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Education Committee  
March 07, 2017

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[LB651 LB662]

The Committee on Education met at 1:30 p.m. on Tuesday, March 7, 2017, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB651 and LB662. Senators present: Mike Groene, Chairperson; Rick Kolowski, Vice Chairperson; Laura Ebke; Steve Erdman; Lou Ann Linehan; Adam Morfeld; Patty Pansing Brooks; and Lynne Walz. Senators absent: None.

SENATOR GROENE: Welcome to the Education Committee public hearing. My name is Mike Groene from Legislative District 42. I serve as Chair of this committee. The committee will take up the bills in the order posted. Our hearing today is your public part of the legislative process. You're the second house. This is your chance to take part. This is your opportunity to express your position on the proposed legislation before us today. To better facilitate today's proceedings, I ask that you abide by the following procedures. Please turn off cell phones and other electronic devices. Move to the chairs at the front of the room when you are ready to testify. The order of testimony is introducer, proponents, opponents, neutral, and closing remarks by the introducer. If you will be testifying, please complete the green form on the back in the corners and hand to the committee clerk when you come up to testify. If you have written materials that you would like distributed to the committee, please hand them to the page to distribute. We need 12 copies for all committee members and staff. If you need additional copies, please ask the page to make copies for you now. When you begin to testify, please state and spell your name for the record. Please be concise. It is my request that you limit your testimony to four minutes. If necessary, we will use the light system; green three minutes, yellow one minute, red means please wrap up your testimony. Stay in your seat. You might have senators ask you questions. Please speak directly into the microphone so our transcribers are able to hear your testimony clear. The committee members with us today will introduce themselves beginning at my far right. Senator Linehan will be introducing and Senator Pansing Brooks.

SENATOR PANSING BROOKS: Hi. I'm Patty Pansing Brooks, District 28, right here in the heart of Lincoln.

SENATOR GROENE: Senator Kolowski I believe will be joining us soon.

SENATOR EBKE: Laura Ebke, District 32.

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

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SENATOR ERDMAN: Steve Erdman, District 47, Sioux, Banner, Kimball, Box Butte, Morrill, Garden, Deuel, Keith, Cheyenne, and Arthur Counties. Thank you.

SENATOR WALZ: Lynne Walz, District 15, Dodge County.

SENATOR GROENE: I'd like to introduce the committee staff. To my immediate left is legal counsel Charles Garman. To my far right at the end of the table is committee clerk, Kristina McGovern. She is who you hand any handouts to...not handouts, the green sheets. The handouts go to the two pages back there, Alexi Richmond and Sam Baird. They're both University of Nebraska students. Please remember that senators may come and go during our hearing as they may have bills to introduce in other committees. I'd also remind you that the committee...we might be on our phones or on our computers corresponding with our staff or looking up information so that we know what we're talking about when we ask you questions. So anyway, we will start the hearing.

SENATOR PANSING BROOKS: That's questionable. (Laughter)

SENATOR EBKE: We might just ask.

SENATOR GROENE: We might ask anyway even if it's foolish. But anyway, we'll start with LB651, Senator Linehan. [LB651]

SENATOR LINEHAN: (Exhibits 1, 2, 3) Good afternoon, members of the committee and Chairman Groene. I am Lou Ann Linehan, L-o-u A-n-n L-i-n-e-h-a-n. I represent District 39 and I'm here to introduce LB651, known or as I call it, K-3 Reading. I'd like to start with just one of the main reasons I believe so firmly in this bill. Of all the juveniles entering into the court system, 85 percent are functionally illiterate. The same can be said for 60 percent of all prison inmates. Over 75 percent of welfare recipients are illiterate and 90 percent of high school dropouts. Nearly 90 percent of the students who fail to earn a high school diploma were struggling readers in the third grade. High school dropouts cost our nation \$240 billion a year in social service expenditures and lost tax revenues. As I think many of you know--because I do talk about it, probably maybe too much--I struggled with reading as a child; and I've known struggling readers all my life. For a generation, I have been frustrated that we have kids who are cognitively able but are not being taught how to read. We fail them miserably and we fail them early. Most depressing, we label children who struggle, sending them the message that they're not as capable as their peers. We put them in special ed classes, we don't hold them to high standards, and have told very early, you're not going to go to college. I would like to mention and I'm very proud of our colleague, Senator Pansing Brooks, because she has addressed this subject this year with her bill that brings more attention to children, 10 to 20 percent who struggle with

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dyslexia. These kids, unless they have a parent like Patty, excuse me, Senator Pansing Brooks's mother who made sure her brother was able to read, if they don't have...a child in this situation doesn't have a parent or grandparent, these kids get lost. This is not just about schools in areas that struggle. This is a crisis that's widespread and affects every economic group. I've heard from parents and grandparents in Elkhorn and Millard and Westside, searching for an answer to why their kid, who they can tell is perfectly fine and bright, can't read. In looking at NeSA scores across Nebraska, there are many examples in struggling schools where proficiency gets progressively worse as students advance to higher grades. For example, at Kennedy Elementary School in Omaha in the 2013-14 school year, 54 percent of third graders were proficient. In the fourth grade, 48 percent were proficient. In the fifth grade, 37 percent were proficient. By the time the children were in the sixth grade, 28 percent of them were proficient. Nebraska has done a lot of great work on preschool and making sure children are ready for school. According to an article that was in U.S. News and World Report in the last couple of weeks, Nebraska ranks 6th in the nation on preschools: number of children in preschool and the amount of money we spend on preschool. So we're working to make sure kids are ready. We're also trying to make sure that kids are college and career ready with programs targeted to high school students. But little concern has been voiced about what's happening between kindergarten and third grade.

According to a 2012 federal study, gains experienced from access to high-quality preschool are lost by the end of third grade if not followed up by high-quality K-3. Unless we address what happens after preschool, the work we've done and continue to do from birth to five will matter a great deal less. Unless we address what happens before high school, the prospects to improve college and career readiness diminishes substantially. Serving on Health and Human Services and hearing every day about families who struggle because they can't make ends meet or they're stuck in low jobs all goes back to a lack of education. The cost of not teaching these kids how to read is enormous. I've heard from teachers too. I know there will be educators behind me that won't like the bill. That's...but I've heard from more than a handful of teachers who aren't happy when they get seventh and eighth graders that can't read. They're not only behind in reading, they're behind in every subject. And when you get to eighth grade and you can't read and you are struggling, what do you do? You act out because that's what you're left to do. You will hear today that it's detrimental to a child's self-esteem to hold them back a grade level. Let me assure you the most detrimental option in this equation is to fail to teach a child to read. To be clear, retention is the last resort in this legislation. The idea is to provide schools and families with necessary support to ensure their children are proficient in reading every year. Behind me you will hear from Chris Hovanetz, the senior policy fellow for the Foundation for Excellence in Education, who can speak further to the purpose and intent of this legislation and answer the more technical questions you may have and speak to how this policy has improved outcomes in other states. Thank you for your time. [LB651]

SENATOR GROENE: Any questions from the committee? Senator Pansing Brooks. [LB651]

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SENATOR PANSING BROOKS: Thank you. Thank you for bringing this forward, Senator Linehan. I know how passionately you feel about it and, you know, you have a lot of really good arguments. One of the things I was wondering about in the statistics, were those national or Nebraska statistics and do you have...if they are national, do you have some similar..early on you talked about... [LB651]

SENATOR LINEHAN: The welfare recipients? They should have...you have this page? [LB651]

SENATOR PANSING BROOKS: Oh, did I get that? Sorry, I was listening. [LB651]

SENATOR LINEHAN: That's okay. [LB651]

SENATOR PANSING BROOKS: I was listening to you. [LB651]

SENATOR LINEHAN: That's why I brought it because I figured somebody would ask that question. [LB651]

SENATOR PANSING BROOKS: Okay. [LB651]

SENATOR LINEHAN: So they are all cited at the bottom. [LB651]

SENATOR PANSING BROOKS: Okay, wonderful. So these are probably national statistics, is that what I'm seeing? [LB651]

SENATOR LINEHAN: Right, yes, not Nebraska's. [LB651]

SENATOR PANSING BROOKS: And do we have information on Nebraska statistics? [LB651]

SENATOR LINEHAN: I don't have them. I can try and find some. I don't know but... [LB651]

SENATOR PANSING BROOKS: Yeah, we should try and find them. [LB651]

SENATOR LINEHAN: I have heard Nebraska numbers about...I think we could probably ask Senator Wayne about this, the number of kids that get put in juvenile detention act out in school. You heard him on the floor the other day. They act out in school, they get ticketed, they end up in juvenile detention; and they act out because nobody wants to be... [LB651]

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SENATOR PANSING BROOKS: Well, and clearly the zero tolerance policies at the schools are contributing to that as well. [LB651]

SENATOR LINEHAN: Right. [LB651]

SENATOR PANSING BROOKS: That we're taking the schoolyard fight or other things that have been dealt with in the principal's office and taking them straight to detention and that's not good either so. [LB651]

SENATOR LINEHAN: It's problematic. [LB651]

SENATOR PANSING BROOKS: Thank you for your testimony and this bill. [LB651]

SENATOR LINEHAN: You're welcome. Thank you. [LB651]

SENATOR GROENE: Senator Ebke. [LB651]

SENATOR EBKE: Senator Linehan, I was on a school board in another life. Tell me about third grade. What's the magic about third grade? [LB651]

SENATOR LINEHAN: Because after third grade you start reading to learn. So if you move on to the fourth grade and you're taking social studies and science and reading, history of Nebraska, I don't know if they do that in fourth grade... [LB651]

SENATOR EBKE: Fourth grade. [LB651]

SENATOR LINEHAN: ...history of Nebraska and you're given a book to read about Nebraska and you can't read the book. And I don't know all the reading disabilities or reading differences, but I'm very familiar with dyslexia. So what happens if a child doesn't...a child struggles and they're going to have...I understand that it's hard, difficult for these kids to learn. I get that. But the more they resist reading the harder it is for them ever to catch up. So it's...they have to struggle, they have to work harder. And if they don't learn early, they just won't read. They'll pretend. Charles Schwab is...we all know he's very successful. He was very dyslexic. I read a lot of what he said. He got through college reading comic books and with help from other peers. But he was smart enough, capable enough that he could kind of work his way through it. So a lot of these kids figure out another way, whether it's comic books or watching a movie and take the test

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on the book. And now with computers, there's a lot of other helps, but it's still...they still struggle with reading. [LB651]

SENATOR EBKE: So what are the options? You know, you talk about some of the individual reading improvement plans and things like that. What kinds of things can be done and how do you identify the problem? [LB651]

SENATOR LINEHAN: Well, some of this and I'm not...I have grandchildren going into elementary school right now. I don't have...but one of my frustrations I remember when mine were young and I'm watching this closely now is resistance to teaching phonics. Some kids learn a lot easier than others. Some kids need phonics. And I've never understood what phonics would hurt anybody. So a good dose of phonics early on helps kids with their reading and their spelling. [LB651]

SENATOR EBKE: I've got great stories I could tell you, but I won't bore the whole room with it. But we'll talk about it sometime. [LB651]

SENATOR LINEHAN: But I'm interested. [LB651]

SENATOR EBKE: Yeah, I'll be happy to tell you. [LB651]

SENATOR LINEHAN: Thank you. [LB651]

SENATOR MORFELD: I love your stories, Laura. [LB651]

SENATOR EBKE: Everybody else won't. [LB651]

SENATOR GROENE: Senator Walz. [LB651]

SENATOR WALZ: Hello, how are you? Thank you, Chairman Groene. Okay, so I just want to get this straight in my head. [LB651]

SENATOR LINEHAN: Okay. [LB651]

SENATOR WALZ: So if they do not pass an assessment, a reading assessment in third grade, we are going to mandate that they are not going to pass the third grade. [LB651]

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SENATOR LINEHAN: Okay. That's what...that's the way this will be described and I understand that. So first of all, it's very important here. They're tested for their reading in kindergarten, first, second, and third grade. So the idea is to identify them very early, kindergarten or first grade, that they've got a problem, not to wait as we do now to test in the third grade. Our only statewide test right now are third grade. [LB651]

SENATOR WALZ: Statewide test, okay. [LB651]

SENATOR LINEHAN: Right, statewide tests. So you test the child first, kindergarten, second...excuse me, kindergarten, first, second grade. And hopefully the intervention starts right then. As soon as you see there's a problem, you notify the parents. You hopefully meet with parents, give the parents ideas to help the child, give them a heads up so the last resort is holding the kid back. I mean, and there's also exceptions that are listed in the bill. I think there's seven or eight exceptions. If you have an IEP, you're not held back. So it's not...the idea is not to hold kids back, unless, of course, if they can't succeed in the fourth grade why would you send them to the fourth grade? [LB651]

SENATOR WALZ: Yeah, I would agree with that. And then my next question is so where is the parents' decision in this? I mean, if we're going to mandate that they are going to stay in third grade, does the parent have any decision in that? [LB651]

SENATOR LINEHAN: Yes. I think if you...part of the bill...the other...the final kind of exception is the teacher goes to the principal who goes to the superintendent and ideally, hopefully the parent would be involved in that conversation, deciding whether it's actually the appropriate thing for the child or not. But the idea is also and this would go back, you know, we all have our own personal stories so if you haven't all been bored with the story before, when I found out one of my children was struggling is when I went to the school one day and was playing with my younger children and saw him sitting by himself and asking what was going on. And he said he had to stay in every morning. And I'm like why? And he said he didn't know. So then, as many parents would be, I was at the teacher's door at the end of the day and told that he had been struggling through reading the whole first semester but nobody had told me. So parents need to be brought in right away and be told your kid has got an issue here. And if you haven't been reading every night or if we need to work on phonics or whatever...I understand that parents are a big part of it, but they've got to know. And the problem also with learning differences, frequent...it's familial. So if a child is having difficulty reading, it's highly likely one of their parents has difficulty reading. So if one of their parents has difficulty or both of their parents have difficulty reading, they haven't been reading to them, they can't read. But it's better to know that than not know that. [LB651]

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SENATOR WALZ: Right. Yeah. And I would be concerned, too, as a parent if I didn't have somebody telling me that my child had a learning disability or a reading problem. And I'm just asking the question... [LB651]

SENATOR LINEHAN: No, no, that's fine. [LB651]

SENATOR WALZ: ...because I am trying to understand. [LB651]

SENATOR LINEHAN: Yes. [LB651]

SENATOR WALZ: So was there a parent-teacher conference, they never said anything at that or? [LB651]

SENATOR LINEHAN: It was like during the first semester so, no... [LB651]

SENATOR WALZ: So there wasn't a... [LB651]

SENATOR LINEHAN: ...it was completely. And this was...these are good schools and these are good teachers. And there's wide varieties and we've talked about this on this committee, wide varieties of kids that come into school and what they've been exposed to. And I know it's difficult, but I just think it's so important to catch them early, not to wait until the third grade to make sure that you get them on the right track. [LB651]

SENATOR WALZ: Right. And I... [LB651]

SENATOR LINEHAN: If I remember right, you used to have spelling tests in third. I think my first grader grandchild has spelling tests already so it's time for the parents. [LB651]

SENATOR WALZ: Yeah, I would totally agree with that. And, you know, from my experience, we do test. It might not be a nation, you know, an assessment, a big assessment, but we are constantly...when I was teaching kindergarten, first grade, second grade, third grade, constantly assessing that child's reading ability. But I, you know, that communication has got to be there with the parents as well if they do see that there's a problem. I would completely agree with that. [LB651]

SENATOR LINEHAN: Thank you. [LB651]

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SENATOR GROENE: Senator Erdman. [LB651]

SENATOR ERDMAN: Thank you, Senator Groene. Thank you, Senator Linehan, for bringing this bill. Currently can a school hold a child back now? [LB651]

SENATOR LINEHAN: They can I think, yes. [LB651]

SENATOR ERDMAN: It's kind of ironic. I had a town hall meeting two weeks ago when I went home, and one of the teachers...I had a teacher at one of the town halls and he came up and spoke about this. And he had mentioned that his dad was held back in third grade and his dad became very successful. And as he mentioned that, I got to thinking about those people in my sons' lives. There was a child, young child, third grader, my son's child...class, they held him back in third grade, he's a doctor today because he just...he could...he didn't get it. And they had summer classes for him and they helped him come along. They held him back in third grade, he knew all the people in second grade, third grade. It was...you know, we didn't have a big school, but he didn't miss a lick. The hardest part of that--I talked to his parents--the hardest part was on his parents that they held him back. [LB651]

SENATOR LINEHAN: Well, it's, as we all know, I think most of us, many of us, not all of us I shouldn't say, but many of us are parents. And when your kid is struggling, it's harder on you than it is your kid generally speaking. Kids are pretty resilient. [LB651]

SENATOR ERDMAN: Thank you. [LB651]

SENATOR GROENE: Any other questions? Senator Pansing Brooks. [LB651]

SENATOR PANSING BROOKS: Thank you. I was just wondering whether or not there had been any discussion to...in a way, I know this will be couched as penalizing the child, penalizing, you know, for the reading. And I know your intent is in a way to penalize the schools for not doing their job to teach these kids to read, just having discussions with you. So I'm trying to figure out if there's been an effort and I do see some things about summer school, but there would be ways to initiate requirements of summer school, requirements of really giving additional support to those kids. [LB651]

SENATOR LINEHAN: It's really...thank you, Senator. I really, really appreciate this question. I know that it looks like I'm trying to penalize somebody. I am not. I think there's many teachers that don't know. They don't know when they've got a kid who's...I even got a letter from a teacher who is retired now but taught for 30 years. And in her letter she says, and I'm not going to name

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her, but it just goes to the problem. Well, how can you do this? What about kids with dyslexia? They can't read. And I'm like, exactly. That is exactly why we need this bill. They can read. It's harder. It takes the parents. It takes some dedication, but they can read. And we've got far too many people, not just teachers. I mean, a lot of people hear dyslexia or learning difference and they discount right away what a kid can do. And it just should not be...you can't tell a third grader that you're not going to be a doctor, not going to be a lawyer, you're not going to go to college because you can't read. [LB651]

SENATOR PANSING BROOKS: Thank you. [LB651]

SENATOR LINEHAN: You're welcome. [LB651]

SENATOR GROENE: Other questions? Senator Ebke. [LB651]

SENATOR EBKE: Okay. I'm going to tell you a little of my story. [LB651]

SENATOR MORFELD: I knew you would. I knew she was. [LB651]

SENATOR EBKE: One of my children who is a senior this year, and we talk about her one day and some of her struggles, went to kindergarten, first, and second grade in Crete; and I suspect that part of the problem, and you can respond to this, is that sometimes teachers don't recognize that there's a problem. It's not for lack of trying, but I remember very clearly in first grade--our oldest daughter was an early reader--and I remember very clearly in first grade at the second parent-teacher conference, you know, being a little wondering about what was going on. And I said, you know, where is she with the rest of the kids? You know, is she reading up to grade level? She said, yeah, she's just about right with all the other kids. Well, a year and a half later at the end of second grade we did DIBELS testing in the school. And come to find out that almost 55 percent of our kids were reading two years below grade level at the end of second grade or the beginning of third grade. And so, you know, it's all sort of relative in trying to figure that out. And I think that finding an appropriate assessment tool is an important thing and holding the schools responsible and bringing it to the school's attention that there's a problem, you know, and Crete would...our former superintendent is here so, you know, and he was brilliant in getting this going. But, you know, we did an exceptional job for our kids I think. You know, we started interventions and which I notice you talk about. And it was just a matter of time. My daughter who didn't like to read, didn't want to read, we read all the time. We wanted to read to her, but she didn't even want us to read to her, by the time she was in fifth grade was reading like crazy. And now one of her favorite things to do as a senior is reading. I have to say, no, go do your math; but she...you know, so it's possible to pull these kids out. But this third grade, and that's why I was trying to...where I was trying to lead you, this third grade is pretty important because

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had she not been...had we not intervened in third grade, we would have had a whole class full of kids, half the class, that wouldn't have been able to read. [LB651]

SENATOR LINEHAN: Right. And that goes to why it's important to get outside of your own little school, your own classroom. And not that, you know, everybody is not testing and trying real hard...and I really don't...this is not because the schools don't want to teach or because the teachers aren't there to teach the kids. Everybody is trying. But knowledge, you have to know where you are compared to other kids, actually nationally where are we, and are we serving the kids and meeting our needs? [LB651]

SENATOR GROENE: Do you know why NeSA tests only start at third grade? It's a little late then to catch reading. [LB651]

SENATOR LINEHAN: Well, actually I do know because...and we're going to go more into that on my next bill, but because the Legislature told the Department of Ed to do it. And it was a huge... [LB651]

SENATOR GROENE: It's a state law, not a federal law? [LB651]

SENATOR LINEHAN: It's a state law. And was a huge struggle back when Doctor, excuse me, Senator Raikes was chairman of the committee and there was quite the brouhaha between the Department of Ed and the Legislature and they had to pass I think two bills and probably the current...Matt Blomstedt, Dr. Blomstedt could probably speak to it clearer than I can because he was working for the chairman at that time on the committee. But it's state law that they have to take state tests third, fourth, fifth, eighth grade as is this spring they're all going to...all the juniors take ACT. That was also state law. It's all in the law. [LB651]

SENATOR GROENE: So do we keep records of how many children are held back now? [LB651]

SENATOR LINEHAN: I am not aware. I would assume...the way I understand it, the state department has the record on every child in school in Nebraska so I would assume they do have that. I don't know that we publish it anywhere or... [LB651]

SENATOR GROENE: Now it's a decision between the parents and the administrators to hold a child back? [LB651]

SENATOR LINEHAN: And the teacher I think, yes. [LB651]

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SENATOR GROENE: We all talk about personal, but I go back into my...I got a personal relative that got held back and it did him wonders, broke my records because he got to graduate at 18 and I had to graduate at 17. But anyway, everybody I know it helped them big time. [LB651]

SENATOR LINEHAN: Well, some kids just aren't mature either. It's not...you know, there's a lot of different reasons. I...none of my kids were held back. I was not held back. I don't think it would have probably hurt me any. I don't know. I did...I didn't catch up until high school either. I mean, and part of that was just having finally somebody grab me and say you, too, can do this. You know, it goes back to my opening statement and all of us know this. As long as there's somebody in the room telling you you can, you will keep trying. But the kids I worry about are the kids whose parents aren't...don't feel empowered to do that for them or believe that, okay, my kid maybe can't because I can't. Those are the kids I think we have to be most...those are the ones I think end up in prison because they never got a chance to read. [LB651]

SENATOR GROENE: Thank you. Senator Morfeld. [LB651]

SENATOR MORFELD: Senator Linehan, one of my concerns is I have a lot of ELL students in my district because we have a lot of immigrant population, refugee population. So how will this bill impact? And I read through the committee summary and I glanced at the bill. I didn't see any provision for ELL but maybe I missed it. [LB651]

SENATOR LINEHAN: I think it's two years. They get two year...they have to be...they can't...there's a different standard. [LB651]

SENATOR MORFELD: There's a different standard for ELL. [LB651]

