program. That means only 5 percent of eligible students are participating in a program designed to ensure they get the nutritious breakfasts and lunches they need to thrive in school. We can do better to make sure that our students are well-fed and ready to learn. For these reasons, we urge the committee to consider legislation that would allow a proxy for free students and potentially to require NDE to issue comprehensive guidance on the program and its implications for school funding. Thank you. [LR283]

SENATOR SULLIVAN: All right. Thank you very much for your testimony. And just a clarification though, because I think that there might be a misunderstanding that they can use that alternative application for CEP but it does not affect their...the impact that their numbers have on the allowance. So the two are separate. There shouldn't be any confusion there. [LR283]

MARY ANN HARVEY: I think that under the bill they need to use the application for purposes of the allowance, because otherwise you just have the directly certified students, and that's a subset. And I know that Omaha did some calculations and I went to a presentation at their school board and they were projecting a \$600,000 loss if they just used the subset of directly certified students and are unable to use the alternative income form. And the language in the bill seems to clearly allow the use of the alternate income form. That way there would be no change in the amount of students that you're counting. You either...schools would either use the free-lunch applications and figure out who's a free student, or they could use the alternative income survey and figure out who's a free student. But directly certified is always going to be a subset of those free students because those are only children whose families are on another program that qualifies them for free lunch, like SNAP, TANF, FDPIR, in foster care, Head Start, runaway or migrant. So there's other students whose families aren't in one of those situations who still would qualify for free meals. [LR283]

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

Education Committee  
September 10, 2015

---

SENATOR SULLIVAN: I see. Okay. Well, your point is well taken. We'll make sure that if there is confusion among some of the school districts we'll make sure we clarify that. [LR283]

MARY ANN HARVEY: Thank you very much. [LR283]

SENATOR SULLIVAN: Thank you. Any other questions? All right. Welcome. [LR283]

VERN FISHER: Good afternoon. I heard loud and clear that lunch hasn't been held yet and stomachs are growling, so I moved away from a structured response. However, my name is Vernon Fischer, V-e-r-n-o-n F-i-s-h-e-r. I'm the very proud superintendent of South Sioux City Community Schools. We're a school district of 3,900 students. Of those students, we're approximately 70 percent low socioeconomic and 70 percent student of color. We've been as high as 78 percent low socioeconomic. We've also been as high as 78 percent student of color. Part of that fluctuation in numbers is due to mobility. Our mobility rate is roughly 16 percent. I believe that as I listened to some of the instructions at the beginning of this testimony, Senator Sullivan was asking for strategies or approaches that would help us address LEP or poverty. And I think that several of our school districts and our superintendents were able to afford or offer several different strategies that work. But I also heard questions by senators in several different areas and I thought that it would be nice to give some specific examples of how different approaches were used. For example, questions about partnerships with local business: We believe in South Sioux City that it's important to address outreach and establish relationships. If you're a parent, some of those parents that Senator Groene is referring to, they've had a bad experience with school, they're going to bring that bad experience with them. So are we able to reform that relationship so that we can work effectively with them to educate their children? An example of how we do that is we partner with Mercy Hospital in Sioux City and also Northeast Community College in an outreach program where we focus on meeting our Latino parents at their site or at their location rather than calling them to our school district. An example would be we go into Tyson--Tyson is a great partner in addition to Mercy and NECC--where we share with our Latino parents the opportunities that do exist for their children and how they can go about securing those opportunities. We also meet with our Latino parents on weekends at special events and at local restaurants talking about college and career, the impact of what education looks like beyond high school, and how that can improve the quality of life. Our Latino parents

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

Education Committee  
September 10, 2015

---

want an improved quality of life for their children; however, they don't know what they don't know. So they make assumptions, we make assumptions, and hopefully our approach to information is giving them better opportunities in educating their children and supporting their children. And then we are also seeing a rise in our Somalian population. We have had an outreach from our leaders of the Somalian community. They recognize that they're struggling in several different ways. So beginning tomorrow, we'll also continue this effort with the leadership of our Somalian community to increase our partnership, our (inaudible) partnership and relationship with them. And that meeting will include civic leaders and representation from Sioux City Community Schools, including Paul Gausman. We also would like to emphasize the importance of early childhood. We have the data in our school district that shows that when a child does attend early childhood, they are...we are closing the gap on academic performance in the areas of reading, writing, and math by the time they leave 3rd grade. We can also show you that if they are not a part of our early childhood program they're falling behind. And one of the barriers that we're finding in our respective school district is in the area of transportation and we're struggling to provide transportation through our budget so parents who work multiple shifts aren't bringing their kids to our school...or to our preschool program. So we're reevaluating the structure of our preschool program to see if we can address that. Also, I would like to emphasize a strategy that I believe Senator Kolowski is aware of as a professional of Learning Communities. It's teams of teachers working together in collaboration, looking at the things that have been brought up here, whether that's data, the nature of student learning, how we'll respond effectively to student learning. And we can show in our respective community that that has had an impact on student achievement. Two final things that I'd like to share with the committee: I'm not sure I want to ask any questions but open...or the first is that Senator Sullivan introduced a bill that was...with the purpose of identifying a vision for public education for all of Nebraska's children. And if you listen to the conversations, each one of us brings forward their own experiences, their own success stories, but also their own expectations when it comes to education. And because we each bring those different experiences, we expect to do...or we expect different things. And how are we going to arrive at a common goal, a common vision, and how are we going to agree on what those quality indicators are that we're willing to support and achieve but also look at what that funding mechanism might look like. And the last may seem trivial but it's one that I think that is important to bring up, and that's from an administrative perspective. When we look at...and the accountability isn't the issue. Schools understand

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

Education Committee  
September 10, 2015

---

accountability and we embrace accountability. However, the number of different reports that we're expected to complete at any given year is on the verge of ridiculous. We heard that we...you heard that we are expected to cement a poverty plan, and we do. We also are completing the Rule 10 accreditation requirement and the new AQuESTT reporting process. And last year at the end of the school year we had an accreditation visit. All are focused on the same things. All are focusing on the same outcomes. But it's a regurgitation of effort. And is there a way that, from a state perspective, we can align our processes to achieve the same goals? So hopefully I'm coming full circle with those are strategies that we feel are helping our situation with poverty and with LEP students in our respective school district. [LR283]

SENATOR SULLIVAN: Very good. Thank you, Vern. [LR283]

VERN FISHER: You're welcome. [LR283]

SENATOR SULLIVAN: Are there questions for Mr. Fisher? [LR283]

SENATOR GROENE: Could you put that last statement of yours into writing then get us to us about those overlapping of those... [LR283]

VERN FISHER: Yes, sir, I will. [LR283]

SENATOR GROENE: ...requirements for school districts? I'd like to see that. [LR283]

VERN FISHER: Yes, sir, I will. [LR283]

SENATOR GROENE: Thank you. [LR283]

VERN FISHER: You're welcome. [LR283]

SENATOR SULLIVAN: All right. Thank you for your testimony. [LR283]

VERN FISHER: Thank you. [LR283]

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

Education Committee  
September 10, 2015

---

SENATOR SULLIVAN: This closes the hearing on LR283 and the committee needs to take just a few minutes' break. We have not had a break since 9:00 this morning. I will be back here at 10 after to then articulate sort of the rules of the road for the remaining two hearings this afternoon. And then we will start with the first interim study hearing at 12:00...12:15, no, 1:15, 1:15. Okay. Thank you. [LR283]

BREAK

The Committee on Education met at 1:00 p.m. on Thursday, September 10, 2015, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LR334 and LR314. Senators present: Kate Sullivan, Chairperson; Rick Kolowski, Vice Chairperson; Roy Baker; Mike Groene; Adam Morfeld; and David Schnoor. Senators absent: Bob Krist and Patty Pansing Brooks.

SENATOR SULLIVAN: (Recorder malfunction)...to gather information that may ultimately lead to legislation being introduced. So to that end, we handle these different than we do when there is a piece of legislation before us. This morning we had two different interim studies that we dealt with. We went from 9:00 until almost 1:00. We originally were just going to go until noon and allow each of those an hour and a half. This afternoon we anticipated giving each of the interim study hearings two hours. I will allow a little bit of extra flexibility due to the large number of people here. However, we do intend to get both interim study hearings done this afternoon, so I will not go very much beyond two hours for the first one. To that end, we are going to limit testimony to three minutes. And we will be quite rigid about the light system because I do want to give those who have come here and wanting to testify the opportunity to do so. Again, because this is an interim study and not a legislative hearing, one of the other things that we do different...and it just so happens that the senators who have introduced these interim study resolutions are all from the Education Committee--one being Senator Morfeld; one being Senator Kolowski. They will make the introductory comments not from the testifying table but from their seat here at the table. And the senators will not ask them questions. They will simply make their introductory comments. But also because they are the introducing senator, they have had the opportunity to ask certain people to testify, again, to gather information, not necessarily to speak for or against the topic. And those people will go first as well. They will, too, be

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

Education Committee  
September 10, 2015

---

bound--not the senator but the testifiers--will be bound by the three-minute limit. So those are, as I said, some of the rules of the road. If you are planning to testify, we ask that you pick up one of the green sheets that was on the table at either entrance. If you do not wish to testify but would like your name entered into the official record as being present at the hearing, there is a separate form on the table that you can sign for that purpose. Both will be part of the official record of the hearing. Regarding the green sheet, we ask that you fill it out in its entirety and bring it up with you and give it to the committee clerk before you start testifying. If you have handouts, we ask that you have 12 copies and give those to the page to hand out to the committee. When you come up to the table to testify, please speak clearly into the microphone, give us first your full name, and spell both your first and last names, again, for an adequate record. And please be mindful. We ask that you turn off any cell phones, pagers, or anything that beeps so that we can give our full attention to the testifiers. Okay. I think even though we're still lacking at least one other person...oh, no. I'll just wait until Senator Kolowski comes in. While I'm doing that, we have support staff that are here to help us. To my immediate left is LaMont Rainey. He's one of the legal counsels for the Education Committee. The committee clerk that I mentioned is Mandy Mizerski at my far right over here. She's recording the hearing, but also that's who you give your green sheet to. And I'd like you also now to meet the senators on the Education Committee. I'll start with the Vice Chair of the committee.

SENATOR KOLOWSKI: Rick Kolowski, District 31 in Omaha.

SENATOR SCHNOOR: Dave Schnoor, I'm from Scribner. I represent Dodge County of District 15.

SENATOR GROENE: Mike Groene, District 42, Lincoln County.

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

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



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

Education Committee  
September 10, 2015

---

SENATOR SULLIVAN: And I also wanted to mention that we do have two pages that are...is it two? Just one. Brandon Metzler, he's a page that's helping us today. He's also and English and political science major at UNL. Have a I covered everything, Mandy? Okay. So as I said, just to be...again, to reiterate, we'll have the senator make his introductory comments followed by the people that have been lined up as testifiers for LR334, and then we will open it up to everyone else. So with that, Senator Morfeld.

SENATOR MORFELD: (Exhibit 1) Thank you, Senator Sullivan. And I'll actually only just say about two paragraphs because I'm looking forward to hearing what everybody has to say today. LR334 is an interim study to study the integral link between academic achievement and risky health behaviors and to identify strategies in schools that are proven to work in improving both academic achievement and health outcomes. I believe this study resolution is important in part because we have overwhelming evidence that suggests that comprehensive, medically accurate, age appropriate sexual and reproductive health education in schools works in a variety of positive ways for our youth. Following me are experts testifying on their research and experiences in this field including researchers, practitioners, teachers, and students. In the interest of time, I'll stop my introduction here and encourage you to listen and ask any questions of the people that follow me. Also, a legislative page is handing out some research that my office has prepared for all of the senators and committee staff. Thank you. [LR334]

SENATOR SULLIVAN: (Exhibits 2-4) As we start this, I wanted to also mention that we have three letters to be entered into the record: one by Dr. Amanda McKinney, an OB/GYN from Beatrice; Linda Martin from Kearney, Nebraska; and Greg Schleppenbach from the Nebraska Catholic Conference. And the first one, Dr. McKinney, was one of those invited to submit a letter. So we will start with Dr. Melissa Tibbits. Welcome. [LR334]

MELISSA TIBBITS: (Exhibit 5) Thank you. So I am Melissa Tibbits, M-e-l-i-s-s-a T-i-b-b-i-t-s. Good afternoon, committee members. Thank you for the opportunity to comment on LR334. My name is Melissa Tibbits and I'm an assistant professor in the Department of Health Promotion, Social and Behavioral Health at the University of Nebraska Medical Center, College of Public Health. I have a Ph.D. in human development and family studies from the Pennsylvania State University and I'm trained in child and adolescent development as well as the ideology and

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

Education Committee  
September 10, 2015

---

prevention of sexual risk behaviors in adolescents. I am speaking for myself as an individual who has professional expertise in this field. I am not representing the University of Nebraska. The research evidence on the effectiveness of comprehensive sex education is clear. It is more effective than abstinence-only education at preventing not only high-risk sexual behavior but also the initiation of sexual behavior. For this reason, organizations such as the American Academy of Pediatrics recommend comprehensive sex education rather than abstinence-only education. Abstinence-only education in schools is not only an ineffective use of teachers' precious time and taxpayer dollars, it also fails to equip adolescents with the knowledge and skills needed to delay sex and prevent pregnancy and sexually transmitted diseases. Implementing comprehensive sex education in Nebraska likely would be beneficial to taxpayers based on the cost savings associated with reduced teen pregnancies and reduced medical costs associated with complications from sexually transmitted infections. Often it is suggested that the topics included in comprehensive sex education should be discussed in the home rather than at schools. Although that would definitely be ideal, national research and my research with adolescents in Douglas County suggest most adolescents do not get information about sex from their parents. When asked where they currently get information and where they prefer to get information, they resoundingly mention the schools. When sufficient information isn't provided in schools, adolescents report getting information from the Internet and their friends. And we know how accurate that information can be. Additionally, there's strong evidence to suggest parents support comprehensive sex education. A representative survey conducted by the Omaha Public Schools in 2015 found that more than 90 percent of parents surveyed in the district support providing comprehensive sex education in the schools including information about condoms and birth control. These findings are congruent with national research from rural and urban areas indicating that the majority of parents support comprehensive sex education. Additionally, it's commonly believed that most adolescents do not have sex, so it's not necessary to provide comprehensive sex education in the schools. But in fact, the CDC has found that over 60 percent of youth nationally and 50 percent of youth in Nebraska do have sex by the time they graduate from high school. So implementing comprehensive sex education is really critical to ensure that adolescents have the information and skills needed to protect their health. In conclusion, as someone who teaches child and adolescent development and researches how to prevent sexual risk behaviors in adolescents, the aims of LR334 should be supported. Understanding how other states have institutionalized comprehensive sex education; how to establish strong partnerships

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

Education Committee  
September 10, 2015

---

between families, schools, and health providers; and how to incorporate strategies in schools to increase protective factors and decrease risk factors is an important step toward promoting the health of adolescents. Thank you. [LR334]

SENATOR SULLIVAN: You were right on target. (Laughter) Thank you, Dr. Tibbits. [LR334]

MELISSA TIBBITS: Tried to cut here and there. [LR334]

SENATOR SULLIVAN: Any questions? Senator Morfeld. [LR334]

SENATOR MORFELD: Thank you for coming here today, Doctor. And perhaps maybe one of the testifiers after this will be able to talk about this, but I want to ask the question just to make sure that we get it answered if that's not the case. How does Nebraska rank in terms of sexually transmitted diseases, unplanned pregnancies, and other...? [LR334]

MELISSA TIBBITS: So Nebraska, if we look at Nebraska as a whole, we are around average. But if we look at Douglas County and some other counties in Nebraska, we're well above the national average. So for example, with the STDs chlamydia and gonorrhea, in Douglas County, we've been way above the state and national average since 1998. And so that has clear implications for health because a lot of people think that you just treat that easily, which you can. But if you don't get treated, it can affect fertility and have other long-lasting outcomes. So that that's very important. In terms of teen pregnancy, the state as a whole, we're around other states in terms of our rates. But there are definite disparities where African-Americans in particular and Latinos have higher rates of teen pregnancy compared to white residents of Nebraska. [LR334]

SENATOR MORFELD: Thank you. [LR334]

SENATOR SULLIVAN: Senator Groene. [LR334]

SENATOR GROENE: You state here, you compare comprehensive to abstinence only. Are you telling me the public schools don't teach the birds and the bees and biological process of sex? [LR334]

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

Education Committee  
September 10, 2015

---

MELISSA TIBBITS: Well, abstinence only goes beyond teaching about... [LR334]

SENATOR GROENE: That isn't what I asked you. Are you telling me that they don't the biological aspects of sex, the male-female relationship and the purpose of it? [LR334]

MELISSA TIBBITS: I believe that that's very common, that very commonly schools do teach that. [LR334]

SENATOR GROENE: All right. So they don't just teach just abstinence only. [LR334]

MELISSA TIBBITS: Abstinence... [LR334]

SENATOR GROENE: They teach other aspects of (inaudible). [LR334]

MELISSA TIBBITS: Reproductive health, from my perspective, is not sex...it's a part of sex education, but it's not the majority of it. [LR334]

SENATOR GROENE: Your aspect is how to have sex safely? [LR334]

MELISSA TIBBITS: No. Comprehensive sex education actually includes abstinence education... [LR334]

SENATOR GROENE: Oh, good. [LR334]

MELISSA TIBBITS: ...but it also goes beyond that and talks about how to basically prevent STDs and teen pregnancy if you do decide to have sex, which 50 percent of youth do in Nebraska. [LR334]

SENATOR SULLIVAN: Thank you for your testimony. [LR334]

MELISSA TIBBITS: Thanks. [LR334]

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

Education Committee  
September 10, 2015

---

SENATOR SULLIVAN: Dr. Wessel. Welcome. [LR334]

SOFIA JAWED-WESSEL: (Exhibit 6) Hello, good afternoon. My name is Dr. Sofia Jawed-Wessel, S-o-f-i-a J-a-w-e-d-W-e-s-s-e-l. Hopefully that doesn't go into my three minutes. (Laughter) I'm an assistant professor in the school of Health, Physical Education, and Recreation at the University of Nebraska at Omaha. I'm the associate director of the Midlands Sexual Health Research Collaborative, MSHRC. I come before you as an expert in public health, sexual health, and social and behavioral research. The testimony I give today does not reflect any official position of the University of Nebraska. To reiterate, comprehensive sex education refers to sexual health curriculum that is medically accurate and age appropriate. It does not ignore the role of abstinence as one method of preventing unintended pregnancies and sexually transmitted infections, but rather allows students to clarify their own values and make healthy and informed decisions based on scientifically accurate evidence. Simply put, we need CSE in our schools. Recently nationally representative data show that nearly one-third of 14- and 15-year-olds and the majority 16- and 17-year-olds have engaged in sexual intercourse including oral sex behaviors, while only a minority, close to about 10 percent, have engaged in anal sex behaviors. These are all sexual behaviors that have the potential to be risky if not coupled with appropriate education on how to avoid STIs, pregnancy, and sexual assault. Although across the U.S. teen pregnancy rates are falling, this is not consistent across all states. Those with poor education, sex education, continue to see increases in the teen pregnancy rate. I would like to also emphasize that CSE programs have been proven to not only reduce STI and pregnancy rates, but they also delay sexual initiation. Abstinence-only programs, on the other hand, have not been proven to delay sexual activity, decrease sexual activity, or decrease negative sexual health outcomes such as assault. Aside from teen pregnancy and STI prevention, CSE also plays a vital role in reducing the disparity and health outcomes experienced by students of non heterosexual orientations as well as transgender and gender nonconforming identities. These sexual minority students experience negative health outcomes at a disproportionate rate, especially when sexual health education excludes instruction related to sexual orientation and gender identity. We must not leave these students more vulnerable than they already are. To further emphasize this, a Nebraska-wide study that was conducted by my colleagues--this is in your binder--found that Nebraskans rate at about 65 percent when it comes to what they should know about sexuality education, or sexual knowledge. So although most Nebraskans are comfortable discussing sexual

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

Education Committee  
September 10, 2015

---

topics with their children, most of these adults do not have the knowledge necessary to equip their children with accurate information. If we continue to rely on parents to talk to kids about sex, we will be left with kids who are unprepared to make healthy and informed decisions. Finally, I'd like to close with just a quick anecdote. I'm a professor and I teach upper-level sexual development at University of Nebraska. And every semester I do a quick activity before I begin any of my lectures where I ask my 19-years-and-older students what they want to spend the majority of the semester discussing, anonymously. And without fail, every semester they tell me the same things. They want to learn about contraception, STI prevention, and about gender identity and sexual orientations. They want the basics. They need the basics. And this is information that they should have gotten before setting foot in my classroom, information that they would not have gotten if they had not had the privilege to attend college. So I encourage you guys to read our research and hopefully support comprehensive sex education. [LR334]

SENATOR SULLIVAN: Thank you, Dr. Wessel. Any questions for her? Thank you for your testimony. [LR334]

SOFIA JAWED-WESSEL: Thank you. [LR334]

SENATOR SULLIVAN: Dr. Leonard. [LR334]

DANIEL LEONARD: Good afternoon, my name is Dr. Daniel Leonard, D-a-n-i-e-l L-e-o-n-a-r-d. Thank you, Senators, for hearing me today, and everyone in attendance. I have the privilege of being a board-certified pediatrician in Hastings, Nebraska, working at the largest pediatric practice in south-central Nebraska. We see a lot of volume coming from miles to see us. And I have the benefit, privilege, and sacred trust of working with adolescents, their parents, and elementary children who come into my clinic highly misinformed by their peers, highly misinformed often by their parents, which sets a precedent for introducing risk. Risk, as you know it, is introduction to the chance of harm or a sort of mishap with their own health. What we're finding over the past 17 years, where my clinic has sponsored going to, via invitation, to local school districts and via the school board, we provide the safe sex education, which does include abstinence education. I cannot argue that the biologic truths regarding abstinence will absolutely not result in pregnancy or a sexually transmitted infection. That being said, we all

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

Education Committee  
September 10, 2015

---

know that what is possible and what are probable are two very different things. We try to impress upon these young people of my time, of my own virtue voluntarily that while they are becoming sexually capable young people, does not they are sexually mature young people. I routinely survey, starting at 5th grade every single semester, routinely survey the students as to what do they know about sex, what is the definition of sex, what is the definition of puberty? The silence is deafening--beyond the giggles that I get. And I ask for a raise of hands on how many of them know that their body can produce a baby within the next couple years. And a second time, how many of you are capable or raising a child? All the hands go down immediately. That is where I get the frowns and the furrows. I've been blessed with the opportunity to educate the young people of south-central Nebraska and in doing so have sort of had the ground shook beneath me. It came to my awareness that more than one time, starting at 5th grade, there have been exchanges via mobile devices and the Internet where children are exploring their sexuality as young as the 5th grade. This was occurring on school campus. This was occurring after school hours. People were making jokes and nursery rhymes over what various STDs they could or could not contract based on the activities the were engaging in. Again, any education that we provide our youth should absolutely include the biologic truths, which, yes, will include abstinence. However, as statistics will show, as my colleagues here will show, abstinence is not occurring. Risk is inherent in our population. My job, my sworn oath to the youth of Nebraska has been to reduce risk. If I entrusted that to the schools themselves and the parents themselves, time has shown me, time has showed every practitioner that it is not effective. It is simply not working. If I could count the number of people who sit in my exam rooms confessing to what their sexual investigations have been, their high-risk activities, their pregnancies, I should probably--well, and I do--keep a log of positive pregnancy tests in my clinic. [LR334]

SENATOR SULLIVAN: Okay, Dr. Leonard. [LR334]

DANIEL LEONARD: I'm sorry. [LR334]

SENATOR SULLIVAN: I do have to ask you to wrap up if you... [LR334]

DANIEL LEONARD: No, that's all. Thank you. [LR334]

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

Education Committee  
September 10, 2015

---

SENATOR SULLIVAN: Okay. All right. Any questions? Senator Morfeld. [LR334]

SENATOR MORFELD: Thank you for coming and testifying today, Doctor. You brought up the Internet and some of...and how it's prevalent, particularly among youth now. I mean, I see 5th graders with iPhones and DROIDS and, you know, you name it. Some folks have argued that because of the spread of certain information that some people think is immoral, that perhaps we need more abstinence education. Do you think that the spread and the availability of the Internet and this information for very young children in our state, do you think that creates the case for abstinence education or more comprehensive sex education? I think I already know the answer based on your...but that's something I keep hearing about. [LR334]

DANIEL LEONARD: No, absolutely. And it has to be more comprehensive education. You know, the only thing more expensive than education is ignorance. And the access to information has to be evidence based. You have to take the question of morality out of it because in my opinion from my perspective, my moral obligation to my patients is to inform them as to their chances of causing harm. I cannot blindly lead them down a road or abstinence only, turn a blind eye, and simply hope that that works. Without biologic question, it will. However, the probability that they're going to engage in high-risk behaviors is inherent. So again, I think the question of morality is a very separate question of evidence-based practicality. And that's what we have to abide by. [LR334]

SENATOR MORFELD: But in your experience, have you...do you think the Internet has (inaudible)...the availability and access to it, has increased the sexual knowledge of kids at a younger age or not? I know that that would be anecdotal for you, but... [LR334]

DANIEL LEONARD: Yeah, and it has both ways, and it is anecdotal. The benefit of having these sort of closed discussions in the classrooms without teachers and without parents is the confessions that come of the children and the questions that are so off the wall in inaccuracies, nine times out of ten, their cited source is they found it on the Internet or their brother found it on the Internet, what have you. And unteaching someone, untraining someone to train them into a new truth is incredibly cumbersome. And to undo what has been done is an uphill battle. [LR334]



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

Education Committee  
September 10, 2015

---

SENATOR MORFELD: Thank you, Doctor. [LR334]

SENATOR SULLIVAN: Any other questions? Senator Schnoor. [LR334]

SENATOR SCHNOOR: Dr. Leonard, you said earlier, you said about parents tend to misinform their children. Could you expand on that a little bit. [LR334]

DANIEL LEONARD: Yes, absolutely. And specifically, you know, I should retract and say underinform. I have had several cases of two young women in particular whose parents knew they were engaging in sexual activity, no prophylaxis was being used of any kind, both of the mothers themselves were teenage parents. And the instruction was to prevent conception, effectively, prevent ejaculation, you know, within the female genital tract. And that was the mother's sense of safe; that was her option that is the result of her being a teen mother: Misinformed, certainly underinformed, and I would stand by that statement. And I think in my position, the parents applaud what we do voluntarily in Hastings. The classrooms are always full those days. The library after hours is always full those evenings. You know, but they sort of trust us as healthcare providers and they trust that the information we're going to give them, similar to what they receive at school, will be sufficient and more informative than what they themselves are comfortable or than what they themselves are capable of providing their children. [LR334]

SENATOR SCHNOOR: Okay. Thank you. And one last statement. This isn't a question. But you made a comment about morality needs to be left out of the equation. And I just have to say I think that's part of the problem with our society is lack of morality. And I think that needs to be a main part of (inaudible)...(applause) [LR334]

SENATOR SULLIVAN: Stop. No. If this happens again I'm going to have to ask you to leave. And maybe I failed to mentioned this earlier: no outward displays of emotion or support or negativity, please. [LR334]

SENATOR SCHNOOR: So I mean, you and I, I mean we'll just have to agree to disagree on that. [LR334]

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

Education Committee  
September 10, 2015

---

DANIEL LEONARD: May I respond? In my years of education, we have been taught mastery of the human body and physiology, inherent risk, and how to treat disease, and more importantly, how to prevent disease. My stance on morality is advocating for youth, advocating for people who cannot make decisions for themselves or by themselves. It is inherent that the people who have experience in this room and more education should think of their moral obligation in the way of risk prevention and risk reduction. It is a moral issue for us to provide education to our children so that they reduce their risk. It is immoral, in my opinion, to simply teach abstinence-only or not comprehensive sexual education as you will never inherently remove the risk. You will reduce probability perhaps, but you will never eliminate the possibility. [LR334]

SENATOR SULLIVAN: Dr. Leonard, did I understand you that you yourself as a physician do some outreach in the community, have some educational courses, programs? [LR334]

DANIEL LEONARD: Very much. Again, by the invitation of the local school board, I do all of the sexual education for Hastings Public Schools both during schools hours and voluntarily at the local public library where parents can drop off their children. I also volunteer at Hastings Family Planning and I've been the staff physician there for underprivileged, underinsured or uninsured youth and families who come in after hours as well as maintaining my academic appointments at the university and Omaha Children's Hospital. [LR334]

SENATOR SULLIVAN: Okay. Thank you. Any other questions? Thank you for your testimony. [LR334]

DANIEL LEONARD: Thank you. [LR334]

SENATOR SULLIVAN: Dr. Lacroix, and Dr. Avery will be next. Welcome. [LR334]

AMY LACROIX: Thank you. My name is Dr. Amy Lacroix, A-m-y L-a-c-r-o-i-x, and I am here as primarily a parent. I can't deny the fact that I am a pediatrician and actually spend a large amount of my time teaching adolescent medicine and adolescent health to nearly every medical student and pediatrician in training in the state. And that is a lot of my passion. However, I am primarily a Nebraskan and a parent of three children who are all adolescents and young adults

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

Education Committee  
September 10, 2015

---

right now. My mother grew up in Nebraska on the farm, and she learned about sex by watching the animals. And that was about it. And when I grew up, I learned about it because I had a couple of one-hour classes in 5th grade and a mother who said, so did they tell you about periods? Things have changed a lot and I like to think that I do a better job than that. Things have changed and I need to protect my children. I think that talking about sexual health and comprehensive sexual education is very personal. And I think that it's very hard to discuss. It's hard for us to discuss it as adults, and I think it's really to discuss with our children that we have raised from the time they were infants. But we must discuss it because the consequences of not discussing it can affect our children for the rest of their lives. When my children need teaching about math or science, I have them learn from a professional who knows all about math or science. And when I don't know the answers to their calculus problems, I thank the lord that they have a really good teacher who can teach them those things. I think that we have to think about sexual health in the same way. We have to make sure that they have people available to them that can teach them that know their material really well, that know the latest resources and the latest information. I know that the same things that I learned in my class in 5th grade have changed a lot in the last 30 years. That's completely different. Well, a little more than that. Sorry about that. Anyway, I think that if we trust our children to learn from their teachers about photosynthesis in the 4th grade, we can trust them to learn about anatomy and physiology. I think that if we trust teachers to teach them about geometry and algebra, we can also trust them to teach them about abstinence and difference options available for birth control. And I think that is really important and just as important. I saw a patient of mine in clinic once one day several years ago and she had missed several period and had a positive pregnancy test. She was very upset. She had only had sex once and had been told that you couldn't get pregnant the first time from a friend. When I asked her about using a condom, she said she didn't know if the boy used one because she didn't want to look and she didn't know how to ask him. When I asked her about birth control, she told me that a teacher had told her that birth control would make her unable to have children. This was an extreme example of misconceptions, but it's not uncommon and it's devastating to this young lady and her life and her whole family's life. I want my kids and all of Nebraska's kids to have accurate sexual health information. I know that information changes really quickly. And I want to make sure that Nebraska's youth have a health curriculum that is current, consistent, accurate, and very effective. I want my kids' teachers to impart information to them. I want to impart my values on my children. That's not anybody else's job. [LR334]

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

Education Committee  
September 10, 2015

---

SENATOR SULLIVAN: Thank you, Dr. Lacroix. Any questions for her? Senator Schnoor.  
[LR334]

SENATOR SCHNOOR: You mentioned the latest information and I guess to keep up with the latest information. What do you feel has changed? [LR334]

AMY LACROIX: I think that we have a lot of different...well, for one thing, just basics like, are these diseases treatable or not treatable, okay? When the first school health curriculum came out in OPS, we talked about HIV like it was a terminal disease. We know now that things have changed and it's not. We could treat gonorrhea with penicillin. We can't do that anymore. We had two pregnancy prevention options. We now have almost 20. So things change and they change very quickly and they're continuing to change very quickly. [LR334]

SENATOR SCHNOOR: Okay. Thank you, ma'am. [LR334]

AMY LACROIX: Thank you. [LR334]

SENATOR SULLIVAN: Senator Groene. [LR334]

AMY LACROIX: Yes. [LR334]

SENATOR GROENE: I don't think we evolved since your 5th grade, that things have changed in sexual, biological, sexual. But anyway. [LR334]

AMY LACROIX: Okay. [LR334]

SENATOR GROENE: Do you teach monogamy? You can't get a sexually transmitted disease if you have one sexual partner in your life. [LR334]

AMY LACROIX: That's really... [LR334]

SENATOR GROENE: That's impossible? [LR334]

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

Education Committee  
September 10, 2015

---

AMY LACROIX: Yes, absolutely. [LR334]

SENATOR GROENE: Oh. [LR334]

AMY LACROIX: That's also interesting though because not both partners often have been monogamous. And even when you talk with people who are in monogamous relationships, many of them, one of the partners has had a previous partner. So even in monogamous relationships these things sometimes... [LR334]

SENATOR GROENE: But a young child... [LR334]

AMY LACROIX: Oh. [LR334]

SENATOR GROENE: ...monogamous, if that's taught, which religion does, we wouldn't have any sexual diseases on this earth, do you know that? [LR334]

AMY LACROIX: I know that that is a common belief by many people. [LR334]

SENATOR GROENE: And that is something society ought to teach, a civilized society. But my question here, I hear this...but I'm...the doctor, the young man, what he said made sense. But that isn't what I'm hearing about comprehensive sexual education. I'm hearing the reason the student doesn't want to go to the parent but to the teacher because the teacher doesn't judge, anything you do goes. We're just going to tell you how to do anything that goes safely. And that's what bothers me. But anyway, I...we haven't evolved. Human nature hasn't changed; morals have, as Senator Schnoor said. [LR334]

AMY LACROIX: Okay. Well, I think that will be your opinion. [LR334]

SENATOR GROENE: Thank you. [LR334]

SENATOR SULLIVAN: Senator Kolowski. [LR334]

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

Education Committee  
September 10, 2015

---

SENATOR KOLOWSKI: Doctor, thank you for your comments today and for being here. Within the State Department of Education, Rule 10 deals with the curriculum of the state schools. And within that, of course, is the comprehensive health education set of rules. Embedded within that, of course, is sexual education. And from your observations in working with the state as a whole, how do you personally evaluate districts' preparation and execution of plans to work that within their curriculum at all age levels, or appropriate age levels, to their student bodies? [LR334]

AMY LACROIX: How do I...? [LR334]

SENATOR KOLOWSKI: Yeah, have you...is that part of your exposure to districts and all the rest across the state? [LR334]

AMY LACROIX: I agree. I have not been a consultant on developing the educational curriculum across the state. [LR334]

SENATOR KOLOWSKI: Okay, just asking that. Thank you. [LR334]

AMY LACROIX: Absolutely. [LR334]

SENATOR SULLIVAN: Senator Morfeld. [LR334]

SENATOR MORFELD: Doctor, thank you for coming today. This is not a facetious question. Were you around in the '70s? [LR334]

AMY LACROIX: Yes. [LR334]

SENATOR MORFELD: I wasn't, so I'm just asking. (Laughter) [LR334]

AMY LACROIX: I was very young. [LR334]

SENATOR MORFELD: You were very young. [LR334]

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

Education Committee  
September 10, 2015

---

AMY LACROIX: I was very young. [LR334]

SENATOR MORFELD: Okay. Well, fair enough. Were people having sex in the '70s? [LR334]

AMY LACROIX: Absolutely. [LR334]

SENATOR MORFELD: Were people having nonmonogamous relationships in the '70s? [LR334]

AMY LACROIX: Absolutely. [LR334]

SENATOR MORFELD: Were people having nonmonogamous relationships far before the '70s as far you know or history or anything that you've ever read? [LR334]

AMY LACROIX: Absolutely. [LR334]

SENATOR MORFELD: So I don't think the morals have really changed. What I think has really changed--and I'm making a statement here--is that people realize that ignorance isn't bliss when it comes to sex, and that we need to make sure that we have the ability to be able to provide accurate information. I don't think society has gotten any worse than it got in the 1970s or in the 1900s or even when our founders were here and founded this country and had many nonmonogamous relationships outside their marriage. Thank you for answering my question. [LR334]

AMY LACROIX: Thank you. [LR334]

SENATOR GROENE: I've got a follow-up question quick. [LR334]

SENATOR SULLIVAN: Senator Groene. [LR334]

SENATOR GROENE: In 1960, do you know what the teenage pregnancy rate was? 1970? I know it's about 40-some percent now, isn't it? [LR334]

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

Education Committee  
September 10, 2015

---

AMY LACROIX: No, it's actually less than that now. [LR334]

SENATOR GROENE: It's gone down because of birth control, after-sex birth control. But, yes, I understand that. [LR334]

AMY LACROIX: It's gone down for lots of reasons. But that's one of them, yes. [LR334]

SENATOR GROENE: But do you know what it was back in the '60s and the '70s? [LR334]

AMY LACROIX: Do I know what it was? I don't know. Dr. Tibbits might be more prepared to answer that question. [LR334]

SENATOR SULLIVAN: Okay. No, just don't... [LR334]

SENATOR GROENE: Thank you. Thank you. Just a comparison. [LR334]

AMY LACROIX: All right. And I want to thank you very much for giving me a few minutes. [LR334]

SENATOR SULLIVAN: All right. Thank you. Nathan Leach will be next. [LR334]

MARYBELL AVERY: Good afternoon. My name is Marybell Avery, M-a-r-y-b-e-l-l, one word, A-v-e-r-y. I am speaking for myself this afternoon--and I apologize for my cold--as a former school district administrator and as a health education curriculum specialist. In July of this year, I retired after 21 years as the district curriculum specialist for health education for Lincoln Public Schools. I hold a Ph.D. in curriculum and instruction, so my remarks will relate to health education curriculum and comprehensive sexuality education as a part of that. I'm also currently a member of the board of directors of the Society of Health and Physical Educators, also known as SHAPE America, which is a national professional membership organization of health and physical educators. In spite of my southern accent, which you might be able to detect under my cold, I've lived in Nebraska over half my life, over 30 years. I was around in the '70s. And I have three reasons I'd like you to support LR334. And the first one is, as a school district



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

Education Committee  
September 10, 2015

---

administrator, this is somewhat unusual for me to ask the Legislature or some other state body to tell us what to teach. That's not what we normally like to hear. But there is precedent for this. And I believe comprehensive sex education is an area where this is appropriate for the state or some other state body to give direction. The precedent, the two examples I'll cite are the Lindsay Ann Burke Act which was effective in 2009, passed by the Nebraska Legislature, which is dating violence education. The Lindsay Ann Burke Act requires each school district to incorporate dating violence education that is age appropriate into the school curriculum. So as the curriculum specialist for Lincoln Public Schools at that time, I was charged with making sure that we did have that education as part of our curriculum. That is also a topic that would be part of a comprehensive sexuality education program. The other example of state statute requiring curriculum is bullying prevention education. My second reason for asking you to support this resolution is that the Nebraska Department of Education supports the National Sexuality Education Standards as the basis for sexuality education curriculum in Nebraska schools. And as a curriculum specialist, I drew on those standards. They are an excellent guideline for what should be taught in a comprehensive sexuality education program. These standards were developed to address the inconsistent implementation of sexuality education nationwide and the limited time that is allocated to teaching the topic. So we schools have a great resource for sexuality education. And to beat the red light, I will go to my third point, which is on the national level, the Centers for Disease Control and Prevention have supported evidence-based sexuality education in the schools for many, many years. And I would like to quote them. Quote, to reduce sexual risk behaviors and related health problems among youth, schools--I put the emphasis there--and other youth-serving organizations can help young people adopt lifelong attitudes and behaviors that support their health and well-being, end quote. So in summary, my three reasons from a curriculum perspective, wow, are that there's precedent, the Nebraska Department of Education has the resources, and national support from the CDC. Thank you. [LR334]

SENATOR SULLIVAN: Thank you, Dr. Avery. Any questions? Senator Schnoor. [LR334]

SENATOR SCHNOOR: Ma'am, the title of this resolution states, to study to integral link between academic achievement and risky health behaviors. So far, nobody has talked about academic achievement and how this affects it. Do you know, is there any type of statistics out

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

Education Committee  
September 10, 2015

---

there that shows that there's a lack of academic achievement based on risky health behaviors or, in this case, lack of sex education? [LR334]

MARYBELL AVERY: I am familiar with the youth risk behavior survey which collects data about the behavior students are engaged in. But to speak to your point, absence is one of the main reasons that health affects academic achievement. When students are not healthy, they aren't in school and they don't achieve well. And that, I'm not an expert in the area with sexuality education and those statistics, but that would contribute to their absence from school. [LR334]

SENATOR SCHNOOR: Okay. Thank you. [LR334]

SENATOR SULLIVAN: Any other questions? Thank you, Dr. Avery. [LR334]

MARYBELL AVERY: Thank you. [LR334]

SENATOR SULLIVAN: As the next testifier is coming up, I don't think that this has happened thus far but just as a reminder, as you listen to testimony and get ready for your comments to be brought forward, let's try not to be repetitive so that we're listening to new information that's going to be helpful to the committee. Nathan Leach. Welcome. [LR334]

NATHAN LEACH: (Exhibits 7 and 8) Thank you, Madam Chair Senator Kate Sullivan and members of the Education Committee. Good afternoon. My name is Nathan Leach, N-a-t-h-a-n L-e-a-c-h. I'm a freshman at the University of Nebraska at Kearney and pursuing a major in political science and prelaw. I graduated from Kearney High School in January of this year and also attended Shelton Public Schools from 2003 until 2009. I am speaking on behalf of myself. My focus this afternoon will be on providing a perspective for the importance of resources in education for those who are lesbian, gay, bisexual, and transgender--LGBT. I would like to begin by sharing my experience, suggest some importance elements that need to be included in health education curriculum, and end by submitting to the committee a resource to hear different perspectives from students from across Nebraska. When it comes to sexual health, experience is not the best way to learn. As someone who is gay, I received little to no relevant sexual health education. Both Shelton Public Schools and Kearney Public Schools failed to provide basic

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

Education Committee  
September 10, 2015

---

information specific to same-sex relationships and sexual health. This shortfall resulted in a patchwork of knowledge gathered through experience, talking with friends, and some on-line resources. Furthermore, this lack of recognition in sex ed programs intensifies the sense of isolation which leads to academic shortfalls that many LGBT youth feel as they begin to discover their sexual orientation. As a 6th grader at Shelton Public Schools, I distinctly remember being uncomfortable during a 20-minute sex education video we were shown. I was uncomfortable not because of the subject matter, but because I knew I couldn't ask the questions I needed to. Is being gay normal? Why am I the way I am? It was easy as a 6th grader to put these questions in the back of my mind, but if a teacher would have recognized or explained basic elements of sexuality earlier on, it would have gone a long way in building a healthier understanding of who I am. When I was a freshman at Kearney High, my required health class delved more deeply into aspects of sexual health. But unfortunately the course was far from comprehensive and again, refrained from providing vital information to nonstraight students. This information goes a long way to ensuring that LGBT individuals know that they can have healthy relationships. Again, when it comes to sexual health, experience is not the best way to learn. And right now, we are relying on hope or circumstance to provide vital education to Nebraska students. And this is not a fair nor a reliable policy. LGBT students need a conversation about what sexual orientation is. They need to understand that the risks of same-sex relationships are similar to those of opposite sex ones, which include the importance of condom use and sexually transmitted infection testing. And then finally, LGBT students need to know resources in their community, on-line sources that they can ask questions that they wouldn't be comfortable asking in class. And lastly, I took the liberty...if I could just use this last moment--of asking students from across Nebraska via my Facebook page what they thought about their sex orientation. And that handout provides to you some of the comments that students from all the way from Omaha to Valentine, Shelton and Kearney provided. They're very interesting and provide a unique perspective. Thank you. [LR334]

SENATOR SULLIVAN: Thank you, Mr. Leach. Any questions for him? Senator Morfeld.  
[LR334]

SENATOR MORFELD: Thank you for coming today, Mr. Leach. I'm a lot younger than a lot of my colleagues, but you're a lot younger than me I think. How old are you? [LR334]

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

Education Committee  
September 10, 2015

---

NATHAN LEACH: 19. [LR334]

SENATOR MORFELD: 19. Okay, and so based on your experience, where were most of your fellow classmates learning about sex? [LR334]

NATHAN LEACH: You know what, that's an interesting question. It's only my third week in school. And so I used this week to try and get to know students. And one of the questions I asked a lot of students just to get to know them was, what high school did you go to? And they would say, oh, I went North Platte. And then I said, oh, how was the sex education there? Talking to over 40 students at UNK, not a single one of them provided a positive feedback saying they learned a lot of the source that they needed to know in their sex education. I'm not...did I answer your question? [LR334]

SENATOR MORFELD: No, you answered... [LR334]

NATHAN LEACH: Okay. Sorry. [LR334]

SENATOR MORFELD: ...the question, particularly on a college level. But you know, in middle school or high school, I mean, what is your feeling where a lot of people are getting...if they're not talking to their parents and if there's not a sex education, what are some alternative ways that students are getting that type of information? [LR334]

NATHAN LEACH: Oh, on-line. And there's a lot of conversations. You know, students aren't comfortable talking to their teachers. That was mentioned earlier. They're not comfortable talking to their parents. But they talk to each other. You know, I remember as early as 2nd grade hearing basically sex education from other...from 3rd graders. And so it's like we're expecting our students to learn about sex from older students rather than the educators that they could otherwise get that education from. [LR334]

SENATOR MORFELD: Thank you. [LR334]

SENATOR SULLIVAN: Thank you for your testimony. [LR334]

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

Education Committee  
September 10, 2015

---

NATHAN LEACH: Thank you. [LR334]

SENATOR SULLIVAN: Lydia Meyer. Welcome. [LR334]

LYDIA MEYER: Hello. My name is Lydia Meyer, L-y-d-i-a M-e-y-e-r. I am a senior at Hastings Public Schools. I am a part of a program called Sunny D's, which is an HIV/AIDS peer education group. It's been around for almost 20 years. And about a hundred kids have gone through this program. It teaches the...it is comprehensive and it teaches the importance of both abstinence and how to stay safe and about HIV and AIDS. My role at HHS is we go into the classrooms and it's...since it's peer education, it's just the students teaching. We do have a sponsor and we go through a 24-hour training so we know our stuff. It's broken up over three days. So we're fully educated and we go in and teach the kids through a different view. So it's kids talking to kids. And it's a little bit able...the kids are a little bit more able to relate to us more. Outside of the classroom, I've been asked many questions. I've both debunked myths and gone a little bit more in depth for things that weren't talked about in the classroom that students were able to know because they were just a little bit more comfortable talking to a student instead of a teacher. And I think that it's really important because with the Internet that a lot of kids are getting both information that's wrong and not enough information because they talk to their friends or they go on-line and...because they're not comfortable with talking to an adult about it. [LR334]

SENATOR SULLIVAN: Thank you, Ms. Meyer. How long has this program been going on in Hasting Public Schools? [LR334]

LYDIA MEYER: I think 17 years. [LR334]

SENATOR SULLIVAN: So longer than you have been involved in it. [LR334]

LYDIA MEYER: Yes. [LR334]

SENATOR SULLIVAN: So you may not know the background as to how it got started. [LR334]

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

Education Committee  
September 10, 2015

---

LYDIA MEYER: There was a group...there's a college group called PHIVE-Os and they do the same thing. And the person who is in charge of that, they kind of inspired someone else, Chris Junker, she was inspired to create this on a high school level. So it not only goes to the college but also on a younger level so it's easier to understand there also. [LR334]

SENATOR SULLIVAN: So it went right to the classroom, it didn't necessarily go through the administration and school board, or do you know how that was handled? [LR334]

LYDIA MEYER: It is...it was a part of the American Red Cross. I'm not exactly sure how it went. [LR334]

SENATOR SULLIVAN: That's fine. [LR334]

LYDIA MEYER: But it was approved by the school. [LR334]

SENATOR SULLIVAN: Okay. Very good. Thank you. Any other questions? Senator Kolowski. [LR334]

SENATOR KOLOWSKI: Thank you for coming today. Did you...were the kids brought in from an outside class? Or how did you work with these set of students within the school day? [LR334]

LYDIA MEYER: You mean the class that we go into? [LR334]

SENATOR KOLOWSKI: Right, the group you talk to. [LR334]

LYDIA MEYER: The health class at the high school, every...because they switch it out every semester, and so we'll go in and they already have a class. So we'll be like a guest speaker and talk to them for their class period. [LR334]

SENATOR KOLOWSKI: So you'd only do one period? [LR334]

LYDIA MEYER: Yes. Our periods are 85 minutes long and so... [LR334]

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

Education Committee  
September 10, 2015

---

SENATOR KOLOWSKI: Block. Yeah. [LR334]

LYDIA MEYER: Yes. [LR334]

SENATOR KOLOWSKI: Got it. Thank you. [LR334]

SENATOR SULLIVAN: Senator Morfeld. [LR334]

SENATOR MORFELD: Thank you for coming today. I'm going to ask you the same question that I asked Mr. Leach. Where are the mediums that...what are the different sources of information that younger kids...I mean he was talking about 2nd and 3rd grade. I don't know if that was your experience where those conversations started among your classmates. But what's the primary source of information for a lot of kids in your experience? And around what age did those conversations start happening? [LR334]

LYDIA MEYER: Definitely it comes from friends and the Internet. You're curious, I don't know what this word means, so you look it up, might get an Urban Dictionary definition that isn't always correct, talk about it with your friends. I know that, yeah, in 2nd and 3rd grade it was kind of like, oh, what does the word "sex" mean? I'm not quite sure. It was some mystery. But I know the conversations and wanting to know information didn't start popping up until around middle school. [LR334]

SENATOR MORFELD: Okay. Thank you. [LR334]

SENATOR SULLIVAN: Senator Groene. [LR334]

SENATOR GROENE: What class is the health class? Is that freshman, sophomore? [LR334]

LYDIA MEYER: It's usually around freshman and sophomore, but it's required one semester. [LR334]

SENATOR GROENE: It's required. [LR334]

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

Education Committee  
September 10, 2015

---

LYDIA MEYER: So it doesn't matter where in the four years. [LR334]

SENATOR GROENE: So within the health class they cover sexuality. [LR334]

LYDIA MEYER: Sexuality, not quite. But it's more like STDs, STIs... [LR334]

SENATOR GROENE: That's what I mean, health. [LR334]

LYDIA MEYER: Oh, yes. Yeah, sorry. [LR334]

SENATOR GROENE: I meant the health. All right, thank you. [LR334]

LYDIA MEYER: Yes. [LR334]

SENATOR SULLIVAN: Senator Schnoor. [LR334]

SENATOR SCHNOOR: Thanks, Ms. Meyer, for coming. I think, you know, speaking in general terms, I think students are generally uncomfortable talking about the subject to just about anybody except their peers more than likely. And then some there as well. But how do you, from your perspective, from a student's perspective, how do you feel different curriculum is going to make this...make kids more approachable...not necessarily more approachable, but make them want to participate more than the curriculum that's already out there? [LR334]

LYDIA MEYER: Well, from a personal standpoint, I know that freshman, sophomore year, when I took the health class, I was kind of like, oh, this information, it's kind of...there's a lot of it and I'm not sure what to do with it. But I know that because I took that in and I saved it for...I saved it in my mind for when I will need it, I started learning more and more about it and I got involved with Sunny D's and I wanted to know more. Because I had that information and I wanted to learn more from, you know, a good source, that it kind of opened me up for me to want to learn more. So I think that if it's not such a taboo topic that a person would teach the students like all around, they would have that information and they'd be a little bit more comfortable to want to learn



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

Education Committee  
September 10, 2015

---

more information and then be a little bit more comfortable that eventually they'd be okay with it.  
[LR334]

SENATOR SCHNOOR: Okay. Thank you. [LR334]

SENATOR SULLIVAN: Thank you, Ms. Meyer. [LR334]

LYDIA MEYER: Thank you. [LR334]

SENATOR SULLIVAN: Elijahiana Parker. Welcome. [LR334]