SENATOR LINEHAN: Yes. [LB651]

SENATOR MORFELD: Okay. I missed it. [LB651]

SENATOR LINEHAN: No, sorry, I don't have it right...but I think it's they have to be exposed to English language and have been in school for two years before. [LB651]

SENATOR MORFELD: Okay. So there is a standard... [LB651]

SENATOR LINEHAN: Right. [LB651]

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SENATOR MORFELD: ...and a definition and an exemption for ELL. [LB651]

SENATOR LINEHAN: Right. [LB651]

SENATOR MORFELD: Okay. [LB651]

SENATOR LINEHAN: There's like seven or eight exemptions in the bill. [LB651]

SENATOR MORFELD: Okay. I'll look into that a little bit more. I might have more questions. [LB651]

SENATOR GROENE: Senator Pansing Brooks. [LB651]

SENATOR PANSING BROOKS: Thank you, Chairman Groene. You know, I think there are so many good things in this bill about systematic instruction, acceleration of learning that in a way the words about holding the child back become so incendiary that in a way you lose what the bill is really talking about. And it's talking about making sure kids can read. And I understand the part...the part you said that I really like was about reading to learn in third grade, that first we learn to read and then we read to learn. [LB651]

SENATOR LINEHAN: Right. [LB651]

SENATOR PANSING BROOKS: And those kids really are left out of that whole group of kids that move on beyond. You know, that's like preschool education in a way, the differences among various groups to be able to be ready for preschool. The kids that have parents that can read to them then immediately excel whereas kids that have never been read to them have to start from ground zero then try and catch up. Well, the same exact thing is happening with dyslexic kids or other kids with those problems once you reach third grade. So there's so much in this that's so important about making sure that our kids read and understanding how this affects so much of our society. That I know we're going to hear lots about whether or not we should be holding kids back but truly the import of this bill is getting the kids to read. [LB651]

SENATOR LINEHAN: Right. [LB651]

SENATOR PANSING BROOKS: And I hope that that's where the, you know, what is going to be done to make sure that that is happening. [LB651]

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SENATOR LINEHAN: You see, I really don't think we have that standard right now. I don't think that is the standard that every kid that leaves the third grade is reading. And that's what this bill is. We need a standard here that if we're going to test them in the fourth and sixth grade and we're going to have all these great results, which I believe in wholeheartedly, that you've got to make sure they're at the starting gate with everybody else. [LB651]

SENATOR PANSING BROOKS: Um-hum. Thank you, Senator Linehan. [LB651]

SENATOR LINEHAN: Thank you. [LB651]

SENATOR GROENE: Senator Walz. [LB651]

SENATOR WALZ: Thank you. It's another quick question. Do you know what percentage of kids are held back now in third grade? [LB651]

SENATOR LINEHAN: No, I don't but I think...I would...I don't know if anybody here is from the Department of Ed, but whether they have that at their fingertips, I would guess that they could find that for us. [LB651]

SENATOR WALZ: All right. [LB651]

SENATOR GROENE: Hasn't...is there any other questions? Hasn't the third grade always been the point where decisions have been made throughout public school, I mean education, that's kind of been the class where if they're held back they're done prior to that or by the third grade? Isn't it just historically... [LB651]

SENATOR LINEHAN: I think it kind of shifts with times. It seems like that is true when I was in school and we were in school at the same time. I think then when my kids were in school it was more kindergarten. And now I think you just don't do it. I mean, that's what I think counts. [LB651]

SENATOR GROENE: Wouldn't basically what this do enable the good teacher to have backing when they go to the administrator and say I want to spend more time with this student, this student needs help instead of being forced to push them through? [LB651]

SENATOR LINEHAN: Yes, sir, I do believe that to be the case. [LB651]

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SENATOR GROENE: And wouldn't it also... [LB651]

SENATOR LINEHAN: And the teacher goes and says I need help, they would have it, yes. [LB651]

SENATOR GROENE: And some of us aren't gifted to be a teacher. [LB651]

SENATOR LINEHAN: Right. [LB651]

SENATOR GROENE: Wouldn't it also help the administration identify the individuals who are hard workers but just don't have the gift to be a teacher? [LB651]

SENATOR LINEHAN: It seems so. [LB651]

SENATOR GROENE: Thank you. [LB651]

SENATOR LINEHAN: Thank you. [LB651]

SENATOR GROENE: Senator Erdman. [LB651]

SENATOR ERDMAN: Thank you, Senator Groene. One last question, I got an e-mail from someone that said this bill would require those students to be held back in third grade. Is that true? [LB651]

SENATOR LINEHAN: They wouldn't...there's exceptions like they say and the final exception is if the teacher goes to the principal and the superintendent and they all agree it's not necessary. But part of the reason holding them back here is then it's like all hands on deck. We really have to get this kid ready for fourth grade. So it's not just holding them back and do all the same things over again. But it's intervention, it's summer school, it's before school, after school, it's whatever it takes to get that kid ready to go to fourth grade so they can succeed all the other years they have left. [LB651]

SENATOR ERDMAN: The e-mail that I got didn't state all that. It just said I'm against this bill because it requires a student to be held back in third grade. Evidently, they didn't understand the full concept of what you're trying to do. [LB651]

SENATOR LINEHAN: And that's...we all know that's a normal sound bite. [LB651]

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SENATOR ERDMAN: It's a misconception of what you're trying to do. [LB651]

SENATOR LINEHAN: It is. [LB651]

SENATOR ERDMAN: Thank you. [LB651]

SENATOR GROENE: Any other questions? Senator Walz. [LB651]

SENATOR WALZ: I just have one more follow-up question from what Chairman Groene said. So it sounded to me as you guys were talking together that this may also determine whether or not a teacher is capable of doing her job if the student is deemed that he should be held back in third grade. Was that the conversation? [LB651]

SENATOR LINEHAN: Well, I don't think...I don't think that was the intent. Obviously one struggling reader may not...I doubt we can find a teacher who hasn't dealt with a struggling reader in the whole state of Nebraska. [LB651]

SENATOR WALZ: Okay, I just want to make sure. [LB651]

SENATOR LINEHAN: And I think what the point was being made here is it gives the teacher ability, a little more power when they go to get help that, no, we can't just ignore this. We've got to do something about it. I think that's where we were driving. [LB651]

SENATOR WALZ: Okay. [LB651]

SENATOR GROENE: And what I was saying was if you've got an entire class like Senator Linehan said that the test scores are going down then the administrator can identify a classroom that's having trouble... [LB651]

SENATOR WALZ: Sure, yeah, I think they... [LB651]

SENATOR GROENE: ...not individual. You never blame the teacher for individual... [LB651]

SENATOR WALZ: Do that anyway, okay. [LB651]

SENATOR GROENE: ...on an aggregate. Everybody has skills and... [LB651]

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SENATOR LINEHAN: If you have a whole class that's failing, there's probably one. [LB651]

SENATOR GROENE: Yeah, that's the point I'd make. But anyway, not debating here, we're asking questions. So any other questions? I'm sorry, not trying to debate the situation. Thank you, Senator Linehan. [LB651]

SENATOR LINEHAN: Thank you very much. [LB651]

SENATOR GROENE: The first proponent. [LB651]

CHRISTY HOVANETZ: (Exhibits 4, 5) Good afternoon, Mr. Chair, members of the committee. My name is Christy Hovanetz, C-h-r-i-s-t-y H-o-v-a-n-e-t-z. I'm the senior policy fellow for the Foundation for Excellence in Education, which is a 501(c)(3) based out of Florida. By way of experience, I've been an assistant commissioner of the state of Minnesota; I spent time as the assistant deputy commissioner in the state of Florida; I was the director of Reading First during my time there in the early 2000s; and I am a licensed and certified teacher in the state of Minnesota. Thank you for the opportunity to come and talk to you about K-3 reading policy, something very near and dear and important to us at the Foundation for Excellence in Education where our mission is to ensure that all kids reach their potential. You have my handouts, which are talking points, as well as a PowerPoint presentation that we'll be moving through but won't be specifically addressing each of the slide numbers if you have questions. We really believe that measurement matters. K-3 Reading is a foundation of ensuring student success later in life, not just in education but also economic outcomes. You heard from Senator Linehan some national statistics that 88 percent of students who fail to earn a high school diploma were struggling readers in the third grade. We know that students who are not reading in third grade are four times more likely to drop out of high school. If you're African-American or Hispanic, you're six times more likely to drop out of high school if you're a struggling reader in third grade. Seven out of ten inmates nationwide are not able to read above the fourth grade level. Ninety percent of our high school dropouts are welfare recipients and were nonreaders, and 75 percent of them are earning food stamps. So we know not just an education impact not being able to read has but also a very serious economic impact as well. K-3 Reading policy is very important, not just from the perspective of the third grade reading policy that we're talking about, but this is four years for a student to become ready and prepared to be a reader. We've been working in over 35 states that have implemented reading policies, and we have come up with fundamental principles that a majority of these successful states have been able to implement. Assessment and early parent notification is one of the key indicators. We firmly believe students should be assessed every year within the first 30 days of enrolling in school and get those results to parents so immediately when students enter school in kindergarten, first, second, and third grade as well as beyond that they're getting information that they need in order to start developing those reading

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plans right away when the student enters school, not waiting until third grade test results come back. We also want parents to be involved so notifying the parents and letting them know early on that students might be struggling readers is a good way to start working and developing strategies for those students at home. We believe that instruction and intervention is also very important. Using research-based interventions, the foundations that we saw in the Reading First plan which Nebraska had implemented in the early 2000s show that there were some substantial impacts and improvement in student achievement using these scientifically-based reading research components, having regular reading strategies at home, and regularly monitoring a student's progress are all keys to success for providing strong interventions as well as appropriate initial instruction for these students. We also need to be sure that our educators are well prepared to teach reading. We need to be able to be sure that on-the-job training is consistent and ongoing and teachers are well prepared and equipped not just to assess whether or not students are reading but how to appropriately provide instruction and tailor that instruction and differentiate it for each of the students in their classroom. We also need to be sure that teachers that are entering the field are prepared so our teacher preparation programs are also addressing the components of reading that need to be taught to students. And we can also make sure that we are strategically funding our K-3 Reading program interventions and instruction, looking at targeting and focusing resources on where they're actually needed based on outcomes from the assessments.

[LB651]

SENATOR GROENE: Could you wrap up. [LB651]

CHRISTY HOVANETZ: Yep. So based on that I would like to just turn your attention to slide 11 that has results for K-3 Reading. It shows that states that have had...implementing a majority of these fundamental principles have improved their National Assessment for Educational Progress scores on fourth grade reading outcomes. A majority of these states also have A-F programs which is our next up bill, but are substantially outpacing the nation in improving their reading scores. Multiple studies have been done to demonstrate that after two, four, and six years of implementation and retention of a student, students that are retained, all the stories that you're seeing are supported by research that they go on to be more connected to the school, more confident in their abilities and do not suffer any self-esteem issues. [LB651]

SENATOR GROENE: Thank you. Questions from the committee? Senator Erdman. [LB651]

SENATOR ERDMAN: Thank you, Senator Groene. Thank you for coming. Can you explain the chart on the third page there where talk about fourth grade reading? It looks like Colorado and Ohio have just recently adopted this K-3 Reading policy. Is that correct? [LB651]

CHRISTY HOVANETZ: Yes. [LB651]

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SENATOR ERDMAN: And they've seen an improvement in less than a half a year just in those three or four years. [LB651]

CHRISTY HOVANETZ: Correct. [LB651]

SENATOR ERDMAN: And so Florida being the longest to have this program has seen an increase of a year and a half. Is that correct? Am I reading that right? [LB651]

CHRISTY HOVANETZ: That is correct, yes. [LB651]

SENATOR ERDMAN: Do you know in your studies how many students are held back, what percentage of students are held back, when they discover to have a reading problem of first, second grade or whatever it is and they give them accelerated reading or help, how many of those children are actually held back, do you know? [LB651]

CHRISTY HOVANETZ: So when Florida implemented their policy since we're talking about Florida, there were nearly 15 percent of students held back that first year of the policy. That rate has been cut in half since the program was implemented because they're now addressing retentions much earlier on and getting kids help they need in first, second grade and also in kindergarten. The other thing that we've seen in Florida is the identification of students with disabilities has been cut in half over the same time period. So we have more kids reading on grade level, fewer kids being retained, and fewer kids identified for special education services. [LB651]

SENATOR ERDMAN: Okay. Good, thank you. [LB651]

SENATOR GROENE: Senator Walz. [LB651]

SENATOR WALZ: Thank you. Okay. So tell me what you do again, I'm sorry, right now currently. [LB651]

CHRISTY HOVANETZ: Right now I work for the Foundation for Excellence in Education. I'm the senior policy fellow there. I work on accountability issues. [LB651]

SENATOR WALZ: Okay. And so you have gone into schools in Florida and presented your program. [LB651]

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CHRISTY HOVANETZ: As the director of Reading First and when I was the assistant commissioner in Florida, yes, I did spend an extraordinary amount of time in Florida. We actually retrained every single one of our K-3 reading teachers back in the early 2000s to appropriately have them...the research-based strategies that were coming out through Reading First to be able to teach reading, how to use assessments, how to use the data, how to differentiate instruction. So we spent an extraordinary amount of time given that our prep programs weren't doing as much as they should be to get teachers ready to teach reading. [LB651]

SENATOR WALZ: All right. So the assessments that you were giving in kindergarten, first grade, second grade, third grade were assessments that you had created? [LB651]

CHRISTY HOVANETZ: We started using the Dynamic Indicators of Basic Early Literacy Skills, the DIBELS that Senator Ebke was referencing, had been using those as progress monitoring tools. And we also provided options for districts to use screeners so we encouraged them to use screeners, state procured them, they had an option of which screeners to use as well as the DIBELS. As Florida progressed, we have a comprehensive technical assistance center that's federally funded now in Florida. And we created also the Florida assessment for early reading inventory so the FAIR assessments that do essentially the same thing the DIBELS do except are a little bit more comprehensive and span a larger grade span. [LB651]

SENATOR WALZ: Okay. Just wanted to make sure that that's all connected to you. [LB651]

SENATOR GROENE: Senator Pansing Brooks. [LB651]

SENATOR PANSING BROOKS: Are you done? [LB651]

SENATOR WALZ: Um-hum. [LB651]

SENATOR PANSING BROOKS: Okay. Well, I'm looking at this information that you've passed out so I'm just interested in specifically some of the data regarding Nebraska, page 13 and pages...page 13 and 14. I'd like you to just...I'm not quite sure what I'm reading there. [LB651]

CHRISTY HOVANETZ: Is it this? [LB651]

SENATOR PANSING BROOKS: Yeah. It has the 41 in bold about proficiency and in 2015. I'm just interested in what your statistics are showing us on Nebraska because I don't know exactly what it means just by reading this. [LB651]

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CHRISTY HOVANETZ: Sure. So looking at this chart, what this is demonstrating is looking at what percent of students Nebraska determines proficient on your NeSA exams in fourth grade. And approximately 81 percent of fourth graders in Nebraska are considered proficient in 2015. If we look at the National Assessment for Educational Progress and what their proficiency expectation is, 40 percent of Nebraska fourth graders are considered proficient based on the National Assessment for Educational Progress. The reason we are showing this, sharing this, or highlighting this is because Nebraska is going through a procurement opportunity with your new statewide assessment; and the expectations for proficiency nationwide has substantially gone up. A majority of states across the country have recently adopted new state standards, new assessments, and set new proficiency expectations. Proficiency expectations in a majority of states are more aligned with what the proficiency expectation is on the National Assessment for Educational Progress. In Nebraska, that's not yet the case. Right now there's a difference. About 40 percent of the kids in the state are being called proficient or considered proficient readers in fourth grade on your state assessment compared to what the National Assessment for Educational Progress would indicate. [LB651]

SENATOR PANSING BROOKS: Okay. I'm sorry. These are tests with which I'm not familiar. So we get an 81 percent on our own test, is that what you're saying, but on the national test we only get a 40 percent. Is that what you're saying? [LB651]

CHRISTY HOVANETZ: Correct. So eight in ten students... [LB651]

SENATOR PANSING BROOKS: And what is this other test, this NAEP or whatever that is? [LB651]

CHRISTY HOVANETZ: The National Assessment for Educational Progress is a federally required assessment states participate in, in order to receive their Title I funding. States have to participate. It's a fourth and eighth grade test. It's administered every other year in even years. States had to start participating in 2002 when No Child Left Behind went into place. What this does is it allows for the national comparisons to look at where states rank because all states have different statewide assessments. So this one gives a common measurement of what percent of students are proficient in reading and math that can be made for comparison statewide. It's a sample assessment. Not all students take it. You can't get results for a district or for a school. It's only a statewide sample of students that are administered the assessment (inaudible). [LB651]

SENATOR PANSING BROOKS: So who takes it if not all schools take it? [LB651]

CHRISTY HOVANETZ: The National Center for Education Statistics randomly does a stratified random sample of schools and students within those schools to make sure they have the

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demographic and economic representation to get accurate results that are generalizable for the state. [LB651]

SENATOR PANSING BROOKS: Okay. Hopefully somebody will speak to that after you because that doesn't look good. And, let's see, I'm just trying to see if there was another question. [LB651]

SENATOR GROENE: Do you want to come back to it? [LB651]

SENATOR PANSING BROOKS: I'll...yeah, go ahead. Sorry. [LB651]

SENATOR GROENE: Every student in the state in fourth grade takes that test. [LB651]

CHRISTY HOVANETZ: Every student takes your state exam, the NeSA, not every student takes... [LB651]

SENATOR GROENE: But not every student in fourth grade takes...so the federal government comes in and said, young man, in the fourth grade you're going to take this test or they identify the school and say I want this individual to take the test. [LB651]

CHRISTY HOVANETZ: They usually do it by school. They'll identify a school and say the students... [LB651]

SENATOR GROENE: So everybody in that fourth grade. [LB651]

CHRISTY HOVANETZ: ...in this school will be taking the test, um-hum. [LB651]

SENATOR GROENE: And all of a sudden the administration gets a letter in the mail that says it's your turn this year. Is that how it happens? [LB651]

CHRISTY HOVANETZ: (Nods yes.) [LB651]

SENATOR GROENE: How many...20,000 fourth graders or something like that in the state of Nebraska. How many would be taking it then? [LB651]

CHRISTY HOVANETZ: It's usually about 10 percent of your student population. [LB651]

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SENATOR GROENE: Ten percent. And it's by school or by district? [LB651]

CHRISTY HOVANETZ: It is...they do a stratified random sample so they stratify it being sure that they're catching the right percentage of economically disadvantaged, Hispanic, English language learners, students with disabilities in order to be able to be confident that, if they drew a different sample, that the results would be the same no matter which group of students is selected. [LB651]

SENATOR GROENE: So they do it statewide. They blend that sample. [LB651]

CHRISTY HOVANETZ: Yes, yes. [LB651]

SENATOR GROENE: Like most states, there's concentrations of those individuals. [LB651]

CHRISTY HOVANETZ: Yes. [LB651]

SENATOR GROENE: All right. So what do most states do? Do they have...do they just test themselves? [LB651]

CHRISTY HOVANETZ: So all states participate in the National Assessment... [LB651]

SENATOR GROENE: No, I'm talking about their own test. [LB651]

CHRISTY HOVANETZ: Yes. So all states...a majority of states develop their own assessments still. [LB651]

SENATOR GROENE: They do. [LB651]

CHRISTY HOVANETZ: There are large concentrations of states that use the Smarter Balanced assessment and a smaller group of states that use the PARCC assessment. [LB651]

SENATOR GROENE: What about the Iowa, the old Iowa Basics? Is that still around? [LB651]

CHRISTY HOVANETZ: That is still around but it's not used for state accountability or for statewide testing in any state right now. [LB651]

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SENATOR GROENE: Where is it used at all or? [LB651]

CHRISTY HOVANETZ: Local districts sometimes still use it to get a basis for local district assessments because either they've been using it before and want to maintain the trend line for it. As a measurement they use it. [LB651]

SENATOR GROENE: That was a type of national test at one time, wasn't it? [LB651]

CHRISTY HOVANETZ: It was a test developed out of Iowa that a lot of states used just as a common metric when there weren't very many tests that were administered in multiple states. [LB651]

SENATOR GROENE: Why did we go away from that? You know we're a very mobile society. Why are we...I mean basically incestual where we just do it inside of our boundaries, why do not we want a wider test sample? [LB651]

CHRISTY HOVANETZ: We do that. We do. And we encourage that. The national... [LB651]

SENATOR GROENE: I mean states, individual states. I'm not talking about the national. [LB651]

CHRISTY HOVANETZ: So individual states do still use assessments like that. They use...Smarter Balanced is done in multiple states because they want to have statewide comparisons, not just within their state and districts but across states. [LB651]

SENATOR GROENE: So when you said earlier that each state picks their own, some of them are picking a national test for their individual state test. [LB651]

CHRISTY HOVANETZ: It's not a national test. It's a state-developed, consortia-driven test. So up in the Northeast they used to have...three states got together and developed the Northeast Assessment Consortia and they all administer the same test. Smarter Balanced states got together. It's a lot of western states that got together and said we want to develop our own test but we know money and resources and expertise is slim. Let's pool our stuff together and develop our own assessment among these 17 states and we'll all administer the same ones and have comparisons. [LB651]

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SENATOR GROENE: A 17-state comparison or each state just then compares their own scores? [LB651]

CHRISTY HOVANETZ: You can compare across states as well as within the state. [LB651]

SENATOR GROENE: Senator Linehan's bill, is that a copy of like Florida's or is it very close to some of the best that you think are in the nation? [LB651]

CHRISTY HOVANETZ: The policy in the proposal is very consistent with the high-performing states that have implemented similar fundamental principles as what is addressed in (inaudible). [LB651]

SENATOR GROENE: I missed that earlier. You said 45 states do something? [LB651]

CHRISTY HOVANETZ: Thirty-five states. [LB651]

SENATOR GROENE: Thirty-five states do something like that. And how do they score in NAEP test? [LB651]

CHRISTY HOVANETZ: There's a whole 50-state ranking so there is a map on I think it's 10, but it shows all of the states and the degree of fundamental principles that they're implementing. So some states are very highly concentrated on implementing a lot of the fundamental principles and good policy ideas. [LB651]

SENATOR GROENE: Is there a correlation between the ones that have it adopted? [LB651]

CHRISTY HOVANETZ: Yes. And then the next line shows the impact of those states that have strong implementation of a majority of these fundamental principles with improvement on the National Assessment for Educational Progress. [LB651]

SENATOR GROENE: We all hear about Florida's success, what Governor Bush did. Do you point to this as the reason the test, educational levels in Florida have risen? [LB651]

CHRISTY HOVANETZ: It is certainly a multifaceted policy component. The first thing we did in Florida was implement A-F school grading. K-3 Reading came in about five years later and implemented the K-3 Reading policy with very strong indications. We have a lot of choice

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options that came in later on as well as some blended learning and other smaller policies too. [LB651]

SENATOR GROENE: And that...Florida isn't a conservative or a liberal state. That was a cooperation between both sides of the aisle to do that. [LB651]

CHRISTY HOVANETZ: (Nods yes.) [LB651]

SENATOR GROENE: Thank you. Any other questions? [LB651]

SENATOR WALZ: I have one more question. Thank you. [LB651]

SENATOR GROENE: Senator Walz. [LB651]

SENATOR WALZ: Okay. So when you're talking about Florida, you came in, you assessed their children, you put in teaching processes, and then you went back and reassessed. And according to this program, they improved. [LB651]

CHRISTY HOVANETZ: Um-hum. [LB651]

SENATOR WALZ: Okay. So if somebody else came in with a completely different test, you know, that wasn't teaching to this, would you think that they would still...I mean, do you feel that if it was a completely different test and they weren't teaching to this test that things would be different? [LB651]

CHRISTY HOVANETZ: So I know that if there was a different assessment administered, but, yes, they would be just as successful. The National Assessment for Education Progress is just used...the reason we use that is because that's the only state-to-state test comparison. So if we're looking at eight different states that implemented some type of K-3 Reading policy, just looking at state results wouldn't give the magnitude of improvement in those states that had any context to it. When we look at Florida state assessment, which was the FCAT and then the FCAT 2.0 and then the FSA, the Florida Standards Assessment, there was improvement on those assessments as well under this. Specifically on FCAT, when we first implemented the policy, we saw substantial improvements on our statewide FCAT assessment as well. And we can provide those statistics if you're looking for specific Florida impact. Not only did it impact third grade reading scores, fourth grade reading scores, but that had a lasting effect. And you can see where the first year of retention in the kids that came up through the K-3 Reading policy and how much higher their scores are now than the cohorts that were not under the reading policy. We've also done

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numerous research or we haven't, independent researchers have come in and collected our data sets. We have multiple different assessment points and different student level outcomes and have demonstrated that it has had a lasting impact, and it's been independent research academia style rather than just looking at improvement in test scores too. [LB651]

SENATOR WALZ: Okay. Good. Thank you. [LB651]

SENATOR GROENE: Senator Erdman. [LB651]

SENATOR ERDMAN: Thank you, Senator Groene. Senator Walz brought to my attention a question that I may have. This program is not teaching to a test, is it? It's teaching people how to read. Is that correct? [LB651]

CHRISTY HOVANETZ: Yes. [LB651]

SENATOR ERDMAN: I wanted to clarify that. I thought that was...we're not teaching to a test. We're teaching them how to read. So no matter what test they have are put to, they know how to read and they'll be able to determine that by the test they're given. [LB651]

CHRISTY HOVANETZ: Correct. [LB651]

SENATOR ERDMAN: Okay. Thank you. [LB651]

CHRISTY HOVANETZ: And just, too, with Nebraska moving to a new statewide assessment, given all the improvements in the quality of assessments, the item-type development, the way tests are being designed and developed now, it's pretty darn tough to teach to a test if you're not teaching the state standards and actually teaching kids how to read and do things because it's multiple skills and standards that are assessed within a single item so they need to have that critical thinking skill in order to be able to put things together to be able to respond appropriately. It's not your typical paper-pencil bubbling test that's acting, you know, find something in a passage and see if it's still there. [LB651]

SENATOR ERDMAN: Thank you. [LB651]

CHRISTY HOVANETZ: You're welcome. [LB651]

SENATOR GROENE: Senator Kolowski. [LB651]

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SENATOR KOLOWSKI: Thank you, Mr. Chairman. If I ask you a question that you've already answered, just give me a brief summary of that because I was presenting somewhere else. The staff development is extremely important when you're going into a district. How much staff development time and continuity of time throughout the school year would you work with the staff as far as that staff development? [LB651]

CHRISTY HOVANETZ: I didn't address that. So we encourage districts and schools to implement more of a mentoring program, having a reading coach on premises or within the districts to work with teachers through process, not just a sit-and-get professional development. We want them in there watching the educator provide a lesson and giving immediate and direct feedback and coaching them throughout the process. So we encourage the use of real-time, I think, professional development. Obviously, there's some content things that need to be provided or given during a sit-and-get session. But using the reading coach model where a coach is responsible for multiple teachers and providing that ongoing professional development is really important. [LB651]

SENATOR KOLOWSKI: So that becomes like a professional learning community based on reading in the content areas where those kids (inaudible) that way? [LB651]

CHRISTY HOVANETZ: It does, but with somebody who is specifically assigned the duty of you're the reading coach, you are the one that's visiting all the K-3 classrooms in this district. You're working one on one with teachers. You're having them design lessons, teach lessons, model lessons, facilitate the PLCs for the educators and grade level groupings. [LB651]

SENATOR KOLOWSKI: Okay. Thank you. [LB651]

CHRISTY HOVANETZ: You're welcome. [LB651]

SENATOR GROENE: Senator Pansing Brooks. [LB651]

SENATOR PANSING BROOKS: Thank you. I'm just going back to this map that you've handed us that's on page...this map. And...because I don't think we have some of those other lists by state. Maybe I'm just missing it from my packet. Anyway, I'm wondering how many of those states that are in blue, because I think those are supposed to be the ones that are doing the best, how many of those have something like holding the student back? Do all of them have something like that? [LB651]

CHRISTY HOVANETZ: Not every one of them have the policy. [LB651]

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SENATOR PANSING BROOKS: Which ones do have? [LB651]

CHRISTY HOVANETZ: I can get you a specific list of exactly which ones. [LB651]

SENATOR PANSING BROOKS: Okay. What percentage of them? I mean, just...it helps us in our discussion today because... [LB651]

CHRISTY HOVANETZ: Half of them. [LB651]

SENATOR PANSING BROOKS: Half of them. So other states are able to get this kind of progress without necessarily doing something as Draconian as holding a child back. What are they doing to not have to hold the kid back but to enforce the schools to teach reading and get kids reading? [LB651]

CHRISTY HOVANETZ: So we really look at retention as a last resort and that... [LB651]

SENATOR PANSING BROOKS: I understand that. I hear that. But I'm telling you, today we're going to talk about helping kids read and, oh my God, holding them back. And helping them read is going to get swamped in holding them back. The goal is definitely helping the kids read. So what are the other schools doing nationally where they aren't holding the kids back? [LB651]

CHRISTY HOVANETZ: They're doing everything in here with respect to the fundamental principles from the preservice to in-service training, the early screeners, the regular progress monitoring, the differentiation of instruction, strong interventions, summer reading camps, tutoring, reading coaches, parent workshops. They're doing... [LB651]

SENATOR PANSING BROOKS: Wonderful. Have those things been enforced by state statute? [LB651]

CHRISTY HOVANETZ: Most of them in the dark blue states, yes. [LB651]

SENATOR PANSING BROOKS: Okay. So we could be enforcing those kinds of things as well. [LB651]

CHRISTY HOVANETZ: Yes. [LB651]

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SENATOR PANSING BROOKS: And so do they go farther because this bill does talk a lot about intervention and summer programs and lots of different things. Do those bills go farther than this bill goes? [LB651]

CHRISTY HOVANETZ: Some of them do. Some of them don't. It really depends on the environment and the group working relationship with the agency and what's currently present. [LB651]

SENATOR PANSING BROOKS: Thank you. [LB651]

SENATOR GROENE: One last question I hope from me at least. I have been told, maybe I'm wrong, that the NAEP test compares to yourself, to the state yourself. So like you have chart 10 that says Florida improved 1.5 nearly grade level improvement. But if you're a state who has very good education and everybody is doing well in third grade, it's hard to improve 1.5. But if you're starting on the bottom and then you implement it, it's a lot easier to improve 1.5 years. What...my point is, you know, saying Florida improved 1.5 years in grade level improvement, where did they start from versus Nebraska might already be there? [LB651]

CHRISTY HOVANETZ: Sure. That's a good question. So on two slides later there actually is a scale score or a few slides later, number 16 I think it is. [LB651]

SENATOR GROENE: What page? [LB651]

CHRISTY HOVANETZ: I think it's 16. It looks like this. [LB651]

SENATOR GROENE: Are we looking at two different? [LB651]

SENATOR PANSING BROOKS: Yeah, we don't have the same things that you have. [LB651]

CHRISTY HOVANETZ: Line chart. [LB651]

SENATOR PANSING BROOKS: We've got this as 16. [LB651]

SENATOR GROENE: I don't think we have the same handout. All we got is... [LB651]

CHARLES GARMAN: (Inaudible) the line charts. [LB651]

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CHRISTY HOVANETZ: Okay. [LB651]

SENATOR GROENE: Explain it to us. [LB651]

SENATOR PANSING BROOKS: (Inaudible) and it's just like open like this. [LB651]

SENATOR GROENE: This is what we got. [LB651]

CHRISTY HOVANETZ: All right. So the line charts didn't make it. So it does show that Florida was performing worse than the national average and worse than Nebraska. So Florida scale score was 214. Nebraska scale score was 222. The national average was 217. So Nebraska was 5 points about the national average; Florida was 3 points below the national average. Today Nebraska and Florida are tied at 227. Nebraska has improved 5 points; Florida has improved 13 points; and the national average has languished. So looking at this in context and looking at and remembering these are average scale scores, looking at the makeup, Florida has 2.7 million school children; majority minority state; more than 60 percent of students are receiving free and reduced price lunch; and a substantial portion are English learners and meeting the national average, improved almost a grade and a half over the same time period that Nebraska has moved the needle by 5 points. So that is just the comparison. [LB651]

SENATOR GROENE: Any other questions? Senator Kolowski. [LB651]

SENATOR KOLOWSKI: Thank you, sir. Within all the different reading programs that are available. And I know there used to be a lot more. They've been shrunk down because of books and buyouts and publishers and all the rest. What would you describe your technique as--a combination of this and that or whole language or something else or how do you describe it and put words to it? [LB651]

CHRISTY HOVANETZ: So obviously, we don't endorse specific curriculum or companies or vendors... [LB651]

SENATOR KOLOWSKI: I understand. [LB651]

CHRISTY HOVANETZ: ...but looking at teaching the fundamental components of scientifically based reading research. So you want to have, you know, initial letter recognition. You need comprehension, fluency, phonics, phonemic awareness as well as, you know, initial foundational skills, letter recognition and initial sounds, fluency as well. So looking... [LB651]

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SENATOR KOLOWSKI: So all those are out there with all reading programs. But do you do a combination or do you put a hodgepodge of different things together and pick and choose among different companies to get the things that you need? [LB651]

CHRISTY HOVANETZ: Well, there are some...there's the Florida Center for Reading Research, which is a federally-funded center, actually reviews... [LB651]

SENATOR KOLOWSKI: Where's it located, please? [LB651]

CHRISTY HOVANETZ: Tallahassee, Florida. [LB651]

SENATOR KOLOWSKI: At a university or is it stand-alone? [LB651]

CHRISTY HOVANETZ: University of Florida, it's a subsidiary of Florida State University. [LB651]

SENATOR KOLOWSKI: Thank you. [LB651]

CHRISTY HOVANETZ: And they review reading curriculum so you can go out and see which of those reading curriculums and vendors have the five essential components of reading. And we support programs that have the comprehensive span of everything from phonemic awareness to comprehension. And some programs might have a stronger emphasis on phonics or phonemic awareness that might be appropriate for use for interventions for students who are struggling with phonics and phonemic awareness. But the reading instruction in itself should span all of those specific content pieces. [LB651]

SENATOR GROENE: Thank you. [LB651]

SENATOR KOLOWSKI: With extended learning opportunities in the day where the student, they might be in an after-school setting in some way or shape, would those students get more reading time then with a professional in an after-school time and provide extended contracts to work with kids, not just in a baby-sitting mode but also in an academic mode? Is that possible and is that being done? [LB651]

CHRISTY HOVANETZ: That would be a very good strategy. That is something that we recommend. We currently suggest that students have at least a 90-minute uninterrupted block of scientifically-based reading instruction per day. Students who are struggling need an additional

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dose of that, whether that comes during the day or whether that comes after school or before school. We do believe that, yes, they should be receiving additional intensive interventions in order to remedy those reading deficiencies. [LB651]

SENATOR KOLOWSKI: Okay, thank you. [LB651]

SENATOR GROENE: Any other questions? Thank you. We gave you a lot of time but because of your national outlook and your background from the classroom all the way up to actually doing it in Florida. So we appreciate your time. [LB651]

CHRISTY HOVANETZ: Thank you. I appreciate being here. [LB651]

SENATOR GROENE: Next proponent. Opponents. First opponent. [LB651]

GINA MILLER: (Exhibit 6) Ready to get going? Good afternoon, Chairman Groene. Thank you for the opportunity and the committee members. My name is Gina Miller, G-i-n-a M-i-l-l-e-r. I'm from Omaha. I have two public school children in school currently, and I apologize for the very rough draft that you're getting today. I was not going to attend. I had a full day of meetings already planned, but I felt it was so important to have a parent perspective on this bill that I cancelled some meetings and threw some thoughts together. And I will send out something a little bit more professional a little bit later today. I am here today to oppose LB651, the Reading Improvement Act. I do believe strongly that Senator Linehan is trying in good faith to address an issue, a very important issue, of too many children who are moving through our school system and graduating who are not reading at grade level, and in some instances far below grade level. I would like to thank her for her efforts and I know that this issue is very close to her heart.

Unfortunately, I am a bit disappointed that she has reintroduced basically the same bill that has been introduced for the last three years with minor modifications for what appears to be reducing the price tag on the bill and not addressing the parental concerns that have been expressed in previous years. The following are some of my concerns when this bill was introduced in 2014 by Senator Lautenbaugh and 2015 I believe by Senator Larson and continue today. I do not believe retention is the answer. We don't help failing systems by punishing the kids who are being failed by that system. There have been numerous studies to show that retention does not work and oftentimes hurts the child. I do not believe that this should be state law, but should be handled at a local school district through policy, practice, and correct curriculum; things that can be molded and shaped by parents and school officials as necessary, not a stringent, unyielding, often sometimes misapplied law. Especially when you tend to get education lawyers in the mix, for some reason education law tends to go awry at times. I do not think that any reading reform should ever happen without first having the state acknowledge that dyslexia is a disability and that all schools should provide screening and services for dyslexia. And I appreciate Senator

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Pansing Brooks's bill this year. Unfortunately, we don't know if that's going to...where that's going to be at, at the end of the session; and I'm afraid of this moving forward without that in place. I think teaching phonemic awareness is critical and should not just be given to children who are struggling readers but for all children. I think that the only decision on whether a child is reading at grade level is not a standardized test but a discussion about the body of work the child is doing in school. That discussion is between the school, the classroom teacher, and the parent and should be based on growth, not a single test. I question what do the kids who failed a reading test but perform at grade level in all their other courses do when they are retained. Do they repeat all of their previous courses, even the ones that they had previously passed? I know that children learn at different speeds and in different ways, and I think we need to meet those kids at that point where they are in their reading curve. I believe that the parent should be the lead in their child's education in collaboration with their classroom teacher and local school administration, not a standardized test or a well-intended law. There is way more to this bill than just the retention piece. There's testing for ESL students. There are parental contracts. There are provisions for what appears to be required summer school, before- and after-school requirements. Exemptions for not retaining a child can only be granted by the superintendent, not the parent, classroom teacher, and local school administrations. At this time I am opposing this bill, but I do stand willing and ready to work with the senator with a group of parents, concerned parents and reading experts, local reading experts to address issues of kids who are struggling with reading deficits in our schools, while at the same time protecting parental rights and protecting kids. And so I thank you for your attention. I did want to bring to Senator Erdman's attention I think that some of the concerns that you are...been e-mailing that I have been receiving from parents is some of the verbiage that are in the bill. In Section 6 I believe--of course, my thing just went off--it specifically states...oh, I'm sorry, sorry..."if the student's reading deficiency is not corrected by the end of third grade, the student will not be promoted to fourth grade unless he or she qualifies for an exemption"; and that exemption is only offered by the school district or by the superintendent. And then Section 6 which I am not finding, oh, there it is, "Beginning with school year 2019-20, each student shall demonstrate sufficient reading skills by the end of third grade as demonstrated by the student scoring at or above grade level on the third grade statewide reading assessment or the student shall be retained in third grade unless he or she qualifies for an exemption." So I think there is some very strong verbiage in that bill.  
[LB651]

SENATOR GROENE: Thank you. Any questions? Senator Pansing Brooks. [LB651]

SENATOR PANSING BROOKS: So thank you for coming, Ms. Miller. And I think that what I was hearing from your letter is that you're not against making sure that the kids can read.  
[LB651]

GINA MILLER: Correct. [LB651]

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SENATOR PANSING BROOKS: And... [LB651]

GINA MILLER: Very good. [LB651]

SENATOR PANSING BROOKS: Good, okay. We're starting from there observing everybody. [LB651]

GINA MILLER: Exactly. [LB651]

SENATOR PANSING BROOKS: So you are concerned about the retention, but what was the other part that you said that...about parents versus superintendent? [LB651]

GINA MILLER: I think that parents are pretty low on the totem pole on being...instead of being the first in the queue or the first to be the person to make the call of whether a student is retained or what kind of intervention is best for that student. I'm not sure if the language of the bill really makes that clear that the parent should be the lead in that. [LB651]

SENATOR PANSING BROOKS: Okay, but you're speaking just on retention, not on...I couldn't tell if you were talking about whether the parent is to be involved in whether or not they have summer school and whether they have extra... [LB651]

GINA MILLER: Right, um-hum. [LB651]

SENATOR PANSING BROOKS: What are you saying on that? [LB651]

GINA MILLER: I think that the parent needs to be the lead on all of that. [LB651]

SENATOR PANSING BROOKS: Okay. And we all know that there are a lot of parents that do not have the wherewithal on a daily basis to come and interact fully and may have their own disabilities. So what happens if the parent says, no, I'm not interested in enforcing any kind of extra instruction; I don't want to bring them over here, that's it? So do we...does the school then just back off and say, fine, the parent doesn't want it; we think it's necessary but the parent is deciding this? What's your statement on that? [LB651]

GINA MILLER: Right. I hear that a lot from people and I used to believe that as well. In my parent advocacy role, I have found that not to be as true as people as people want to believe. I think if parents are engaged and are educated and are truly brought into the process, even those

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that have a lot of struggles and barriers want their children to succeed. At the end of the day... [LB651]

SENATOR PANSING BROOKS: I would agree, yeah. [LB651]

GINA MILLER: I have not yet met a family member or a parent who wants their child to fail school. [LB651]

SENATOR PANSING BROOKS: Right. [LB651]

GINA MILLER: And so I think that there are a lot of struggles. I think there's a lot of barriers. I think that sometimes we go to the easiest out of saying, oh, that parent won't come to a meeting so they must not be interested. I think that there is a lot of opportunities for parents to engage and for schools to engage parents in that dynamic. [LB651]

SENATOR PANSING BROOKS: Okay. [LB651]

GINA MILLER: And I understand where you're coming from, you know, the... [LB651]

SENATOR PANSING BROOKS: Well, no, I understand too. There's no question that any parent would really be supporting their child to be able to learn to read. [LB651]

GINA MILLER: Right, correct. [LB651]

SENATOR PANSING BROOKS: So then there are also extraneous factors that don't let them come because they work third shift or they... [LB651]

GINA MILLER: Right. [LB651]

SENATOR PANSING BROOKS: There are all sorts of other things going on... [LB651]

GINA MILLER: Correct. [LB651]

SENATOR PANSING BROOKS: ...that cause a parent to not be able to be the best advocates and to show up. So I guess I just don't understand what it is that you object to other than the part about holding somebody back, about initiating additional requirements for the schools to make

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sure that they read by a certain age and that they will institute summer school programs or they'll have screening. What in all that is what you don't...what don't you agree with? [LB651]

GINA MILLER: I would like that there was more emphasis on the parental input into those. Right now the way that it appears that the law reads, and it's really the verbiage of the law, not the intent of the law that is where my concerns come from. [LB651]

SENATOR PANSING BROOKS: Um-hum. Okay. [LB651]

GINA MILLER: The verbiage of the law is pretty stringent. And parental contracts and, again, some of the legalese, I'm not a lawyer but I have learned that "shall" is different than "may" and some of those words can be construed by lawyers quite differently. And so I think that offered...opportunities that are offered to kids because what if I wanted to take and have my child privately tutored instead of going through a public school program? And then there's...but, yes, yes. [LB651]

SENATOR PANSING BROOKS: Okay. But I think that, again, we're getting caught on this whole issue of holding kids back versus... [LB651]

GINA MILLER: No, I agree. [LB651]

SENATOR PANSING BROOKS: ...because I don't think Senator Linehan would care at all about getting...she wants parents involved. She was an active parent. [LB651]

GINA MILLER: Yeah, absolutely. [LB651]

SENATOR PANSING BROOKS: She was the one that found out the problem with her own child. [LB651]

GINA MILLER: Exactly. [LB651]

SENATOR PANSING BROOKS: So no question, okay. [LB651]

GINA MILLER: I'm more concerned about the wording of the law... [LB651]

SENATOR PANSING BROOKS: Okay. [LB651]

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GINA MILLER: ...than the intent of the law. [LB651]

SENATOR PANSING BROOKS: Okay. [LB651]

GINA MILLER: And I definitely know the Senator's heart is in the right place. [LB651]

SENATOR PANSING BROOKS: Well, hopefully you will speak to her or send her an e-mail then. [LB651]

GINA MILLER: Yes. Thank you very much. [LB651]

SENATOR GROENE: No, you're not done. Anybody else have a question? [LB651]

GINA MILLER: Oh, sorry, I apologize. I didn't look this way. [LB651]

SENATOR GROENE: Senator Kolowski. [LB651]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. Reading the material for this particular bill, it struck me that almost all districts have reading programs. [LB651]

GINA MILLER: Um-hum. [LB651]

SENATOR KOLOWSKI: Every district has a reading program. [LB651]

GINA MILLER: Um-hum. [LB651]

SENATOR KOLOWSKI: The redundancy of this particular bill stating the things that are obvious to anyone who has worked in schools, seeing the things that are said, it didn't make sense to me that we're having this discussion about a reading program with punitive aspects and everything else that's being talked about compared to every district wants their kids to read. They want the kids to be successful. Help me understand whatever is going on in this discussion that I've been picking up from listening as well as things I read before I came in here. [LB651]

GINA MILLER: I'm not 100 percent sure if I'm hearing you right, but why is this law needed while there's... [LB651]

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SENATOR KOLOWSKI: Yes. [LB651]

GINA MILLER: ...already reading... [LB651]

SENATOR KOLOWSKI: Absolutely. [LB651]

GINA MILLER: ...emphasizes put in the schools currently? [LB651]

SENATOR KOLOWSKI: Major reading emphasis. [LB651]

GINA MILLER: Major reading emphasis. [LB651]

SENATOR KOLOWSKI: You don't do anything without reading. [LB651]