ELIJAHIANA PARKER: Hello. My name is Elijahiana Parker, E-l-i-j-a-h-i-a-n-a, Parker, P-a-r-k-e-r, and I am speaking on behalf of myself today in regards to the sexual health education. I feel we should have comprehensive sexual health education because it also helps students make better decisions. And I am a senior at Central High School. And I...the way the district is set up, we do have to be required in order to take a human growth course. And I felt like the human growth course that I've taken, it was basic. And I've known the basics since practically 5th grade. And I ended up going to...becoming a member of Girls Inc., Girls Incorporated, and I have joined the sexual health education program called Board of Educated Ladies. And what we do in that program, we provide information on sexual reproductive health. And I have learned much more beyond basics with that. And I feel that that was better for me because it gave me a beyond basic perspective. And I have learned so much from that. And I would love it if we could apply it in schools more because I feel it would make more students become more engaged in new things that they're learning instead of basics because then they'll have the mentality that this is the exact same thing repeating and I'm going to keep doing the same thing again. So I would rather prefer to try something new or make my mind actually be geared to work on something different. And to me, how using a comprehensive sexual health education, it will help students be able to learn more and you would be able to apply it to outside of the community. I'm able to talk to my friends about it and I'm able to talk to other people who have not been able to receive it, because they gradually...the sexual teachings, they have been gradually progressing and have been very different. And with the BEL program, we have had meetings and actual get-togethers where we were able to teach about what we have learned over

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

Education Committee  
September 10, 2015

---

the course in the lessons. And most of the parents that attend the meeting and other members of Girls Incorporated, most of them, around 20 parents out of possibly 60 did not know what the DivaCup was, which is also an example of something that we've learned about. Most of them did not know what a DivaCup was, or some of the models that we were using in order to show them what emphasis we were trying to do. And being able to share this information with others can change the perspectives of how things work. More adults will be like, I did not know that. I was not aware of the new things that are out. And it would be able to help us come together better so that way we can easily compare and be able to make the better emphasis on how we can influence each other on how sexual reproductive health will advance in the future. [LR334]

SENATOR SULLIVAN: All right. Thank you, Ms. Parker. Any questions for her? Senator Morfeld. [LR334]

SENATOR MORFELD: Thank you, Ms. Parker. So after taking these classes, whether at Girls Inc. or the actual class in school, did it make it so that it was more comfortable for you to talk to your parents or other peers about it or not or was it kind of the same? [LR334]

ELIJAHIANA PARKER: It was more expansive. It made me more comfortable to open up and come out about it because with the BEL program it made it more real and we were being open about. And no one was ashamed of hiding anything. Rather, when you're in school, so many kids around and you're like, okay, well, if I ask a question would I look irrational about it, or would I just feel some type of way about it? So personally the BEL program has really helped and the programs outside of school. And I feel like sometimes the school may need to learn more about these programs and see what they can take from these programs and possibly install them into the schools as well. [LR334]

SENATOR MORFELD: Thank you. [LR334]

SENATOR SULLIVAN: Thank you for your testimony. Julane Hill from the Department of Education. Julie Klahn...oh, excuse me. Julie Klahn will be next. Welcome. [LR334]

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

Education Committee  
September 10, 2015

---

JULANE HILL: (Exhibit 9) Thank you. My name is Julane Hill, and it's J-u-l-a-n-e H-i-l-l, and I'm the coordinated school health director for the Nebraska Department of Education. And good afternoon and thank you for the opportunity to address you all today. To begin, I'd like to applaud the many young people who are making informed and responsible decisions every day. Our young people are bombarded with all kinds of information and when provided with the appropriate knowledge and skills, they make excellent decisions even when faced with difficult circumstances. Research shows that education and health are intertwined: Healthy children learn better. To this end, the Nebraska State Department of Education adopted the coordinated school health policy in 2010. Health Education is a component of Coordinated School Health, and sexual health education is a component of a health education program. Pregnancy and STDs present major obstacles to young people's academic achievement. Research shows that many pregnant and parenting teens experience lower grades in school than their nonparenting teens and are less likely to engage in school, graduate from high school, or attend college. In fact, only 51 percent of parenting teens graduate compared to 89 percent of their nonpregnant, nonparenting teens. And teens who acquire an STD are more likely to lack school connectedness, operate in isolation, and lose their motivation to learn, thus contributing to absenteeism and drop out. According to the 2014 Nebraska Youth Risk Behavior Survey, 35 percent of high school students have had sex. And by the time they reach 11th and 12th grade, that percentage increases to 46 (percent) and 53 percent respectively. There is also a need to address harassment, bullying, and relationship violence in our schools as these have an impact on a student's academic success as well. Eight percent of Nebraska high school students, including fourteen percent of females, reported having been a victim of teen relationship violence in 2014. In addition, lesbian, gay, bisexual, and transgender youth report higher levels of school victimization, are three times more likely to be diagnosed with an STD, and four times more likely to have reported risk of HIV...at risk for HIV than their nonvictimized peers. Each of the above areas represents enormous social and economic costs, but these are winnable battles. Research demonstrates that when young people receive quality sexual health education, they are more likely to delay sexual initiation, reduce the number of sexual partners, and use protection when they do become sexually active. Sexuality education also helps young people traverse puberty, understand the difference between healthy and unhealthy relationships, make informed decisions, and navigate the healthcare system. In short, schools and communities have a responsibility to provide young people with honest, age-appropriate, medically accurate sexuality education to help them safeguard their

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

Education Committee  
September 10, 2015

---

health and well-being, plan for their futures, and become healthy, productive citizens. There can be no greater threat to our youth than continued ignorance and silence. Thank you so much. [LR334]

SENATOR SULLIVAN: Thank you, Ms. Hill. Based on your last comment right before you concluded, how well do you think Nebraska schools are doing? [LR334]

JULANE HILL: Not well at all. [LR334]

SENATOR SULLIVAN: Senator Morfeld. [LR334]

SENATOR MORFELD: Thank you for coming today, Ms. Hill. In terms of teachers, I'm sure that they request information, call the department, maybe request information from their schools, which then in turn requests information from the department. I mean, is there a demand among teachers for professional development on this issue or not really? [LR334]

JULANE HILL: Yes. We have...if you look in your packet, and this is where I provided you with...one of you asked about academic connection. And there's a section here on sexual risk behaviors and academic achievement that you can look at. But according to our school health profiles, which is a survey that we do every two years of health, lead health teachers, 62 percent of our high school teachers and 53 percent of our middle school teachers are requesting professional development on sexual health, STDs, HIV, pregnancy prevention, violence such as bullying and dating violence. So the need is there for professional development. [LR334]

SENATOR MORFELD: Thank you. [LR334]

SENATOR SULLIVAN: Senator Kolowski. [LR334]

SENATOR KOLOWSKI: Ms. Hill, thank you very much for testimony and for the excellent materials here. In my past as a high school principal, I remember the Youth Risk Behavior Survey. Is it still widely being used across the state, or are you being blocked in some districts because of the nature of some of the questions or where does it stand? [LR334]

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

Education Committee  
September 10, 2015

---

JULANE HILL: We have...it's a task to get it done because of the sexual health questions in there and the questions towards violence and suicide as well. And those are sensitive topics that schools tend to want to shy away from. And so we do a statewide survey. And so we have to always include 60 to 62 school districts in our survey because we don't know which ones are going to participate or not. But we have had weighted data. We still continue to do it. It's the only survey that provides us with...it's a high school survey only and it's the only survey that provides us with information on risk behaviors that our students are engaging in and in the six areas that put them most at risk for mortality and morbidity. And so that helps us then plan where we're going to put our dollars as we go out and provide training to teachers. But, yes, and we do have several counties that oversample. Douglas County oversamples. Buffalo County oversamples. Lincoln/Lancaster County has oversampled. So they're getting more district-specific data as well since ours is statewide data. [LR334]

SENATOR KOLOWSKI: All right. Thank you very much. [LR334]

SENATOR SULLIVAN: When you say you go out and do training, is this on the request of a district when they ask you to come out? [LR334]

JULANE HILL: Many times what we do is we hear from teachers...because of the federal requirement for the school wellness policy, we're out there doing trainings constantly on the wellness policy. So then we take surveys of educators out there in the field and administrators along with our school health profile. And we just ask them, what are the pressing needs that you have right now? And many times, schools districts, the principal or a teacher, will call me and say, hey, we need something, some training on this or some training on that. And so that's pretty much how we look at providing our trainings, other than the school health profiles that we utilize. And one thing I do hear from the teachers across the field in health education is they love teaching health education, but sexual health is their toughest content area. [LR334]

SENATOR SULLIVAN: Senator Schnoor. [LR334]

SENATOR SCHNOOR: Ma'am, when you first started, you said you worked for the Department of Education. [LR334]

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

Education Committee  
September 10, 2015

---

JULANE HILL: Yes. [LR334]

SENATOR SCHNOOR: There, is that a little better? You work for the Department of Education, correct? [LR334]

JULANE HILL: Yes. [LR334]

SENATOR SCHNOOR: Are you here representing the Department of Education right now, speaking on behalf of Matt Blomstedt? [LR334]

JULANE HILL: Yes. [LR334]

SENATOR SCHNOOR: You are? Okay. Another...I asked a lady earlier about the direct correlation for academic achievement versus risky health behaviors. Is there any? Is there...if you're speaking on behalf of the Department of Education, are there any statistics to show that there is a definite correlation? [LR334]

JULANE HILL: We have national data on that. As far as statewide data, the only data we have is that we know that health...fit kids perform better in math and reading and writing. But we don't look at what activities they're engaging in, what risk behaviors they're engaging in. We just know that the data shows us out of Kearney and out of LPS who have had the funds through multimillion dollar grants to actually do that correlation. We have not done that correlation at NDE. [LR334]

SENATOR SCHNOOR: Okay. Thank you, ma'am. [LR334]

SENATOR SULLIVAN: Senator Morfeld. [LR334]

SENATOR MORFELD: So, Ms. Hill, you just said that in Kearney and in Lincoln they've actually looked at those correlations? [LR334]

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

Education Committee  
September 10, 2015

---

JULANE HILL: They've looked at correlations in regards to overweight and obese children.  
[LR334]

SENATOR MORFELD: Okay. And as an educator and somebody that works now in administration mainly, do you think that it's easier for a child to be able to learn if they're pregnant rather than if they're not pregnant? [LR334]

JULANE HILL: No. [LR334]

SENATOR MORFELD: Or if they have an STD as opposed to not having an STD? [LR334]

JULANE HILL: No. And I taught sexual health to 7th graders as well as 9- through 18-year-olds my first 13 years of teaching. And then my last ten years I taught comprehensive sexual health in a school district where our teen pregnancy rate was higher than the national average. And the interesting thing is that these students are looking for information. They want to hear it from a respected adult that they trust. And once you create that atmosphere in your classroom of trust and respect, it's amazing what occurs. And you know, there was never any question that was too difficult for our students to ask. If they felt that they could not ask it in class, we provided them a safe avenue with what we called anonymous questions. And then we made sure that we addressed every single question that every child had. And the questions were...some were very elementary and some were very high, critical thinking questions. But the best thing I think that came out of those classes was I had students that came up to me...and this is where I get emotional. I'm sorry. Our kids want to make the right decisions. But they can't make the decisions if we don't give them the information or the skills on how to protect themselves. I had a student that came up to me after class, because teaching sexuality education is not just talking about the anatomy and reproduction. It's how do you form healthy relationships; how do you treat one another with respect? Sexuality is an innate part of who all of us are. And we identify ourselves on a piece of paper, check the box: male, female. But gender is so much more than that. It's how we present ourselves. It's how we feel. It's how we interact with everybody else. And I had a student, a 7th grade student, who had been sexually abused and was being sexually abused by her mother's partner. And after we talked about what was appropriate and what was not appropriate, what constituted appropriate relationships with inside the family

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

Education Committee  
September 10, 2015

---

in regards to sexual health as well as outside the family, this young lady came up to me and said that she thought she was being sexually abused by her mother's boyfriend. And of course, we got her the appropriate help she needed. But what she shared with me was she never knew that what he was doing was not right because nobody had ever talked to her about what was right and what was wrong. And he shared with her that he was preparing her for what other men were going to expect of her when she got of dating age. I also had students that would come up to me after class and they would share that their aunt or their uncle or their parent was HIV positive and they said they never had a free place anywhere in school to talk about that. And they're carrying these secrets deep inside. I had students come up and talk about how they had gay relatives or their parents had gay friends, but now they couldn't see them anymore because the family objected, and how that was hurting them. So this is an area that we need to address. Our schools want to address it, but many times they don't know how. And because it has been such a social taboo to talk about in our society, we don't...we're not open as adults with our sexuality. And so it's very difficult for administrators to know which direction do they go and how far can that educator go. And I'm sorry, I have a cold and asthma. So they're constantly wondering, do we go this next step and provide the full information to the students or not, because there are no guidelines from the Department of Education or from anywhere else. And I think that that's probably the main reason why we aren't seeing sexual health addressed like drugs and alcohol are. I mean, we spend a ton of time on tobacco, substance abuse, injury prevention, those types of things. But we tend to shy away from the controversial content areas. [LR334]

SENATOR MORFELD: Thank you, Ms. Hill. And I guess I just, you know, anecdotally for me, I know several women when I was in high school that became pregnant. And at that time--it was not a district in the state of Nebraska--but at that time, they were put in the alternative school so that we didn't see them. [LR334]

JULANE HILL: Yes. [LR334]

SENATOR MORFELD: And most of them dropped out of high school. [LR334]

JULANE HILL: Right. [LR334]



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

Education Committee  
September 10, 2015

---

SENATOR MORFELD: And they even came from fairly good families, if that's what...well-to-do families--let's say it that way. [LR334]

JULANE HILL: Yes. [LR334]

SENATOR MORFELD: I think all families are good. So anecdotally from own experience seeing kids in my own school drop out, have a much harder time doing well academically, and then, quite frankly, being shunned by other students because other students didn't understand some of the realities or didn't have the right education. [LR334]

JULANE HILL: Right. [LR334]

SENATOR MORFELD: But anyway, thank you very much for your testimony, Ms. Hill. [LR334]

JULANE HILL: And I think that's where times have changed a little bit, if I can go into that, because I'm from the '70s age group... [LR334]

SENATOR GROENE: Yeah. [LR334]

SENATOR MORFELD: So you were around in the '70s too? (Laughter) [LR334]

JULANE HILL: I was around in the '60s and the '70s. [LR334]

SENATOR MORFELD: Were people having sex in the '60s and '70s? [LR334]

JULANE HILL: Yes, they were. [LR334]

SENATOR MORFELD: Thank you. [LR334]

JULANE HILL: But it was hidden. I remember one student in my class, that we were going to graduate. And because she was pregnant, they weren't going to allow her to be part of the

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

Education Committee  
September 10, 2015

---

graduation class. That has changed, we've changed. But kids are reaching puberty much earlier than what they were in my day and age. So things have changed, but we haven't changed along with the times. [LR334]

SENATOR SULLIVAN: Senator Groene, did you have a question? [LR334]

SENATOR GROENE: Yes. Do you believe we should strive to a certain goal or a certain level as a civilized society, or should we just accept that everybody is having sex and that...? I guess the fear out here from parents about comprehensive sexual education is the child that comes home and they're madly in love with their significant other. And the parent says, are you having sex? And as a teenager will do, will say, of course, but we're having safe sex. We learned it in school. Mrs. what's-her-name told us how to do it. And out the door they go. That is what fear the parents have, that our public school system is not going to deter behavior. They're going to accept behavior and tell them how to have that behavior safe. That is the biggest fear I hear from parents, parents who do their job, whose children go off to college, get married after they go through college and have children in wedlock. That does still happen, Adam. And those people are afraid that their influence is going to be denied because of a public employee's version of telling them...their child, their parents are wrong. As long as you do it safely, the behavior is okay. That is their fear. So how did you address that? [LR334]

JULANE HILL: First of all, I think we do continue to strive for goals and high goals. The higher expectations we set for our students, they can meet those. It's when we set our goals low that they can't, that they choose to do what they want. It's the expectations of us as adults. And I agree: Parents should be the first educator of their child in anything. But we know in this area, it's not happening, as well as in other areas. Now, I... [LR334]

SENATOR GROENE: It is happening. A lot of parents,... [LR334]

JULANE HILL: Okay. [LR334]

SENATOR GROENE: ...a lot of families are doing their job. [LR334]

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

Education Committee  
September 10, 2015

---

JULANE HILL: Okay. [LR334]

SENATOR GROENE: Do not say it is not happening. [LR334]

JULANE HILL: Okay. It's not happening in the majority right now. And what's...when we talk about public schools saying you're going to have sex and you're afraid that they're going to come home and do that, any parent, if you're educating your child, if you educated your child about sexuality in the way that you want that child educated, you have every right when you come into our public schools to opt your child out of that class. You do not have to make that child attend that class. But I don't think we should say that we can't teach it because we know this group is teaching their kids what they want them taught but this group isn't. And we know from statistics that that's not happening. And so I guess my response to you is if for all those parents that are doing the wonderful job that they should be doing--and I thank them; I wish every parent would because that would make our jobs as educators much, much easier in all content areas--but they have that option to opt out. So in the ten years that I taught in the school district that I taught in, there wasn't...we had two students, and I taught two separate semesters for a total of 150 students per year, and I had 2 students in those nine years that opted out. [LR334]

SENATOR GROENE: And you taught a health class. [LR334]

JULANE HILL: Yes, and we taught comprehensive sexual health for nine weeks. [LR334]

SENATOR GROENE: At the school you wanted...and that was a local school board decision. [LR334]

JULANE HILL: Right. [LR334]

SENATOR SULLIVAN: We have a couple other questions over here. Senator Schnoor. [LR334]

SENATOR SCHNOOR: Yes. Ma'am, since you're speaking on behalf of the Department of Education, I have some questions to ask you about what the statutes say. And I'm not going to put you on the spot about what they say... [LR334]

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

Education Committee  
September 10, 2015

---

JULANE HILL: Good. Thank you. (Laugh) [LR334]

SENATOR SCHNOOR: ...because I've been put on the spot like that myself. (Laughter) So 79-318, which is the State Board of Education powers and duties, nowhere in there does it say that they have the power to authorize any curriculum. [LR334]

JULANE HILL: Right. [LR334]

SENATOR SCHNOOR: (Statute) 79-716, which is the, I believe, the coordinating commission for curriculum, it says the school district has the final authority. So why should we, as a legislator, legislators mandate that schools teach sex education when in the law says it's supposed to be done at the local level where the parents can be directly involved with that curriculum? [LR334]

JULANE HILL: And I don't believe anybody is asking for anyone to mandate a curriculum. We're a local control state here in Nebraska. And so we don't mandate curriculum, but what we do provide is best practices based on research. And so what we're trying to do is schools still have the option to adopt whatever curriculum they want to do. But what we would like to see happen is that they adopt curriculum that is evidence based, researched, and based on best practices, and families should have input in. You know, I...in our trainings, whenever we're working with educators, we actually request that before they introduce this curriculum they open it up to parents and they teach parents exactly what they're going to be teaching their students. So if the parents have any objections, they can definitely bring those objections forth or opt their child out at that time. So I agree, we do not mandate curriculum at the Department of Education. [LR334]

SENATOR SCHNOOR: Okay. Thank you. [LR334]

SENATOR SULLIVAN: Senator Kolowski. [LR334]

SENATOR KOLOWSKI: Thank you, Madam. Ms. Hill, just to clarify, on Rule 10, there is a requirement of comprehensive health education, is there not? [LR334]

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

Education Committee  
September 10, 2015

---

JULANE HILL: Rule 10 states that elementary and middle school students will offer health education and physical education. And then at the high school level, it states they have to have two full years of health and wellness. [LR334]

SENATOR KOLOWSKI: Okay. [LR334]

JULANE HILL: But again, it's up to the individual school district as to how much time they provide for that... [LR334]

SENATOR KOLOWSKI: Sure. [LR334]

JULANE HILL: ...as well as what programs they offer. [LR334]

SENATOR KOLOWSKI: With the hearing that we had right before this one, I wish everyone in this room could have been there to hear the full hearing on poverty. [LR334]

JULANE HILL: Yes. [LR334]

SENATOR KOLOWSKI: And the link between that topic and this topic... [LR334]

JULANE HILL: Yes. [LR334]

SENATOR KOLOWSKI: ...is unbelievable. [LR334]

JULANE HILL: Yes. [LR334]

SENATOR KOLOWSKI: And unless you've lived in a cave somewhere I guess and not seen that, it's something we should spend a lot of time thinking about. [LR334]

JULANE HILL: Definitely. [LR334]

SENATOR KOLOWSKI: Thank you. [LR334]

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

Education Committee  
September 10, 2015

---

JULANE HILL: And back to your question, Senator Schnoor, about why should we then mandate this. The Legislature, as was testified earlier by Dr. Marybell Avery, the Legislature saw there were issues with bullying. And we have bullying that our bullying statistics are higher than the national average, our state statistics. And you folks, the Legislature, created a statute saying we had to provide bullying prevention and create bullying policies in our schools. Dating violence also came up. And if you look at our statistics, our dating violence statistics are even with the national average. And so the Legislature required that all schools create a dating violence policy. And you even went so far as to state you have to define what dating violence is, teachers have to be trained on what dating violence is and you listed the components, and students had to be educated on what dating violence is. And that should be part of a comprehensive sexual health program when we're talking about creating healthy relationships. [LR334]

SENATOR SULLIVAN: Senator Schnoor. [LR334]

SENATOR SCHNOOR: I guess one statement and one last question: What you just mentioned, that was policy and not education. And in reference to Senator Kolowski's question, Rule 10, does that specify health education or sex education? [LR334]

JULANE HILL: Health education. [LR334]

SENATOR SCHNOOR: Okay. Thank you. [LR334]

SENATOR SULLIVAN: Thank you for your testimony. [LR334]

JULANE HILL: Thank you. [LR334]

SENATOR SULLIVAN: Julie Klahn. [LR334]

JULIE KLAHN: Good afternoon. Julie Klahn, J-u-l-i-e; Klahn is K-l-a-h-n. I'm a family nurse practitioner with the women's health certification. I'm employed by OneWorld Community Health Centers in Omaha and have the pleasure of being employed and working in a

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

Education Committee  
September 10, 2015

---

school-based health center which is funded by OneWorld as well as Building Healthy Futures. I'm at a high school with approximately 1,700 students. And this is our third year of being in place. Through my visits, I provide students with a screening tool that explores risk-taking behaviors of youth. The screening tool inquires about sexual activity and protection against sexually transmitted infection. The tool allows an opportunity for conversations addressing personal sexuality. The students self-refer themselves to the clinic for pregnancy and STI testing and they can be referred by the school staff. It's in these visits that the students have demonstrated to me some of their lack of knowledge. I feel that lack of comprehensive sex education leaves these students not knowing where to turn. Students fear a parent's response to their sexual behavior. Comprehensive sex education includes discussions of whom to seek and how to seek that support. When students tell me that their mother and dad will kill them when they learn of their sexual activity, I consistently remind the students that, who loves you the most but your parents and your family. Your parents are afraid for you when they yell, what are you thinking? They only want so much more for you than perhaps maybe they had themselves. I feel that parents are not armed with how to be an approachable parent. This parent education is part of comprehensive sex education. Teaching about human sexuality is not an inborn ability in teachers, counselors, medical personnel, or in parents. The ability to teach sexual health anatomy, structure and function, and the ability to apply those facts to human behavior are different skill sets. Adolescents want to have information provided to them by a trusted adult who has the desire to instruct sexuality concepts from a fact-based perspective. The male gym teacher, who some may recall showed the movie and then threw out the balls, didn't want or feel competent to teach about sexual health. And their colleagues in our schools today don't feel prepared either. Comprehensive sex education will increase the concept of approachability to the parent and to other trusted adults. This education will normalize sexuality content among veteran teaching staff. It will encourage our medical community to address a youth's sexuality at every visit, sending a message to the youth of, this is a safe place to come and not the place where I'm going to be ratted out to my parents. Comprehensive sex education will address with our youth not only disease identification but what will have a preventative, proactive personal health focus. So much time and money is spent on disease identification which goes against our Healthy People 2020 goals of embedding health promotion and prevention into all health visits. Students want to know about the sexual act before it happens. Through comprehensive sex education, relationship education will be taught: healthy versus unhealthy relationships, the concept of

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

Education Committee  
September 10, 2015

---

consent, no means no, the ownership of one's body, and about the distinct privilege of having the opportunity to start over again. Thank you. [LR334]

SENATOR SULLIVAN: Thank you, Ms. Klahn. Now do I understand correctly that OneWorld has a health center within a school in Omaha? [LR334]

JULIE KLAHN: That's correct. There are a total of eight school-based health centers in Omaha Public Schools; four of them are managed by the federally qualified health center OneWorld and four of them are managed by Charles Drew, the other federally qualified health center. [LR334]

SENATOR SULLIVAN: Okay. Very Good. Senator Morfeld. [LR334]

SENATOR MORFELD: I'm sorry. I needed to step out for a minute, so if you already said this I apologize. But what are you guys doing in the school-based health centers to prevent and identify STDs? [LR334]

JULIE KLAHN: What are we doing to prevent? [LR334]

SENATOR MORFELD: Yeah, to prevent students from spreading and contracting STDs. [LR334]

JULIE KLAHN: You know, in the school-based health centers we're able to provide the screening tool I talked about that it gives them the opportunity to reveal to us. But we don't have anything in place that's specific to telling the students, you know, do this, don't do this. This is what we have to give to you or provide that. [LR334]

SENATOR MORFELD: Okay. Thank you. [LR334]

JULIE KLAHN: Uh-huh. [LR334]

SENATOR SULLIVAN: Any other questions? Senator Groene. [LR334]



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

Education Committee  
September 10, 2015

---

SENATOR GROENE: You're federally funded, is that what you were saying? [LR334]

JULIE KLAHN: Yes, uh-huh, and Building Healthy Futures as well as funding. [LR334]

SENATOR GROENE: Through HHS or...? [LR334]

JULIE KLAHN: You know, I can't tell you exactly where all that funding comes from. [LR334]

SENATOR GROENE: Does it funnel through a state agency? [LR334]

JULIE KLAHN: I don't believe so. [LR334]

SENATOR GROENE: Comes directly from the federal government? [LR334]

JULIE KLAHN: And there's also the Building Healthy Futures is a funding, you know, that's been created in Omaha by, you know, individuals... [LR334]

SENATOR GROENE: Philanthropists. [LR334]

JULIE KLAHN: ...providing that financial support. [LR334]

SENATOR GROENE: So you're tied to that organization? [LR334]

JULIE KLAHN: Correct, uh-huh. [LR334]

SENATOR GROENE: Thank you. [LR334]

JULIE KLAHN: Uh-huh. [LR334]

SENATOR SULLIVAN: Thank you for your testimony. [LR334]

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

Education Committee  
September 10, 2015

---

JULIE KLAHN: Okay. Thank you. [LR334]

SENATOR SULLIVAN: Reverend Parker. [LR334]

VICTORIA PARKER: Good afternoon. [LR334]

SENATOR SULLIVAN: Did you give your green sheet to the committee clerk? Thank you. Welcome. [LR334]