GINA MILLER: Correct. I...the parts I love about this law is that it mentions phonemic learning which doesn't appear in my child's school I don't believe. I have not seen that. What I loved about one of the previous speakers was talking about teacher training, which I don't believe is in this bill, about different learning methods. We, in our state, we do not acknowledge dyslexia, which is one in five students is what is the quoted rate. So no matter what type of reading intervention we put in, if a child is dyslexic and it's not noticed or it's not identified and specific dyslexia training is not provided, that child just continues on not being able to read correctly or not being able to assimilate to be able to read. And so, yes, more pressure for eight-year-olds to take another test to see whether they can go to fourth grade without great intervention into the understanding of what that specific child's needs are, led by the parent, is very concerning. But correct, I think there are some things that we are not doing currently today. [LB651]

SENATOR KOLOWSKI: Then let me ask the next question. What's next after reading, a social studies curriculum? [LB651]

GINA MILLER: Right, correct. [LB651]

SENATOR KOLOWSKI: A science curriculum? [LB651]

GINA MILLER: Right, right. [LB651]

SENATOR KOLOWSKI: A math curriculum, right down the line? And are we going to be making those edicts from this vantage point of being in the Legislature compared to the districts

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making a decision about the program they're putting together so their student success will come through their sequence of years that those kids are in that district? [LB651]

GINA MILLER: I'm very much a local control person, and I would very much like to work with my local school and my local district to have something that's flexible and that can grow or diminish as needed than a very stringent straight law that is extremely hard to turn around if not implemented correctly. [LB651]

SENATOR KOLOWSKI: But you understand me. [LB651]

GINA MILLER: Yes. [LB651]

SENATOR KOLOWSKI: I want kids to learn to read. [LB651]

GINA MILLER: Absolutely. [LB651]

SENATOR KOLOWSKI: I want them to be successful. [LB651]

GINA MILLER: Right. [LB651]

SENATOR KOLOWSKI: But what does this open and where does it stop becomes my question. [LB651]

GINA MILLER: Where's the Pandora's box? [LB651]

SENATOR KOLOWSKI: Thank you. [LB651]

SENATOR GROENE: Any other questions? So you come as a parent advocate. You belong to a group or? [LB651]

GINA MILLER: I am a parent that is very active in the schools and the school systems and laws that impact parents. And I do belong to a number of different education groups and parent groups. [LB651]

SENATOR GROENE: Isn't one of the things Senator Linehan emphasized in her own personal experience and in the law that she wanted more parental involvement? I mean if I read there's

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parental involvement notice provisions for the student's parents, parents and guardians should be informed, she has that over and over again. But you claim there isn't enough involvement by the parents? [LB651]

GINA MILLER: I think that her, once again, the intent is good and I think that she believes that parents should be involved and it was her particular personal circumstance. I think that oftentimes when these things start to be implemented the parents tend to go to the bottom of the pile and schools tend to meet requirements and not watching what is best for the kid or for the parent. And I think that the state in general, the country in general is moving away from the parent being the lead in a child's education, which is very scary on a day-to-day basis. [LB651]

SENATOR GROENE: I would agree. But if that was true, but anyway we're a very mobile society. [LB651]

GINA MILLER: Correct. [LB651]

SENATOR GROENE: We all go by...I moved five or six times... [LB651]

GINA MILLER: Right. [LB651]

SENATOR GROENE: And I can tell you, you move in and every town everybody's school is the best. That was not the case. And the elementary schools was not the case. It varied. [LB651]

GINA MILLER: Correct. [LB651]

SENATOR GROENE: So you believe it's happenstance, the lottery, that you move into a community and that school is local control and there should be no oversight to make sure that that school adheres to a statewide or national because I might move the next year? [LB651]

GINA MILLER: Um-hum. [LB651]

SENATOR GROENE: And the child doesn't fit into this next class because of the school beforehand. How much local...I love local control, but where does that balance? [LB651]

GINA MILLER: The balance should be with the parent, the local school board, and the superintendent (inaudible). [LB651]

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SENATOR GROENE: But if you're a parent who's never moved and you live in this little ecosystem, how do you get to the point where that...you know you are getting the best education comparable to what's available ten miles down the road if there's no comparison or we don't have some statewide standards? [LB651]

GINA MILLER: Well, we do have statewide standards. So we do have the NeSA which shows the different levels of the different schools in the state and how your particular school is ranking. And now we have AQuESTT which is ranking even more. And I haven't read the senator's bill for the next hearing, but I believe we're going to grade them more. So there is a lot of information for parents. [LB651]

SENATOR GROENE: Thank you. I really appreciate that you get involved. [LB651]

GINA MILLER: Great. [LB651]

SENATOR GROENE: More should. Any other questions? Senator Erdman. [LB651]

SENATOR ERDMAN: Chairman Groene. Thank you for coming. So we have a child that goes through all those extracurricular things, summer school, reading, and all those things, and doesn't qualify for one of these six exemptions that Senator Linehan has put in her bill. And we pass him on to the fourth grade even though he can't read? [LB651]

GINA MILLER: We continue to...I would hope that the schools, as they do now, continue to work with the individual, the parents, and the student to continue to provide reading interventions to keep the child moving and the growth is the progress. [LB651]

SENATOR ERDMAN: So if Senator Linehan's explanation is true, up to the third grade learn how to read, in the fourth grade you read to learn... [LB651]

GINA MILLER: Correct. [LB651]

SENATOR ERDMAN: ...if that's the case and this student can't read in the fourth grade, that person is going to be further behind then, correct? [LB651]

GINA MILLER: That would be what some experts would like you to believe. I think there's a lot of students who have proven that fact wrong... [LB651]

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SENATOR ERDMAN: What is your opinion? [LB651]

GINA MILLER: ...that have been...I believe that every student learns in a different way in a different method in a different time and that schools should continually be working with parents to continually offer reading interventions preferably and offer dyslexic...dyslexia training and identification so that the student can continue to grow and be successful in their education. Does that answer? [LB651]

SENATOR ERDMAN: No. [LB651]

GINA MILLER: I'm sorry. [LB651]

SENATOR ERDMAN: Do you think that student will be behind in the fourth grade if he can't read? [LB651]

GINA MILLER: There's a possibility he might be behind and there might be a possibility that he might catch up in the fourth grade. [LB651]

SENATOR ERDMAN: Okay. So... [LB651]

GINA MILLER: So if I were to give you a math example... [LB651]

SENATOR ERDMAN: Thank you. Do you think there are students today who can't read in fourth grade? [LB651]

GINA MILLER: Yes. [LB651]

SENATOR ERDMAN: And what is the educational system doing about that today? [LB651]

GINA MILLER: I would hope that they are offering interventions. But I don't think that there is enough of the correct interventions. I think what we're doing is we're continuing to do the same thing over and over and over again that did not work for that child before. And that's why... [LB651]

SENATOR ERDMAN: And that's exactly what Senator Linehan is trying to do with her bill. And her bill many times it mentions that the parents are first to be notified that they should be

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involved. So your concern about parents' intervention in the student's education, that's what her bill does. Her bill wants the parents to be involved. [LB651]

GINA MILLER: I think it would behoove everyone to read the bill very carefully word for word and how a education lawyer would implement this bill into practice in a classroom setting. And so for me to say that I have a concern that I think my child might be a struggling reader but is going to be okay and moving forward, but that I don't meet a certain requirement and that the superintendent doesn't believe that I should be granted that exemption... [LB651]

SENATOR ERDMAN: Thank you. [LB651]

GINA MILLER: ...then I think that's a problem. But thank you for the question and I think we're both actually on the same page. I think those are the parts of the law that I do agree with Senator Linehan on is that some of the right interventions are not currently being provided. [LB651]

SENATOR GROENE: Thank you. [LB651]

GINA MILLER: Thank you. [LB651]

SENATOR GROENE: Next opponent. Good afternoon. [LB651]

CHAD DUMAS: (Exhibits 7, 8) Good afternoon, Senator Groene and members of the Education Committee. My name is Dr. Chad Dumas, C-h-a-d D-u-m-a-s, and I'm the director of learning for the Hastings Public Schools. I am testifying against LB651; and in so doing, I'd like to make three points. But before that, some context. I'm an educator. I've served in three different districts in the state of Nebraska with populations ranging from 600 kids to 35,000 kids. I also worked at an ESU that served over 30 districts in central Nebraska. There are many reasons to oppose LB651, from personal impact on kids, parents, families and communities to an overreliance on a single test; from disagreements on what constitutes "grade-level" to how to measure such competency; from adding yet another layer of bureaucracy to unnecessarily hamstringing teachers in schools. And these are all valid points with which I would wholeheartedly support. My perspective today, however, is from that of the research perspective on effective practices. And, like I said, I'd like to make three points. First, as has been mentioned by so many folks, reading is really important. I was a music teacher, and I would not disagree with the statement that reading is absolutely foundational for kids. And I'm not going to cite research because you know that. You've heard all about it. And as noted, Senator Linehan has stated that the intent of this bill is to solidify the importance of reading in schools. That's my first point. Secondly, there is a significant problem with the idea of retaining kids. In the educational field, we have over 50

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years of solid research on what works and what doesn't work. One of the significant researchers is a man by the name of John Hattie, and I brought a couple of his books here if you would like to fall asleep later this afternoon. And he analyzed, long story short, he took over 900 meta-analyses which included about 50,000 research articles, about 150,000 effect sizes, and 240 million students. And out of all those research studies, he identified 195 influences related to student achievement. I have included a copy of those with you in your materials. The good news is that retention is a strategy that has been researched before. Well over 200 research studies have been conducted relating to retaining students. Retention is ranked 5th from the bottom. Now let me give you some perspective on this. Hattie, as one of his main findings from all of that research is that "Almost everything works." In schools, almost everything works. There's a sum total of seven influences--and you have to flip through all those pages to get to the very back--there's a sum total of seven influences that have a negative impact on student achievement and retention is one of them. If we know that there are 195 influences related to student achievement and 188 of them have a positive impact, why would the state of Nebraska mandate one of those seven negative influences for every school and child in the state of Nebraska? Now just to be clear, as you're looking through that list, anything that's over zero doesn't mean that we should automatically do that. There's more nuance to that, and I'm not going to go into that. So that's my second point. My third point is that the process outlined in LB651 leading up to third grade is generally solid; it's well accepted, it's evidence-based; it goes after systematically and systematically addressing student reading needs. These are the steps that schools already take. Is it the Legislature's place to mandate such specific practices for each school? I don't believe it is. In sum, reading is good; retention is bad; and mandating specific steps for schools is also not a good practice. Please do not advance this bill. Thank you. I'd be happy to answer any questions you might have. [LB651]

SENATOR KOLOWSKI: Thank you, Dr. Dumas. Any questions, please, for him? Seeing none...  
[LB651]

SENATOR PANSING BROOKS: I have a question. [LB651]

SENATOR KOLOWSKI: Oh, here we go. [LB651]

SENATOR PANSING BROOKS: I'm just...thank you for coming, Mister...I would have called you Dumoss (phonetically), but Dumas. [LB651]

CHAD DUMAS: Just don't put another s at the end. (Laughter) [LB651]

SENATOR PANSING BROOKS: I won't. [LB651]

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CHAD DUMAS: I was a middle school teacher you can tell. [LB651]

SENATOR PANSING BROOKS: So I'm just...I mean we know there are issues with teaching dyslexia and dyslexic kids in the schools and that directly relates to being able to read and trying to figure out, you know. So what's your thought on that? Yeah, I mean, the schools do have incredible ability to teach. They're doing wonderful things. Our public schools are amazing in Nebraska. So...but what about the kids that aren't reading and do you think it's good to just pass them on? I mean, you didn't approach the subject of passing these kids on and continuing to move them on through the system. [LB651]

CHAD DUMAS: So I can speak from the perspective of Hastings Public Schools. We've got the research perspective and obviously there are individual cases where it has worked for some kids, just like I know people who eat donuts every meal and soda and they're thin. That doesn't mean that should be a statewide mandated practice, right? [LB651]

SENATOR PANSING BROOKS: Right. [LB651]

CHAD DUMAS: So retention, for some kids, might work. And in the Hastings Public Schools, we have retained some kids. I don't think that's the place of the state to blanket that. In terms of helping kids to get there, the fundamental principles laid out by Ms. Hovanetz I think her name was, I can't disagree with them. We've done a lot of work in the Hastings Public Schools to implement those. And those are best practices and it works. The issue is, is that when you mandate that at the state level then you get into all these details that have to be figured out. I was with coffee with Senator Halloran on Saturday and one of the things he said, and I think it's great, he said once you get into the weeds of the legislation, then there's the problem. And so with this legislation, okay, so now you're going to assess every kid in kindergarten, first, and second grade. As (inaudible), we already do that. But some schools use DIBELS, some use aimsweb, some use something else. Now what? Now we've got to choose that. Now districts have to change everything. Now you've got to retrain staff in how to administer that. How are you going to ensure reliability of the administration of those assessments because they're not just a paper-pencil or get on a... [LB651]

SENATOR PANSING BROOKS: But if we aren't having reliability necessarily on some of these issues on reading today, and again, I'll harken back to the dyslexia discussion, then I don't care that you all have all sorts of different testing standards. If this myriad of testing standards isn't working to necessarily and it's just allowing the kids to go forward because they don't all speak to each other, why is that better? [LB651]

CHAD DUMAS: So I'm not sure I understand the question. [LB651]

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SENATOR PANSING BROOKS: The question is I'm not talking about the retention. I'm talking about the belief that moving them on is the answer and the belief that not incorporating systematic instruction, more training, the summer school classes, the things that are spoken to in this bill, if they aren't mandated do they happen? [LB651]

CHAD DUMAS: I know in the Hastings Public Schools they do. [LB651]

SENATOR PANSING BROOKS: It costs money. [LB651]

CHAD DUMAS: I know in the three districts that I've been a part of they do. I know that when I served at ESU 10 in those 30 districts the vast--and that was almost ten years go now--were coming on board with those types of processes and practices. I don't think it's the legislation that should be saying this is what you've got to do specifically, especially when it starts to then hamstring schools and teachers with what they can do for kids. [LB651]

SENATOR PANSING BROOKS: So you don't think the Legislature should have...we make policy decisions. And one policy decision might be all kids should be able to read without something major, some major exemption such as a major disability. That seems like a good policy argument for the state to be making. [LB651]

CHAD DUMAS: I think that's a great general policy statement absolutely. It's in the weeds of the details that things go funky. [LB651]

SENATOR PANSING BROOKS: It is. Thank you for your time. [LB651]

CHAD DUMAS: Absolutely. Thank you, Senator. [LB651]

SENATOR KOLOWSKI: Any other questions? Thank you very much, appreciate it. [LB651]

CHAD DUMAS: Thank you. [LB651]

SENATOR KOLOWSKI: Good afternoon. [LB651]

SHARI ANDERSON: Good afternoon. [LB651]

SENATOR KOLOWSKI: How are you? [LB651]

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SHARI ANDERSON: Well and you? [LB651]

SENATOR KOLOWSKI: Good, thank you. [LB651]

SHARI ANDERSON: (Exhibit 9) I was going to address Chairman Groene but he's not here so good afternoon, Senators. My name is Shari Anderson, S-h-a-r-i A-n-d-e-r-s-o-n, and I'm an educator testifying on behalf of the Nebraska State Education Association in opposition to LB651. I will say I, as a former reading recovery teacher, do strongly agree that reading is a very important part of what we do and it's a very central tenet to our education system. In saying that, I have taught in both Virginia and Nebraska as a classroom teacher, reading recovery teacher, computer teacher, and now as a librarian. In my 12 years of teaching, I have worked in schools with varying populations. I am speaking to you today because I am passionate about this bill and its effect on my students. This proposed law will not help the students that I serve. Many of my students come from other countries. Fifty percent of my students are English language learners. We have students who come to us from refugee camps who have had little to no schooling. Some students have gone to school, but their attendance was sporadic. And all the students I serve want to learn and their parents want them to learn too. What I know from my years as an educator is that when ELL students are learning English it takes one to two years to develop social language skills in English and then another five to seven years to develop academic language. This means that even with the provision of the two-year limited English proficiency exemption outlined by the bill, the students will not have had enough time to develop the language skills necessary to demonstrate their true abilities on the tests. Even the NeSA math test is mostly language based with the focus on unpacking questions and story problems. If the students don't understand what these questions are asking because they do not have the academic language necessary, they won't be able to display what they know. Additionally, the reading test has things like figurative language--similes, metaphors, personification--things that a student who is learning English may not understand. They may understand in their own language but not necessarily in English. And reading a test aloud in English does not necessarily mean that they will completely understand what we are asking them. I am not only concerned about my ELL students, but how this will affect all my students. Research tells us that students who have access to books are more likely to do well in school. Yet, students who live in poverty often have very few books at home at an early age. When a student comes to school and they are behind, we plan for that student. I want you to know that we put plans in place, we plan interventions. We work, even kindergarten, first, second grade, even our preschool students we have ExCITE early childhood in our school. We plan for those kids at a very young age to make sure that they are successful by the time they reach third grade. And even with that assistance, our students work hard and they make amazing gains. To penalize them when they are in the process of making those gains is not in the best interest of our students. In addition, the social stigma of being retained and having to socialize with a new peer group could be damaging to some students. The provisions set forth that mandate intensive reading intervention mean that students will miss instructional time in their

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classroom. These students miss new concepts that will further affect learning. And when we are planning our work to help students succeed, the end goal is for our students to make the gains and be successful. But if they're not in the classroom, that makes it hard for them to get that instruction. Students who are retained at a younger age may not understand that they are being removed from one peer group to another, but older students will understand. Finally, as a parent, this legislation does make me frustrated. Parents need to have input into their child's schooling, but not every parent knows the ins and outs of the education system and telling them that their student must be retained due to a single test takes parents out of the equation as stakeholders. Parents want their children to do well, but they do not always have the education or resources to help their children outside of school. We need to let our educators and parents work together to determine what is best for each student instead of having a law supersede the work of the child's advocate team. Thank you for your time and consideration. [LB651]

SENATOR KOLOWSKI: Thank you. Did you have a separate class time for those students and what grade levels? Is this a middle school or elementary or high, and how did you go about organizing that? [LB651]

SHARI ANDERSON: As regard to interventions or? [LB651]

SENATOR KOLOWSKI: Right, interventions as far as their work. [LB651]

SHARI ANDERSON: Um-hum. When I was a reading recovery teacher, I pulled one on one because reading recovery is based in first grade because research says that if you can get them one on one in first grade you can make amazing gains there. I also taught RTI and that is for kindergarten through fifth grade, and we would pull students out of their classroom, sometimes during specials because that was at that time what our school, our principal had said--that's the time you can pull out because they need double guided reading groups, they need...we give, our school, we give double guided reading groups to any kid who is below grade level. So we assess students, and any student who is below grade level received double guided reading groups to try to make those gains up. So it just depends on the school. I can't answer for all schools. I can only answer for what we did at our school. [LB651]

SENATOR KOLOWSKI: I was a high school principal. How did your high school principal handle the students moving in from foreign lands, different languages, and all the rest as far as getting some reading help? [LB651]

SHARI ANDERSON: I'm at an elementary school so we have...right now we have 21 level one, brand new from other countries, first through fifth grade. And we actually have a self-contained ELL level one classroom. They go to all the specials. They still integrate with their classroom.

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They go to home room. But we teach them basic reading because we have students in first through fifth grade. And so we pull them so that they can develop a community themselves. Because when our students come from another country, it's often the hardest day to be a teacher because you see kids cry. They don't understand why they're there or what's going on. But luckily we have other kids normally who are in that classroom who can help them make that transition. And in two to three weeks, you'll see these kids start coming out of their shells and starting to learn English; but it takes time. And not every school has a level one classroom. It's something that our school has put in place because we have a high ELL population. We have a high free and reduced lunch population. So we needed to make some other supports for those students. [LB651]

SENATOR KOLOWSKI: Thank you. Other questions? Yes, Pansing Brooks. [LB651]

SENATOR PANSING BROOKS: Thank you. Again, I'm playing devil's advocate to try to figure this out. We are mired in retaining kids, which I'm not in favor of, but versus the overall goal of making sure kids read and that we access...if there's kids that are dyslexic, that we give them the kind of education that relates to their issue. So do you know...are you familiar with AQuESTT... [LB651]

SHARI ANDERSON: Yes. [LB651]

SENATOR PANSING BROOKS: ...and how that differs with what the bill talks about? Or is that Department of Education that would answer? [LB651]

SHARI ANDERSON: I wouldn't want to say that I know much about that so I only know what I've heard and read just from people talking, but I couldn't answer that question sufficiently. [LB651]

SENATOR PANSING BROOKS: Do you have an understanding of how many kids are retained statewide due to reading? [LB651]

SHARI ANDERSON: I do not. I know that our school, I think we retained three third graders last year and one of it was for a student who had not done well in reading. And his parents, along with the teacher in the school, using multiple measures not one state assessment, not just the NeSA-R but looking over his whole unit test, his progress throughout the school year, determined that it would be better for him to be back in third grade. But normally if we retain students, also we are doing it at a younger grade because we've noticed some other gaps in their

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education or other things that we could feel would be helpful at that age. But I can't attest to certain statistics, no. [LB651]

SENATOR PANSING BROOKS: Okay, and my...it's my understanding that this is not pursuant to one test on a certain day but...and I thought I read that but I'll look at that again, so. [LB651]

SHARI ANDERSON: I... [LB651]

SENATOR PANSING BROOKS: I keep hearing people say one test on a certain day and I agree it shouldn't be one test on a certain date. [LB651]

SHARI ANDERSON: Right. [LB651]

SENATOR PANSING BROOKS: But I think it's the whole body of work. [LB651]

SHARI ANDERSON: From what I understood, and maybe I read it wrong, from what I understood it talked about a state assessment, and we only give...the NeSA-R is the state reading assessment. It did say...in the provisions it said that...in the exemptions it said if you had a collection, a portfolio of work that you could prove or bring to fruition that says that that child should not be retained, then that could be considered. But it was my understanding, and maybe I read it wrong, that... [LB651]

SENATOR PANSING BROOKS: It talks about accelerated reading intervention in kindergarten, first, second, and third, so. [LB651]

SHARI ANDERSON: Um-hum, and we do, do that. We give reading interventions to K-1 and -2. And we have PLC days, for example, at my district, and I can't speak for other school districts, where we meet and talk about which kids are not meeting this specific goal, what intervention can we do to bring them up to that goal. Then we meet back again to assess what they're...so we do, do types of reading interventions, but maybe I'm misunderstanding. [LB651]

SENATOR PANSING BROOKS: Well, I don't know. I just know that with my dyslexia bill we had the definition and we had screening and monitoring and everybody said, oh, we couldn't possibly afford to screen for that. So if they're screening for reading and dyslexia comes up, sorry, I'm...I have some concern about this. If you're screening and a kid can't read, then why was my bill some big problem about screening and monitoring for dyslexia? [LB651]

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SHARI ANDERSON: I would think that it would be great to have that as another thing that we can look at because, you're right, it would... [LB651]

SENATOR PANSING BROOKS: We heard it would be a giant cost for the schools to add this. [LB651]

SHARI ANDERSON: I'm not a budget person. [LB651]