VICTORIA PARKER: Hello. I am Reverend Victoria Parker, Pastor at Bethel African Methodist Episcopal Church in Omaha, Nebraska. But I'm coming... [LR334]

SENATOR SULLIVAN: Can you spell your name, please. [LR334]

VICTORIA PARKER: Oh, I'm sorry. Victoria, V-i-c-t-o-r-i-a, Parker, P-a-r-k-e-r. [LR334]

SENATOR SULLIVAN: Very good. [LR334]

VICTORIA PARKER: And I'm coming as a parent and a parent that happens to be a pastor. I don't represent my church or my denomination, but I am coming as a parent of four. I have one that's 21, one that's 18, and twins that are 14. The children...I believe that comprehensive sex education should be taught as well as helping children understand healthy relationships. As a parent, I get so much information but some information I don't know as a parent. And the best place for children to learn is in the place where the majority of children are, and that's in school. As a pastor, I get to say so much. But you know, as it was already stated, sex is taboo. And unfortunately, we are afraid, I'm not, but afraid to talk about sex in church, in our schools, in our communities. And for me as a parent, that I am also a pastor, I believe that that is the best place to learn and also to equip students. If you learn healthy behavior, it will actually prevent you from having those sexual relations. If you learn and if you're equipped to know what it is to have a healthy relationship before you think about having sex, then you can go forward and be successful. My mother taught me and she told me before you have those things you need to know about who you are, learn the proper information about who you are as a female, and taught

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

Education Committee  
September 10, 2015

---

my brother the same thing. And she taught us together in the same room so it was not an "ee-oooh." When I sit down with my children and I talk to them, they want to run out the room. But I continue to talk to them as a parent. But when there's information I don't know then I say, well, what did you learn in school? Then I can get that information and then we can have those healthy conversations together. As a pastor, I have a person that has come to me already and said, Pastor, I'm pregnant. Can you help me talk to my parent about that, as a pastor, as also a parent. So I have that double life, as you may. But to be able to talk to persons about healthy relationships, if we want to talk about biblical concepts, we know that Abraham had a wife and a concubine. So if we want to talk about that, then that was not a monogamous relationship. However, if we want to talk about David, his daughter was raped by his son. So that's not a healthy relationship. So we have those and we have to address them as parents and as parents of faith. We still have to address that, you know, there are healthy relationships and we would hope that with this comprehensive education you can learn to not have sex and have a healthy relationship that you can go on and be a productive person and do the things that you want to do in life and not be bogged down and not be able to understand because you're pregnant, simple as that. [LR334]

SENATOR SULLIVAN: Thank you, Reverend Parker. [LR334]

VICTORIA PARKER: You're welcome. [LR334]

SENATOR SULLIVAN: Any questions? Thank you very much. [LR334]

VICTORIA PARKER: Thank you. [LR334]

SENATOR SULLIVAN: This concludes the invited testimony. Now we'll move on to other testifiers. Could I have a show of hands for those of you wishing to testify. Okay. Very good. We will begin. Welcome. [LR334]

DEB ANDREWS: (Exhibit 10) Thank you. My name is Deb Andrews, D-e-b A-n-d-r-e-w-s. I think there's a direct correlation between academic achievement and risky behaviors. I think if our schools taught reading well and math, we would see a lot less children engaging in risky

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

Education Committee  
September 10, 2015

---

behaviors. They would have the opportunity to engage in the wider society. The first page of your handout is a graph that reveals two-thirds of Nebraska students are not being able...are not being taught to read well. That affects their whole lives. The second page is the SAT reading and comprehension. The reading score on the SAT has never been this low in 40 years. Schools are failing to give children the skills in order to get information on their own, factual information. The third page is actually a page from the Lincoln Public Schools grade 7 health education teacher annotated edition. I think we've been talking in a lot of vague terms. This is actually what's being done at school right now. These are basically 11-year-olds in 7th grade. If you look at the top, this is the health standard five, "Abstinence, Responsible Decisions." Identify the following three forms of intimate sexual contact: vaginal intercourse, insertion of the penis into the vagina; anal intercourse, insertion of the penis into the anus; oral sex, stimulation of a partner's sex organs with the mouth. This is what our children are faced with at school today. This is the information that they get. Note in the first sentence, the link, the video link I mentioned. This is a link to a video that was done in Oregon by KOIN TV and sponsored by WISE; that's W-I-S-E, Working to Institutionalize Sexual Education. Nebraska is right now a lead partner in WISE. This video link--I urge you to watch it--will take you to an adolescent sexuality conference that Oregon held sponsored by WISE. You will not believe what you see. It was filmed by one of the young attendees. Again, this was middle and high school. Please watch that. We're a lead partner in WISE. I have more of that information on my site. The final page is the NEA HIN Gund Foundation for LPS sex education. That is the National Education Association Health Information Network. They wrote the book. They developed and disseminated this sexuality education information for schools. This is a union deal from beginning to end. I would like to point out that this resolution, LR334, the four names at the top--Morfeld, Cook, Kolowski, and Pansing Brooks--all accepted campaign funding from the union. And the union wrote the book on this. Yes, I think children should get their information. I think they should be taught to read well and be able to get factual information and be able to participate widely in society. I'm sorry. I didn't see the red light. [LR334]

SENATOR SULLIVAN: Thank you. Thank you, Ms. Andrews. Any questions? [LR334]

SENATOR MORFELD: I do. [LR334]

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

Education Committee  
September 10, 2015

---

SENATOR SULLIVAN: Senator Morfeld and then Senator Schnoor. [LR334]

SENATOR MORFELD: Thank you very much, Ms. Andrews. And, yes, I did receive funding from unions. I proudly support unions. I would like to just point out a few different things and you can confirm if I'm wrong. But you read from the Lincoln Public Schools middle school health education policy, correct,... [LR334]

DEB ANDREWS: Yes. Yes. [LR334]

SENATOR MORFELD: ...on this page? I'm just going to read from what you handed out. It's titled, "Abstinence." And the part that you left out were the two main points actually before the more graphic third point that you decided to read. The first point is identify what abstinence is and its benefits. The second point, identify high-risk behaviors to avoid. That's all I have to say. Thank you. [LR334]

SENATOR SULLIVAN: Senator Schnoor. [LR334]

SENATOR SCHNOOR: I just need to clarify. So do you think the schools should be teaching this or this should be taught at home? [LR334]

DEB ANDREWS: I do not think the schools should be teaching this. This should be taught at home. If children need more information than they're getting in their particular home, if they're taught to read they can get it themselves. [LR334]

SENATOR SCHNOOR: Okay, because my point was going to be if the education standards for basic education are that poor, why would we ever want the schools teaching about sex education? And in particular, you mentioned sodomy. So why would we want them to teach that? But that's why I needed you to answer the first question, just to clarify that. [LR334]

DEB ANDREWS: Thank you. Yes, I think schools should teach reading and math. They're not doing that well now. [LR334]

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

Education Committee  
September 10, 2015

---

SENATOR SCHNOOR: Okay. Thank you. [LR334]

SENATOR SULLIVAN: Senator Kolowski. [LR334]

SENATOR KOLOWSKI: Thank you, ma'am. Ms. Andrews, this material looks like it's been submitted by Tyler Durden. Any idea who that is? [LR334]

DEB ANDREWS: Pardon me? [LR334]

SENATOR KOLOWSKI: On the second page, top of the page it says submitted by Tyler Durden. Any idea who that is? [LR334]

DEB ANDREWS: He is a writer. And if you see at the bottom, Bloomberg...the source for this graph is the College Board. [LR334]

SENATOR KOLOWSKI: And do you have any information on how many students took the exam these last few years compared to previous years? [LR334]

DEB ANDREWS: SAT? [LR334]

SENATOR KOLOWSKI: Yes. [LR334]

DEB ANDREWS: No, I do not. And this is national. [LR334]

SENATOR KOLOWSKI: I understand that. You might want to look that up. Thank you. [LR334]

SENATOR SULLIVAN: Did somebody...Senator Groene. [LR334]

SENATOR GROENE: Thank you. But your point is we're talking about government employees here, our employees that we hire that are going to teach our children about how to behave sexually. That you point...and the point is I think your making here is they're having a hard time getting them to read 50 percent efficiently and to understand math at 50 percent efficiencies. And

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

Education Committee  
September 10, 2015

---

we are to understand that if we let them...turn them loose with sex education, they'll have better than a 50 percent approval. I guess the point I think you're making is we used to teach the kids how to think. [LR334]

DEB ANDREWS: For themselves. [LR334]

SENATOR GROENE: Now we tell them what to think. [LR334]

DEB ANDREWS: Yes. [LR334]

SENATOR GROENE: And I think that's the problem with public education. [LR334]

DEB ANDREWS: And it concerns me that the union wrote the book. [LR334]

SENATOR GROENE: Our employees. [LR334]

SENATOR SULLIVAN: Thank you, Ms. Andrews. And as the next person is coming up, I'm sure you won't do this, but be cognizant of not providing repetitive testimony as far as remarks or areas that have already been covered. Welcome. [LR334]

HENRY BURKE: (Exhibit 11) Thank you. Good afternoon. My name is Henry Burke, H-e-n-r-y B-u-r-k-e, as in Burke High School. I've been a resident of Omaha, Nebraska, for 34 years. I would like to address the LR334. Your resolution is to study the linkage between academic achievement and risky sexual health behaviors. So far, so good. If your study is considering the comprehensive sexuality education program written by Planned Parenthood, that is where you are going in the wrong direction. Would you be interested in a program that is used by more school districts than any other sex education program in the state of Texas? I am recommending that Nebraska schools utilize the sexual health program developed by Scott and White healthcare system and the Texas A&M College of Medicine. The program is called Worth the Wait. I sent a report to you on this subject this morning. This nationally recognized program has reached more than 150 school districts in Texas and throughout the country. The award-winning program was developed by Dr. Patricia Sulak, a board-certified OB/GYN medical doctor. Because of its

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

Education Committee  
September 10, 2015

---

medical school heritage, you can be sure that Worth the Wait is medically accurate and up to date. And that is very important. Through a fact-based approach, the Scott and White program causes teens to avoid risky sexual health behaviors. The Worth the Wait Program is appropriate for all students and is offered as an in-school program for middle school and high school students. The curriculum lasts for ten class periods of 45 to 50 minutes apiece over a two-week period. The curricula is divided into four notebooks: 6th grade, 7th grade, 8th grade, and high school. The Worth the Wait Program contains many student activities that emphasize healthy personal relationships. The activities are fun and they increase the students' abilities to communicate effectively with one another. At this point, you should be asking, is the Scott and White program effective? Well, in a study of more than 24,000 middle school students, they found that the increased knowledge caused teens to delay sexual activity. The study results were published in the American Journal of Obstetrics and Gynecology. As a side benefit, the Scott and White curricula has been very effective at antibullying program. Students are taught to recognize each person's uniqueness and to treat others with dignity and worth. This is exactly kind of curriculum schools should use to help prevent bullying. I highly recommend the Worth the Wait Program for Nebraska schools. Thank you very much. [LR334]

SENATOR SULLIVAN: Thank you, Mr. Burke. Any questions for him? Senator Morfeld.  
[LR334]

SENATOR MORFELD: Thank you for your testimony. And this is actually... [LR334]

HENRY BURKE: Yes, sir. [LR334]

SENATOR MORFELD: I really do appreciate you bringing some other programs. I'm looking it up right now actually. [LR334]

HENRY BURKE: Yes, sir. [LR334]

SENATOR MORFELD: But to be quite honest with you, I don't even know what the Planned Parenthood curriculum contains. For me, this was about having a conversation about different



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

Education Committee  
September 10, 2015

---

programs, the risky behaviors. So this type of information is actually very helpful. Thank you. [LR334]

HENRY BURKE: Well, thank you. Yes. In the report I did include quite a bit of information about Worth the Wait. It has been reviewed by, of course, the state of Texas and it does comply with the Texas Essential Knowledge and Skills, known as TEKS. [LR334]

SENATOR MORFELD: I'll check it out. Thank you. [LR334]

HENRY BURKE: Yes, sir. [LR334]

SENATOR SULLIVAN: Thank you for your testimony. [LR334]

HENRY BURKE: You're welcome. Thank you. [LR334]

SENATOR SULLIVAN: Let's go. Welcome. [LR334]

PATRICK McPHERSON: (Exhibit 12) Good afternoon. I'm Patrick J. McPherson, P-a-t-r-i-c-k, McPherson, M-c-P-h-e-r-s-o-n. I am a member of the Nebraska State Board of Education, but I'm appearing here today to communicate my personal views on LR334 and the potential expansion of comprehensive sex education in Nebraska. I do not believe that this state should establish comprehensive sex education requiring the Nebraska Department of Education to formulate standards that virtually all schools and districts across the state of Nebraska must follow. I believe that such standards should be developed by local schools districts to address their needs, not dictated by the state. There are major differences in the needs and the desires of districts between communities like Omaha and Arthur, Nebraska, for example. Parents across the state have different expectations as to their own roles and to those of the school districts when it comes to comprehensive sex education. Let's allow the Nebraska State Department of Education the opportunity to develop standards for math, science, social studies, and English language. That's what parents want. Let's not add more staff and more expense to develop and dictate standards that at least parents in my district who I've talked to don't want; they don't want the state involved in it. We've seen disastrous examples of groups such as the Grove Foundation and

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

Education Committee  
September 10, 2015

---

its WISE Method. Parents across the state should not only question the motivation of this group but also of those like Planned Parenthood, which through its Get Real Program provides equally troubling, if not offensive, comprehensive sex education to children. Using recommendations from groups like these is not realistic or...using recommendations from groups like these, it is not realistic to suggest...or is it not realistic to suggest that we'd end up establishing a standard, for instance, for a ten-year-old 4th-grader that would read something like this: Children will be able to recognize and explain the various kinds of oral sex? If state legislation forces the adoption of state standards for sex education, these groups and their teachings will no doubt become major drivers in the development of the one-size-fits-all standards across the state. Again, I ask you to let individual school districts and parents residing in those school districts determine what they believe is necessary and appropriate for their children in those districts. I thank you very much. [LR334]

SENATOR SULLIVAN: Thank you, Mr. McPherson. Any questions? Senator Schnoor. [LR334]

SENATOR SCHNOOR: Pat, I do have one question for you. I realize you're not speaking on behalf of the Department of Education, but I do need to ask you a question since you are on the board, if that would be all right with you. [LR334]

PATRICK McPHERSON: Yes, Senator. [LR334]

SENATOR SCHNOOR: Is sex education required in the curriculum to graduate for any accreditation? [LR334]

PATRICK McPHERSON: Not that I'm aware of. [LR334]

SENATOR SCHNOOR: Okay. [LR334]

PATRICK McPHERSON: You'd have to...to be honest with you, you'd have to ask a member of the staff that question. But I do not believe that that is the case. [LR334]

SENATOR SCHNOOR: Okay. Thank you. That is the only question I had. Thanks. [LR334]

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

Education Committee  
September 10, 2015

---

SENATOR SULLIVAN: Any other questions? Thank you for your testimony. [LR334]

PATRICK McPHERSON: Thank you. [LR334]

SENATOR SULLIVAN: Welcome. [LR334]

JERROD CUNNINGHAM: Hi. My name is Jerrod Cunningham, J-e-r-r-o-d C-u-n-n-i-n-g-h-a-m. I am a relationship educator with the Assure Women's Center in Omaha, Nebraska, and I speak in many of our public high schools in Omaha as well as the surrounding areas: Millard, Papillion, and La Vista. I am speaking on behalf of the Assure Women's Center as a representative. I am also speaking as a representative of the target group that most of this kind of education would be going for. I grew up mainly in north Omaha in a single-parent home. I've never met my father other than one time for about five minutes. I am obviously the product of an out-of-wedlock pregnancy. My mother is the daughter of a 16-year-old pregnancy. And so this is something that goes in my family. I have also experienced poverty. My family, my mother and my brothers and myself, experienced that throughout my life, living in low-income housing as well as being homeless for various points of my life. And I speak today because there are some very important things about the CSE that I think are relevant. One of the biggest things that I've heard is that CSE is focused on giving options. It's focused on letting people know what is out there and then giving them that information to make their own choices, and that abstinence only is about one way, one rigid way that is something that cannot be expected. First off, abstinence only is a misrepresentation in terms. We do not teach abstinence only. We teach about sex and sex education, various forms and the different consequences of that. And I think that is the key. We teach the choices but also the consequences that come with those things. And those are the things that kept me, when I was teenager, when I was a young student, from making those bad choices. I grew up going to school in north Omaha. And many of my friends, people around me were making choices to become sexually active starting in 5th grade. By the time I was in middle school, there were people that were pregnant, that were having abortions that were friends of mine, people that would have their abortions done over Christmas break so they wouldn't miss a day of school. I saw these things happening. I saw the effects of my mother's choices and how that left us with hardship, and her mother's choices. And it was those things that caused me to make a choice for myself. The same reason that we don't allow kids to choose to smoke a

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

Education Committee  
September 10, 2015

---

cigarette or to buy cigarettes is the same reason that we do not give kids a bunch of options when it comes to their sexual health, because their brains are not fully capable of making those choices. Their brains are not fully functioning. They're not even completely developed until between 21 and 25 years of age. How can we expect a child, with a ton of information, to make a choice that will determine the direction of the rest of their life? [LR334]

SENATOR SULLIVAN: Thank you, Mr. Cunningham. Could you tell me a little bit more about what a relationship educator does? [LR334]

JERROD CUNNINGHAM: The relationship educators is a program out of the Assure Women's Center. We are invited by the school districts and sometimes independently of the districts and individual schools, as is the case with OPS. We teach abstinence-based education where we explain what it is to be in a healthy relationship, how you build a healthy relationship starting with a foundation of friendship, similarities, attraction, marriage, and then sex. We teach about the different aspects of sex; how it affects us physically, intellectually, emotionally, socially, and spiritually. We talk about how to engage in appropriate activity in a romantic relationship, how to make healthy boundaries for yourself, that you do have that right. We also talk about that sexuality is normal, natural, and everybody has a sexual appetite that will develop at some point throughout their life. And it's not a taboo thing when we talk. One of the biggest things that I hear from these kids is...especially in north Omaha when I speak at schools like Omaha Central or at Burke High School, I have students that tell me we have never heard anything like this. The fact that somebody would wait until they're married to have sex, they do not hear that. And that is scary. I didn't see that growing up. I grew up and I didn't hear teachers telling me that. I saw the effects that it was having on people around me. And I had to do something completely different. So now I have the opportunity to go back and share from my experiences and that there is a different option: abstinence. [LR334]

SENATOR SULLIVAN: So how does it work when you program in some of the schools in OPS? You're invited in by a teacher, or what's the structure of all of that? [LR334]

JERROD CUNNINGHAM: It's different for each school district. For the Papillion-La Vista School District, we are actually built into the curriculum from 6th grade. We also speak in 8th

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

Education Committee  
September 10, 2015

---

grade, and we speak in the high schools. Generally, it's 9th-graders but they have the option to take the health class anytime in their four years. And we are built into their curriculum so we have time carved out for us at the beginning of the year. We are also built into the curriculums of the Millard School District. Actually, Millard is the one with 6th grade, 8th grade, and 9th grade. Papillion-La Vista is junior high and high school. With OPS, it is an individual school basis. First, we have to be requested by a teacher. It goes and is approved by the principal. And then after we have that approval, we speak in the classes that we are requested for. So if there are multiple health classes, we may only be speaking in one teacher's class. [LR334]

SENATOR SULLIVAN: Thank you. [LR334]

JERROD CUNNINGHAM: Yeah. [LR334]

SENATOR SULLIVAN: Any other questions? Senator Groene. [LR334]

SENATOR GROENE: So you do see that young people, no matter what their family situation, if you give them the opportunity, that they have an opportunity with personal control and self-respect, that they'll take it? [LR334]

JERROD CUNNINGHAM: What I see is that if you give them the information, that is half of the step. In my life, I had people that gave me a good picture of what relationships could look like, people outside of my family, even extended family. And it was not just the information that changed my life. It was the application that they took to walk beside me, which I think is something that you can't get in a school-based curriculum. And that's something that is desperately needed in this kind of a scenario. They need somebody that can walk alongside of them. After we teach them in schools, I leave my e-mail address and my contact information with the teachers. I write it on the board. And I have students that contact me. I have them e-mail me and asking me questions. I have them...even students that would feel disenfranchised with other programs, I've had homosexual students that e-mail me and ask me: I'm in an abusive relationship but my boyfriend says that he loves me and I want to stay with him; I don't know if I should. And I have the opportunity to speak with him about that. And what I told that student was this is what love is, and I spoke from a very old and probably for some people outdated but

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

Education Committee  
September 10, 2015

---

very true definition of what love is: Love is patient. Love is kind. And I went through that whole list of what love is, and he said that makes sense. Even though it may be outdated and antiquated to some people, the truth is always the truth. [LR334]

SENATOR SULLIVAN: Senator Morfeld. [LR334]

SENATOR MORFELD: Thank you for coming and talking today. I've taken the opportunity before this interim study to look at schools that actually do provide comprehensive sex education. And almost every school, actually, I haven't found one, particularly in Nebraska, does not have an emphasis on abstinence only. So I do think that abstinence only education is actually a really important part of...well, not abstinence only, but I think abstinence aspect education part is a really important part of comprehensive sex education and something that should be spent a lot of time on. But do you think that it's impossible to have strong sex education without talking about, if you choose, even if you spend three-fourths of the time talking about abstinence, if you do choose, these are ways that you can have, you know, healthy sexual intercourse without, you know, leading to a pregnancy or STDs? I mean do you think it's impossible to have? [LR334]

JERROD CUNNINGHAM: Those were the same conversations that I had with my mom and grandma. [LR334]

SENATOR MORFELD: Okay. [LR334]

JERROD CUNNINGHAM: So, no. [LR334]

SENATOR MORFELD: But you don't think that that's possible to have that in the schools. [LR334]

JERROD CUNNINGHAM: Do I think it's possible? It's absolutely possible. [LR334]

SENATOR MORFELD: Okay. [LR334]

JERROD CUNNINGHAM: To take the words of Dr. (sic) Nathan from earlier,... [LR334]

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

Education Committee  
September 10, 2015

---

SENATOR MORFELD: Uh-huh. [LR334]

JERROD CUNNINGHAM: ...the difference between possibility and probability is a great one. And, yes, it is possible to have those conversations in the classroom. The probability that the student is going to make the right choice when you give them something that looks like a glazed doughnut and a salad, they're going to choose the doughnut. And you tell them, the doughnut will feed you. [LR334]

SENATOR MORFELD: I've never heard that in any of the educational (laughter) programs. I mean that's a very...but if you know of a school district...do you know of a school district that teaches that way? [LR334]

JERROD CUNNINGHAM: Actually, we talk about how to build healthy appetites. [LR334]

SENATOR MORFELD: No, no, but...no, but know of a school district with curriculum that use... [LR334]

JERROD CUNNINGHAM: That teaches that? That is a colloquialism. [LR334]

SENATOR MORFELD: Okay. Okay. I didn't know. I just...I was just checking. [LR334]

JERROD CUNNINGHAM: But what I'm saying is, if you would choose... [LR334]

SENATOR MORFELD: I'm glad you clarified. Thank you. [LR334]

SENATOR SULLIVAN: Senator Schnoor. [LR334]

SENATOR SCHNOOR: I just want to add, your statement about love is patient, love is kind. [LR334]

JERROD CUNNINGHAM: Yes. [LR334]

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

Education Committee  
September 10, 2015

---

SENATOR SCHNOOR: That's not an old adage. That's scripture. [LR334]

JERROD CUNNINGHAM: From the Bible. [LR334]

SENATOR SCHNOOR: It's out of the Bible. [LR334]

JERROD CUNNINGHAM: Oh, yeah. [LR334]

SENATOR SCHNOOR: 1 Corinthians 13:4. [LR334]

JERROD CUNNINGHAM: 13. I am actually a youth leader. I am the youth associate at my church, Glad Tidings in Omaha, although today I'm not representative of them. I am speaking on behalf of a young man who experienced a lot of these things. And in my experience, this would be a bad choice. [LR334]

SENATOR SCHNOOR: This? [LR334]

JERROD CUNNINGHAM: The comprehensive sex education. [LR334]

SENATOR SCHNOOR: Okay. [LR334]

JERROD CUNNINGHAM: To be able to have programs like ours that go into schools and teach abstinence-based training, which again is not abstinence only but it does teach from abstinence being the point that if it's healthy then that's the best thing for you. Is it healthier for you to be monogamous and to have one person that you spend the rest of your life with and only have sex with them? Absolutely, just as Dr. (sic) Nathan said earlier. Can that be done? Is it a possibility? Yes. Is it a probability? Not if we don't give them the picture of somebody that has done that. That's why I'm probably more effective in this area than some people being able to speak on that. [LR334]

SENATOR SCHNOOR: Well, obviously, you know, you speak from experience. You know, I'm from a small town of Scribner. I can never, never even comprehend, you know, heck, I don't...I



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

Education Committee  
September 10, 2015

---

can't stand driving in Lincoln. (Laughter) So I can't comprehend what you had ever went through. But see, one of the things that was mentioned earlier was we talked about poverty... [LR334]

JERROD CUNNINGHAM: Yes. [LR334]

SENATOR SCHNOOR: ...and, you know, I'm not saying living in poverty. But obviously, it appears to me you have broken out of a cycle. [LR334]

JERROD CUNNINGHAM: Yes. [LR334]

SENATOR SCHNOOR: And you're saying what you were taught, this method, this is what helped you break out of the cycle? [LR334]

JERROD CUNNINGHAM: It was not what I was taught in school. It was what I saw in the lives of people that I wanted to replicate in my life. I did want something better than what I saw around me and I had to search on my own to find people that were doing something and I asked them how do you get where you were. They were making different choices than what I was being taught and the people around me were being taught. And so I had to make very different choices. I got bullied and I got abused at school pretty viciously at times because of those choices. However, those goals that I set for myself were far greater than anything that I was facing at the time. [LR334]

SENATOR SCHNOOR: Okay. Well, thanks, Jerrod, and thanks for the courage to come forth and say what you said. [LR334]

SENATOR SULLIVAN: Thank you, Mr. Cunningham. [LR334]

JERROD CUNNINGHAM: Thank you. [LR334]

SENATOR SULLIVAN: Welcome. [LR334]