SENATOR PANSING BROOKS: So I'd like people to talk to that since... [LB651]

SHARI ANDERSON: Yeah. [LB651]

SENATOR PANSING BROOKS: ...that's part of the issue too. [LB651]

SHARI ANDERSON: But what I will say is that, you know, when we say reading screenings, normally in our school we're using formative assessments and assessments throughout our reading curriculum to help gauge where students are at and what skills they're missing. So maybe there's a terminology issue. But for our reading screening, it might be taking your DRA, looking at how you're doing throughout the quarter, then talking about what other things in formative assessments, what other areas seem to be lacking, and then moving from there. So maybe that's where they're getting their data. [LB651]

SENATOR PANSING BROOKS: Well, I'm grateful for your testimony... [LB651]

SHARI ANDERSON: Thank you. [LB651]

SENATOR PANSING BROOKS: ...and your incredible work for students. Thank you. [LB651]

SHARI ANDERSON: Thank you. [LB651]

SENATOR GROENE: Senator Ebke. [LB651]

SENATOR EBKE: Thank you. Can you tell me as a reading teacher, would you...do you agree with this assessment that third grade is sort of a magic time? [LB651]

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SHARI ANDERSON: It's hard because for every kid it's...every child is so different. And depending on their back story and their experiences, for my students who are moving in from out of country or from somewhere else, third grade is not necessarily the special time. [LB651]

SENATOR EBKE: Okay. So let's stipulate... [LB651]

SHARI ANDERSON: Right. [LB651]

SENATOR EBKE: ...that ELL kids are in another category. [LB651]

SHARI ANDERSON: Exempt, different, okay. [LB651]

SENATOR EBKE: Okay, so for everybody who comes to the table speaking English already, is third grade an important time or a critical time in terms of reading? [LB651]

SHARI ANDERSON: I would say kindergarten through second and third are when you're generally learning more about how to read, although I would disagree with people who said before that earlier you're learning to read and then later you read to learn. I think that happens on a continuum and I don't believe that it's one specific age. But, yes, in general, third grade is when you really start to see students putting together not just how to read, but comprehension and text-dependent analysis. That's when you really start to see that come forward. [LB651]

SENATOR EBKE: Okay. So, and I don't know exactly how I feel about this bill, but I wonder sometimes if, you know, we talk about penalizing a kid who can't read by not allowing them to move on, okay, but there's a part of me that wonders if we aren't penalizing them as well if they can't read and we do move them on... [LB651]

SHARI ANDERSON: Right. [LB651]

SENATOR EBKE: ...and force them into a situation where they may be expected to be able to read to learn and can't. So how do we balance that? [LB651]

SHARI ANDERSON: I think it starts with, as I've seen also in the bill, was talking about teacher training and summer school and other opportunities. I think we need to give all children the most opportunity they can to reach their full potential and to learn how to do those things. And if we're seeing a student struggle in third grade, we really need to look at not just reading but their whole, overall, their body of work. Are they behind? Someone else said earlier, you know, are they

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behind in math? Well, if they're not behind in math, then what's going to happen when they have to repeat third grade? You don't just repeat third grade reading; you repeat an entire grade level including the curriculum at that grade. So it really needs to be a determination on whether or not it would be best for that student as a whole versus just in reading, I think. [LB651]

SENATOR EBKE: In your experience, and maybe somebody else can speak to this, but in your experience is that common that you've got little Einsteins in math and they can't read? [LB651]

SHARI ANDERSON: Absolutely. When we have differentiated learners or gifted--some people use the term "gifted" though we don't try to use that term much anymore--you will see students who are in "diff" math or gifted math classes who are performing either just at grade level or below grade level in reading because their brain works so much differently on certain things. And I don't think you can pigeonhole a student and say, well, you know, you're bad in this one area so you need to be held up. It really needs to be an overall systematic look. [LB651]

SENATOR EBKE: So that happens, okay. [LB651]

SHARI ANDERSON: It does happen, yes. [LB651]

SENATOR EBKE: I'll stipulate that that happens. [LB651]

SHARI ANDERSON: Yes, it does happen. [LB651]

SENATOR EBKE: Nevertheless, I mean, I guess I wonder whether that's the norm that you'd have such a differentiation because I suspect, at least in my experience, limited experience, granted, but in my experience a kid who is having trouble reading is probably struggling in other areas. They're having trouble with word problems or story problems, or whatever they call it these days,... [LB651]

SHARI ANDERSON: Right, right. [LB651]

SENATOR EBKE: ...in math and then they have trouble with science. [LB651]

SHARI ANDERSON: Right. [LB651]

SENATOR EBKE: And they have trouble with social studies and everything else where they're expected to actually read. [LB651]

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SHARI ANDERSON: And that can happen and it does happen. Normally, though, I will tell you, by the time a student gets to third grade, if they're struggling, we've already looked at them; we may have even put them up for not an evaluation but a team of teachers will meet to talk about what can we do, do we need to look at this child for some other areas. Maybe they have a specific learning need that they need that they're not being met with in the classroom. So normally by the time they get to this third grade critical area, we've already looked at that, not that we've labeled anybody. I don't want to say that we've labeled anybody at this point. [LB651]

SENATOR EBKE: Right, right, right. Well,... [LB651]

SHARI ANDERSON: But we've kind of tagged this student as somebody who needs extra help. [LB651]

SENATOR EBKE: And how does that work within the scope of the bill, because aren't there these kind of individual reading plans and things like that? [LB651]

SHARI ANDERSON: And we have, just like you would have an individualized education plan, or an IEP, for a special education student, we do sit down and we have, for example, at my school, we have two reading interventionists who all they do all day long is teach students extra reading classes and they have a specific plan and they find the plan that fits for that kid. And normally they'll try to group kids with like needs together so that we can get more kids working on that same thing. So we already do a lot of things. And a lot of the things that are lined out in this bill are great. But, you know, we have to look at what's best for each individual child and having a blanket statement or a blanket policy on testing is not necessarily (inaudible). [LB651]

SENATOR EBKE: Okay, thank you. [LB651]

SENATOR GROENE: Any other questions? How long did you teach in Virginia? [LB651]

SHARI ANDERSON: I taught for two years in Virginia. [LB651]

SENATOR GROENE: In reading in elementary? [LB651]

SHARI ANDERSON: I was, um-hum, a classroom teacher. I taught fourth grade and then first grade in Virginia. [LB651]

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SENATOR GROENE: In Virginia, did they have a policy of trying to identify dyslexia children? [LB651]

SHARI ANDERSON: I'm not sure. I taught fourth grade for one year and then I taught first grade, so I'm not sure if they do now. That was a little bit ago, just a little bit ago (laughter), just a little bit. [LB651]

SENATOR GROENE: Well, as a teacher,... [LB651]

SHARI ANDERSON: Yep, yeah. [LB651]

SENATOR GROENE: ...I keep hearing one out of five. [LB651]

SHARI ANDERSON: Yeah. [LB651]

SENATOR GROENE: Do you identify them? [LB651]

SHARI ANDERSON: I would say, yes, we didn't necessarily have a screening policy but we would have our school, we had a coach that would come around for the district and she'd come sit in our classroom and look and see if there were kids who were struggling with reading. And then we'd talk about what needs we were seeing in that student and then she'd kind of work with them a little bit and see if she thought that...but we...I never had a student that was confirmed while I was teaching that had dyslexia but I know that there were kids that were suspected that had dyslexia. [LB651]

SENATOR GROENE: You said a key word there. We,... [LB651]

SENATOR PANSING BROOKS: Yeah. [LB651]

SENATOR GROENE: In an earlier bill, Senator Pansing Brooks, the special education, the head one for the state of Nebraska said we cannot sit down with a parent and use the word "dyslexia" because we are diagnosing. [LB651]

SHARI ANDERSON: Right, right. [LB651]

SENATOR GROENE: So you, in a parent-teacher's conference, cannot tell a teacher that you suspect...a parent that you suspect that they might have dyslexia? [LB651]

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SHARI ANDERSON: When I sat down with a parent I would say, you know, do you have any other information about your child, you know, did you have any other information to add? And we would try to get it and we would talk about it but, yeah, we are very careful. We cannot tell a parent because then we're diagnosing and that's not our job. [LB651]

SENATOR GROENE: So you sit there and you know there's a problem and you can't tell the parent. [LB651]

SHARI ANDERSON: We know there's a problem. I'll say, you know, your student has a problem in this area; we're noticing that he seems to be even writing words differently or mixing, you know, I'm noticing these things. And then they'll ask what we can do and normally I'll defer to somebody else at my school who knows more than I do because... [LB651]

SENATOR GROENE: So if one of the parents that's an immigrant... [LB651]

SHARI ANDERSON: Um-hum, yeah. [LB651]

SENATOR GROENE: ...and is just trying to survive, learn the language themselves,... [LB651]

SHARI ANDERSON: Right. [LB651]

SENATOR GROENE: ...and you suspect their child has dyslexia, and you can't tell them, you can't send that child anywhere, they just go through life thinking that there's something wrong and they can't read. [LB651]

SHARI ANDERSON: It's not that we do not do anything though. I want to be very clear. We do put things in place. We work with community outreach organizations and we'll talk...I talk with our bilingual liaisons to talk to the parents, see if there's anything else they're noticing at home. And then normally I talk to my school psychologist or somebody who has way more knowledge on things than I do and ask them to help inter...to help with the process. But I cannot diagnose a student because that's not my area of expertise. So I can say I'm noticing your student is having trouble in reading, you know, here is what I'm noticing. [LB651]

SENATOR GROENE: So the parent goes home and reads and reads and reads to this child and can't figure out why this child is not picking up reading because nobody has helped them explain that there might be a major... [LB651]

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SHARI ANDERSON: It's a conundrum. I mean I can't say to you... [LB651]

SENATOR GROENE: Understand I'm not... [LB651]

SHARI ANDERSON: Right, right, right, right. [LB651]

SENATOR GROENE: You're doing...you're... [LB651]

SHARI ANDERSON: We're doing what we can. [LB651]

SENATOR GROENE: You're a good teacher. You do...you follow the rules. [LB651]

SHARI ANDERSON: But there are things we cannot do. [LB651]

SENATOR GROENE: All right. All right, well, thank you. [LB651]

SENATOR PANSING BROOKS: (Inaudible.) [LB651]

SENATOR GROENE: Senator Pansing Brooks. [LB651]

SENATOR PANSING BROOKS: Thank you for asking that, Senator Groene. So who can follow up and diag...and tell the parents? [LB651]

SHARI ANDERSON: Normally I talk to my school psychologist. [LB651]

SENATOR PANSING BROOKS: Can they tell a student? [LB651]

SHARI ANDERSON: I do not know what she can or cannot tell the parent. [LB651]

SENATOR PANSING BROOKS: Thank you. [LB651]

SHARI ANDERSON: Yep. [LB651]

SENATOR PANSING BROOKS: Thank you for your time. [LB651]

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SHARI ANDERSON: Yep. [LB651]

SENATOR GROENE: Senator Kolowski. [LB651]

SENATOR KOLOWSKI: I think it's important what Senator Groene was asking that there is in almost all opportunities a follow-up by someone who may have the degree or certification level or whatever else. [LB651]

SHARI ANDERSON: Right. [LB651]

SENATOR KOLOWSKI: It's not that they're dropped right there... [LB651]

SHARI ANDERSON: Right, exactly. [LB651]

SENATOR KOLOWSKI: ...and never dealt with again. [LB651]

SHARI ANDERSON: Right. [LB651]

SENATOR KOLOWSKI: It's important that there is follow-up... [LB651]

SHARI ANDERSON: Right. [LB651]

SENATOR KOLOWSKI: ...and something is done correctly with that student... [LB651]

SHARI ANDERSON: Right. [LB651]

SENATOR KOLOWSKI: ...so there is not a misconception that they're just cast in the wind. [LB651]

SHARI ANDERSON: Right, right. [LB651]

SENATOR KOLOWSKI: Thank you. [LB651]

SHARI ANDERSON: And we work together as a team. [LB651]

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SENATOR KOLOWSKI: Absolutely. [LB651]

SHARI ANDERSON: So then I would go back to that person, my school psychologist normally, and say, did you follow up with that family? And then I would find out what they asked, yes. [LB651]

SENATOR KOLOWSKI: Thank you. [LB651]

SHARI ANDERSON: Thank you. [LB651]

SENATOR PANSING BROOKS: Thank you. [LB651]

SENATOR GROENE: Thank you for your testimony. [LB651]

SHARI ANDERSON: Thank you. [LB651]

SENATOR GROENE: We're going to run really late here so if...when you see the red light, please wrap her up. [LB651]

ABBY BURKE: (Exhibit 10) Senator Groene and members of the Education Committee, my name is Dr. Abby Burke, A-b-b-y B-u-r-k-e. I'd like to begin by thanking you for taking on this enormous task of exploring the solution to support emergent and developing readers. As we can all see right now, reading is a very complex topic. Primary teachers are tasked with this challenge every single day. These same teachers tell you that a one-size-fits-all approach does not work for their developing readers. In fact, if you ask a teacher with 23 third graders in her classroom how she works to meet the needs of her students and you give her enough time, she'll give you 23 different answers, a reminder that a one-size-fits-all approach does not work. I am here as a literacy educator and a former public school first grade teacher and fifth grade teacher. I am speaking in opposition to LB651, the adopt the Nebraska Reading Improvement Act. I am here to address a topic in which we have more than five decades of research to draw from. This substantial body of research informs educators that retention fails to support efficacy in remediating academic deficits. Jackson in 1995 (sic: 1975) reviewed 44 studies and found that the evidence was insufficient to support the claim that grade retention is more beneficial than grade promotion. And then ten years later, Holmes and Matthews in 1984 did a meta-analysis and found that retained students performed lower on measures of academic achievement, grade point average, personal adjustment, and more negative attitudes toward school than promoted students. And then 17 years later, Jimerson, in 2001, summarized the historical research and found no significant difference between promoted and retained students on measures of

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achievement or personal or social adjustment. In the studies that did show a difference, the results favored the promoted students, especially in regard to student achievement. And as the other gentleman mentioned John Hattie, you want to go into a meta-analysis, he's the guy to go to for the most current research that supports what we found over the last 50 years. Grade retention based on the results of a single test does not meet professional standards for fair and appropriate test use. In addition, a single test is unable to measure the very complex and continuous progress of reading and the important skills that are associated with reading. I asked a Nebraska third grade teacher who holds a master's degree in reading and a reading endorsement issued by the Nebraska Department of Education her response to LB651. LaTosha had this to say: It is impractical to expect all children to reach the same milestones at the exact same moment particularly when they have not had coinciding experiences before entering school. Using one criteria such as a NeSA-R is problematic because it assumes that all children's literacy experiences are equivalent. In addition, standardized tests are based upon a standard that favors the dominant culture. Instead, understanding why a student is falling behind is key. One test score is not going to provide that information. LaTosha mentions issues related to equity when using standardized tests to making sweeping decisions. For the sake of time, I will not go in depth with this noteworthy fact. However, more information about equity and grade retention can be found in a policy statement from the International Literacy Association and I would be more than happy to share that ILA policy statement with you. So what does work? What are better alternatives to retention: introduction of school-based literacy at a young age by providing high-quality preschool education to as many students as possible; an intensive individualized intervention reading plan that includes frequent progress monitoring and involvement with a highly qualified reading specialist; continuous and ongoing professional development opportunities and resources for reading teachers. In closing, I would like you to consider applying the lessons learned from Florida where a similar bill was passed in 2003-2004. A two-page policy analysis of that bill that was published in January of this year and is available if that would be helpful as you consider LB651. [LB651]

SENATOR GROENE: Thank you. [LB651]

ABBY BURKE: Many mistakes can be prevented in Nebraska if you oppose LB651. Thank you. [LB651]

SENATOR GROENE: Thank you. Any questions for the testifier? Thank you for your testimony. [LB651]

GRANT NORGAARD: (Exhibit 11) Hello. My name is Grant Norgaard, G-r-a-n-t N-o-r-g-a-a-r-d, and I'm from McCook, Nebraska. I'm the superintendent there in McCook. And I want to say that I had this eloquent prepared document and speech I was going to give you but I've heard so

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much good stuff before me I don't want to be redundant. So what I do want to do is maybe go over a few of the things that fill in some of the...just add a little bit more information to some of the things that you've already heard. I, like the other proponents, find that LB651 legislation to be one that is probably...well, is definitely not in the best interest of students. Some of my main points...and I have three pages here. I don't plan on going through these verbatim but I do encourage you to look at them and I do have resources on the final page. But some of the things that I wanted to visit about real particularly after listening to everyone else go--and I appreciate Dr. Dumas who has a lot of the same information that I have and you're also going to hear me talk about John Hattie here a little bit--I believe large portions of this bill are unnecessary for schools. There's a lot of great stuff in this as far as how do we help students learn how to read and achieve at higher levels when it comes to reading instruction. The problem that I have with the bill is I don't believe that that needs to be legislated. I believe that school officials, teachers, and educators are the experts when it comes to reading education. And a lot of the things that are said would be redundant for our school system and I think that that would be...I've been in five school systems during the course of my career. I assure you that was most...that was by choice that I...all that traveling around. But in all those school systems we worked very hard and very diligently to help students read at high levels. And those things that are defined in the bill were the same methods and methodologies and practices that we used to attack reading instruction to help all students read at high levels. Other things that I want to talk about, a little bit about John Hattie and his meta-analysis. On my third page, I'm not going to read what I have on my first page other than it's regressive, but if you go to my third page, you can see under the first bullet there are several things on John Hattie's 195 influences on student achievement, and seven of them are regressive. One of the things I wanted to point out is that when it comes to effect size, reading retention is less harmful to a student than summer vacation. So I want you to understand that. Some things that are worse than that, worse than retention would be depression. You can...when students are highly mobile, that affects students in a regressive way. So you can see where retention lines up when it comes to how it affects student achievement. Student achievement is negatively affected, negatively affected by retention. Also I wanted to point out that there are some other issues with the bill as far as some of the requirements for summer school. McCook, we have summer school programs. We do, do intensive interventions. But putting things in legislation would also require school districts to possibly have to increase FTEs. Those increases in FTEs, where does the...where do the dollars come? Where does the funding come for school districts that need to add those types of interventions and those personnel? It might be difficult for those to do that. Also retention is one of the most expensive remediations that you can put into place since it costs about \$11,500 a year to educate a student in the state of Nebraska, so it's probably one of the least efficient ways to help a student achieve at high levels. One thing I also wanted to talk about, we heard that I'm...I mean, I'm sorry I don't remember everybody's name, but the presenter that was a proponent of this bill, this legislation at the beginning talked about NAEP scores so I want to talk about NAEP scores real quick here. Nebraska is at significantly, statistically significantly outperforms the rest of the nation in eighth

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grade reading, eighth grade mathematics, and fourth grade reading. We tied Florida and the state on the NAEP scores at 227 which is tenth in the nation. Nebraska is also tenth in the nation at eighth grade reading on the NAEP scores. And Florida is not in the top ten. So by the time we get to eighth grade, Florida has fallen behind Nebraska when it comes to reading intervention or reading proficiency. Also, at eighth grade on the NAEP scores--and this isn't in my document, this is stuff I just looked up real quick over here on my phone--in Nebraska it's 81 percent proficient at eighth grade on NAEP. And I'm done. [LB651]

SENATOR GROENE: Thank you. We might have a question. Any questions for this testifier? Thank you. [LB651]

GRANT NORGAARD: Thank you. [LB651]

REX ANDERSON: (Exhibit 12) Senator Groene and members of the Education Committee, I'm Dr. Rex Anderson. I'm the director...Rex, R-e-x, Anderson, A-n-d-e-r-s-o-n. I'm the director of curriculum and instruction and assessment for Gretna Public Schools. I'm also here though on behalf as in my other role as executive director of Nebraska ASCD, which stands for the Association for Supervision and Curriculum Development. I'm here to oppose LB651. I've actually asked that my handout that goes with what I'm about to talk about not be handed to you because I feel the need to do some direct instruction to make sure before you do begin the assignment and then maybe not know what it is you need to do with the assignment so here we go. I think we're trying to reinvent the wheel. In January of 2016, the Nebraska Department of Education released a booklet called Technical Assistance Document for Dyslexia. And I'm going to define dyslexia in the way in which I wish to talk about it right now: "dys" meaning can't and "lexia" meaning read. What do we do for those kids who can't read? They basically in their research at the beginning of this presentation that they put together, Technical Assistance (Document), they said that one in five, or 20 percent of the population, probably has some sort of dyslexia situation that they're up against. If we then separate that away and say, okay, we got 100 kids and out of those 100 kids it's going to be 15 to 20 kids, I'm choosing to make it 20 because the math is easier. Of those 20 kids we have, we can probably expect that 4 out of 5 of them are going to have some sort of problem very specifically with reading. Okay? That probably has something to do...it could be neurological. It could be a variety of things and it could impact them just in spelling, just in reversal of letters, which is what we often think of dyslexia being, or it could be that they simply can't write. There's other problems that are going on with it, so there's various elements within that dyslexia that occurs. We know it's neurological. We also know that they probably won't ever completely outgrow it. It's going to be something that they're going to have to overcome. Okay? They're going to need explicit instruction and that instruction is not something that's going to stop at the fifth grade. They can, with time and lots of instruction, become slow and accurate readers but there's going to be an issue with the speed piece. Okay? What we do know is that phonemic instruction will help immensely for these kids

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and this research is again cited in this document. We know that if they get about 100 hours of that instruction, along with then good phonetic instruction following up with it, that they're going to have a better chance. Are they going to be readers that are reading on level at the end of third grade? Not all of them but they're going to be on the row. If we talk to the teachers that they're going to encounter as they continue up with grades four, five, and into high school and middle school about the kinds of things that we need to do to help them as readers, the extra things that they're going to need, we can help them. I did some research and actually in my own district in one of our buildings and checked this out. I can tell you, out of a third grade class of 111, we have 16 kids struggling and we know that 5 of them probably will not qualify for special education and they're going to need this continued support. The others are getting that help that they need within special education. They are monitored, their progress monitored. We check them with DIBELS. We follow. We check. We constantly are monitoring and structuring their day to make sure we do the things that we need to have them...help them. We also know this, and here would be a third point that I'd like to make is this. If we look at a review, which we've talked a lot about today, in retention, in the '70s we found out that retention didn't work better than promotion. In the '80s we found out that the promoted students actually did better than the retained students. A research meta-analysis says in 2000 that neither group is really ahead; there's still problems for both of them. What was more interesting to me was is that kids who are retained, from the research in 2010, says they're more likely to be dropouts and, therefore, become a larger problem for us within society. I'm suggesting that: you have the appropriate materials you need through this document, the research done by the state; you work with the State Department of Education to make sure that all teachers know what needs to be done to help these kids to move this forward. I would take any questions at this point in time. And that document can be passed out at this point in time. [LB651]

SENATOR GROENE: Did you say phonetical, phonics? [LB651]

REX ANDERSON: I said two things. I said phonemic awareness and I also said phonics. Phonemic awareness is the part can we get kids to understand that when I say "cat" that there's a c-a-t and that they understand all three of those sounds and then they begin to tie those sounds into... [LB651]

SENATOR GROENE: You mentioned something. Hate to interrupt but we got to keep moving. You mentioned the '70s, '80s, '90s. [LB651]

REX ANDERSON: Yeah. [LB651]

SENATOR GROENE: Is phonics coming back? [LB651]

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REX ANDERSON: What I'm going to say about the '70s, '80s, '90s is this. We know a lot more about reading today than we knew 40 or 50 years ago and the kinds of things that we need to be doing for kids. I think phonics has always been there for the teachers that know what kids need. But I'm also going to say for some kids the phonemic awareness helps but for some kids there's going to have to be other strategies. [LB651]

SENATOR GROENE: Senator Pansing Brooks. [LB651]

SENATOR PANSING BROOKS: And thank you for coming, Dr. Anderson. I would agree. And some of us are auditory learners and some of us are visual learners. [LB651]

REX ANDERSON: (Inaudible.) [LB651]

SENATOR PANSING BROOKS: So it doesn't necessarily help not to pass this out but now that I am...now that I... [LB651]

REX ANDERSON: But I have also learned from being a middle school teacher sometimes... [LB651]

SENATOR PANSING BROOKS: I'm trying not to be insulted by that but that's okay. [LB651]

REX ANDERSON: Sometimes the assignment does not get listened to before it's given. [LB651]

SENATOR PANSING BROOKS: Okay, well, sometimes both are necessary for all types of learners. [LB651]

REX ANDERSON: True. [LB651]

SENATOR PANSING BROOKS: So but I think that, you know, it's there's no question Gretna is doing a wonderful job and we know that there are districts across the state that are doing really well. I am a huge advocate for Lincoln Public Schools. But again, there are places across the state that we continue to hear that dyslexia is considered a myth. So for certain specific districts to come and say, oh, we follow all this and then the next day we're getting all these letters from teachers and other administrators saying, oh, it's a myth, we don't deal with it, I think that is part of this issue. If we have a policy that we think...you know, this is the problem we're talk...again, we are talking about whether to retain and whether to educate. And there are areas in the state

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where full reading comprehension and reading teaching is not being implemented to the fullest degree. We have these stories coming from parents and teachers across the state. I'm just asking you. I mean that's fine. I...that's not a question. [LB651]

REX ANDERSON: What I would say to you is I don't disagree with you although I think school...there are differences in school districts but again I think you have through the Department of Education their knowledge, their expertise. Working with local service units, you have the capability to do something without having to legislate that this happen and impose some other kinds of things that could cause problems in schools. [LB651]

SENATOR PANSING BROOKS: Thank you. [LB651]

REX ANDERSON: I'm going to give you one example. When I visited with the teacher who is our reading specialist, she said if I need to write an individualized educational plan for every kindergartener, it's going to take me hours within the first 30 days of the school year to do that and those hours would be better spent working with those kids in a one-on-one or two-on-one or five-on-one situation to get them where it is they need to be. [LB651]

SENATOR PANSING BROOKS: Okay. And what about the teacher that just spoke who said she recognizes a dyslexic child and can't even do anything to discuss it? [LB651]

REX ANDERSON: And I'm not here to dispute the dyslexic legislation that's out there. I'm here to say I think we have the tools that we need right here in this state and we should be using those tools. [LB651]

SENATOR PANSING BROOKS: Okay. Thank you. [LB651]

REX ANDERSON: Okay. [LB651]

SENATOR GROENE: Playing devil's advocate here, but those of us who are not in education, our prisons are overflowing, welfare is skyrocketing, and I understand the immigration part brings into our situation about poverty and everything. And we've all lived through theory after theory of education through the Ph.D.s and those of the professionals. Do you understand that some of us are getting a little impatient? [LB651]

REX ANDERSON: I agree and I think there's...those of you that are getting impatient, we need to work together so that we can do the things that are right. And that's I guess why I'm here speaking for this is... [LB651]

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SENATOR GROENE: I don't doubt the people in education are trying to do the best they can but it's not an exact science. Theories come and go and we've lived through, some of us, and when we were in school, when our kids were in school, and now when our grandchildren are in school and the prisons are still full and welfare and the people who can't read are out there. That is the basic, bare bones of why Senator Linehan brings these bills and that's the message to everybody. But I'm not criticizing. We all care. And thank you. [LB651]

REX ANDERSON: Okay. [LB651]

SENATOR GROENE: You can start anytime, Miss. [LB651]

JEANNETTE EILEEN JONES-VAZANSKY: (Exhibit 13) I can start? Okay. My name is Dr. Jeannette Eileen Jones-Vazansky, J-e-a-n-n-e-t-t-e E-i-l-e-e-n J-o-n-e-s, hyphen, V-a-z-a-n-s-k-y, and I'm the president of the Lincoln branch of the NAACP. Thank you, members of the Education Committee and Senator Groene, for allowing me to speak today. I'm here today to oppose LB651, the adopt Nebraska Reading Improvement Act. We oppose this bill because it disproportionately affects minority and disadvantaged students negatively and we're also talking about students with learning disabilities when we use the term "disadvantaged." Nationally the NAACP works to ensure that every disadvantaged student and student of color graduates ready for college or a career by ensuring access to great teaching, fair discipline, equitable resources, and challenging curriculum. We are dedicated to eliminating the severe racial inequalities that continue to plague our education system. Our ultimate goal is that every student of color receives a quality public education that prepares him or her to be a contributing member of a democracy. To achieve these goals, the education committee of the national board, in concert with education chairs and leaders from across the association, have settled upon a four-prong strategy to improve education achievement for disadvantaged students. For the purposes today, I will talk about three: increasing resource equity, that is, targeting funds to the neediest kids; improving teaching; growing our own great teachers now in underserved communities including our great teachers in the Lincoln Public Schools; improving discipline; eliminating zero-tolerance policies--keep kids in school. And I wanted to stop here and say that that's part of the reason why, you know, we have students who are struggling with reading who are automatically suspended or maybe put in youth detention services and they're having problems getting back on track. And so some of the language about the correlation between people who are...find themselves incarcerated and their reading ability as well as those who might be recipients of public service and their reading ability doesn't take into other factors. That might be one of the factors but that is not the only or even the most pressing factor that goes into that. And I think Senator Pansing Brooks talked about, you know, a fight in a school being led...leading someone to be placed in youth detention instead of having the parents come in. And I'm a beneficiary of that. I went to school in New York. I had a fight with one of my friends. Both of our parents came in. I won't curse but they basically gave us you know what and we got it together. Yes, we

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were suspended but we did not go to...I'm not going to school in prison or youth detention services in New York and I was able to go to school and go to college and graduate school and I'm glad that my mother and her mother advocated because we were acting stupid. Right? That was just...it was a stupid argument. But any other school we could have been in that detention center and in the school-to-prison pipeline. We believe that LB651 does not meet these standards as it creates unnecessary obstacles for minority and disadvantaged students who disproportionately struggle in school. Holding students back in school does not give them a path to success. Rather, it hampers their overall development by intensifying their "otherness" from their peers and sapping their morale. Here in Nebraska public education challenges such as poverty, lack of economic opportunity, and mental and behavioral health are growing issues in many schools, just as they are growing challenges for many Nebraska communities. To meet those challenges we need to support the excellent schools we have and our teachers. We have to support them while working to make them even better. And I'm so glad that the document has that kind of language about supporting teachers and teacher training. We ask the senators, however, to vote no on LB651 and, instead, ask our state senators to continue to support our public schools by fully funding them. Thank you. [LB651]

SENATOR GROENE: Thank you. Any questions? Thank you for your input. [LB651]

JEANNETTE EILEEN JONES-VAZANSKY: Thanks. [LB651]

SENATOR GROENE: Next opponent. [LB651]

NICOLE GREEN: Nicole Green, N-i-c-o-l-e G-r-e-e-n. Don't know if you need the dog's name spelled. It's Pumpkin, just like the gourd. So I am a doctoral candidate in composition and rhetoric and English teacher preparation and I came to speak against this bill for a number of reasons, several of which have already been addressed so I don't want to belabor the retention point. But I did want to answer one, a question that Senator Pansing Brooks brought up earlier about whether this relates to a single assessment. And according to Section 3(1) of the bill it does say that students will be assessed using a "state-approved local" or state assessment tool, so there is; it is based on a single assessment over their kindergarten, first, second, and third grade. And that is where one of my primary concerns is. So I'm a product of the Nebraska public schools system; in fact, Dr. Anderson was my middle school principal. And even though the bill says, as someone who was in special education and with an IEP, I would be exempt from these sorts of assessments, my IEP would suggest that I should be able to take the test with accommodations. However, the way these standardized tests often work, even at the state level when they're state standardized, is it's a passage of reading with comprehension involved as well as the phonemic awareness, being able to identify letters, things like that. What I want to ask that this bill doesn't address is what constitutes reading, what constitutes literacy? So when I was

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growing up, thankfully, I was just before the No Child Left Behind Act and much of our accountability-based policy in education, so I had teachers who were able to see that I read in different ways and I was able to read by listening. And so I listened to everything that I read. However, that is no longer the case. Students with visual impairments, along with students who have reading and learning disabilities, are given one media. They have to choose. So if you're visually impaired, you have to choose Braille or text. However, most students who do suffer from reading disabilities or visual impairments, especially given the new technology, consume texts through listening more often than not now. And so as a doctoral candidate in English, if you asked me to read a piece of paper right now in Braille or in print, I couldn't comprehend it for you because the part of my brain that does comprehension has to hear it. And these sorts of one-size-fits-all assessments don't allow for that kind of learning and they don't define that as reading. So I guess I would be very concerned about how the bill is defining reading. And then the last point I wanted to make is I just wanted to point out people have made a lot of comments about the number of prisoners who are illiterate, functionally illiterate. I work regularly with a group of men in a group home...of teenage boys in a group home here in Lincoln who are in the criminal justice system. And, yes, while I specifically do a reading and writing program with them and while, yes, some of them do struggle with reading and writing, I can tell you right now that's not why they're there. They're there because they have mental illness issues, because they came from severely impoverished families, because they're victims of abuse, any number of things. The illiteracy is a side effect of the rest of those factors; it's not the cause. Thank you for listening. [LB651]

SENATOR GROENE: Any questions? Thank you. You made some good points. Next. Can we...don't be polite, just get in the chair (laughter). Keep moving it along here. [LB651]

PATTI GUBBELS: (Exhibit 14) Members of the Education Committee, I think it's important to recognize that reading instruction in Nebraska's lower elementary grades is working. The... [LB651]

SENATOR GROENE: Can you give your name and spell it. [LB651]

PATTI GUBBELS: I'm sorry. My name is Dr. Patti Gubbels, P-a-t-t-i G-u-b-b-e-l-s, and I am here representing the Norfolk Public School District. I am a school board member. So as I was saying, it's clear that reading instruction in lower elementary grades is working. If we look at the NeSA reading test scores over the last five years, third grade reading scores have improved. More and more students are either meeting and/or exceeding our state reading standards. I am here to oppose LB651 for the following reasons. Retention has been mentioned often but I feel compelled to make several additional points about retention. Retention is not the best way to help children who are learning to read. Research has shown that children who are retained make

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less reading progress than children who have the same reading struggles and are promoted or children make reading progress in the short term but is not sustained over time. There is a body of research that shows that retained students have lower self-efficacy, which is self-confidence, and/or there is an increased dropout rate for students who have been retained through their school years. Whether or not a student is retained should depend on multiple factors, not just performance in one content area. And that decision can influence the child in many negative ways and it certainly does not guarantee sustained reading progress. Secondly, the potential to improve learning to read occurs in large part with processes that take place before there is any formal instruction. In other words, learning to read is intricately intertwined with language development and cognitive development. We have children coming to kindergarten who know how to read. We have other children coming to kindergarten who have little emergent literacy. They don't know what a book is. They don't recognize letters of the alphabet. They have limited background knowledge or language skills. It's very important I think that we devote educational resources to developing emergent literacy through early childhood intervention programs that would have much more impact on learning to read processes than focusing on third grade as the dividing point of when children succeed and fail at learning to read. And finally, LB651 really does suggest a one-size-fits-all. Nebraskans, we value local control of education and I certainly think that we all appreciate that our schools have as much variance in terms of student population as our kindergarteners do. Educational professionals are in the best position to make decisions for reading with the specific children they work with on a daily basis. Reading teachers, reading specialists, reading coaches design instruction interventions and reading assessments that best meet the needs of every child in their care. [LB651]

SENATOR GROENE: Thank you. [LB651]

PATTI GUBBELS: You're welcome. [LB651]

SENATOR GROENE: Any questions? Thank you. [LB651]

PAT TIMM: My name is Pat Timm. I'm here representing the Nebraska State Board of Education. I am the president and I serve region 5. The Nebraska State Board of Education... [LB651]

SENATOR GROENE: Could you spell your name... [LB651]

PAT TIMM: Oh, I'm sorry. [LB651]

SENATOR GROENE: ...for the transcribers. [LB651]

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PAT TIMM: P-a-t T-i-m-m. The Nebraska State Board of Education has taken a position to oppose LB651 and many things have been said in regard to that, so I'm not going to belabor the point. I would like to bring forth the state board's strategic vision and direction for the Nebraska Department of Education, including several goals that will improve the number of students ready for success in learning, earning, and living. Under our outcome statement: "Ensure every student upon completion of secondary education is prepared for postsecondary education, career, and civic opportunities." One goal is that by 2020 all Nebraska elementary schools will provide evidence-based interventions for any student not on grade level in reading and/or math. Another outcome statement is use of "assessments to measure and improve student achievement" and that goal under that is a goal that says by 2026, 89 percent of students will be proficient in reading when currently as a state we are now 79 percent proficient. We believe that we can work together to implement state strategies and refine best practices to be adopted at the local level that can improve the reading performance of all Nebraska's children and we want to build these policy partnerships with you as our partners and with our educators. Thank you. [LB651]

SENATOR GROENE: Thank you. What...you said 70...excuse me, I usually ask the committee first. [LB651]

SENATOR PANSING BROOKS: No, go ahead. [LB651]

SENATOR GROENE: But 79 percent are reading efficient (sic: proficient). What grade level is that? [LB651]

PAT TIMM: In all of our grade...yeah, in all of our grade levels. [LB651]

SENATOR GROENE: So if you combine all the scores, it's 79 percent in reading. [LB651]

PAT TIMM: Right, it's an average, yes, over that. [LB651]

SENATOR GROENE: Now I'm a businessman. If 21 out of 100 of my cattle were sick, I would fail. If you put 100 children in a room and 21 of them can't read, I would call that failing. That is my concern. What... [LB651]

PAT TIMM: That's one of the reasons we've been putting together baselines so that we can actually tell where we are and where we need to go. [LB651]

SENATOR GROENE: Well, I know you're trying. I'm just saying there are some of us that look at the 21 instead of the 79. [LB651]

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PAT TIMM: Sure, I understand that. [LB651]

SENATOR GROENE: Thank you. [LB651]

SENATOR PANSING BROOKS: I have a question. [LB651]

SENATOR GROENE: Thank you. Senator Pansing Brooks, go ahead. [LB651]

SENATOR PANSING BROOKS: Thank you. Thank you for coming, Ms. Timm, and for your service to the state. [LB651]

PAT TIMM: You're welcome. [LB651]

SENATOR PANSING BROOKS: I'm...I don't know if...you probably didn't see some of this information but the information that we got from the Excel in Ed woman in her pamphlet talked about Nebraska's proficiency in reading both in...what's it, fourth grade, and said that our test lists us at 81 percent but their NAEP test I believe lists Nebraska at 40 percent. They just took a specific little...it doesn't sound like they test...they did not...she said they did not test the whole way across the state. Can you tell me the difference in the state testing that we are using versus what that test might be or...I find 40 percent, I just don't believe that, but maybe it's true, so could you maybe talk to the differences in those tests? Or do you know, would someone else know? [LB651]

PAT TIMM: No, I really can't. I can certainly get you the information. I'm not a psychometrician and I don't know how the questions were... [LB651]

SENATOR PANSING BROOKS: Okay. I presume that advocates believe that we're testing well and that we're not just teaching to a test for reading. [LB651]

PAT TIMM: Right, right. [LB651]

SENATOR PANSING BROOKS: But I would be interested in what those two tests are; since it's such an extreme variance, I'd be interested in what that differential is. So hopefully somebody can get that information to us. [LB651]

PAT TIMM: And I'm not aware of...yeah, we will. I'm not aware of what questions were asked by those tests and how they were compared. [LB651]

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SENATOR PANSING BROOKS: Okay. [LB651]

PAT TIMM: Sometimes we're comparing apples to oranges so we'll certainly get that for you. [LB651]

SENATOR PANSING BROOKS: Thank you, Ms. Timm. Somebody behind you has indicated they might know but so we'll see. Thank you. Thank you for coming. [LB651]

SENATOR GROENE: Thank you. Do you have a question? I'm sorry, Senator Morfeld. [LB651]

SENATOR MORFELD: Yes, thanks. Thank you for coming on behalf of the state board, Ms. Timm. You know, Senator Groene just brought up kind of an interesting point that, you know, obviously if he was in business, and he made an interesting comparison and analogy, which Senator Groene always does. But I guess my question for you is, you know, from the State Board of Education's perspective, is it...is the reason why a lot of kids are struggling in school simply because of the schools and quality of public education? [LB651]

PAT TIMM: No. [LB651]

SENATOR MORFELD: What are some other factors that play into that, that are outside the school's control? [LB651]

PAT TIMM: Our children have a lot to deal with. There's a lot of mobility. There's poverty. There's immigration populations coming in that aren't within our culture. I don't think you can pin it on one particular thing. I have to think...I think you have to look at the whole child and the circumstances that they are in at the present time. [LB651]

SENATOR MORFELD: Thank you. And you listed some of those and I think that, number one, I that we should always have high standards for our schools. [LB651]

PAT TIMM: Well, certainly. [LB651]

SENATOR MORFELD: And I think that we do have high standards for our schools. And I think that we shouldn't just say that we have high standards for our schools, we should be constantly challenging our schools, having hearings like this, and talking about what we're doing well and what we're not doing well. And I'll make a little bit of a statement here, just heads-up, Senator,

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and...(laughter) and then I'll be done. But I think that my concern is, is that oftentimes what we do is we blame broader societal failures and issues on our public education system and then suddenly go, well, we need to tear it down and put it all back together. And, granted, again, it has to be balanced with having accountability, with having expectations and constantly challenging those accountability measures and expectations and committee hearings like this and on the floor of the Legislature. But my concern is, is that we have broad societal issues. In my district people can't afford healthcare, which creates other crisis; people can't get access to mental health,...

[LB651]

PAT TIMM: Um-hum, certainly. [LB651]

SENATOR MORFELD: ...which it's really tough to learn math and science and education the next day if you're experiencing physical abuse with your parents the night before because they're dealing with those stressors. Those are things outside of the public education scope and one of my concerns is that some of these policies that are brought forth are brought forth with very good intentions. I have no doubt of Senator Linehan's good intentions with this. But I'm afraid that we're blaming the schools for issues way out of their control and making policy based on that and that's my concern. But that's my statement for the night. I won't make any more after that. [LB651]

PAT TIMM: Well,... [LB651]

SENATOR MORFELD: And I do appreciate your time. [LB651]

PAT TIMM: Well, thank you for recognizing that we are not the end-all, be-all. I've been in public policy a long time. [LB651]

SENATOR MORFELD: Still high expectations but, yeah, thank you. Thank you. [LB651]

PAT TIMM: Thank you. [LB651]

SENATOR GROENE: One more thing I want to clarify. I did not compare children to cattle.  
(Laughter) [LB651]

SENATOR MORFELD: Oh. [LB651]

SENATOR GROENE: Before somebody puts it on the Internet, I... [LB651]

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SENATOR MORFELD: And for the record, that is not what I was... [LB651]

PAT TIMM: Well, and, Senator Groene,... [LB651]

SENATOR GROENE: I learned what an allegory was in school and I use them quite often, so thank you. [LB651]

PAT TIMM: Right. [LB651]

SENATOR MORFELD: No, absolutely. [LB651]

PAT TIMM: Well, and I understand your statement though... [LB651]

SENATOR GROENE: Right. [LB651]

PAT TIMM: ...because I'm originally from Custer County. (Laughter) [LB651]

SENATOR GROENE: Thank you. Next. [LB651]

TIM GARCIA: Good afternoon. My name is Tim Garcia. I am the elementary school principal from McCook Elementary School in McCook, Nebraska, and thank you for your time to allow me to come and speak with you. I'm not going to go into many of the details and the research. [LB651]

SENATOR GROENE: Could you spell your name, please. [LB651]

TIM GARCIA: Oh, I'm sorry. Absolutely. My first name is Tim, T-i-m. [LB651]

SENATOR GROENE: We have a spelling test here. [LB651]

TIM GARCIA: Thank you. Last name (laughter)...it's good. We need to. Last name is Garcia, G-a-r-c-i-a. I'm not going to go into a lot of the research and the information that so many of my colleagues have already done so diligently and deeply here. But one of the things I want to do is maybe highlight, Senator Pansing Brooks, you had said that many of our districts are doing a great job across the state of Nebraska. And coming from McCook Elementary, we have an elementary school that serves approximately 51 percent of students from poverty. They come to

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us needing more. They come to us maybe not coming from a literacy-rich environment. And what I wanted to do is bring to the point that without this law in place over the last two years, in 2015, 97 percent of our third graders met or exceeded benchmark in reading. In 2016, 96 percent of our third graders met or exceeded benchmark in reading. I'm also going to add math in there because, in 2015, 91 percent of our third graders met or exceeded benchmark in mathematics and, in 2016, 90 percent. We're very fortunate that we were just recognized this past December as a national Blue Ribbon school at McCook Elementary School. I say these things because I truly believe that law is not the fix to what we're seeing here. I truly believe that it is more training for our educators, that it is more support through the Legislature to the NDE to provide the administrators, and through the NSEA, to provide the administrators the tools necessary to reach down and educate properly our teachers and provide the teachers the supports to deal with the students that we have that are coming into our schools on a daily basis that are not prepared to be successful. We see this time and time again but we can't give up. I want to comment and commend Senator Morfeld for saying high expectations. You know, we've heard a lot about John Hattie through some of the research that was presented here today, yet the number one indicator from his meta-analysis is the fact that total teacher efficacy for students achieving at high levels is the number one influence factor of our students performing at high levels. So there are definitely those factors that we need to take a look at and to better prepare our teachers to perform well in the classroom. So in opposition to LB651, I think there is a lot of great things in there. I think that Senator Linehan is right on with taking the necessary steps, providing the foundational education in literacy and reading. We can't take shortcuts. We have to identify those students at an early, early age that come to us from a nonliteracy-rich environment. But I don't believe, and the part of this bill that I cannot support, is the retention. The part of this bill that I cannot support is the threat to the individual student and the threat to the individual family of being publicly humiliated amongst our community and amongst their peers because we are struggling to educate them. So what I would consider or what I would recommend is that perhaps the bill pushes forward but we remove some of that literature in there and some of those stipulations when it comes to retention; that we do rely heavily on the NDE and the local control of the professional educators to do the work of education in the classroom and never give up on these kids. One of the things that I've heard is, well, so you're saying it's okay to push them through if they didn't go. We call that social promotion. And what research tells us is, in the long run, social promotion in comparison to retention, we're hearing that it's even but we also with social promotion, we don't have a lot of the other negatives that come along, hand in hand, with retention. So with that, again, I want to thank you for your time and I would be willing to take any questions that you may have from somebody who is currently in a pre-K-3 building dealing with our elementary school students on a daily basis. [LB651]