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

Education Committee  
September 10, 2015

---

ALETHEA LARSON: (Exhibit 13) Thank you. My name is Alethea Larson. It's spelled A-l-e-t-h-e-a, Larson is L-a-r-s-o-n. Since learning about CSE programs coming into Nebraska schools only weeks ago, I have been researching the organizations behind this movement. The fact that all of them are linked back to Planned Parenthood is appalling. I've become aware of the community action kit from one such group, Advocates for Youth, which describes how to craft a survey so as to get the results that seem favorable and supportive of CSE. I was reminded of the survey OPS did to support the need for curriculum change. I question the character of whoever is evaluating the successfulness of this program. Another group, SIECUS claims abstinence education is an important component of their program, yet was behind the no money campaign to end federal abstinence funding. Duplicity and lies seem to be the norm. As I contrast my memories of sex ed with the FLASH curriculum, my heart was heavy. I saw how innocent eyes and minds would be afflicted as early as kindergarten. My heart has been stirred by the cry for help. This is so evident in statements of parental discomfort, lack of knowledge, communication struggles, and relational difficulties when speaking to their kids about sex. Being thorough in my research, I reflected upon all the positions that exist regarding this sensitive and intimate topic. The fact is, parents don't talk about sex, but we need to. We want to, but when it is talked about at all, it's often from a position of fear, often because of shame about our own mistakes. The fact remains, if we don't, someone else will. Parents need to be equipped for this important discussion. These obstacles can be overcome. Let's stop the "can't beat 'em; let's join them" mentality. Let's embrace the challenge in a new way, not more of the old. The sex talk belongs at home within the family. I would to see the Education Committee empower parents of this great state with renewed authority, a toolkit of how to's and a fresh wind behind their backs. According to Article I, Section 26 of the Nebraska Constitution, education is a power not delegated to the state and, thus, remains with the people, the parents. In 2011 a poll published in Journal of Adolescent Health revealed 98 percent of school parents wanted to be the primary sex educators of their children. We are responsible and we want to be responsible. I ask, as our entrusted education leaders, do you want to empower parents to achieve this goal here in Nebraska? Do you realize that in all of U.S. history, parents have constantly been de-powered and not empowered? In this very area we've see results of taking that route and it doesn't work. If you really want to address bullying, teach kindness and compassion. If you want to address abortion, teach discretion. If you really want to see students achieve academically, teach determination and diligence. You see, character training works. According to a 2008 Psychology Quarterly, a

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

Education Committee  
September 10, 2015

---

meta-analysis of over 200 different studies found that character education does positively impact academic achievement by 11 to 17 percent. You see, these are all character traits that are slowly being stripped from the next generation. Leave the sex talk to empowered parents and bring character training into the schools. As a mom of five beautiful, young children, I ask that you vote against LR334 and not rape the innocent eyes and minds of children. [LR334]

SENATOR SULLIVAN: Thank you, Ms. Larson. Any questions for her? [LR334]

ALETHEA LARSON: Yes. [LR334]

SENATOR SULLIVAN: Senator Morfeld. [LR334]

SENATOR MORFELD: Just a comment: We're not voting on anything. It's just a study. [LR334]

ALETHEA LARSON: Uh-huh. Okay. [LR334]

SENATOR MORFELD: And I guess, you know, I think it's actually a good idea if we want to send out information to parents statewide, so. [LR334]

ALETHEA LARSON: Can I make a comment to that? [LR334]

SENATOR MORFELD: Certainly, if you'd like. [LR334]

ALETHEA LARSON: Okay. I actually have over nine pages of research that I've done. I've spent three weeks, literally, studying this comprehensive sex education and I could go on and on about the, you know, some of the good and a lot of the bad. But I actually have nine pages on curriculum that parents could use and be empowered to teach their kids. [LR334]

SENATOR MORFELD: Well, feel free to send it to me. Thank you. [LR334]

ALETHEA LARSON: Okay. You bet. [LR334]

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

Education Committee  
September 10, 2015

---

SENATOR SULLIVAN: All right. Thank you very much. [LR334]

ALETHEA LARSON: Uh-huh. [LR334]

SENATOR SCHNOOR: I have one quick. Can I ask one? [LR334]

SENATOR SULLIVAN: Oh, Senator Schnoor. [LR334]

SENATOR SCHNOOR: Sorry. [LR334]

SENATOR SULLIVAN: Excuse me. [LR334]

SENATOR SCHNOOR: If...obviously, you know, I'm a parent. You know, it's hard to talk to your kids about this. You know, it shouldn't be, but it is. [LR334]

ALETHEA LARSON: Uh-huh. [LR334]

SENATOR SCHNOOR: So where...you know, the first ten or so people that spoke think it's now the duty of the school system. So when there are those parents that have that difficulty and don't know where to turn to, they know it needs to be done, they don't know where to turn to, what is your recommendation for that? [LR334]

ALETHEA LARSON: We could actually...I mean there's connection programs, because I thought about that. I mean if parents are literally...and children are literally having a difficulty talking to each other, bring in a program that emphasizes communication. And then from that, you can start introducing talking about the very topic, sex. I mean... [LR334]

SENATOR SCHNOOR: Okay. [LR334]

ALETHEA LARSON: But, yeah, program implementation, some of the peer-to-peer stuff could be used. I mean there's resources out there. I mean a lot of the material that I found is as low as \$4 all the way up to \$75. It's very exciting what parents can do with their kids. And quite frankly,

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

Education Committee  
September 10, 2015

---

we have a generational issue. I mean it never has been done in U.S. history that parents have been given the information that we all cry for. [LR334]

SENATOR SCHNOOR: Okay. Thank you. [LR334]

ALETHEA LARSON: Uh-huh. [LR334]

SENATOR SULLIVAN: But there's a...thank you for your testimony, but what is stopping parents right now from doing that? [LR334]

ALETHEA LARSON: Well, like I commented in my testimony, their fear. And I heard it said on a telephone interview, you know, just because you burnt the toast, doesn't mean you can't teach a child how to cook. It's the same sort of thing. Parents walk around with a lot of shame and guilt because of their past, but if we can teach them, you know, that people make mistakes and it's okay but don't let that hinder you from being the very voice that your children need to hear. I mean the doctor alluded to the morality that he uses in his practice. I mean what would that look like if we totally stripped the schools of morality? I mean decisions that are made on the battlefield are judgment calls. They're character issues. And I actually have some information on character training also, and that has been shown to improve academics. [LR334]

SENATOR SULLIVAN: Thank you very much. [LR334]

ALETHEA LARSON: Uh-huh. [LR334]

SENATOR SULLIVAN: Your green sheet? Oh, okay, all right. Very good. [LR334]

AMBER PARKER: Thank you. [LR334]

SENATOR SULLIVAN: Thank you. [LR334]

AMBER PARKER: (Exhibits 14 and 15) My name is Amber Parker, A-m-b-e-r, Parker, P-a-r-k-e-r. I stand before you here, this is a nightmare that because of four senators that have

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

Education Committee  
September 10, 2015

---

introduced LR334 for an interim study on comprehensive sex education I have no other choice but to stand against what the eyes of the children will see by your open endorsement of CSE as the pilot program in selective school districts in our state. I'll begin by sharing about SIECUS, Sexuality Education Information (sic) Council of the United States, and Advocates for Youth which was developed by FoSE, Future of Sex Education. I'm greatly concerned that Advocates for Youth, like Planned Parenthood, have endorsed a book called *It's Perfectly Normal, Growing Up, Changing Bodies, Sex, and Sexual Health*. You can see this on their Web site. I had to view some graphic images because of my real concerns of LR334. By this title, many could assume it's perfectly normal to grow up and notice changes between boys and girls in puberty. But don't be deceived. This book is full of graphic illustrations showing the characters exercising erotic actions, like masturbation and different sexual positions. Oh, and by the way, Advocates for Youth recommends this for 5th graders, 10-year-olds. If that's not enough to make you sick and cry out to protect children's innocence then I don't know what is. If anyone takes and makes an argument about protection of an organization to defend pro-choice but then fails to protect a child's innocence by not standing against the organization supporting this book as a resource, something is wrong. Clearly the goal of this book is to sell sex to kids. According to *A Psychoanalytic Look at Today's Sex Education* by Dr. Anchell, M.D., A.S.P.P., according to this doctor, "For human sexuality to be complete, there must be a confluence, a coming together, of affectionate and physical components of the sexual instinct. When the affectionate needs are weakened and physical sex is all that remains, sex becomes meaningless and life becomes empty." Dr. Anchell also addresses that, "Sex education programs from kindergarten through high school continuously downgrade the intimate, affectionate, monogamous nature of human sexuality. Whether the sex educators purposefully intend to do so or not, their sex teaching acts nevertheless to desensitize students to the spiritual quality of human sexuality." In closing, Dr. Anchell brings up very valid points. And with this point, I close on this: *It's Perfectly Normal, Growing Up, Changing Bodies, Sex, and Sexual Health*, based on the doctor's research, has found harm in resources like this book. Comprehensive sex education will rob our children of their innocence due to the damage to their brain in receiving information that, shown at such a young age, can and will develop sex addictions. I'm urging the Education Committee to vote no on LR334. But if you do vote this through for some reason, you will have to answer many parents why you did so with the knowledge like this in your grasp. [LR334]

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

Education Committee  
September 10, 2015

---

SENATOR SULLIVAN: Thank you, Ms. Parker. Just as a reminder, we aren't voting on anything. This is a legislative interim study to gather information. [LR334]

AMBER PARKER: Right, not today, but you have the power, Senator, with respect. And with how you said that, I'm not going to take offense but I believe that was kind of an "underconnotation" of rudeness to me in the position in which I stand. But I'm standing on scientific evidence here. And, Senator Kolowski, you are...you were a past principal. I wanted...the SIECUS is tied to Planned Parenthood. The curriculum that the Nebraska State Board of Education invited to the meeting of Planned Parenthood and Get Real, I want to talk about the Omaha Public Schools. I find it very interesting that we know they had asked for a grant. They received, what was it, \$75,000? Correct me if I'm wrong. Tying this together here, we're sitting here for an interim study. You guys have been at work. We are here to share and protect the children. This is not about politics. This is about protecting the youth. And these pictures are pornographic. If a neighbor was sending this and showing kids and talking to them about it, the police could arrest them. How can you, in the state of Nebraska, endorse organizations that carry this as resources through the SexEd Library which is connected to SIECUS? And Dr. Calderone, who left Planned Parenthood 11 years ago, from SIECUS is connected and drawn up and did the foundation of SexEd Library which, mind you, is a FLASH curriculum--correct me if I'm wrong--that the Omaha Public Schools is going to be pushing in our school district. [LR334]

SENATOR SULLIVAN: Are there any questions for her? Senator Groene. [LR334]

SENATOR GROENE: I want to thank you for your passion. [LR334]

AMBER PARKER: It is. I'm greatly concerned. [LR334]

SENATOR GROENE: I've never heard a better definition, scientific definition between...I can't remember the doctor you quoted there, between the definition of love and lust. [LR334]

AMBER PARKER: Yes. [LR334]

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

Education Committee  
September 10, 2015

---

SENATOR GROENE: And we need to explain that to children. But I don't think the government fully can do that. Thank you. [LR334]

AMBER PARKER: And it's the sexual predator, Senator, is what I'm concerned. Because the brain, and when you get into the research, they're talking about, with these books, and the masturbation, of the very comprehensive sex ed of LR334 and what they're trying to push in our state is going to encourage this. And doctors are crying out because other children will be molesting other children because their brains, in getting this information, their bodies aren't developed and it actually does damage. And their academics, Senator Morfeld, you talked about you (inaudible)... [LR334]

SENATOR SULLIVAN: Okay. Do we have any more questions for Ms. Parker? [LR334]

SENATOR GROENE: Thank you. You've done well. You presented your facts well, Ms. [LR334]

AMBER PARKER: Thank you. [LR334]

SENATOR GROENE: Thank you. [LR334]

SENATOR SULLIVAN: How many more, by the way? [LR334]

KARISSA BETTENDORF: (Exhibit 16) Good afternoon. My name is Karissa Bettendorf, K-a-r-i-s-s-a, Bettendorf, B-e-t-t-e-n-d-o-r-f. I'm the education program director of the Pregnancy Center here in Lincoln. For the last ten years, I've been speaking in both middle and high schools on the subjects of sexual risk avoidance and healthy relationships, as well as working one on one with clients who come to us seeking pregnancy tests, information about pregnancy choices, and support referrals for a number of sexuality-related issues, including relationships and STIs. I'm here today to provide testimony pertaining to LR334. I would like to submit to the committee a copy of a study published by the CDC from the 2009 National Youth Risk Behavior Study, please see attached. And I'm not sure if you received that already by one of the other testifiers, but I would like to point out this study shows a link between grades and



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

Education Committee  
September 10, 2015

---

sexual activity/behavior. Please note page 2 of the study with graphs indicating that condom usage does not vary greatly over students with different grades, while actual sexual activity does vary greatly. So we see a great difference in their grades and their actual sexual activity choices. I believe the study shows two things. First, I agree there's definitely a need to reassess how we address sexual health in our schools. Academic achievement is being impacted. Second, the greater need is educating and motivating students to make healthier relationship decisions, not just to rely on contraceptives. Birth control and condoms are the band-aid of sexual risk management. While band-aids have their appreciated place, our energy and thought would be best primarily focused on preventing the actual wound. In my nine years of working one on one with clients at the Pregnancy Center, medium age 25, I've had ample opportunity to observe the long-term effects of risky sexual behavior. The majority of my clients made it through high school without experiencing unplanned pregnancy. However, their lack of relationship skills, early sexual debut, and multiple sexual partners have impacted their ability to pursue higher education, their view of themselves, their ability to form a healthy relationship, their ability to provide stability for themselves and their families, and their overall ability to contribute to society. When I speak in schools, it breaks my heart to see the relationship poverty our students are experiencing. Many of them don't consider a long-term relationship based on love, trust, and faithfulness as a motivator for their choices because they hold little hope of every obtaining one. Many factors in their lives have told them that sexual behavior is merely about satisfying temporary physical desires and there's no hope in satisfying their deeper longings for truly intimate, committed, loving relationships, and they long for that. Oh, do they long for that. I submit that we are failing our youth by not focusing our sex education, providing training, information, tools to build long-term health relationships, and instruction on how to make healthy sexual choices within that wider context. I long for the day when our state education will reduce my number of clients because youth are gaining skills to avoid sexual risk exposure by delaying sexual debut and reducing their number of partners. I long for the day the clients I do see are supported and happy because they learned how to plan for and develop healthy, lasting relationships. I strongly urge this committee to consider sex education curriculum that provides this type of education: sexual decisions are made within the larger context of relationships. Let us focus our sex education on training youth to have healthy relationships. By doing this, we will reduce the negative sexual health and academic outcomes we see among so many students in this state. Thank you. [LR334]

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

Education Committee  
September 10, 2015

---

SENATOR SULLIVAN: Thank you, Ms. Bettendorf. Any questions for her? Thank you for your testimony. Welcome. [LR334]

KATHLEEN McGEE: (Exhibit 17) Thank you. Good afternoon. My name is Kathleen McGee, K-a-t-h-l-e-e-n, McGee, M-c-G-e-e. I come to you as a native Nebraskan with more than 30 years' experience teaching high school kids, and that's enough about me. But I'd really like to talk a little bit about some of the misinformation that's been stated in regards to abstinence education and comprehensive sex ed. So just wanted to read a few statistics to you. According to the National Campaign to Prevent Teen Pregnancy, of 28 comprehensive sex ed programs evaluated, only 1 such program impacted pregnancy rates for more than 12 months, and only 1 other had such impact that was for less than 12 months. Also, it seems in evaluations that CSE programs tend to place little or no emphasis on encouraging young people to abstain from early sexual debut, which we know causes lots of problems for kids. Dr. Joel McIlhane, who is one of the authors of a handout that I gave you, founder of the Medical Institute for Sexual Health, has over 30 years' experience in the field, has studied CSE programs and found that not even one had statistics showing significant decrease in stopping this spread of sexually transmitted diseases and infections. Abstinence ed programs do work, and I refer you to the research by Lacona (phonetic), et al., found that eight programs, eight abstinence ed programs, cut teen sexual activity by an average of about 50 percent, and the changes lasted for a significant amount of time. And that's from "The Effectiveness of Abstinence Education Programs in Reducing Sexual Activity Among Youth" by Robert Rector. I'd also like to mention that according to Dr. McIlhane of the Medical Institute, the majority of American parents, regardless of race or political party, are in favor of abstinence education programs for their children. Three-quarters of parents are opposed to premarital sex in both general and for their own adolescents. And 93 percent of high school age teens say it's important to be given a strong societal message that they abstain from sex. A few statistics about Nebraska: There's been a 41 percent decrease in teen pregnancies since the peak year of 1991, and just since 2012 a 7 percent decrease. So I think we're doing some things right. Only 35 percent of Nebraska high school age teens have ever had sex, so I'm not sure where the other statistic came from but this is from the National Campaign to Prevent Teen Pregnancy, and 87 percent of those teens who have had sex report using contraception. So obviously, the message is getting out there and I think there's some discrepancy in where our sources are. What I'd like to encourage you all to take a look at is a

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

Education Committee  
September 10, 2015

---

framework. It's a K through 12 Guideline for Sexual Health Education from the Medical Institute. It was created by a multidisciplinary team of experts in medicine, education, public health, and curriculum development, and made possible by a grant from the CDC. There were CSE educators and abstinence educators involved in creating this. It's extremely thorough and I highly recommend it. So I didn't make 12 copies because I didn't want to kill that many trees, so I think I brought 3 or 4 copies for you. So thank you very much. [LR334]

SENATOR SULLIVAN: Thank you, Ms. McGee. Are there questions for her? [LR334]

SENATOR SCHNOOR: I do have one. [LR334]

SENATOR SULLIVAN: Senator Schnoor. [LR334]

SENATOR SCHNOOR: You're, though, the only person that has brought statistics. Could you please repeat them? [LR334]

KATHLEEN MCGEE: (Laugh) All of them? [LR334]

SENATOR SCHNOOR: No, just a couple. [LR334]

KATHLEEN MCGEE: Yeah. About Nebraska you want to hear... [LR334]

SENATOR SCHNOOR: Yes. [LR334]

KATHLEEN MCGEE: ...or do you want (inaudible)? [LR334]

SENATOR SCHNOOR: Yes, specifically. [LR334]

KATHLEEN MCGEE: So the National Campaign to Prevent Teen Pregnancy, been around a long time, national organization, there's been a 41 percent decrease in teen pregnancies in Nebraska since 1991 and a good chunk of that time we were doing abstinence education that was federally mandated. We had CBAE grants. Just since 2012, a 7 percent decrease. This one statistic I think

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

Education Committee  
September 10, 2015

---

is very interesting. It says, according to them, only 35.2 percent of Nebraska high school teens have ever had sex, so much lower than previously quoted. And 87.8 of those who have had sex report using contraception at last sex. [LR334]

SENATOR SCHNOOR: Okay. So in your opinion, is what we are currently doing working? [LR334]

KATHLEEN McGEE: I can't speak for what's going on in the public school system, but I'm very aware of relationship education that's going on via the Pregnancy Help Centers and other organizations. I worked at Boys Town for 22 years so I did a lot of it myself through them. [LR334]

SENATOR SCHNOOR: Okay. [LR334]

KATHLEEN McGEE: And, yes, that's working. [LR334]

SENATOR SCHNOOR: Okay. Thank you. [LR334]

KATHLEEN McGEE: Uh-huh. [LR334]

SENATOR SULLIVAN: Senator Kolowski. [LR334]

SENATOR KOLOWSKI: Thank you, Madam. Ms. McGee, would you...would this sound like a summary of what you are talking about from the materials that you described? [LR334]

KATHLEEN McGEE: Uh-huh. [LR334]

SENATOR KOLOWSKI: Take it in terms of four steps in your decision making or a student would be going through or an adult met from that sense as well: Pro abstinence,... [LR334]

KATHLEEN McGEE: Uh-huh. [LR334]

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

Education Committee  
September 10, 2015

---

SENATOR KOLOWSKI: LR334 [LR334]

KATHLEEN McGEE: Correct. [LR334]

SENATOR KOLOWSKI: ...pro decision making, and pro contraception. [LR334]

KATHLEEN McGEE: No, I am not pro contraception. [LR334]

SENATOR KOLOWSKI: Okay. [LR334]

KATHLEEN McGEE: What abstinence education does is teaches the facts about contraception but I am not pro contraception because I know that contraception doesn't protect a child's heart, it doesn't protect their emotions. It can't save you from...and most contraception can't even protect you against sexually transmitted diseases, depending on what source of contraception you're talking about. [LR334]

SENATOR KOLOWSKI: Okay. [LR334]

KATHLEEN McGEE: So, no, I am not pro contraception. [LR334]

SENATOR KOLOWSKI: Take it out of a child's or a student's level,... [LR334]

KATHLEEN McGEE: Uh-huh. [LR334]

SENATOR KOLOWSKI: ...and what would you think of those four levels as far as adults making decisions? [LR334]

KATHLEEN McGEE: I'm not sure of your question. [LR334]

SENATOR KOLOWSKI: Would it be an appropriate four-step method of looking at something as an adult compared to a student? [LR334]

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

Education Committee  
September 10, 2015

---

KATHLEEN McGEE: Well, yeah. Adults, yeah, have a different brain capacity than teenagers do as far as to be able to process information and not react just out of the teen center. But I don't think it's my place to tell other adults whether or not they should use contraception. But it is...I think it is appropriate for us to tell...to teach teenagers, since that's what we're here talking about, about the negatives, what can happen if they do choose to use condoms or other contraceptives. [LR334]

SENATOR KOLOWSKI: That's fine. Thank you. [LR334]

KATHLEEN McGEE: Uh-huh. [LR334]

SENATOR SULLIVAN: Senator Morfeld. [LR334]

SENATOR MORFELD: Thank you, Senator. I'd just like to correct the record that there were ten testifiers, most of which did present a ton of statistics. All have been summarized in this binder. Thank you. [LR334]

KATHLEEN McGEE: Thanks. [LR334]

SENATOR SULLIVAN: Welcome. [LR334]

S. WAYNE SMITH: (Exhibit 18) Thank you. My name is S. Wayne Smith, that's S., Wayne, W-a-y-n-e, Smith, S-m-i-t-h. I recommend that you change the purpose of this resolution to study the integral link between the broken family and academic achievement. This would capture more of the root cause of poor academic performance. The broken family is one of the most serious social problems we have. After you complete the study, I hope you will ensure that the benefits of traditional marriage and the costs of divorce are covered fairly in school curricula. The curricula should develop a conscience of commitment and responsibility when it comes to bringing children into the world. Change the requirements for obtaining a divorce when children are involved. Require parents to prove divorce is necessary for the well-being of their children. Social scientists recognize how no-fault divorces harm children. Make divorce less appealing and less easy to obtain when children are involved. Do away with the no-fault divorce. I suggest that

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

Education Committee  
September 10, 2015

---

you study the broken family and academic achievement for the following reasons: Daughters of single parents without a father involved are 700 percent more likely to have children as teenagers; 71 percent of all high school dropouts come from fatherless homes, 9 times the average; if a young male is raised without a father involved, the likelihood that he will take part in criminal activity doubles; 90 percent of homeless and runaway children are from fatherless homes, 32 times the average; 63 percent of youth suicides are from fatherless homes, 5 times the average; children living with a single mother are 6 times more likely to live in poverty than are children whose parents are married; 85 percent of all children who show behavior disorders come from fatherless homes, 20 times the national average; 85 percent of all youth in prison come from fatherless homes, 20 times the average; 70 percent of youth in state-operated institutions come from fatherless homes, 9 times the average; 77 percent of youth of juvenile delinquents come from families that are either divorced, separated, or never married; 80 percent of rapists with anger problems come from fatherless homes, 14 times the norm. Boys who grow up without a father in the home are more likely to have trouble establishing appropriate sex roles and gender identity. Please leave comprehension (sic) sex education at home and study the effects of the broken family on children and you'll have a better chance of improving academic achievement. [LR334]

SENATOR SULLIVAN: Thank you, Mr. Smith. [LR334]

S. WAYNE SMITH: Thank you. [LR334]

SENATOR SULLIVAN: Any questions for him? Senator Morfeld. [LR334]

SENATOR MORFELD: I would just like to note, sir, that I came from a single-mother home and it was a lot better than being at home with my half-brother's father, who used to beat us... [LR334]

S. WAYNE SMITH: Uh-huh. [LR334]

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

Education Committee  
September 10, 2015

---

SENATOR MORFELD: ...and then beat my mother. And so there are a lot of different types of successful home situations, whether it's single mother, whether it a mother and a father, whether it's a father and a father,... [LR334]

S. WAYNE SMITH: Uh-huh. [LR334]

SENATOR MORFELD: ...and a mother and a mother. And there are a lot of very unhealthy dual family homes that can lead to all kinds of those different things. That's all I have to say. Thank you. [LR334]

S. WAYNE SMITH: Okay. Well, please note, Senator, none of these statistics are 100 percent. [LR334]

SENATOR GROENE: Yeah. [LR334]

SENATOR MORFELD: Absolutely not, but I'm just pointing out that single-mother homes and single-father homes and vice versa can be just as productive as other homes. And there can be homes where there are two parents that are very destructive. So let's not forget that. [LR334]

S. WAYNE SMITH: Uh-huh. Oh, that's right. And I have to applaud the mothers who have stepped up to the plate. [LR334]

SENATOR MORFELD: Absolutely. [LR334]

S. WAYNE SMITH: Right. [LR334]

SENATOR MORFELD: Thank you. [LR334]

SENATOR SULLIVAN: Thank you for your testimony. [LR334]

S. WAYNE SMITH: Okay. [LR334]



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

Education Committee  
September 10, 2015

---

SENATOR SULLIVAN: Welcome. [LR334]

KIM SCHIEMANN: (Exhibit 19) Thank you. My name is Kim Schiemann, K-i-m, Schiemann, S-c-h-i-e-m-a-n-n, and I am a wife, just celebrated 20 years with my husband, and mother of four. I am a relationship educator with the Assure Women's Center in Omaha, which is a nonprofit organization, the same organization that Jerrod is with. I am one of seven speakers. We are in the OPS, Millard, Bellevue, La Vista, Papillion, Ralston, Plattsmouth, and DC West Middle and High School speaking about healthy relationships and abstinence. Typically, my audience is a bit younger (laughter), but I hope you can hear my heart. But more than that, I hope you can hear their heart. My children and the students that I see every single day do not have a voice here today, so I want you to hear some of their thoughts, and I brought just a few: Your message had a big impact on us because after school and over the weekend everyone in class was talking about your visit. I have thought about what my goals, dreams are in life and how I can ruin them by becoming a teen pregnant at a very young age. You coming might have prevented 30 kids from being teen parents and receiving STDs in my class, said Abbie (phonetic). I know so much more now than I did know. Thanks for telling us how we would feel after the fact--the guilt, shame, and regret. I would never want to ruin my chances at sports and a good education because of one stupid mistake. Thanks for coming to our school and teaching us about sex. I have learned that I want to have sex when I am married because I don't want to regret anything. You taught me a lot about important life skills that I realize will later affect my future. Sex is an important topic, but I have issues conversing with my parents. I don't have an older sister to talk to me either, so I wasn't sure where to learn it from. It was a very fun couple of days and it brought up some interesting conversations at home. Thank you again for teaching us how to be smart about relationships. Thank you for coming to our class. You made me believe that I am important and a champion. You taught me important things about relationships that I'm glad I have learned and wish I would have known earlier. You taught me to have high expectations in my relationships and it taught me a lot about how to find true love, not "let's do it" love. This will guide me through life in the future. And you taught me a lot about healthy relationships and how to have one. I believe in abstinence once again, and thank you for teaching us about it. And these are just a few. Our children need to know that every choice has consequences, and one unhealthy choice can have long regret and consequences, physically, intellectually, emotionally, socially, and spiritually. So I want to do a demonstration that we do in class about safe sex. Is there any

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

Education Committee  
September 10, 2015

---

such truth to safe sex outside of marriage? So I'm going to just put this on and this (inaudible).  
[LR334]

SENATOR SULLIVAN: We don't, excuse me, ma'am. We don't really have articles... [LR334]

KIM SCHIEMANN: Okay. Sorry. [LR334]

SENATOR SULLIVAN: ...with your testimony. [LR334]

KIM SCHIEMANN: Sorry. I didn't understand that and I apologize. [LR334]

SENATOR SULLIVAN: That's all right. [LR334]

KIM SCHIEMANN: But you get the idea. So this could represent any contraceptives that are available, because sex is not just a physical act. It's intellectual, it's emotional, it's social, and it is spiritual. And physically, contraceptives cannot protect us 100 percent from STIs, STDs, and pregnancy. We get 50 to 60 calls per day at the Assure Women's Center for a free pregnancy test. We also have one of the highest rates of STDs in our community right here in Nebraska than across the country we live in. Sex is intellectual. It affects our minds, our thoughts, our fears, our guilt, our shame, and we can't put condoms and contraceptives over our brain. Sex is emotional and we can't protect our feelings, emotions, depression, and suicide. And sex is social. Sexual activity outside of marriage will draw students away from their parents and their friends and their reputation. And sex is spiritual, and this isn't religion and this isn't about church. It's about right and wrong. And if we give children standards and teach integrity, they will have fewer regrets, fewer partners, fewer mistakes, and healthier relationships. And this generation has higher standards than the older generation. [LR334]

SENATOR SULLIVAN: Thank you, Ms. Schiemann. [LR334]

KIM SCHIEMANN: Thank you. [LR334]

SENATOR SULLIVAN: Any questions for her? Senator Groene. [LR334]

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

Education Committee  
September 10, 2015

---

SENATOR GROENE: Who funds...where do you get your...? [LR334]

KIM SCHIEMANN: We are with the Assure Women's Center. [LR334]

SENATOR GROENE: And where do you get your funding from? [LR334]

KIM SCHIEMANN: From supporters, nonprofit organization. [LR334]

SENATOR GROENE: We have the Women's Resource Center in North Platte. [LR334]

KIM SCHIEMANN: So we go out into schools and we're invited by the schools without (inaudible). [LR334]

SENATOR GROENE: But you made a good point. Earlier the testifiers for comprehensive talked if we can keep young folks from getting pregnant or getting STDs that they'll do better in the classroom. According to what I see from the Pregnancy Center numbers, abstinence...ever had sexual intercourse, Ds and Fs, 69 percent; never had sexual intercourse, 32 percent. So for their argument, wouldn't you go for abstinence? [LR334]

KIM SCHIEMANN: Uh-huh. [LR334]

SENATOR GROENE: Because even having sex, even if you have safe sex, you got a 69 percent chance of having Ds and Fs. So I think maybe as... [LR334]

KIM SCHIEMANN: There is no safe sex... [LR334]

SENATOR GROENE: No. [LR334]

KIM SCHIEMANN: ...outside of marriage. [LR334]

SENATOR GROENE: But focusing on lust instead of the classroom seems to deter from an education, it seems. [LR334]

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

Education Committee  
September 10, 2015

---

KIM SCHIEMANN: Uh-huh. [LR334]

SENATOR GROENE: Thank you. [LR334]

KIM SCHIEMANN: Yeah, it's a distraction. Yes. Thank you. [LR334]

SENATOR SULLIVAN: All right. Thank you very much. Welcome. [LR334]

AMELIA SANCHEZ DENHARTOG: (Exhibit 20) Thank you. Good afternoon. My name is Amelia Sanchez DenHartog, A-m-e-l-i-a S-a-n-c-h-e-z, DenHartog, D-e-n-H-a-r-t-o-g. My address is 4612 Holly Street, Omaha, Nebraska, 68157. I am a licensed mental health practitioner with the state of Nebraska, and I serve many Hispanic clients in Omaha. I have seen the pain, the shame, and guilt in teen women who have had abortions or have prematurely given away their virginity. Some of them are experiencing anxiety, depression that cause them to think about committing suicide because they feel that there is no way they could recuperate what they have already given away. The proposed comprehensive sex education curriculum does not promote abstinence and self-control. Rather, it teaches them how to be sexually active. Through graphic images and words, it teaches children and teens about the sex act itself, with the idea that safe sex is far better than risky, unprotected sex. Except that safe sex is a misnomer. There is no such thing. Even with the most careful precautions, there is always a risk of complications. And while the STDs and the STIs and the pregnancy rates get most of the press, equally distressing are the emotional and psychological effects that such actions have on these teenagers. In other words, the only safe sex is not to have sex at all if you are single or in a marriage. And to be frank, the biological components of the sex act do not tend to be the problem. They come naturally. The real challenge is for the young men and women to make those kinds of decisions wisely and to wait until the right moment and the right person. The problem is that this curriculum, by teaching about the act itself, implicitly condones it. I anticipate having many more cases of sexual abuse, anxiety, depression, and suicide in my office. The responsibility of educators is to reinforce the morals that we parents teach to our children in our homes, not to erase them. If this curriculum is mandated through Nebraska, will effectively undermine the efforts of parents to teach their children self-control. Please choose to protect our Hispanic

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

Education Committee  
September 10, 2015

---

children through not implementing this curriculum in the schools of Nebraska. Thank you.  
[LR334]

SENATOR SULLIVAN: Thank you, ma'am, for your testimony. Just again to remind you that we aren't talking about implementing any sort of certain curriculum. We're just gathering information in this testimony. So thank you very much. [LR334]

AMELIA SANCHEZ DENHARTOG: Thank you. [LR334]

SENATOR SULLIVAN: Any questions? Thank you again for your testimony. Welcome.  
[LR334]

BRUCE DESAUTELS: (Exhibit 21) Thank you. Good afternoon. My name is Bruce Desautels, B-r-u-c-e D-e-s-a-u-t-e-l-s. I am from Stratton, Nebraska, Hitchcock County, originally...here for ten years, originally from Massachusetts. So I'm very familiar with a lot of the subject matter you're discussing because I've seen it most of my life in Massachusetts. I'm going to abbreviate my comments from my written testimony just for matter of time. Planned Parenthood's curriculum of comprehensive sex education, CSE, is but a continuation of the same distorted logic used by the Supreme Court in its recent decision. The curriculum divorces the procreative act from its intended end--children. Human sexuality is contradicted, reduced to an act of frictional pleasure, having any convenient combination of participants. With the natural intent for which the complementary sexes are designed defeated, there is no sex. There is no conjugal union, no sacrificial agape love; only the cold bareness of the individual made the object of another's lust. Such behavior is not responsible sex. Rather, it is the epitome of indifference to our humanity, which ideally should reflect our Creator. CSE furthers the contradiction and legitimizes the separation. Far worse is CSE's relativism towards sodomy. Sodomy is fundamentally closed to life and, thus, by definition, it is not sex. The argument that homosexual acts equate to the procreative union of husband and wife, living under the sacred bond of marriage, is self-refuting. Marriage, as ordained by God, is unique by it's procreative capacity and the distinct but complimentary benefits provided the child through father and mother--a truth CSE diminishes. By its efficacy, marriage establishes bloodlines, a genetic heritage whose connections represent the bonds of human society: parents, siblings, grandparents, aunts, uncles,

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

Education Committee  
September 10, 2015

---

cousins. Homosexual unions provide no continuum. Rather, they create a genetic disconnect, being intrinsically and socially sterile. Such false unions beget a nation devoid of the bonds created by genuine families and, thus a nation without identity. Homosexual unions, whether formed by men or women, are intrinsically disordered, a metaphysical dead end. Thus, it is that homosexuals increase their number only by seduction, which is why the propaganda targets the young. CSE's treatment of the subject promotes this agenda. The need to fill a perceived emptiness compels promiscuity, even while pretending committed relationships are possible. CSE turns this salient point on its head, under the pretext of "Get Real." In other words, they're going to do it anyway. God forbid that members of this body should ever compel teachers and parents to instruct children in the ways of sodomy and promiscuity. The push for CSE is but another tool by which to perpetuate a lie. Under its paradigm, the destructive illusion of safe sex, the age of consent will eventually be lowered and then abolished, because there is no target more desired for seduction than innocence. The real agenda of this nefarious movement is to sexualize children. To allow this plan an unopposed path is not an act of education, nor is it charitable to the person burdened by same-sex attraction. It is an act of indifference... [LR334]

SENATOR SULLIVAN: And, sir, your time is up. [LR334]

BRUCE DESAUTELS: Thank you. [LR334]

SENATOR SULLIVAN: Thank you. Any questions? Thank you. Again, how many more are...? We have yet another hearing. I have given this hearing more time than we had originally allotted, more time than any of the hearings have had this morning. I will go till 4:00 and that is it. [LR334]

MARIS BENTLEY: (Exhibit 22) Thank you. My name is Maris Bentley, M-a-r-i-s B-e-n-t-l-e-y. I reside in Omaha. I'm on the board of directors for Nebraskans United for Life and am here representing that organization in our opposition to comprehensive sex education. Nebraskans United for Life has over 50,000 members throughout the state. I am a retired teacher and K through 12 school counselor. More importantly than that, I am a parent and a grandparent who is very concerned about these efforts to usurp the authority and the values of parents in Nebraska. I've done a considerable amount of research, it sounds like as others have, into the types of

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

Education Committee  
September 10, 2015

---

comprehensive sex education that have been adopted in some states and that are being considered for Nebraska. Most of them are created and/or endorsed by Planned Parenthood, and you've heard that, and they include totally inappropriate and depraved information that should not be shared with children. Comprehensive sex education promotes gratuitous, recreational sex, while only giving lip service to the idea of abstinence. What a mixed message this gives to our young people: It's best to not engage in sexual activity, but if you do then don't forget to take your pills and wear that condom. Honestly, where else do we see this mentality? Do we say to young people don't smoke cigarettes, but since we know you can't control yourself here's one with a good filter tip? There are no best practices or model programs from SAMHSA, which is the federal Substance Abuse and Mental Health Services Administration, that advocate this kind of approach to substance abuse prevention. There is a glaring lack of consistency and common sense when it comes to so-called comprehensive sex education. We must teach our children the ideal of abstinence until marriage because that is the best plan for human beings. Just because human beings can and do fall short of the ideal, that doesn't mean we should lower our standards. We seem able to maintain high standards for young people when it comes to other behaviors, like academics and sports and tobacco use. Another hugely concerning part of all this is the emphasis on homosexuality and gender fluidity, regardless of the realities of the human body and of human nature. I realize there are some among you who are all eager to teach children about oral and anal sex. But do the rest of you realize that, in addition to so-called safe sex methods for heterosexuals, there is also included instruction and materials for homosexuals or, for that matter, any other individuals who identify themselves with any number of other sexual variations, the list of which seems to be growing day by day? Do we really want to go down that road? Under the guise of pregnancy and disease prevention and sensitivity training, comprehensive sex education is really all about full-blown K through 12 indoctrination into sexual immorality and perversion. Can't we survey the landscape of pornography, abortion, child sexual abuse, STDs, and Ashley Madison Web sites around us and realize the harm that will be done to our children if we proceed with this? [LR334]

SENATOR SULLIVAN: Thank you, Ms. Bentley. Any questions? We'll take two more testifiers and then we will close the hearings. [LR334]

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

Education Committee  
September 10, 2015

---

PAUL MEYER: Good evening. I'm as tired as you are. My name is Paul Meyer, P-a-u-l M-e-y-e-r. Yes, I do remember the '70s, the '60s, the '50s, and even the '40s. (Laughter) And I even remember Dr. Benjamin Spock. Now please, when you discuss this, I'm here simply to ask you to leave the curriculum to the local school districts. Now I am a member of the Millard School Board, but I am here tonight or this afternoon, I am representing myself. I just want to give you a quick history lesson from where I come from. My wife graduated from Benson High School in 1958, class of about 425. Not one girl was pregnant back in '58. Of course, we didn't have all the smut TV back then. We didn't have the Internet. And there was a...I say, was a stigma to getting pregnant. Now let's fast-forward to 2008. We went back for a 50-year class reunion. I asked the principal at Benson High School how many kids were pregnant, if any. She said there was about 47 or 48--so much for morality at Benson in 50 years. In Millard, at that same year, 27 girls were pregnant in the three high schools. We have made some gains. This last year or this last school year--and we just received this information Tuesday night--that number was down to 9. So we are making some advancement out there anyway. So I just ask you, you know, let's leave the school curriculum anyway to the schools or the sex education curriculum to the schools. Thank you. [LR334]

SENATOR SULLIVAN: Thank you, Mr. Meyer. Any questions? Thank you. The last testifier, please. [LR334]

BOB BLANK: Hello. I'm Bob Blank, B-o-b B-l-a-n-k, and I've spent 25 years in the pro-life cause. Right now I'm the secretary of the Nebraskans for Founders' Values, and I concur with what the gentleman before me said because I, too, was around and they were having sex then. I have watched the abortion business, and what the abortion business does, it seems to propagate more of its own. It seems to propagate more clients. And now that we've seen these tapes from Planned Parenthood, they're selling aborted baby body parts. Now years ago LeRoy Carhart was providing aborted baby body parts to the UNMC and we documented that and caught him doing that. But now Planned Parenthood is doing it. When this hearing first started, Dr. Dan Leonard got up and he said, you have to take the question of morality out of there. I think that was the end of the hearing. He also said I think it's a question of morality versus practicality. The problem with our country, as the senator said, is that we have taken morality out of there. And we hear that you can't legislate morality, but you folks do that every year. You legislate for and against



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

Education Committee  
September 10, 2015

---

moral issues. You pass legislation because it is moral or it isn't moral, and that doesn't need to be redefined. The LGBTQ policies are going to allow, and have allowed in other states, men to go women's rest rooms. We see in one of the schools here in Omaha, in Papillion I guess, that a male wants to play on a female volleyball team. They're not sure if they're going to do that. But we see that statute 79-724 through 727, the Americanism statutes, require by law that morality be taught, and failure to teach that carries a criminal penalty with it. So I don't know that it's a choice of whether or not to teach morality. It's a shame when you're looking at bringing immoral options, whether it's through a study or anything else. Once you start to discuss those things it's only a matter of time before they move on to fruition. So I'm here to encourage you not to pass LR334, that you don't have the study, that you leave the situation as it is. I've never seen any issue that brings more people to a hearing or to a ballot box than abortion, and that's what we're talking about is teaching our kids that abortion is an acceptable form of birth control, and that's nothing more than teaching them that sin is okay. Thank you. [LR334]

SENATOR SULLIVAN: Thank you, Mr. Blank. Questions for...Senator Groene. [LR334]

SENATOR GROENE: I would like a point of privilege. I will not ask him any question. We have a Dr. Safranek here, infectious disease. He's been polite. He has a lot of knowledge. Could we possibly give an exception and let him testify? [LR334]

SENATOR SULLIVAN: If for no more than three minutes, yes. [LR334]

SENATOR SCHNOOR: Just a quick statement. Mr. Blank, thank you for bringing up the Americanism statute. It's just a good reminder of our obligations as for the schools and for us as the Legislature. Thank you. [LR334]

BOB BLANK: And as we saw in the Lincoln Journal Star, the school boards around the state are starting to implement those Americanism statutes even more than they were before. That's encouraging. [LR334]

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

Education Committee  
September 10, 2015

---

SENATOR SCHNOOR: Well, we've always...when I was on the board at Scribner, we always did that. It was just understood that you had...that we did it. But you bringing that up, that just reminds us of our requirements. Thank you. [LR334]

BOB BLANK: Thank you, Senators. Thank you for your time. [LR334]

SENATOR SULLIVAN: I make...go ahead. Thank you, Mr. Blank. And I apologize for the others. I probably shouldn't have done this, to allow Dr. Safranek, and I would ask that you also be very brief in your comments because we are leaving others being able to go unsaid in your comments. So please be brief. [LR334]

LOUIS SAFRANEK: My name is Dr. Louis, L-o-u-i-s, Safranek, S-a-f-r-a-n-e-k. I'm a native Nebraskan and a physician practicing in Omaha for the past 25 years in the speciality of infectious diseases. I'm not testifying on the behalf of any group. I've had the opportunity in the past month for discussions with Karen Spencer-May, who is spearheading deployment of the comprehensive sex education program proposed for students in Omaha Public Schools. She was gracious enough to afford me and two other concerned citizens four hours of her time to discuss that curriculum. OPS currently has a curriculum in place. I asked her to describe the shortcomings of the current curriculum that would be corrected in the curriculum proposed. Her answer was that the old curriculum lacked instruction covering masturbation, abortion, and homosexuality. I asked her if even once in the curriculum there was mention of the word "chastity." No, she was quick to insist, we don't do virtue. Any discussion of chastity would have to be taken up by family and churches. The curriculum would discuss abstinence as one of many options available. But she recognized, and I trust you will as well, the gulf between chastity as a virtue and abstinence as an option. While she agreed that sexual relations between children and adults was, in her words, immoral and would be taught as such, the major dilemma with this was her concern that these relationships were not consensual. Although she agreed that sex between adults and children was immoral, she refused to agree that sex between children and children was either immoral or unhealthy or inappropriate. The anticipated curriculum of comprehensive sexual education curriculum would display no bias against any sexual activity on the part of children as long as the sex was consensual and provision was made to prevent pregnancy and spread of sexually transmitted diseases. My review of available comprehensive sex education

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

Education Committee  
September 10, 2015

---

materials, including the FLASH curricula consulted for the design of the OPS program, confirmed this approach. As a specialist in infectious diseases, I've witnessed the damaging and even fatal consequences of the sexual promiscuity within our community. The problem is one of promiscuity, not prevention. Our children and communities will benefit from a high bar on maladaptive sexual behaviors meaning to instruct and model behaviors that will help our young children enjoy a healthy childhood and adolescence, and later develop the healthy and stable families of which they dream and that healthy communities require. [LR334]

SENATOR SULLIVAN: Thank you. And this will end the hearing on LR334. (See also Exhibits 23-51.) We will move on to LR314, which has been introduced by Senator Kolowski. And I would ask that he would give some introductory remarks. [LR334]

SENATOR KOLOWSKI: Can I do it from here? [LR314]

SENATOR SULLIVAN: Yes. [LR314]

SENATOR KOLOWSKI: Good afternoon, Chairwoman Sullivan and members of the Education Committee. I'm Senator Rick Kolowski, R-i-c-k K-o-l-o-w-s-k-i, and I represent District 31 in southwest Omaha. I introduced LR314 to examine the use of restraint and seclusion in Nebraska schools and determine what the Legislature can do to promote policies that promote safe, transparent, and accountable educational environments for all students and educators. Our office has had meetings over the summer with parents, teachers, disability rights advocates, social workers, and many more stakeholders to start a dialogue about what is currently happening in Nebraska in regards to restraint and seclusion, and how we can eliminate the use of these practices through alternative positive relationship-building models. Today you will hear from many of the parents and advocates in this area. We hope that this interim study will ignite a larger discussion about the need for smaller class sizes, mental health support in our communities, and more professional development time for our teachers. I look forward to the public hearing today on LR314 and our continued work to support Nebraska's youth. Thank you. [LR314]

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

Education Committee  
September 10, 2015

---

SENATOR SULLIVAN: If you are not testifying, I would ask that you move out of the room quickly and stop your visiting so we can give our attention to the testifiers. As indicated, we have several people that have been invited to first of all give testimony. We'll start with Dr. Reece Peterson. [LR314]

BRAD MEURRENS: Dr. Peterson will not be able to testify in person. I have his written testimony to submit to the committee for... [LR314]

SENATOR SULLIVAN: Okay. [LR314]

BRAD MEURRENS: ...for the record. (Exhibit 1) [LR314]

SENATOR SULLIVAN: (Exhibits 1, 2, and 3) Oh, excuse me. These are letters of...oh, excuse me, letters for the record: Dr. Reece Peterson, Trisha Kingsley (phonetic), and Michael Chittenden from The Arc of Nebraska. Excuse me. Now we'll start with the selected testifiers. Melinda Pearson. Sorry, Senator Kolowski. Welcome. [LR314]

MELINDA PEARSON: (Exhibit 4) Thank you. My name is Melinda Pearson, M-e-l-i-n-d-a P-e-a-r-s-o-n. [LR314]

SENATOR SULLIVAN: Sorry. Just a minute. Okay, Ms. Pearson, I think you can go ahead now. [LR314]

MELINDA PEARSON: Thank you. He's passing out a copy of my notes so you'll... [LR314]

SENATOR SULLIVAN: Okay. [LR314]

MELINDA PEARSON: ...have it all in front of what I'm saying. [LR314]

SENATOR SULLIVAN: Very good. [LR314]

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

Education Committee  
September 10, 2015

---

MELINDA PEARSON: My name is Melinda Pearson. I'm a parent of a child with special needs who has been restrained too many times to count and secluded even more. I would like to share some of my son's story in hopes that this committee will find it necessary to recommend either laws or guidelines to: one, only use restraints or seclusion when there is a crisis situation, not for compliancy; two, all school staff is trained properly; and three, the notification of parents or legal guardians is mandatory and happens every time these practices occur. The first time I found my son in a seclusion room, he was in 2nd grade. He was in a little room--a previous custodial closet turned into a recovery room, without a window or a way to see him and to monitor him. Leaving him with a math worksheet and a pencil to work alone, he was expected to complete the assignment before he could come out. It was not clear exactly how long he had been in the room. Needless to say, I was not okay with this. Up to this point, I had been in communication daily with the challenges and struggles he was experiencing, and at no point was I told he was being placed in what was called the recovery room. For his remaining elementary years we helped shape the procedures at the school and perhaps even the district. Through my daily conversations with staff, the practices used over time did change: some improving; some helping him, as I'll note later; and some that need to be thrown out. During this time he endured numerous times daily where they used restraints to de-escalate him when angry. Often, he would have bruises on his arms where he was held in an attempt to get him to the ALE room, previously known as the recovery room. After the school was remodeled, there were two ALE rooms, now with windows, one in each resource room. In attempts to help my son, they decided to designate one of the rooms to be used only for him. Fourth grade was a particularly challenging year which led to what I would call permanent seclusion for my son. During the last quarter he was removed from the classroom and placed in an emptied-out small classroom with his one-on-one para. This room did have windows, but when staff realized he was standing at those windows screaming for someone to let him out, they immediately put tint on them so he could see out but passers by could not see in. The biggest mistake I made was allowing his 5th grade year to start off the way they insisted it would. Because he had ended the 4th grade out of the classroom, they felt it necessary for him to earn his way into the classroom for 5th grade, even though this was a new year. Thus, he was given a new office room tucked down the 1st grade hallway where he and his para would work secluded from his class and peers. He was absolutely crushed. I spent two days at school that first week--the first day trying to help calm him down and convince him it would be okay, even though I wasn't okay with it, and the second to see what exactly staff was doing.