SENATOR GROENE: What... [LB651]

TIM GARCIA: Yes, sir. [LB651]

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SENATOR GROENE: You said benchmarks. Whose benchmarks? [LB651]

TIM GARCIA: It's going to be NeSA benchmarks that are formulated through the NDE with the Nebraska state assessments. [LB651]

SENATOR GROENE: So when you say they've hit 96 percent, they get 96 percent on the test or... [LB651]

TIM GARCIA: No, no. What I'm telling you is that 97 percent of our third graders actually reached benchmark or exceeded benchmark. And so 97 percent of our students were throughout the course of the year through our locally designed standards or...what we do is we create our standards in accordance with the state standards, but we create our local standards that are... [LB651]

SENATOR GROENE: So you're hitting your local benchmark. [LB651]

TIM GARCIA: Absolutely...well, we hit our state benchmarks as well. But our local benchmarks, yes, through our CRTs, they're created to support the state standard. So on NeSA, 97 percent of our students mastered NeSA; and in 2015 and 2016, 96 percent of those students mastered NeSA, yes. [LB651]

SENATOR GROENE: Another comment or question, you said they're going to embarrass them. When they get out into the real world and they get fired, they're going to be embarrassed. When they end up in the court records in the paper they're going to be embarrassed. When they go to get a job and somebody tells them they were...had a high self-esteem, they're going to find out that self-esteem won't get them anywhere. But they'd better know how to read and they better know how to perform. So sooner or later they're going to get embarrassed. [LB651]

TIM GARCIA: But what I would tell you is that with continued supports, see, when they...and here is I think a misconception is they go to third grade, they fail, we retain them, and then the supports just drop. No. With continued supports through fourth grade, through fifth grade...I love we had a speaker say that reading is a continuation, it evolves, it never stops. I can become a better reader today by getting into literature and reading. And so to say that they're going to fail when they get up there, we would have to look at the statistics on that because as long as they continue to receive the supports necessary through fourth grade, fifth grade, in through junior high and in through high school, I think that that is going to show us that they have a better, much better opportunity of being successful versus being retention..retained. [LB651]

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SENATOR GROENE: In your classroom...I'll ask you this question... [LB651]

TIM GARCIA: Sure. [LB651]

SENATOR GROENE: ...because you said you're in the building. Are they immersed in reading? I mean do they spend a lot of time reading actually old-fashioned books? [LB651]

TIM GARCIA: Absolutely, yeah, absolutely. I mean reading is a core function of an elementary school, absolutely. [LB651]

SENATOR GROENE: It is. They do in every class. [LB651]

TIM GARCIA: Absolutely, absolutely. [LB651]

SENATOR GROENE: Social studies, science, everything, it's... [LB651]

TIM GARCIA: Absolutely. [LB651]

SENATOR GROENE: ...they're immersed in reading. [LB651]

TIM GARCIA: Absolutely. [LB651]

SENATOR GROENE: So it's pretty hard for a teacher not to understand when a student already has a reading problem because every subject is based on reading, is it not? [LB651]

TIM GARCIA: Oh, absolutely. The core of the education foundation through the elementary especially is going to be reading. And for...I would tell you that for a teacher, for a teacher to have a student go through third grade and then for automatic in third grade all of a sudden we are now identifying that there is some sort of a reading deficiency in third grade, well, somebody missed some steps and some assessments along the way. One of the things that I did talk about that I do like is maybe an increased accountability at the local level for kindergarten, first grade, and second grade assessments. At McCook Public Schools, we have mandatory CRTs. Our students have to master CRTs in kindergarten and first grade and the second grade that are vertically aligned to ensure that by the time they hit third grade they know what they need to know. They have the base foundation to be successful in third grade in all subjects, not just reading. [LB651]

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SENATOR GROENE: Thank you. Any other questions? Senator Pansing Brooks. [LB651]

SENATOR PANSING BROOKS: Okay. Thank you, Mr. Garcia, for coming today... [LB651]

TIM GARCIA: Absolutely. [LB651]

SENATOR PANSING BROOKS: ...and for your obvious excellence. And I think you're inspiring, no doubt, to...you're inspiring to me so I presume that the kids are inspired by you as well. I guess I'm interested with your school, if a teacher finds somebody that's dyslexic, who will then allow...who in your school would be able to tell the parents that the kid is dyslexic? [LB651]

TIM GARCIA: Thank you for that question, I know you had asked it earlier and it seems to be kind of a situation that we're struggling with dealing with. You know, I compare this much to the fact is if I have a student who gets injured on the playground and they come in and they say, my arm hurts really, really badly, well, I have indicators that there's some sort of an injury in that arm. We're going to call the parents in and I'm going to provide the parents the indicators of what the student is telling us. And then I'm going to say to them I don't know if that arm is broken or not but here's what I recommend you do; I recommend you go get a specialist, you know, or you go have someone look at it. My recommendation would be that maybe you have someone who knows a little bit more about it than I do. It's your choice. You don't have to do it. But I would recommend, if it were my child, I would probably take a look at that. Ironically, about a month and a half ago, I had one of my special education teachers come to me to talk to me about a second grade student. And she came to me with the same dilemma that you're talking about: I really think that these indicators are present that this student possibly has dyslexia but we don't have a screener, we don't test for it, I don't know what to do. And I said, well, the beautiful thing is we talk about open educational resources. Get on-line, find the best screener out there that you can find, let's document the indicators that say this, and then let's sit down with our parents and let's say, hey, look, we don't know, we don't know but here's what we can tell you; this is the evidence we've collected during the instruction, these are the deficiencies that we've identified, these are the indicators that are leading us to a concern. We're going to go through, we're going to do that research with the parents, and then we're going to say to the parents, this is what we know, now we're going to support you in doing whatever you need to do to go out and find that. Would it be better if we had the opportunity to say this is what the indicators tell us? Sure it would. But my point in is this is being is that we don't have to leave them blind or leave them hanging. We could still guide them in the direction of going and getting an expert opinion on what those indicators might determine. [LB651]

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SENATOR PANSING BROOKS: So are you saying they need to go out and get their own? They'd have to pay for an expert opinion? [LB651]

TIM GARCIA: At this point today, at this point today they would because we don't have the opportunity even through SPED to do it, which I think is terrible. I most definitely think that we should be able to go through our SPED director and either through our school psychologist and provide whatever screeners or whatever indicators that we need to, again, I don't want to say diagnose, but the same way that we do with the other disabilities that we identify through SPED. [LB651]

SENATOR PANSING BROOKS: So 20 kids out of 100 are supposed to go and their families are to pay for...and you've just told me how much poverty you have and they're supposed to pay for a trainer? [LB651]

TIM GARCIA: Right, no, they're not supposed to and they shouldn't have to but that's the way that the system looks right now when it comes to dyslexia and it needs to be fixed. [LB651]

SENATOR PANSING BROOKS: That is terrible. Thank you. [LB651]

SENATOR GROENE: Senator Kolowski. [LB651]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. Mr. Garcia, thank you, and thank you for being here today and thank you for your testimony. [LB651]

TIM GARCIA: Absolutely. [LB651]

SENATOR KOLOWSKI: Congratulations on your Blue Ribbon also. [LB651]

TIM GARCIA: Thank you very much. [LB651]

SENATOR KOLOWSKI: Those are very significant and having done some of those I know it's a great feeling. [LB651]

TIM GARCIA: Thank you. [LB651]

SENATOR KOLOWSKI: You just finished the comments about what you didn't have and where the kids...the parents could not go to, to get some assistance. We are sitting in 2017 at the money

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in our state funding that we were getting in 2009. We're just back to that level. If anybody doesn't do the math on that or don't have...if you have trouble in that, just figure that out. We're now just back to the level we were in 2009. That means I have to cut some people. That means I've been cutting people for the last eight years or nine years and those are the kind of people you could use to get the answers that we're talking about here because reading specialists, anyone else in SPED, anyone else in other areas of support services are no longer in my district because they were the first cut because we kept the classroom teachers as good as we possibly could as their class sizes got to 30. We have to face this. [LB651]

TIM GARCIA: Absolutely. [LB651]

SENATOR KOLOWSKI: This is a dilemma in this state at this time and I will not be quiet about that statement at every chance I get because we have to say it. It's not known and it's not been dealt with. We've got to deal with it. Thank you. [LB651]

TIM GARCIA: Yes, sir. I agree with you 100 percent and I will tell you one of the things that even with us, with our second and third graders, and I'll focus just on that right now, you're talking approximately a little over 200 students between our second and third grade. We have one title teacher and one special education teacher. We have no reading coaches. We have no literacy coaches. We have no more additional support to add to that and so we place a lot of that responsibility on the classroom teacher for a lot of kiddos. [LB651]

SENATOR KOLOWSKI: Thank you. [LB651]

TIM GARCIA: Absolutely. [LB651]

SENATOR GROENE: Thank you. Any other questions? Thank you, sir. [LB651]

TIM GARCIA: Thank you very much. [LB651]

SENATOR PANSING BROOKS: Thank you. [LB651]

SENATOR GROENE: Next. [LB651]

STEPHANIE SUMMERS: (Exhibit 15) Should I say good evening yet or...? (Laughter) My name is Stephanie Summers, S-t-e-p-h-a-n-i-e S-u-m-m-e-r-s. Thank you very much for the opportunity to speak, Senator Groene, and thank you for committee members. I am here

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representing David City Public Schools. I am the school board president just elected in January, six years on the board, and I'm also here representing Nebraska School Boards Association. And just a little bit very quickly, David City is a small town of 3,000 people 45 minutes north of here and 45 minutes west of Omaha so we kind of like our location. We're really small but we get to come down and go to basketball games and football games; it doesn't take us a lot of time. Our district serves three elementary schools: one school in David City which is about 250 students; one school in a small village named Bellwood about 15 miles north of us has 80 students; and then we also serve our Catholic elementary school in town through Title I and special education services. So our district is extremely unique in that one-size-fits-all is not going to work. We have Title I teachers, thankfully, and we have fantastic classroom teachers that are able to teach reading in many different ways to all the students that need different interventions. All of our students are tested through DIBELS, they're tested through MAPs, and through NeSA, so we have three different testing components that we use to look at our kids throughout the year. We're...they're...our kids are tested kindergarten through sixth grade three times a year using DIBELS testing, they're tested three times a year during...doing MAPs testing, and then they're tested in the NeSA in the grade levels in which NeSA tests. The great thing about testing them with DIBELS and with MAPs three times a year is we use those testing tools to monitor their growth throughout the year. And for their reading classes they get one whole hour of whole group instruction with their grade level. They get 30 minutes in small-group reading instruction with their classroom teachers. And they get 30 more minutes of specific reading interventions either with Title I teachers or with a reading enrichment teacher to provide those kids with high abilities a little...another avenue. That's two and a half hour...or that's nine and a half hours per week that they're getting reading instruction every week of the school year. Kindergarteners, they get seven hours because that 60 minutes of whole group instruction and we get that down to 30 because their attention span isn't that long, so they only get 30 minutes, the whole group. But so we have...our scores, I included in my packet our smaller school of Bellwood, of 80 students in 2015. As you can see, we scored in the 90th percent proficiency in our reading scores and in our math scores and districtwide we are at 90-91 percent. So we're very, very proud. We have, again, limited resources and we have a very unique group of students to have to cater. We have our district goals but we leave it up to our teachers to decide how those students' needs are going to be met depending on what building they're in. And so for us as a school board, where do we get that, our district goals? We get that from information from our teachers, we get that information from our administrators, because they're the ones that are there and they're the ones that know our kids. They know the families. I'm a community member. I hear from our community exactly what we're doing, and what we're doing wrong most of the time, but we want to leave that up to our control, not the Legislature. Thank you. [LB651]

SENATOR GROENE: Thank you. Any questions? Thank you for taking the time to come down here as an elected official. I appreciate that. [LB651]

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STEPHANIE SUMMERS: Thank you. Thank you very much. [LB651]

ROB McENTARFFER: Hi. My name is Dr. Rob McEntarffer, R-o-b M-c-E-n-t-a-r-f-f-e-r, and I'm going to strive to be the most brief if possible. [LB651]

SENATOR GROENE: I like your management style. Thank you. [LB651]

ROB McENTARFFER: (Laugh) I taught at Lincoln Southeast High School for 13 years and I currently work in ESU 18 that serves Lincoln Public Schools but I'm here as a dad and a private citizen not representing Lincoln Public Schools. I have a degree in educational measurement. The one thing I wanted to clarify was a measurement...or two things I want to clarify are measurement issues. This is an interesting discussion because everybody agrees on the goal, everybody agrees on how incredibly vital it is to make sure students can read so that they can further their lives and that's the goal of our education system. But what we're discussing is the best way to do that and the best kinds of policies that you all can make across the board from your vantage point, what policies give you the most bang for your buck. And you've heard a lot of testimony about some of the research challenges to retention and there are numerous research challenges to retention. The evidence that was used by the Foundation for Excellence, they included many different kinds of interventions all the way from teacher's college all the way through schools. One way to think about this is very carefully defining the problem and very carefully defining which interventions give you the most bang for your buck. Maybe it's not retention. Maybe it's some of the other interventions that the foundation talked about. The other thing I wanted to clarify is something that you brought up, Senator Pansing Brooks, on page 13 and 14 of the foundation's documents. I encourage everybody in the committee to consult an NDE psychometrician, consult an independent psychometrician because many psychometricians, I don't know if I can say most but many psychometricians would caution you strongly to not directly compare NAEP proficiency to state test proficiency. They happen to use the same term. They happen to use the same words. They're not saying that they're the same thing. The way NAEP uses the term "proficiency" is very different than the way states use the term "proficiency" when they develop state tests. So it's not an apples-to-apples comparison and that's probably where the gap is and where the confusion is. So please be careful in interpreting the data on page 13 and 14. Scale score to scale score it makes sense. Scale score to scale score on NAEP, Nebraska's scale score versus another state's, like Florida's scale score, definitely make that comparison. Proficiency rate on NAEP to proficiency rate on NAEP across states, that makes a lot of compare...that makes a lot of sense because that's what NAEP was built to do. But comparing NAEP proficiency to NeSA proficiency is fraught with peril I believe. The other thing that I just want to clarify really fast, if you're looking for national comparisons according to Rule 10, every school, every district in Nebraska is required to give a nationally norm-referenced test and you can find that in the State of the Schools Report Card. And that's all I wanted to say.

[LB651]

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SENATOR GROENE: Thank you. What age group or class group do they...are they required to give a national test? [LB651]

ROB McENTARFFER: Once in elementary, once in middle school, once in high school; ACT is going to take care of the high school requirement. [LB651]

SENATOR GROENE: And that's a state requirement or the federal... [LB651]

ROB McENTARFFER: Yes, Rule 10, state. [LB651]

SENATOR GROENE: ...says they have to give a... [LB651]

ROB McENTARFFER: A nationally norm-referenced test which would allow you to compare school achievement versus national achievement. [LB651]

SENATOR GROENE: And they can pick the class, each school district can pick the class? [LB651]

ROB McENTARFFER: Yeah. In Lincoln Public Schools, for comparison, we do at grades three and five with Iowa that you mentioned earlier. [LB651]

SENATOR GROENE: Wouldn't it help the schools in their defense if they could test kindergarten, have a national test on kindergarten and then first grade and then third grade so they could say this is where we started from? [LB651]

ROB McENTARFFER: Very possibly. There would be a lot of complications with that, too, because nationally norm-referenced tests, I don't know that there are many products that test to grade kindergarten but we'd have to investigate that further. [LB651]

SENATOR GROENE: They don't have... [LB651]

ROB McENTARFFER: You would have to investigate that further. [LB651]

SENATOR GROENE: They don't have Dick and Jane books anymore? [LB651]

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ROB McENTARFFER: They have Dick and Jane books but turning those into a standardized test is tricky. [LB651]

SENATOR GROENE: Like what was the name of the dog? Anyway.. [LB651]

SENATOR EBKE: Spot. [LB651]

\_\_\_\_\_ : Spot. (Laughter) [LB651]

ROB McENTARFFER: You all passed. Congratulations. [LB651]

SENATOR GROENE: All right, thank you. Thank you. [LB651]

SENATOR EBKE: Puff the cat. [LB651]

SENATOR GROENE: Any other questions? [LB651]

ANN HUNTER-PIRTLE: (Exhibit 16) Good afternoon. My name is Ann Hunter-Pirtle, A-n-n H-u-n-t-e-r, hyphen, P-i-r-t-l-e. I'm the executive director of Stand for Schools. We're a nonprofit dedicated to advancing public education in Nebraska. I just wanted to quickly underscore a couple of points that I heard and wanted to reinforce. First off I want to point out that whether or not it's the intent of this bill, as it's written, holding a student back in third grade is the default, not the exception. Of course, reading interventions are essential for students who struggle. Third grade is an important time where a lot of students transition from phonics to fluid literacy. But as several other speakers have pointed out, that's why nearly all Nebraska school districts provide intensive reading support and for smaller districts that lack resources to employ full-time reading specialists, education service units provide that specialized reading support. You know, there are certain limited cases where repeating a grade might be appropriate but that's a determination that should be made under local control, not based on a statewide government directive with a narrow range of exceptions. A couple default settings I do want to point out in the bill. A student whose daily classroom work proves again and again that they read at or above grade level but who has test-related anxiety, let's say, and scores poorly would be at risk of being held back absent a time-intensive approval process by the student's teacher, principal, and superintendent. Let's keep in mind that OPS has more than 50,000 students, LPS has more than 35,000 students. That's a lot in terms of resources that we're asking districts to take on without providing any additional help for them to do that. Also, a student who comes to the U.S. as an immigrant in kindergarten speaking no English but who comes close to grade level in reading by third grade would also be held back. The exception in the bill for ELL students is for two years, not longer. Of course, Stand for

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Schools supports early, aggressive reading interventions for students who struggle and, you know, most Nebraska school districts do provide those interventions. Among other measures, we support fully funding TEEOSA so that more students have access to those services. Further, I want to point out that this bill is an unfunded mandate that would place tremendous resource demands on schools. The authors of the fiscal note indicate that these costs are neither known nor included in their estimate, but individual reading plans for every struggling student, smaller class sizes, summer school, and more reading specialists are all admirable goals but all costly, could easily run in the millions of dollars for districts. And with no appropriation to help them meet it, school districts are left holding the bag with little choice but to raise property taxes or cut other programs. Certainly reading is essential for success. But because this bill neglects individual student circumstances, undermines local control and creates an unfunded mandate, we oppose the bill. Welcome any questions. [LB651]

SENATOR GROENE: Thank you. [LB651]

ANN HUNTER-PIRTLE: Thank you. [LB651]

SENATOR GROENE: Any questions? Thank you. How many more opponents are there? How many neutral? We might get out of here before midnight. Thank you. It's all very (inaudible). [LB651]

JOHN SKRETTA: (Exhibits 17 and 18) I'm going to help you beat the midnight goal, Senator Groene. I am John Skretta; that's J-o-h-n S-k-r-e-t-t-a. I am the superintendent of the Norris school district and just wanted to offer a few thoughts and I shared a couple handouts with you. One is a statement in opposition to LB651 that includes a number of bulleted points that share what we do in reading interventions in the Norris school district. And the second would be a packet for the visual learners. It's a PowerPoint. It's a Google slide show. It's got some photos there along with some brief text that share reading results, reading achievement profile data, and kind of what we do in reading instruction in the Norris school district, which I think would largely echo what Rex from Gretna described to you previously and what you heard going on among the just abundance of great things happening in McCook and other schools. In short, reading: good. Parenting matters. Retention doesn't work. To the Florida policy expert, I believe we're already doing it to excellent outcomes in Nebraska schools. Local control--that's Nebraska--matters. And DIBELS stands for Dynamic Indicators of Basic Early Literacy Skills. And that's all I've got for you. [LB651]

SENATOR GROENE: Thank you. [LB651]

JOHN SKRETTA: All right. [LB651]

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SENATOR GROENE: Any questions? Do you... [LB651]

SENATOR PANSING BROOKS: I have a question. [LB651]

SENATOR GROENE: Senator Pansing Brooks. [LB651]

SENATOR PANSING BROOKS: What was the DIBELS thing? I'm sorry, I don't know what... [LB651]

JOHN SKRETTA: Dynamic Indicators of Basic Early Literacy Skills, and that's one of the progress monitoring tools that's commonly used at the earliest grade levels to ensure that students are progressing in their acquisition of fundamental reading skills. [LB651]

SENATOR PANSING BROOKS: Okay, and how does that relate to AQuESTT, because that's the other thing I (inaudible). [LB651]

JOHN SKRETTA: Yeah, and AQuESTT is A Quality Education for Every Student Today and Tomorrow. Whoop whoop! NDE. [LB651]

SENATOR KOLOWSKI: Suck up. [LB651]

SENATOR PANSING BROOKS: Yeah, okay, but what is that then comparatively? [LB651]

SENATOR GROENE: It's the next bill. [LB651]

JOHN SKRETTA: That's the entire state accountability or performance accountability system. [LB651]

SENATOR PANSING BROOKS: Okay. [LB651]

JOHN SKRETTA: So DIBELS would feed into some of what we look at in AQuESTT later through NeSA results. Basically, if your kids are progressing like they should on DIBELS, then it's more likely that when they take the NeSA the first time in third grade that they're likely to be proficient. [LB651]

SENATOR PANSING BROOKS: Okay, thank you. [LB651]

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SENATOR GROENE: Senator Kolowski. [LB651]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. John, thank you for being here today and for your testimony. What are some of the major budget cuts that you're looking at or will be facing this next year with your board and your staff? [LB651]

JOHN SKRETTA: Well, the...probably, Senator Kolowski, the toughest thing about that makes it just a really unpalatable discussion is that the vast majority of our budget is directly in personnel. So there's a really thin margin of things that we think we can trim up here and there that would help us be more efficient operationally and no silver bullet there in the savings. Like for instance, if you have two teams playing at an away destination and one is early and one is late, you combine them on one bus route and you save a few thousand dollars over the course of a year but you take kids away from instructional time because another group of kids have to leave earlier, it's those kind of things that you look at first and that doesn't get you very far down the road unfortunately. [LB651]

SENATOR KOLOWSKI: Thank you. Good luck. [LB651]

JOHN SKRETTA: Thanks. [LB651]

SENATOR GROENE: On your labor negotiations,... [LB651]