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

Education Committee  
September 10, 2015

---

On the second day it was made quite clear I should not just arrive unannounced and plan to stay for the day. They didn't think it would benefit my son. He never did make it back into his classroom. He had very little actual teacher instruction throughout the year, almost all of his instruction coming through his para. He was even expected to eat lunch in this room, though they did invite a couple of classmates to join him after my insistence. He wasn't allowed to go to recess his entire 5th grade year. Middle school has been an entirely different experience. My son still has one-on-one support and we have yet to get him back into the classroom on a regular basis, in my opinion, because of the behaviors learned as a result of all the seclusion. However, he has only had to use the ALE room a few times, as middle school only uses it when a student is in crisis and unsafe. Shortly after his first few days at middle school he got in our car and said, Mom, I'm not the only bad kid. He has told me he figured out there really are some nice teachers too. My plea would be for the district and the state to continue to work for solutions to set our children up to thrive not just survive; that should it be deemed necessary, seclusion and restraint only be used in crisis situations. When advocating for my son over the years, I've always said if he needs to get it together then so be it. As soon as he can talk, he comes out. If he escalates again, he may have to go back, but that typically isn't the case. We must treat our children like human beings, not like animals who need to be caged up. Children should never be made or expected to complete school work or a task before they come out of a seclusion room. All staff must be trained in behavior support and conflict de-escalation. I can't tell you how many times, through my conversations with staff, often on a daily basis, the trouble or trigger was the result of a power struggle when the adult allowed emotions to enter in. My son's elementary school truly did go the extra mile, even holding weekly meetings to keep everyone on the same page to assist him. Yet over and over again, I could point to the trigger. Many times the entire situation could have been diverted had the adult emotions been kept in check. Perhaps training will prevent other children from experiencing what mine has. In closing I will share some of the good that has come out of those years. My son did learn some valuable de-escalation skills and improved his negotiation skills. We work daily on respect, consideration of another's point of view, and understanding you treat others the way you wish to be treated. He and I spent many nights working through the events of his day, so many times with him stating, Mom, I just want to be normal. Now when he is feeling out of control, he will leave the room and take three to five minutes to get it together. At home he goes to his room. At school he has two to three safe places he and his teachers have agreed on. He can express when he's feeling angry, frustrated, sad, and

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

Education Committee  
September 10, 2015

---

sometimes overwhelmed. We continue to see progress and I fully expect his high school years he will be able to independently attend classes and engage in what's going on around him without support, despite what happened in his elementary years. If these practices are not restricted to done away with completely and training not changed for our educators, many others will not even survive, potentially ending in tragedy, as we know many do not have people advocating for them. Thank you. [LR314]

SENATOR SULLIVAN: Thank you, Ms. Pearson. To some of us, this is sort of foreign territory. We're not acquainted with it. Can you tell me a little bit more about the team of educators that you worked with? Was special education involved? [LR314]

MELINDA PEARSON: Yes. [LR314]

SENATOR SULLIVAN: Did you have an IEP? [LR314]

MELINDA PEARSON: Yes. We are...I'm here, right here in Lincoln, so we're with the LPS District. We do...my son has been on an IEP since kindergarten. [LR314]

SENATOR SULLIVAN: Uh-huh. [LR314]

MELINDA PEARSON: We did have a team, even...they even brought in the district. CASA (phonetic) is what they refer to it. So I had people that were working regularly. In his 5th grade year, when it was so secluded, I asked to have the special education people from the district office come in, because I was concerned maybe we should move him to a different school. At that point they decided they'd do a functional behavior assessment and they felt that moving him would be a detriment to him, in spite...despite my saying he's secluded, he's by himself, you know, he's not getting any education, there's no teacher instruction. With this is a para who, you know, we're fortunate in having some longstanding paras who had been with the school district for a long time, so I feel like they had a good handle. But they didn't have a teacher's education. [LR314]

SENATOR SULLIVAN: So where are you right now in terms of level of satisfaction? [LR314]

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

Education Committee  
September 10, 2015

---

MELINDA PEARSON: I feel that the middle school that we are at has been exceptional. They have a strong philosophy in the ALE rooms. They're the alternative learning environment, which they're now known as. I'm not sure why that's the name of them. But they only use them when a child or a student is being unsafe to himself, herself, staff, or someone else. It's a small room where they are strongly suggested, sometimes assisted, probably most of the time assisted into that room, to get it together and calm down. Because they're only using it during that...I mean that's...I haven't been able to come up with another acceptable method when someone is being unsafe, even though I've been working very closely with the school. The school's philosophy now that's he's at is every day is a new day, which has been very helpful. He doesn't have to go to school the next day and process if we've had a challenging time, which that would most of the time trigger him to have just as bad a day. Fifth grade, when they decided to put him in that little room, was a small little room, nothing on the walls. I mean it was a desk and him and the para. And lots of times they would have to close the door because he had been in the 1st grade hallway. And the saddest part for me in that situation is he had worked from kindergarten up to the 5th grade, establishing a relationship with the teacher he was intended to have, and yet they did not give him the chance to see if he could have turned it around and been who I know he can be. Now what we're seeing, to come back full circle to answer your question, I think he's learned behaviors. He's highly intelligent, gifted, and a strong negotiator, which some would call a manipulator. And he has figured out that he really doesn't want to be in a class. So because he's gotten this in 4th and 5th grade, we're having challenges getting him back into the classroom where he'll sit through a class. He did call me this afternoon at noon and say, Mom, I made it to 30 minutes of science, so that was...that's a victory. We're on the right path. [LR314]

SENATOR SULLIVAN: Okay. Thank you. Senator Kolowski. [LR314]

SENATOR KOLOWSKI: Thank you. If this is inappropriate, please tell me. But are there medications involved also on a regular basis with the school nurse or whoever? [LR314]

MELINDA PEARSON: Thank you for asking. [LR314]

SENATOR KOLOWSKI: Please. [LR314]



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

Education Committee  
September 10, 2015

---

MELINDA PEARSON: That was, I feel in my opinion, was part of the biggest problems in 4th and 5th grade because we did try medication. It was not right for my son. He is no longer on, he's been...he's completely off of everything since 5th grade. I feel like I was kind of pushed in that direction to try something because we were struggling so much. I believe that's where a lot of the aggressiveness came from in him trying to have to deal with things. Now he's not on anything and he's...we don't see these situations at home. He's compliant...as compliant as a 12-, 13-year-old boy would be, in my mind. (Laugh) [LR314]

SENATOR KOLOWSKI: As a former high school principal, I had to deal with lots of the range of things. I didn't mean to probe on that question. [LR314]

MELINDA PEARSON: No, no, no, that I appreciate,... [LR314]

SENATOR KOLOWSKI: Just needed clarified. [LR314]

MELINDA PEARSON: ...because I think that, you know, there was obviously...there were things and, you know, there were times when he was unsafe. But to isolate him like that, I just don't feel like children should be isolated. I mean to be made to work, you know, that was some...he really...and what I didn't...I left out a little bit of it for time. He really...oh, sorry, I just lost my train of thought. I'm sorry, I lost it. [LR314]

SENATOR SULLIVAN: What involvement did the principal have? [LR314]

MELINDA PEARSON: He was involved. The coordinator was very strongly opinionated. She had a background in special ed. She came from special ed into the coordinator position so was very confident and adamant about this is the way that it was going to happen. You know, I have respect for her. The principal, he was more of an, I don't know, what do you think, kind of. He's very kind but wasn't necessarily take charge and this isn't okay. [LR314]

SENATOR SULLIVAN: Okay. Thank you. Any other questions? Thank you for your testimony. [LR314]

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

Education Committee  
September 10, 2015

---

MELINDA PEARSON: Thank you. [LR314]

SENATOR SULLIVAN: Leanne Whetstone. Welcome. [LR314]

LEANNE WHETSTONE: (Exhibit 5) Hi. Good afternoon. Dear Education Committee members, my name is Leanne Whetstone, and that's spelled L-e-a-n-n-e W-h-e-t-s-t-o-n-e. I am here as the parent of a 17-year-old son with autism. I appreciate the opportunity to speak to you about this difficult subject of restraint and seclusion. Today I'm sharing our family experience when our son was enrolled at a public school district in central Nebraska. During the 2013-14 school year my son was physically restrained several times while a freshman in high school. My husband witnessed our son being physically restrained on one occasion. The physical restraint consisted of a prone restraint, by placing my son on the floor face down on his stomach with two school personnel holding him down. One staff person sat on his lower torso and the other staff held his arms down while my son struggled to get out. One of the school staff was physically much larger than my son. Restraints such as this happened four to five times during the month of September 2013. The restraints were performed in a seclusion room in the basement of the high school. This room was approximately 4 feet by 7 feet and was poorly ventilated, which meant it was very hot in late August and September. The room at one time appeared to have been a closet and it also housed the bell that rang between classes. The restraints were done because of noncompliance. My son had a difficult time with talking during class time. This constant chatter is part of his autism disability. My son also had another student he wanted to see, and the school did not allow this. So he would try and find her during times like pep rallies and fire drills. Second, I would like to share that not only was my son restrained in this room but he was also secluded. My son would start each day in this closet, turned seclusion room, with the bell sounding, and be asked to work on different academic tasks. He was also taken to this room if he was not able to be quiet in class. Most times he did not know what he needed to do to get out of this room. My husband observed my son in this room one entire day. During this seclusion, rest room breaks were not offered. There was little room to move around, so my son paced back and forth, similar to a caged animal. Through all this, the school did not communicate to us they were physically restraining my son or that they were placing him in the seclusion room on a daily basis. The school suspended my son on three occasions due to his aggressive, noncompliant behavior. However, they never shared that they were restraining him. I found out about the restraints when

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

Education Committee  
September 10, 2015

---

I noticed bruising on my son's arms. When I asked him, he told me that they took him down on his stomach and sat on him. Eventually, the beginning of that school year he started to refuse to go to school. Communication with parents is critical. We must know when restraint has been used so that better positive behavioral supports can be in place to reduce and eliminate the archaic method with those...of dealing with those with individuals who have disabilities. Prone restraint should never be allowed. This method has killed many students and injured others. Positional asphyxia death can occur. The school personnel who performed these restraints were not doing this to help my son de-escalate. In fact, they were angry with my son and were restraining him as a form of punishment. The school indicated that the staff was trained in the Crisis Prevention Intervention method of restraint. However, as parents, we had no proof of this. CPI teaches de-escalation and presents physical restraint only be used as a last resort. And I'm going to conclude here. I know we're running out of time. Today my son is currently enrolled at Omaha Westside High School. Due to the fear of sending our son to an unsafe situation at school, we felt as a family we had no other options. We uprooted our family and moved halfway across the state and enrolled our son in a school...I'm sorry, I'm getting emotional--in a school which has an in-depth policy for restraint and seclusion. At Westside, a positive behavioral support plan was recommended by Munroe-Meyer Institute and we implemented that plan. My son is currently attending school full-time and has only had one incidence of aggression to school staff or other students. This ordeal has been very difficult for our entire family. We were very traumatized by this physical punishment and even now he still talks about it. So I appreciate you giving me the opportunity to share my story. And I open it up to if you have any questions for me. Thank you. [LR314]

SENATOR SULLIVAN: Thank you, Ms. Whetstone. I know this is not easy for you,... [LR314]

LEANNE WHETSTONE: It's not. [LR314]

SENATOR SULLIVAN: ...but you did a very good job, so thank you. Getting back to the original situation, you indicated that your son has autism. [LR314]

LEANNE WHETSTONE: Yes. [LR314]

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

Education Committee  
September 10, 2015

---

SENATOR SULLIVAN: And so in that original school district, did you feel that through special education support your son was getting help treating or dealing with the autism or was it... [LR314]

LEANNE WHETSTONE: No. No. We never felt like the school did what they could have done for our son. In other words, we really stress positive behavioral supports for him and a reinforcement system, and it was very difficult for the school to implement that. And there's a couple of reasons why. Number one, I felt like they didn't want to; and number two, they didn't have the resources or the training to do that. At one point in time when my son was a 7th grader, he became aggressive, and so the middle school said he can no longer go to school; you can take him home and bring him back at 4:00 in the afternoon and we'll give him one hour of school services. We objected to this and they did find another school for him to go to where he was totally by himself. He was in a classroom by himself. They hired a substitute teacher to teach him and that teacher had a degree in physical education, not special education. And so we were constantly trying to teach the teacher on how to use positive behavioral supports and de-escalation. And I just...we just felt like they just didn't want to deal with it. It was too...it took too much time. They didn't have the resources, they didn't have the training. As far as the restraining that happened at the high school, that was being implemented by the assistant principal and another teacher. And the minute he didn't comply, they called in the assistant principal and there was no de-escalation attempted. It was take him to that room and restrain him. [LR314]

SENATOR SULLIVAN: So did you ever have an individual education plan? [LR314]

LEANNE WHETSTONE: Yeah, we...oh yeah, we had an IEP and we met many times and advocated for our son. We asked the school to bring in specialists who worked with applied behavioral analysis, which focuses on positive behavioral reinforcement systems, and they would do that. And then the next year it would be a whole new set of teachers with my son and there was no follow-through on, okay, this is what's worked, we need to continue to do this. It was like a whole new set of teachers and we had to start all over at the beginning of every school year. So it was very frustrating. [LR314]

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

Education Committee  
September 10, 2015

---

SENATOR SULLIVAN: And so you literally have moved your family and now things are going better. [LR314]

LEANNE WHETSTONE: Things are going a lot better. And I will say this about restraining, that the more my son was restrained, the more combative and aggressive he became. If he would have been given his space, would he have been upset? Yeah, maybe he would have been yelling or something, but he wouldn't have been trying to hit someone if they would have backed off. But they had him by both arms and then they took him to that room and, you know, he didn't want to be in that room. He wanted to be around other students. He wanted to have a normal school experience, so. [LR314]

SENATOR SULLIVAN: Okay. Thank you. Senator Kolowski. [LR314]

SENATOR KOLOWSKI: Thank you, ma'am. Did he...I wanted to...the former school district he was in, did the educational service unit have any specialty people that might have been able to help or... [LR314]

LEANNE WHETSTONE: They did. [LR314]

SENATOR KOLOWSKI: ...was that far away or... [LR314]

LEANNE WHETSTONE: Yeah. No, it was not far away. It was right there in the same location. [LR314]

SENATOR KOLOWSKI: Okay. [LR314]

LEANNE WHETSTONE: And we called them in, in the 7th grade when they asked us to take him home and not let him go to school. I was going to have to quit my job because I would have to stay home and take care of my son. And we called in the ESU and they did a behavioral analysis and made recommendations to the school, which the school said they were doing those recommendations, but it didn't help. And my son's aggression continued so they just said he can

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

Education Committee  
September 10, 2015

---

no longer go to school here. And we said, well, you still have to educate him and we don't think an hour a day is enough. So at one point in time, yeah, we did utilize the ESU. [LR314]

SENATOR KOLOWSKI: Thank you. Thank you. [LR314]

SENATOR SULLIVAN: Any other questions? Thank you so much for your testimony. [LR314]

LEANNE WHETSTONE: Thank you. [LR314]

SENATOR SULLIVAN: We'll now hear from Dani (phonetic) Ohlman. [LR314]

BRAD MEURRENS: Dani (phonetic) could not make it to the hearing. I have her testimony. [LR314]

SENATOR SULLIVAN: So you will submit that into the record? [LR314]

BRAD MEURRENS: (Exhibit 6) Yes. Yes. [LR314]

SENATOR SULLIVAN: Okay. All right. Very good. Mike Tufte. Welcome. [LR314]

MICHAEL TUFTE: Hi. Thanks for having me. You guys look a little beat, long day. Thanks for having us. Appreciate it. Mike Tufte, M-i-k-e T-u-f-t-e. I am here representing PTI Nebraska. That stands for the Parent Training and Information Center. I'm neutral on this position but I thought it imperative that I pass along some facts. We're a parent advocacy center. We are staffed entirely by people, parents, who have a child with a disability, and our board is 50 percent parents who have a child with a disability. We're funded by State Department of Ed and federal Department of Ed grants entirely. So I'm not here representing either side of the issue; just want to pass along some facts. Over the last three years we've had over...almost 600 calls to our office on behavior discipline and restraint/seclusion questions. So parents basically call our parents who have been through the process before. They all have parents that have...or they all have children that have been through the entire educational process and know the ins and outs of Rule 51, Rule 52, you know, IEPs, IAPs, how do you do this, how do you do that? If you've got a

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

Education Committee  
September 10, 2015

---

medical issue, how do you work with the nurse in your school district to make sure they can go? So they can answer just about any questions and it's from an advocacy point of view. Nearly 50 of those nearly 600 calls that came in dealt with restraint/seclusion. You see, there's a couple of parents that came today, but on average we get about one call a day across the state, we're a statewide organization, of folks asking questions about. And what I've done here is...I'll pass this along to the clerk there, but I've listed about 50 questions, the most common questions we get from parents. So you can kind of go through these. I'll just read a couple of them. I can't go through all 50 of course. But: Are the schools allowed to put my child in a room all day by themselves? Also, we get questions from teachers. We're nonbiased, so we answer questions from principals, teachers that have questions as well. So: As a teacher, I'm worried about putting a child alone in a room but I'm told this is what I should do. What should I do? As a paraprofessional, I've witnessed students being held down for outbursts in class. What are the laws on that? It makes me feel uncomfortable when I don't know what to do. Can I request documentation from the school every time a restraint is used on my child? So we have a lot of these questions that come in every day and we don't, for restraint/seclusion, we don't really know all the answers. If you look at Rule 51, Nebraska law, it doesn't list...it doesn't say restraint or seclusion in the law at all. So we don't have a lot of backup. There's federal guidelines, of course, and we refer back to those. The federal Department of Ed has some general guidelines and that's all we can refer to at this point. They were last updated in 2010 and when parents call in we...our only recourse is to refer back to that. We don't have a lot of answers for them on that restraint/seclusion. [LR314]

SENATOR SULLIVAN: All right. Thank you, Mr. Tufte. So you're saying that in terms of Nebraska laws with respect to these topics, we don't have very much on the books? [LR314]

MICHAEL TUFTE: Right. [LR314]

SENATOR SULLIVAN: And what, if anything, does Rule 51 include? [LR314]

MICHAEL TUFTE: Well, it's general special education law. I mean the entire... [LR314]

SENATOR SULLIVAN: Oh, okay. Okay. [LR314]

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

Education Committee  
September 10, 2015

---

MICHAEL TUFTE: ...realm of special education in Nebraska. [LR314]

SENATOR SULLIVAN: Uh-huh. [LR314]

MICHAEL TUFTE: You know, it's a big book but it doesn't have anything on which to... [LR314]

SENATOR SULLIVAN: It has nothing with respect to restraint and seclusion? [LR314]

MICHAEL TUFTE: Well, it has some...the word "restraint" and the word "seclusion" is not in there, no. [LR314]

SENATOR SULLIVAN: Is what? [LR314]

MICHAEL TUFTE: The word "restraint" and "seclusion" is not in there. [LR314]

SENATOR SULLIVAN: Oh, it's not. [LR314]

MICHAEL TUFTE: Right. [LR314]

SENATOR SULLIVAN: Okay. And you're an advocacy group? [LR314]

MICHAEL TUFTE: Yeah, we're a nonprofit. We're a 501(c)(3). [LR314]

SENATOR SULLIVAN: Are you based here in Lincoln? [LR314]

MICHAEL TUFTE: We're based in Omaha but we're a statewide organization so we take calls from parents statewide that have questions. Most of our calls will come in on questions on the IEP and the process, the IFSP, the IAP process and how does that work, because it's pretty confusing when they first start. But like I said, we get quite a few calls on behavior discipline, restraint, seclusion. [LR314]



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

Education Committee  
September 10, 2015

---

SENATOR SULLIVAN: Have those calls been increasing over the years? [LR314]

MICHAEL TUFTE: Yeah. I've got figures from 2012, '13, '14, and '15 here--I'll pass those along to you--but generally stay pretty steady actually. [LR314]

SENATOR SULLIVAN: And the federal guidelines are more specific with respect to these topics. [LR314]

MICHAEL TUFTE: Well, they're not even that specific. They're just general guidelines. They're not rules. They're not regulations. They're not law. They do provide kind of a general guideline for states to follow when they come...when they...and school districts to follow when they're coming up with a plan for their district, but it's not...yeah, that's not even a law as well. [LR314]

SENATOR SULLIVAN: Okay. Any other questions? All right. Thank you very much for that insight. Brad Meurrens. Is that...I'm not sure I'm pronouncing that right. [LR314]

BRAD MEURRENS: That's very close. [LR314]

SENATOR SULLIVAN: Close enough? [LR314]

BRAD MEURRENS: Close enough. [LR314]

SENATOR SULLIVAN: Okay. (Laugh) [LR314]

BRAD MEURRENS: No one ever says it or spells it correctly, so you're in good company. [LR314]

SENATOR SULLIVAN: Can you hand your green sheet to the clerk. [LR314]

BRAD MEURRENS: Oh, sure. [LR314]

SENATOR SULLIVAN: Thank you. [LR314]

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

Education Committee  
September 10, 2015

---

BRAD MEURRENS: There's my testimony and... [LR314]

SENATOR SULLIVAN: Did you want those distributed? [LR314]

BRAD MEURRENS: (Exhibit 7) Yes. Yeah. Here is Dani (phonetic) Ohlman's testimony (Exhibit 6), and then Dr. Peterson's testimony (Exhibit 1) is contained within the folder. [LR314]

SENATOR SULLIVAN: Okay. All right. [LR314]

BRAD MEURRENS: Because they were not able to make the hearing. [LR314]

SENATOR SULLIVAN: Okay. Very good. We'll sure those get to the committee. Okay. [LR314]

BRAD MEURRENS: Good afternoon, Senator Sullivan and members of the Education Committee. For the record, my name is Brad, B-r-a-d, Meurrens, M-e-u-r-r-e-n-s, and I'm the public policy specialist for Disability Rights Nebraska, the designated protection and advocacy organization for Nebraska. First off, I want to thank Senator Kolowski for introducing this resolution and the Education Committee in general for giving it time this afternoon. LR314 is important because it begins a necessary discussion about the use of restraints and seclusion in schools, a risky and dangerous practice for all our students, especially those with disabilities. The impact of these techniques is not limited to the student who is restrained or secluded. Restraint and/or seclusion can pose a safety risk to school faculty and staff, as well as negatively impacting other students who witness the restraint and seclusion. The use of restraint and seclusion in schools is a complex issue that to be successful in reducing the use of these techniques will require an open, robust, and ongoing dialogue among a wide variety of stakeholders. The use of seclusion/restraint has garnered much national attention over the past few years. Several national reports have been published documenting the practice of restraint and seclusion used in schools and the resulting injuries to students and staff. A few of these reports have been included in my folder handout. Disability Rights Nebraska conducted a literature review and produced a research report entitled "At Risk With Only Guidance for Protection," which is also included in my handouts, and it highlights the risks posed by these techniques, Nebraska policy, and key areas which should be addressed in order to reduce the use of these

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

Education Committee  
September 10, 2015

---

techniques. I'd like to now give you an overview of what we found. One, restraints and seclusion are dangerous. The Governmental Accountability Office reports that restraint and seclusion can be dangerous to individuals in a treatment setting because restraining them can involve physical struggling, pressure on the chest, or other interruptions in breathing, and that children are subjected to restraint and seclusion at higher rates than adults and also are at greater risk of injury. The Governmental Accountability Office investigation also found hundreds of cases of alleged abuse and death related to the use of restraint and seclusion on school children in the past two decades. Other examples of restraint and seclusion use have been documented by the National Disability Rights network. Their 2009 report, "School is Not Supposed to Hurt," documents not only incidences where students subjected to restraint and/or seclusion were physically injured, traumatized, or died as a consequence but also some of these techniques that are used on them, including students strapped down to their chairs, even wheelchairs; students pinned on the floor by several adults; students grabbed and dragged into rooms; students held in arm locks; students handcuffed; students placed in coffinlike boxes and cells; and students locked in closets. Seclusion and restraint use is not limited to emergency situations and is often used without parental consent or notification. The Governmental Accountability Office reported that children are restrained as a disciplinary measure even when the student's behavior appeared not to be aggressive. The GAO also continues that students were restrained without prior parental consent or they were restrained or secluded with explicit parental instructions not to use restraint and seclusion and, thus, were ignored. Three, restraints and seclusion are disproportionately used on students with disabilities. The GAO report continues that most of the hundreds of allegations that they identified related to children with disabilities and 90 percent of the closed cases involved children with disabilities or a history of troubled, quote unquote, behavior. The Department of Education, the U.S. Department of Education reports a disproportionate use of restraints on children with disabilities. While students with disabilities represented only 12 percent of students in their study, they represented nearly 70 percent of students who were physically restrained in school. Now Nebraska has a patchwork policy. There is a requirement that school districts have a policy on restraint and seclusion, but the rub is that that's as far as it goes. There's no prescription about what those policies should contain and what they should look like. There is a guidance document that is produced by the department which gives an example or two examples of suggested language, and it gives some suggestions about what might be considered or might be included in such a policy, but there's no enforceable,

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

Education Committee  
September 10, 2015

---

accountable requirement or standardization around what those policies look like. So what we have as a result is a nonuniform, nonstandardized, piecemeal approach school district by school district by school district which basically sets up a situation where your child's safety is wholly dependent upon where that child goes to school. And so that's the problem that we're bringing up to you today, is that we think that there should be some sort of legislative or statutory action. What that looks like is, you know, yet to be determined. We would be encouraged to have that discussion. We'd be happy to do that. But we think that there needs to be some level of standardization or uniformity in these policies across the state. And I will stop there for time, but I have a few more...there's a lot more data and a lot more research within my testimony you have in front of you. So I'd be happy to answer any questions that the committee may have. [LR314]

SENATOR SULLIVAN: Thank you, Mr. Meurrens. So the department, at the very best, it's just very broad guidelines. [LR314]

BRAD MEURRENS: Yes. Basically, it just says that you've got to have a policy. [LR314]

SENATOR SULLIVAN: You have to have a policy. It doesn't even go so far as to say or has guidelines on what should be included in that. [LR314]

BRAD MEURRENS: The way I read it is that the guidance document, there's the requirement that the school districts have the policy, but there is no...there's only guidance and suggestions about what those policies should look like or what should be included in those policies. You're right. [LR314]

SENATOR SULLIVAN: Okay. Does it include anything about parental notification and consent? [LR314]

BRAD MEURRENS: As I recall, there is a section in the guidance document that talks about parental notification. But as you can see in here, it's not necessarily either followed or it's not included within the policies. And you'll note that there are some sample policies included in my handout from a variety of different schools and you'll notice that some schools will have a seven-to ten-page bullet point, sub-bullet, sub-bullet point policies, very detailed, explains things like

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

Education Committee  
September 10, 2015

---

who's eligible, who's able to do these techniques, what are the standards for getting the child out of the seclusion room or stopping the restraint. And you'll find others just have a broad paragraph that is very generic and very vague about some of the ins and outs and the details about how these policies would be enforced, how they would be conducted, and what the procedures would be. So it runs the whole gamut. [LR314]

SENATOR SULLIVAN: And we probably don't have any...maybe we have, obviously, some anecdotal information of the results of some of this, but we don't really have a picture of what has happened across the state. [LR314]

BRAD MEURRENS: That is a good point. One of the things that is a major piece of the literature and is one issue that we would be supportive of is having some level of data collection and reporting requirements. Because if you look at, for example, the Office of Civil Rights within the Department of Education, the federal department, their database, they do collect some data across the country on the numbers of seclusions and restraints, the number of seclusions and/or restraints done to children under IDEA, child that are not under IDEA. So they have a database. And I looked, when I looked at this database, I think it says current up to, I think, as of 2012. The number of zeros, the zero reports from the schools in Nebraska is astounding. If the spreadsheet that I pulled down with all just the Nebraska schools is like 11 pages long at like 8-point font, and there are so many...there are so many zeros I can't count them all, as if there are...there's nothing happening. And I think something along the lines of...I think that that database reports something along the lines of maybe 1,700 incidences across the state in the last three, in those three years that they look at. But you'll notice, if you look at the data and at the chart, it's zeros across the board for a whole host of schools across the state, so. [LR314]

SENATOR SULLIVAN: But it's because they aren't required to report. [LR314]

BRAD MEURRENS: Well, that raises a couple of different questions. I mean it raises the question of why are there a bunch of zeros? Well, is that because there are no restraints and seclusions being done in...from 2009 or '10 to 2012, which is the span of the database report? Or does it show that there's a lack of reporting and data collected about incidences of restraints and seclusion? I think it's probably the latter more than the former. [LR314]

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

Education Committee  
September 10, 2015

---

SENATOR SULLIVAN: Uh-huh. Okay. Questions? Senator Groene. [LR314]

SENATOR GROENE: There's two sides to every story. I mean how many bruises are there on school employees? I mean some of these young men are pretty good size. I have a personal experience of this with somebody close to me who is involved in this situation, and she has bruises all the time because is told to just be passive. [LR314]

BRAD MEURRENS: Uh-huh. Uh-huh. [LR314]

SENATOR GROENE: And this young individual hurts people. [LR314]

BRAD MEURRENS: Uh-huh. [LR314]

SENATOR GROENE: Goes in the lunchroom and starts throwing food... [LR314]

BRAD MEURRENS: Right. [LR314]

SENATOR GROENE: ...and plates. [LR314]

BRAD MEURRENS: Uh-huh. [LR314]

SENATOR GROENE: Where is the responsibility of the school to protect the other students and the staff? I mean... [LR314]

BRAD MEURRENS: Uh-huh. [LR314]

SENATOR GROENE: ...you're not saying we just give up and we just throw up our hands and the class is disrupted until the individual calms down, are you? Or is there just a better way that somebody needs to be attentive to this individual when they do isolate them? [LR314]

BRAD MEURRENS: Well, I think that there are better ways and different alternatives to do to prevent these incidences from occurring. In the discussions that I've had with advocates, parents,

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

Education Committee  
September 10, 2015

---

and people in the educational arena, they're saying, you know, prevention is key. And de-escalation is important. But I think you're right. There will be instances where children, youth, students might be in situations like you describe, and that happens, but our point is that rather than using these techniques as an instant reaction, that these techniques should be used only as a means of last resort. When there are no other alternatives that can be used or utilized to de-escalate and to build a relationship with that student then, you know, it is what it is. But the problem is, first of all, that these practices are not being relegated to a last resort. In fact, actually the data and the research and the anecdotes that I've heard indicate that it might be the first reaction. Secondly is, as I said it in the testimony, these techniques present a risk not just to the student being restrained but also to the staff itself, themselves, and to the students and the families that are involved in that child's life. So you're right, there is a risk, but the risk is not just to the student. The risk is also to the staff and the faculty that are either doing the restraint or secluding or to be retraumatized by even witnessing the use of restraints or having to see a large individual take down a smaller child. And the third point that I'd make is that these techniques are not reserved to just kids who are 6'4", 250 pounds. These techniques are also being used on elementary students and children and students that are not overly large. And so, yeah, you're right, there are two sides to every story and I don't think that we can say, well, you know, just throw it away and do nothing about it. But the problem is that these techniques are not being relegated to the intent that they were developed, and that is to be used as truly a last resort.

[LR314]

SENATOR SULLIVAN: Senator Kolowski. [LR314]

SENATOR KOLOWSKI: Thank you, ma'am. Brad, the majority of larger high schools have security officers, either county sheriffs or state...or police from the city. Are there any recorded incidents that they're involved with some of these things that they have to write up that somehow make it to a record somewhere... [LR314]

BRAD MEURRENS: Well,... [LR314]

SENATOR KOLOWSKI: ...with, you know, not having much of a trail at all to follow? [LR314]

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

Education Committee  
September 10, 2015

---

BRAD MEURRENS: Right. Well, from what I've heard from parents and other advocates is that the school resource officers are involved in a lot of these restraints and seclusions and these techniques. Now whether or not those individuals, by their office, are required or do report these incidences, what I've heard is that the school resource offices don't have to report these instances. That I'd have to go back and confirm, but that's what I've been hearing from parents and educators and the advocates that I've talked to about this issue. [LR314]

SENATOR KOLOWSKI: Okay. [LR314]

BRAD MEURRENS: But, yes, the resource officers are involved in a lot of these issues and the question remains what is the requirement for those individuals to report that? Is once that officer is involved, does it now become a criminal justice matter or is it still an educational matter? And then what are the responsibilities in those two spheres of influence on resource officers to do that reporting and the data collection? [LR314]

SENATOR KOLOWSKI: Yeah. Thank you. [LR314]

SENATOR SULLIVAN: Do you have any idea, when you bring in security officers or even law enforcement, it probably brings to my mind, at least, that they have had some training in dealing with eruptions like this. But I would guess that...do educators have any sort of training or educational background to know how to handle interventions like this? [LR314]

BRAD MEURRENS: Well, in my discussions with other folks in this arena, there are trainings on these techniques, either how to implement them, how to do them. And those trainings are provided to some educators. I don't know the extent and the scope of how many of the school staff and faculty at a school would receive that training. But one of the things...and I'm glad you mentioned that because one of the things that was brought up in several discussions with both educators, teachers and advocates and parents says that the level of training needs to be...is one of the key variables in this equation. And that there needs to be an increase or an increase in the intensity of the training and to provide a deeper level of training on de-escalation techniques and alternatives to the use of force. So there are some training provided. I don't exactly have, off the top of my head, the scope of that training or what would be involved, but that is one of the key



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

Education Committee  
September 10, 2015

---

areas and that has been, you know, told to me that that's one area that needs to be beefed up.  
[LR314]

SENATOR SULLIVAN: Senator Baker. [LR314]

SENATOR BAKER: Thank you. Are you familiar with Mandt training? [LR314]

BRAD MEURRENS: Somewhat. [LR314]

SENATOR BAKER: All right. And do you know, do you consider that to be suitable training for teachers? [LR314]

BRAD MEURRENS: You know, I'm not as familiar with Mandt as I should be to be able to answer that question. I do know some folks that have much more Mandt training experience than I do. I'd be happy to, you know, to put you into contact with those folks if you wanted to...  
[LR314]

SENATOR BAKER: No, I'm familiar with it. [LR314]

BRAD MEURRENS: Okay. [LR314]

SENATOR BAKER: I'm a retired school superintendent. [LR314]

BRAD MEURRENS: Right. [LR314]

SENATOR BAKER: We trained our staff, anyone who was going to be around those students. And it's, you know, as previously indicated, there's no easy solution to some of these things sometimes. There was an elementary student who had the habit of kicking away, and we had to have...paid two aides to contain one child without, you know, going to the extremes of taking him down and put him into a cage. I mean that's the flip side of it. It costs a lot of money.  
[LR314]

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

Education Committee  
September 10, 2015

---

BRAD MEURRENS: Yeah. Well, and the other...and then the flip side is, you know, as some of the parents mentioned before me, is if the child...if...the restraints can also...the use of these techniques can also be more. It can exacerbate the underlying problems too. So you're right, Senator Baker, there are no easy answers to this question. I think if it were an easy answer, we would have already had it by now. [LR314]

SENATOR BAKER: That's right. [LR314]

BRAD MEURRENS: And I think, and like I said, I think that this...in order to get to those noneasy answers, I think, like I said, it's going to take an ongoing, robust, and involved dialogue between a whole host of different stakeholders to get at something that's workable and, you know, to reduce these uses of these techniques. [LR314]

SENATOR SULLIVAN: Any other questions for Brad? Thank you for your testimony. [LR314]

BRAD MEURRENS: Thank you. Here's a copy of the testimony if you wanted it. [LR314]

SENATOR SULLIVAN: Very good. Those are all the testifiers that were asked to present. Now we're open to anyone else. [LR314]

DEB ANDREWS: (Exhibit 8) My name is Deb Andrews, D-e-b A-n-d-r-e-w-s. Restraint and solitary confinement have no place in school. Parents would be criminally charged for engaging in those same practices. In our public schools, students are many times confined to a seat but not mentally engaged. Problems result from that. The child is then held responsible for school failure by being drugged or locked up. Targeting children's behavior results in system expansion. Your handout is a visual depiction of a child's decent into hell at Westside Schools, and the child's recovery at Council Bluffs' public schools. At half the cost, Council Bluffs focused on mastery of subject content knowledge and continuous progress, which allowed him to be mentally engaged during the school day. Just seven years after his transfer to Council Bluffs at age 15, my son presented the results of his research to the Nebraska Academy of Sciences annual meeting, "Routes to Spiropyran with Electron Donating and Withdrawing Substituents." He couldn't even drive. You can see at the first page his hand...it's about the first day of school, his handwriting

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

Education Committee  
September 10, 2015

---

was fine. But within weeks, October 2, 1992--this has been going on for a long time--you can see the anxiety and the frustration and his behavior was deteriorating quickly. The next page as well, you can't...it's not even legible. He was headed to "the box." At Westside Schools that's what they called their seclusion room. With his recovery, I was so shocked at what a difference it made just when his curriculum was adjusted--took care of all the problems. I became very active. I became a strong advocate for those students left behind and locked up. My advocacy prompted a threatening letter, which I've included those two pages. I received this via certified mail warning me to cease and desist. I did not comply. The final page of your handout is the front page of a column I wrote about a 12-year-old autistic boy that was confined 100 times in five months in Lincoln Public Schools. It was a 5- by 7-foot room that was...he couldn't get out from the inside. It was locked from the outside. The parents had an IEP, however, they were not told about the seclusion room. The only reason the parents found out was when the 12-year-old defecated on himself inside the seclusion room and the parents were called to bring him a new set of clothing. Prompts my appearance here today. I'm glad this is seeing the light of day. It's been decades in coming. And once again, I urge you to ask or legislate or do something to improve curriculum in schools for children. Thank you. [LR314]

SENATOR SULLIVAN: Thank you. Any questions? Senator Kolowski. [LR314]

SENATOR KOLOWSKI: Ms. Andrews, this is 1992, 1998 you're talking about? [LR314]

DEB ANDREWS: Yes. Yes. [LR314]

SENATOR KOLOWSKI: So we have a lot of years here between. [LR314]

DEB ANDREWS: Yes. [LR314]

SENATOR KOLOWSKI: Just to make some clarity, I think the Westside superintendent was with us earlier today and had talked about some things that they do very successfully in Westside right now. So I wouldn't want that to reflect on where Westside is today compared to what you went through quite a few years ago. [LR314]

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

Education Committee  
September 10, 2015

---

DEB ANDREWS: I'm hoping my advocacy made a difference there. I was very vocal. [LR314]

SENATOR KOLOWSKI: Thank you. [LR314]

DEB ANDREWS: Thank you. [LR314]

SENATOR SULLIVAN: Thank you for your testimony. [LR314]

LAURA McCORMICK: Hello. I'll be brief. I wasn't sure if I was going to get to speak. [LR314]

SENATOR SULLIVAN: Your green...okay. [LR314]

LAURA McCORMICK: My name is Laura McCormick. [LR314]

SENATOR SULLIVAN: Your green sheet. [LR314]

LAURA McCORMICK: Sorry. [LR314]

SENATOR SULLIVAN: Thank you. [LR314]

LAURA McCORMICK: Here's the form. I think I failed the rules. [LR314]

SENATOR SULLIVAN: That's fine. You're fine. [LR314]

LAURA McCORMICK: Okay. Do you need me to spell it? [LR314]

SENATOR SULLIVAN: Yes. [LR314]

LAURA McCORMICK: L-a-u-r-a M-c-C-o-r-m-i-c-k. I am a lay advocate observing juvenile court primarily in Douglas County and I'm very interested to hear the stories of the parents. But one piece of the puzzle that I think we're missing is what happens to kids when they enter foster care and if they cross over into the juvenile justice system. So I'm hoping I can just share a few

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

Education Committee  
September 10, 2015

---

facts, and if you'd like more information I'm happy to share it later. So my primary concern is related to the use of seclusion, isolation, and restraint with populations of kids in the foster care and juvenile justice systems. One chronic problem I observe is related to kids being moved from foster placement to foster placement. Oftentimes they are initially coming into foster care relatively normal children. And as they have lots of traumatic experiences which then result in movement of school, placement from alternative school to alternative school, which then can result in placement in an, let's say, out-of-state residential treatment facility. And the young man that I am speaking about is 13 years old. He left Nebraska in January. It is September and he is still in a facility in Michigan and the cost per year to us is \$50,000 a year for this care. But I digress. Children have described to me being confined to very small rooms where they will scream, cry, defecate, urinate, beat their heads against the wall until blood, feces are in a room. I've seen the room--concrete floors, concrete walls. The children also describe physical injury and restraint. They're left with marks on their bodies. The problem with foster kids and kids in the system is there is no parent that may be available to advocate for the child. One young man was at a school called Alpha School, which I do not know if you're familiar with that school. It's run by ENSHA. His guardian received a phone call asking if the child could stay at school till 10:00 p.m. The philosophy was that you will do your work until your work is complete. The space that the child was confined to was a very small space with a chair like this and...extremely small space. The child's grandmother was not informed about this restraint. The techniques that are used at these alternative schools as children move from alternative placement to alternative placement, then eventually result in suspension or expulsion. And kids, in my opinion, are set up to fail and I don't think we have adequate resources for this particular population of children. And when they do not succeed, they become the "Nikko Jenkins" of our community. That's my opinion. In addition to speaking with families and children impacted by restraint and seclusion, I have also toured Alpha School, OPS ILP, Clarinda Academy, and Brook Valley. Brook Valley is a wonderful facility. And during the tours, which I encourage you to do, I asked that they confine me in some of these rooms. I asked how some of the restraint techniques would work because I wanted to personally see what would happen and how it compared to what children were recounting to me. The last thing I will ask is what happens when Nebraska kids go out of state. Clarinda Academy is a place where we don't have a lot of Nebraska kids right now but we have at various points. I don't know what happens when we send a Nebraska child to a different state. Do the laws and rules in that state apply? I would presume that is the case but I don't know the

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

Education Committee  
September 10, 2015

---

answer. In terms of training, when I did go on the Brook Valley tour, they did a marvelous job and explained all the training that they go through and I thought that was very interesting and I would encourage you to reach out to them. The last thing I will say is school resource officers. You mentioned that. Particularly in Omaha, I cannot speak to all parts of the state, but most especially in Omaha we have a very serious disproportionate minority contact problem. There are any number of organizations that are focused on that and school resource officers and the policing of school is resulting in disproportionate minority contact. I agree with you that this is a difficult problem. I'm against violence directed toward teachers and other students. I think children need to learn. But we have to come up with solutions for some of these children and I do not agree confining children to rooms and treating them like animals. I'm vehemently opposed to it. So if you have any other questions. [LR314]

SENATOR SULLIVAN: Thank you very much for your testimony. Just to clarify, you referred to Alpha School and Brook Valley. Are those alternative schools or what exactly are they? [LR314]

LAURA McCORMICK: They are. So let me briefly describe what happened to this young man. This young man who was removed at eight, placed into foster care, could not stop crying and was administered literally a bag of psychotropic medicines. And chemical restraint is a whole nother topic because that is a form of restraint. This young man had, I don't know, 20 placements. He started out a relatively normal young man and as this happened to him he became a special needs child who had an IEP. He initially then was transitioning into the school called ILP, which is run by OPS. It's down in north Omaha. As he would continue to have problems with aggression and behavior, I would say trauma in part by all that had happened to him, he would get suspended. And it got to the point where he was unplaceable. I mean he's very difficult to take care of. And then that resulted in a transition to the school called Alpha School. Alpha School is a very interesting school. It's down by the old Casio's. It's a very old building but the staff there are very nice. And I'm not intending to disparage anyone who is working hard to help youth. That said, this is a school where we...it's run by ENSHA, and so Douglas County and several of the other surrounding counties, including counties in Iowa, send kids there. So you will find children from all over and many of these children...it's sort of the end of the line, so to speak. And once you get suspended from Alpha, as this young man that I'm talking to you about, he then had to appear before a judge in Douglas County and that was the point at which he was

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

Education Committee  
September 10, 2015

---

told he would be boarding a plane and going to Michigan. And that is where he has been ever since. And this is a young man that had never been on a plane in his life. I can only imagine what he was thinking when he was delivered to the airport. His family has had very little contact with him. Again, a very difficult, complicated court case. And I am in not in any way pointing fingers. I would say I believe strongly Nebraska kids need to be taken care of in Nebraska and we need to have oversight over what is happening to these children. All children deserve an education and a chance, and I'm not certain that that is happening with this unique population. And I think there needs to be special attention paid to that group. [LR314]

SENATOR SULLIVAN: Thank you. Any other questions? Thank you very much. Anyone else? [LR314]

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 just decided to come up to put into the record some basic information about what the State Board of Education and the Department of Education have done on this topic. Back in about 2010 at the federal level, and I don't have the GAO reports, but there were studies being done and Congress held hearings to deal with this. And they heard horrific stories from across our country of terrible situations that existed. Thankfully, none of them that were presented came from Nebraska. But we decided at the department we needed to put something into regulations to address the issue of seclusion and restraint. So what we decided to do was in Rule 10, the accreditation rule that applies to all public school districts and any private denominational and parochial schools that want to be accredited, a requirement that they have policies on seclusion and restraint as a starting point, because there really was nothing in Nebraska law on that topic. It is one of the items that when we do accreditation visits, the accreditation team will ask and check and have conversations about the school district, its policies, procedures, training, and all of those issues. But that's about where we got. That regulation went into effect in July of 2012. So since the '12-13 school year all public school districts and all private denominational and parochial schools that are accredited are required to have policies on this subject in that regard. So I'll stop. Been a long day. I'll answer any questions you might have about the subject, but I just wanted to make it clear as to what the department and the State Board had done on this subject several years ago. [LR314]

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

Education Committee  
September 10, 2015

---

SENATOR SULLIVAN: So it's just simply that they have a policy. There are no recommendations or guidelines as to what should be included in that policy. [LR314]

BRIAN HALSTEAD: We do not have a model policy that we put out to school districts. We have provided information through our special education offices of things school districts should be thinking about if they're putting together their policies and procedures. We have...and there are the guidelines that the U.S. Department of Education has put out on the subject, so we try to provide information as best we can about good practices, what you should be concerned about, when you go to write the policy make sure you're covering these types of topics. I think that's generally what we've done. But, no, we have not adopted a model policy or said you shall adopt this policy. [LR314]

SENATOR SULLIVAN: And then there's no mechanism for reporting from school districts on when they have incidences of restraint and seclusion. [LR314]

BRIAN HALSTEAD: There is no requirement they report to the Nebraska Department of Education on incidences of reports of seclusions and all of that. I have seen a few school district policies where there is mandatory reporting to the superintendent's office on any instances where any type of physical contact, restraint, and everything goes on. So there is always still the same situation. You know, some of the parents, what I heard, well, there's still the reporting requirement if child abuse/neglect has occurred. That's still in place. There are other support mechanisms. I do not know, of the parents and the people who testified, whether any of them have been in contact with our special education office regarding the concerns of the school districts or the personnel regarding the particular situations. If they haven't, I certainly would encourage them and we would certainly be willing to work with them on that. If they did and they didn't get a satisfactory response, I'm sorry to hear about that. I'd like to know about it. There are other means and mechanisms. I know the advocacy group that was here before that we provide some funding to, they have in fact filed either special ed complaints, they've even filed ethics complaints against educators, because there are some ethical standards that teachers and administrators have to uphold to keep their certificate. So there are other processes in place. They're not all written out of here is the law on how you go about doing that, but there are some other support systems. So I figured I'd just kind of give you some background of where the



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

Education Committee  
September 10, 2015

---

department is on that. It's good to listen to what we hear because this is a learning experience for all of us. [LR314]

SENATOR SULLIVAN: Sure. Uh-huh. Okay. Senator Schnoor, did you have a question? [LR314]

SENATOR SCHNOOR: Brian, you said so the schools have to have a policy in place. There's no model policy that they have to have. I would venture to say like NASB, they probably have some type of model policy but, you know, they're not...they don't have to use that. But do you see any, in the state as a whole, do you see any, I'll say, systemic problem of what we're talking about? I mean obviously there's going to be isolated instances. We all know that. And even the best policy and the best rules and regulations aren't going to stop those problems from happening, maybe minimize them, those isolated instances. But I guess my simple question is, do you see a major problem within the education system currently? [LR314]

BRIAN HALSTEAD: Well, you know, I don't know that I can answer that because I haven't visited 245 school districts, I haven't talked to everybody in every school, I haven't talked to all of these parents. Obviously, anytime there are parents who are concerned about how their child is being handled, treated, followed through, that is a concern. As to whether it's systemic and it's everywhere in the state of Nebraska, I mean you've heard from a couple parents here today, one from central Nebraska, and you've dealt with the issues of our rural communities' lack of resources, training, all that. You heard a parent from Lincoln Public Schools, a parent who is now in Westside. So you can see that there are, as you're well aware, varying, different differences just in our communities and our schools. I am well aware that legal counsel for school districts have model policies because they're having to address the legal issues that come up from this as to the...how well they're put together and everything. And I think there has been an attempt by everybody to try to deal with the situation. I can't tell you that there is a systemic problem but there are still ongoing instances that are problematic. And, you know, it's an ongoing discussion. You know, Senator Groene mentioned he knows a teacher who's...yeah, it's not just the children. It's not just the particular child whose behavior and the maybe lack of well-thought response by adults to it sometimes. There are the other children in the classroom or in the school building. Let me tell you, heard from parents who were complaining about how

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

Education Committee  
September 10, 2015

---

their child is getting beat up by another child and all that. And you understand the dynamics that are going on. And if there were a simple solution to all of this, I am sure every one of the parents who you heard from would give it to you. And you know it...parents send the best kids they have to school every day and you try to do the best you can every day. School district officials have a duty to take reasonable steps to protect the health and safety of everyone at that school building, and sometimes that is a difficult balancing act to deal with in certain circumstances or for brief periods of time. I was at least somewhat comforted by the parents, although the trauma and the issues they've dealt with at the moment they seem to be far better off than they were, but I'm still saddened by the fact they had the journey they had to take. And I suspect the same feeling is yours. And you know, at the same...I don't believe any have been to the State Board or to the department to ask us to flesh out anything more in this regard. It's always a possibility. We were participating in this with staff, having discussions so that it was all there. I think it's a great opportunity to bring to light some issues as to where we go next. We need to continue the conversation. I don't think it's necessarily rampant problems, but at the same time it's not an issue you can ignore. [LR314]

SENATOR SCHNOOR: Okay. Thank you. [LR314]

SENATOR SULLIVAN: Senator Groene. [LR314]

SENATOR GROENE: We've heard instances, as Senator Schnoor said, the exception to the rule. But I'm assuming this policy is done because it actually works in a lot of instances. Child loses control, put in a room, calms down, joins the class. I'm assuming that's the outcome most times or else fully educated, professional educators wouldn't do this. I mean, and I find it...I don't like to hear that, but I know of three school districts where they would never leave a child alone. They have a para one on one that's, if they might be in a room, that para is with them. I guess what I'm saying is nobody has found a better answer. Sometimes isolation, they calm down, join the class. Is that not true? [LR314]

BRIAN HALSTEAD: I am certain that there are certain circumstances where the child, not having other disruptions, it is a help to the child. But as you've heard from some of the parents

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

Education Committee  
September 10, 2015

---

here, that may be the wrong strategy for the particular child in the particular situation they're in. And you know, I don't... [LR314]

SENATOR GROENE: I just want to make it clear that... [LR314]

BRIAN HALSTEAD: Yeah. [LR314]

SENATOR GROENE: ...we're not...there's a reason it's done. It's the best practices right now. And maybe it can be made better for these types of instances. I'm assuming that's what...I would think they'd do best practices. [LR314]

BRIAN HALSTEAD: I would certainly hope that every day every person is doing their best practices, but, unfortunately, in my life I get to hear about stories of, whoa, that was not a best practice. And you get to hear about, well, that wasn't a very well-thought-out best practice. And I got it. You know, the universal constant is always at play. To err is human. We can provide all the education, all the training, all the simulations, all of that and then: What were you thinking? We trained you but you still didn't... I mean it happens. We are human. We make mistakes and... [LR314]

SENATOR GROENE: You lose it once in a while. [LR314]

BRIAN HALSTEAD: And I don't think any of the people here are thinking that we have evil Nebraska educators and school board members are out to do harm, but trying to grasp everything and trying to do the right thing at the right moment may sometimes bypass us at that. And I think the whole point maybe of this hearing was just to continue the conversation in this and to see what maybe can be advanced, whether you feel there's legislation, whether there's things these people, through the department, want to work with us on. Those are always possibilities in that regard. Like I said, in 2011 and '12 we thought let's put in the accreditation rule, not special ed because this is not a special ed issue, although many of the students are receiving services. This is about all children being safe and secure. You should not restrain a nonspecial ed student unless it's a last step recourse. So that's why we put it in Rule 10. You aren't going to find it in Rule 51 because specifically it's not just for special ed. It's for all kids. [LR314]

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

Education Committee  
September 10, 2015

---

SENATOR SULLIVAN: Sure. [LR314]

SENATOR GROENE: Thank you. [LR314]

SENATOR SULLIVAN: Any other questions? Thank you, Brian. [LR314]

BRIAN HALSTEAD: You're welcome. [LR314]

AMBER PARKER: Good evening. And you must be very patient people to be in the seats you are. My name is Amber Parker, A-m-b-e-r, last name Parker, P-a-r-k-e-r. I'm here to offer on LR314 to being a proponent. The young man's story of which you had heard from Ms. McCormick a few minutes back really resonated in my heart. When I heard about this I thought, how could these things be going on and these precious people, whether we're born in certain special needs or behavioral issues, who had been through abusive situations and didn't know how to handle the trauma of such cases. What I want to address with the young man, there's a lot, but one is the chemical restraint. It greatly was concerning to me to know that he wasn't able to take within the medications that he had from the state of Nebraska and what he knew his body would be used to, and here not only flying him, first, you know, time on an airplane, but within this medication. And Ms. McCormick would have more information on this, but he had went through a lot. And I just think of the other people in that situation and the chemical restraint. And I don't believe that anyone who spoke here is out to harm anyone, but it is important that when we do see a need for a resolution, that we're diligent people to come before and discuss it. And I would just ask that you would look at one of those areas and that's really what I would like to talk on, the chemical restraint, because that can affect the whole behavioral issue in itself. And the whole goal is to get them healthy, to the best of the ability of their choosing, and that medicine can really come in handy. And if there's something that we don't have that states that from...coming from Nebraska or them going out of state, that could really cause problems, and then it seems that the communication lines for them to get back on the medicines they have or they're on a generic versus whatever medication, for example, it is can really create difficulties for them and a lot of discomfort. And that's why I'm here to speak today. [LR314]

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

Education Committee  
September 10, 2015

---

SENATOR SULLIVAN: Thank you. Any questions for Ms. Parker? Thank you very much.  
[LR314]

AMBER PARKER: Thank you. [LR314]

SENATOR SULLIVAN: Anyone else wishing to testify on LR314? (See also Exhibit 9.) If not, this closes this interim study, and thank you all for being here. [LR314]