JOHN SKRETTA: Yes. [LB651]

SENATOR GROENE: ...what kind of an increase are you looking at that? Is that savings there? [LB651]

JOHN SKRETTA: Let's...yeah. I think that our teachers have been great about understanding that Norris historically tries to operate very efficiently. We have one of the lowest per-pupil costs in the state. When we look at our negotiated agreement, we've got a competitive salary schedule though, too, because we want to be able to attract and retain the top talent. [LB651]

SENATOR GROENE: But do you try to negotiate to the point that you've got to live within the budget like every taxpayer does? [LB651]

JOHN SKRETTA: Yeah, well, you have to be...yeah, you have to be within range of midpoint on your comparison array, sir. [LB651]

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SENATOR GROENE: I understand... [LB651]

JOHN SKRETTA: Yes. [LB651]

SENATOR GROENE: ...how you're tied into CIR. [LB651]

JOHN SKRETTA: Right. [LB651]

SENATOR GROENE: Do you have many minority...and I'm not going to say minority. Immigrant children? [LB651]

JOHN SKRETTA: No. In fact, our ELL or LEP population is very low. One of the things I was curious about and inquired with our intermediate school principal who works with grades three, four, and five, was, how many kids in the fourth grade do we have who really, you know, in a candid assessment we would say they're not reading right now? And we have 2 out of about 170-plus students within that grade level. And the two, of the two, one is an ELL student and the other is a student with a pretty severe disability. So we're working with them. We have interventions with them. [LB651]

SENATOR GROENE: Thank you, appreciate (inaudible). [LB651]

JOHN SKRETTA: Yep. [LB651]

SENATOR GROENE: Senator Erdman. [LB651]

SENATOR ERDMAN: Thank you, Senator Groene. Thank you for coming. [LB651]

JOHN SKRETTA: Thank you. [LB651]

SENATOR ERDMAN: A while back we were looking at some information on Nebraska public school ratings, test scores,... [LB651]

JOHN SKRETTA: Yes. [LB651]

SENATOR ERDMAN: ...and there were 87 schools that needed improvement and your middle school was one of them. Did you know that? [LB651]

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JOHN SKRETTA: No, I believe that's Norris Middle School... [LB651]

SENATOR ERDMAN: Norris Middle School. [LB651]

JOHN SKRETTA: ...in the Omaha Public School District, sir. [LB651]

SENATOR ERDMAN: Okay, is that not where you're from? [LB651]

JOHN SKRETTA: No, I'm in the Norris school district in southern Lancaster County. [LB651]

SENATOR ERDMAN: Okay. All right. My mistake, sorry. [LB651]

SENATOR EBKE: They're pretty good. [LB651]

SENATOR ERDMAN: Huh? [LB651]

SENATOR EBKE: They're pretty good and they're always at the top of the array. [LB651]

SENATOR ERDMAN: Okay, sorry about that. I confused the two. [LB651]

SENATOR GROENE: They get the option students, though, the polite students. Thank you,... [LB651]

JOHN SKRETTA: Okay, thank you. [LB651]

SENATOR GROENE: ...appreciate your testimony. [LB651]

JOHN SKRETTA: Thanks. [LB651]

SENATOR GROENE: (Exhibits 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29) Any more opponents? I'll read letters in opposition. We received: Brenda Vosik of Omaha; Katie Burton of Omaha; Mitch Kubicek, director of learning, Milford Public Schools; Paula Conrad, reading specialist, Wahoo Public Schools; Connie Shafer, Central Valley principal; Jennifer Badura; Gaylene Steinbach of Lincoln; Mattison Merritt of UNL; Lincoln Public...UNL...Lincoln Public Schools, I guess we got a letter, a general one from them; Mary Schlieder from Lincoln; Susie Wilson

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from Lincoln. And that's the letters of opposition we received. Any neutral testimony? Senator Linehan, would you like to close? [LB651]

SENATOR LINEHAN: Yes, thank you very much. Thank you very much. I'm glad I didn't recruit people to be proponents because we'd be here until midnight. I just wanted to say a couple of things. First of all, with the first testifier, Ms. Miller, if she doesn't believe...obviously doesn't feel I took sufficient concern for parents' input, I'd be glad to work with her. I by no means mean to discount the parents. They're critical to success with kids. We all know that. I think we've covered what the NAEP is. I'm very--I don't know if concerned is not deep enough-- distraught that out of all the people that came up here to testify against this bill, only one seemed to understand what dyslexia was and they were actually trying to address it in their school. When we've got...nobody seems to argue that we got 10 to 20 percent of kids who are affected with it and yet we had numerous people that avoided the subject or couldn't exactly...well, I guess the best example we had, honest answer was go get some help somewhere else. So I just want to remind you of something that...and then I'll make this quick because we have another bill. But this I think I handed out a couple weeks ago. It's the enrollment rates in community colleges for developmental education across Nebraska. So for reading, remedial reading needs, these are kids that graduate our high schools and then go to community college: 28 percent of the kids that enrolled at Central Community College needed remedial reading; Mid-Plains, 18 percent; Southeast, 28 percent; Northeast, 38 percent; Metro, 19 percent; Western, 21 percent. That 20 percent number seems to jump right across the board. I realize that people...I don't want to hold a third grader back either. That's not the point of my bill. The point of my bill is to make sure that we find...and I applaud these schools that are testing kindergarteners or first graders and second graders and figuring it out and I think it probably does go right to their success on their NeSA test and it's wonderful and thank you very much for doing that. But clearly not every school in the state is doing that and I think we need to address that issue, so thank you very much.

[LB651]

SENATOR GROENE: Any questions? [LB651]

SENATOR LINEHAN: Oh, questions. [LB651]

SENATOR GROENE: Have you seen any studies? We got this big variable about immigration. Not going to argue either way we're...but you get a student walks in kindergarten or comes into the second grade, doesn't know any English at all. How much does that influence reading scores? I mean it's amazing to me that a teacher can take somebody that can't understand the language at all and could pass a third grade reading test in English in three years at six and a half hours a day, not 40 percent of the student's lifespan. I mean, has any...have you seen...I know you do a lot

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of research. Has anybody removed that variable from the public schools education to see how they are doing without that variable in there? [LB651]

SENATOR LINEHAN: Yes, they have but to tell you my...I can't. I can get you more information on that. I do want to, and I know we're all tired, I do want to tell you just one little story. So between the time I left Washington and decided to be a state senator, at least try, I tutored a little girl who was English language learner whose parents thought there was something wrong so they took her to Voice Advocacy which is an organization in Omaha that helps tutor dyslexics, so I volunteered for a year doing that. And this little girl was a behavioral problem. I think she was a first grader. Her ability to pick up on the language and her ability to learn to read one on one was amazing to me so...and I think...so we can get that information. And now... [LB651]

SENATOR GROENE: I just... [LB651]

SENATOR LINEHAN: ...just one more thing I want to say because I don't want this hanging over. I'll find it here. I'm sorry, put my glasses back on. So, yes, English language learners, they need special attention. But little kids, we're talking fifth...four-, five-, six-year-old kids, they absorb knowledge like a sponge. So where I do think we need to make exceptions for English language learners, I don't think we need to make exceptions all the way through high school. [LB651]

SENATOR GROENE: Yeah. [LB651]

SENATOR LINEHAN: And on the dyslexia thing that was...and I promise not to mention the word "dyslexia" in the next hearing. Just two lines on here that this Rex Anderson, Doctor, handed out which I appreciate. "With provision of intensive instruction, even older children with dyslexia can become accurate, albeit slow readers." They can become very good readers. And then the next paragraph under it, with "100 hours of direct and systematic phonics instruction can usually get the job done and ensure that about 90 percent of students have the fundamentals they need to become good readers." So why would we not do that? Thank you. Oh, more questions? [LB651]

SENATOR GROENE: Thank you. Thank you. That closes the hearing on LB651. Before we start the next bill, how many people are here to testify on LB662? All right. I think we'll take a five-minute break... [LB651]

SENATOR PANSING BROOKS: Yes. [LB651]

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SENATOR GROENE: ...and stretch our legs and then we'll come back and Senator... [LB651]

SENATOR KOLOWSKI: You going to go to three minutes or... [LB651]

SENATOR GROENE: Yeah, I think we'll go to three minutes also. [LB651]

BREAK

SENATOR GROENE: We're going to start here, we're going to go to three minutes. There's nobody in the room that isn't a proponent of public education, so if we could leave out the cheerleader part of our presentations and get right to the points where our attention span can still catch it, we'll all learn more. So thank you. Did you want to start your opening on LB662, Senator Linehan? [LB662]

SENATOR LINEHAN: (Exhibits 1, 2, 3, 4, 5, 6, 7, 8) Thank you, Chairman Groene, and thank you for members of the Education Committee. I really do appreciate you hanging in here. I know it's been a long day. I've going to give you a lot of stuff and then not hopefully talk very much. Nebraska has many great traditions, including valuing education. We spend more per pupil than all but 16 other states in our K-12 education system. So what we're going to talk about today is a grading system for public schools, which public schools don't like it, I understand that. But before we delve into that, I want to go into a little history of how we got to AQuESTT. So back over a decade ago, the public...we had a system of accountability, or so it was called. It was called STARS, it was championed by the Nebraska Department of Ed, it was under a different director than is there now. There was a big debate between the Nebraska Department of Ed and all the educators in the state of Nebraska that they believed in STARS, which was basically a assessment that each school district did. There was no statewide assessment. The champion of statewide assessment, and it's still in our law today, and I hopefully passing out the law, with is 79-760.03 is "The plan shall submit annually to the State Department of Education, the Governor, the chairperson of the Education Committee of the Legislature, and the Clerk of the Legislature." "Determine how well public schools are performing in terms of achievement of public school students related to the state academic content standards; report the performance of public schools based on the result of the state assessment instruments and national assessment instruments; provide information for the public and policymakers on the performance of public schools; and provide for the comparison among Nebraska public schools and the comparison of Nebraska public schools to public schools elsewhere. It is a lot that we are operating under today. I provided to you the testimony from the hearing, this was LB1157. It was brought to the committee and pushed through the Legislature by former Senator Raikes, who I think we all know and admire. I would like to read a quote from him in the hearing. "I envision a system that once developed opens a rich set of information about education, it helps the state partner with

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local school districts in serving at-risk students, and better addresses the achievement gap. I envision that researchers and policymakers will be able to answer complex questions about the achievement of our students in our state. We cannot let our fear of misuse of such information paralyze us as a state in the development of a better policy, better instruction, and better teacher preparation. Thank you." And you can read through the whole thing, it was very clear that he believed very strongly in public education, but he also believed very strongly in accountability and didn't think we were hitting the mark. We all know that unfortunately he passed away and then...I'm going to get a little squishy on my exact facts here, though I can find them for you. Later, we still weren't getting a basically report every year, so finally Senator Greg Adams, working with the Department of Ed, came up with AQuESTT. AQuESTT was first released as I think we all know rate schools: "excellent," "great," "good," and "needs improvement." I have given you a World-Herald story that was published on December 7, 2015, when AQuESTT was released. Now, people say we have AQuESTT and that's what we need, but I want to point out as some...and there's an administrator from Elkhorn quoted on page 5 of 5, halfway down the page, that says "Gray expressed concern about the survey, which state officials refer to as evidence-based analysis. The districts were surveyed on whether they employ a variety of policies and activities, such as after-school and career-education programs," and "that state officials consider best practices." And then this is I think an important quote from Gray: because the state AQuESTT is not just about test results, it also gives the administrators in the school a right...part of it is self-grading and I question that because it's subjective, and it doesn't appear to be even across the board. As Gray says here, "I would want to spend some time making sure that all those inputs actually have shown to make a difference," "I don't want to spend my time on an activity that, at end of the day, looks glitzy but doesn't actually doesn't improve learning for kids." And you can when, you know, you're home tonight trying to go to sleep you can read the other quotes in there. But there's some concerns, clearly, the educators of the system we have. The other thing I handed out here is this debate keeps going on because there's an article from February 18, 2015, and it summarizes really well. It's by Democrats for Education Reform. The fight, or the debate I should say, most of the quotes are on the back here, the supporters of doing statewide assessments and having a statewide system that we could all look to that not only compared schools in Nebraska to other schools in Nebraska, but compared our schools nationally, was supported by as I've mentioned Senator Ron Raikes of Lincoln, Senator Ernie Chambers of Omaha--and their quotes are great--Greg Adams of York, Senator William Avery of Lincoln, a very bipartisan group of senators here we would note, and at the time State school Board Education member Jim Scheer. What we're going to hear today from the educators is that this is too hard on schools, that we can't do that, that it's not fair, that we're trying to punish them. That is not true. What we're trying to do here is provide parents, as Raikes wanted to over a decade ago, the ability to actually look at a school and know how it was performing. And I think when we spend \$4 billion a year on public education in the state of Nebraska, we owe it to the taxpayers, and more than the taxpayers to the parents, to have a system that is clearly understandable. And especially we owe it to them when we have in Nebraska, as we all know,

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choice, meaning you can go from one district to another district, from one school to another school. If we're enabling people that choice to go to whatever public school they would like to go to, shouldn't we make it very, very obvious how those schools are performing? And finally I would mention, and I find this disturbing, that AQuESTT was released as I said in December of 2015, it is now March of 2017 and we've never seen another AQuESTT release. So we're not living up...the way I understand the law. I'm not a lawyer, but it seems pretty clear in the law that we're supposed to get one every year and we're not getting it. So any questions? I'm sorry if that wasn't (inaudible). [LB662]

SENATOR GROENE: Any questions for the senator? We'll catch you at the end. [LB662]

SENATOR LINEHAN: Thank you. [LB662]

SENATOR GROENE: First proponent. We went to three minutes, so, we know your history. Just spell your name. [LB662]

CHRISTY HOVANETZ: (Exhibits 9, 10) Christy, C-h-r-i-s-t-y, Hovanetz, H-o-v-a-n-e-t-z. All states are required to have an accountability system. States are required to annually report the accountability ratings of those systems, some states do this more transparently than other states. Currently, there are 17 states across the country that incorporate an A-F grading system. All of these states are unique in how they implement their A-F grading system, which components are included and how much they weight, but they all follow the similar tenants of the fundamental principles we've learned from these states, as well as others, over the last 18 years. We do know that accountability for A-F in these states that have had the systems in place long enough have improved student achievement, outpacing the national average. We also know that there are several research studies that support the use of A-F grades over other descriptors. Most recently one out of New York City schools that went from an A-F system to just a report card system that shows that there was not the improvement in student achievement that they saw under the A-F system, that those designations were transparent and powerful enough for parents to understand, and for people to digest and draw them in for more information about the school. Most importantly, I want to point out slide 8, which talks about the public opinion polling that's been done on A-F schools. We will hear a lot of unfavorable comments with respect to grading of A-F schools but, when you nationally poll voters, 84 percent of schools...or 84 percent of voters support assigning schools A-F letter grades. We've also done a lot of state-specific studies and surveys as well, and an overwhelming majority of general likely voters support A-F school grading. We see the nonsupport mainly coming from schools that are being held accountable and those working in them. Our fundamental principles obviously are transparent descriptors of A-F, including objective, concise student learning outcomes, balancing growth and progress, calculating growth towards proficient and advanced achievement, focusing the attention on

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lowest performing students, reporting results as close to the end of the school year as possible, clearly communicating to parents, establishing rigorous expectations, and most importantly using those results to improve student outcomes moving forward and providing support and interventions. We believe that schools should only be held accountable for the outcomes, whether or not students are proficient, whether or not they're making growth, whether or not they're graduating, whether or not they're college and career ready, and not accountable for how they achieve those outcomes. So not accountable for what materials they're using, how much instruction they're providing, what their attendance rate is, what their teacher effectiveness rate is. All of those things are important and should be included in a report card, but not included in combination on their accountability designation or rating. We're concerned with outcomes, not necessarily the inputs and the strategies used for how they get to those outcomes. [LB662]

SENATOR GROENE: Thank you. Any questions for the testifier? Senator Kolowski. [LB662]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. Why was the five points adequate, the A, B, C, D, F? What's wrong with 3, what's wrong with 6 or 7? [LB662]

CHRISTY HOVANETZ: So you can use whatever points or system that you want to, one of the things we found through focus groups and polling was that it's really hard to understand a roman numeral system. Florida used to use a roman numeral system of I, II, III, IV, and V, and nobody new if you were playing golf or baseball. Was I the best or V the best? How different was a I from a II, a II to a III. Students are graded A, B, C, D, and F, it's something people understand intuitively. People know an A school is going to be better than a B school, and that F schools need a lot more support and interventions than students in an A or a B school. [LB662]

SENATOR KOLOWSKI: So parents liked it probably because they had familiarity in their own school experiences with those five grades? [LB662]

CHRISTY HOVANETZ: Correct. [LB662]

SENATOR KOLOWSKI: Why an E and not an F? [LB662]

CHRISTY HOVANETZ: Why an E? [LB662]

SENATOR KOLOWSKI: Yeah, why do we jump over E? A, B, C, D, and then we go to F. [LB662]

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CHRISTY HOVANETZ: Well, why we would is because a lot of schools associate an E with excellence. O, S, and N, you know, "outstanding," "satisfactory," "needs improvement." E, S, N, "excellent," "satisfactory," "needs improvement." [LB662]

SENATOR KOLOWSKI: And F is failing. [LB662]

CHRISTY HOVANETZ: Right. [LB662]

SENATOR KOLOWSKI: Okay. I went to a college that gave honors, high passes, passes, and failed. Was that insufficient? That was my college all four years. It's what you're used to. Thank you. [LB662]

SENATOR GROENE: Any other questions? No Child Left Behind had a rating system and I had a school in my district that was failing, they were going to close it. Basically, they were going to fire the principal. Was that...it was federal intervention, but was that--a harder line--more effective way than you think Nebraska does it now? [LB662]

CHRISTY HOVANETZ: So No Child Left Behind was a conjunctive system based on student outcomes and whether or not students met targets. So if you didn't meet any one of the 4 to 40 targets that were required, the school didn't make adequate yearly progress. The goal was 100 percent of students proficient by 2014, part of the reason state assessment proficiency expectations were probably set pretty low in a lot of states so they could reach that 100 percent. [LB662]

SENATOR GROENE: So they could match the federal guidelines. [LB662]

CHRISTY HOVANETZ: Right. So with A-F school grading, it's more compensatory. Schools that have a lot of students entering that are below grade level are held accountable for growth as much as they are held accountable for proficiency. So looking at those low-performing schools, they have the opportunity to demonstrate substantial amounts of growth and that can compensate for students that are making progress but not necessarily reaching proficiency. Likewise, high-performing schools also are still accountable for making sure that those students are continuing to make growth. So it's looking at both growth and proficiency in concert. [LB662]

SENATOR GROENE: That's No Child Left Behind? [LB662]

CHRISTY HOVANETZ: That's...No Child Left Behind did not allow for growth computations.  
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SENATOR GROENE: All right. [LB662]

CHRISTY HOVANETZ: They only allowed for status and proficiency expectations. [LB662]

SENATOR GROENE: So is Nebraska's present one better than No Child Left Behind was?  
[LB662]

CHRISTY HOVANETZ: So Nebraska's present system bases its current raw classification on student proficiency or status. Then they move up or down designations...move up or stay at designations based on growth, graduation rate, improvement, and participation. And then that's the raw classification that's earned. So they start with proficiency. [LB662]

SENATOR GROENE: I notice that as soon as we put graduation rates in there all of a sudden graduation rates went up. I mean, is that a good measurement? Because it encourages passing them through to get a higher score. [LB662]

CHRISTY HOVANETZ: So from our perspective, looking at graduation rates in a majority of states, the expectations for graduation rates, or graduation or earning a diploma, are relatively low. We would not put a substantial amount of weight on a graduation rate calculation within an accountability system, because it provides the perverse incentive of lowering expectations for what it takes to earn a diploma in order to improve graduation rates. [LB662]

SENATOR GROENE: So the incentive is to get them a degree because it helps your score.  
[LB662]

CHRISTY HOVANETZ: So we encourage them to focus on college and career-ready measures: are they successful at earning an industry certification, earning credit on advanced placement exams, earning credit on international baccalaureate programs. We do encourage states to use graduation rate in their calculation because it is a measure of student success, but it's not always the strongest measure of student success. [LB662]

SENATOR GROENE: Isn't one of the complaints that a lot of parents have had over the trend in education...I think we're going back to more out of the 60's and 70's mentality, but that we were grading kids "excellent," "great," "good," or needing improvement and we never told them, we never gave them a swift kick. I mean, isn't that what a lot of people assume education is doing and then they label themselves this way, giving credence to that? I mean, is that...how many other states use this kind of a grading system? [LB662]

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CHRISTY HOVANETZ: So no other state that I'm aware of uses "excellent," "great," "good," and "needs improvement." The "good" connotation looks like the school actually is a good and high-performing school, looking at some of the data at some of those schools, because the survey completed by the site administrator, principal or superintendent... [LB662]

SENATOR GROENE: Well, every grading system I've ever seen you split down the middle. A, B is good; C is average. If you split this down the middle, on the back side of it, which would be on the lower side, you're still rated "good." I don't know if that's Orwellian or what, but anyway, I just wondered. What are...how do most other states scale? [LB662]

CHRISTY HOVANETZ: So 17 states use A-F. [LB662]

SENATOR GROENE: I heard that. [LB662]

CHRISTY HOVANETZ: There are states that...there is a state that uses a color system, that gets picked on frequently because of the colors that are used: green, lime green, orange, yellow, and red. There is a state, my home state, uses reward, celebration eligible, celebration, focus, and priority. [LB662]

SENATOR KOLOWSKI: What state is that, please? [LB662]

CHRISTY HOVANETZ: Minnesota. And so there are a lot of different classifications that states have incorporated. One of the things when we workshop A-F is we'll put up classification systems and ask participants to order them on which school is best and which school is worst. A, B, C, D, and F consistently gets placed in the right order; numbers 1, 2, 3, 4, and 5 don't always get placed in the right order, depending on if 1 is highest or if 5 is highest; the categorical descriptors, such as "good," "great," "needs improvement," excellence, celebration, those are a little bit more tricky to put in chronological order or ordinal. [LB662]

SENATOR GROENE: Thank you. Any other questions? Senator Morfeld, did you have a question? [LB662]

SENATOR MORFELD: No, a statement. [LB662]

SENATOR GROENE: All right, we're running out of time, sorry. [LB662]

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SENATOR MORFELD: Other than I just don't think it's very hard to understand "good," "great," "excellent," "needs improvement." But maybe my constituents wouldn't understand it. [LB662]

SENATOR GROENE: Senator Pansing Brooks. [LB662]

SENATOR PANSING BROOKS: So I was confused because I thought we were talking about students, rather than schools. So we're talking about the grading of schools, really. So and mostly when people are looking at the grading of the school, they're adults looking at that. And if you define it as "good," "great," "excellent," "needs improvement," why is that confusing to most adults? [LB662]

CHRISTY HOVANETZ: It might not be confusing to most adults, but if you look at a "good" school and you see it's a rating of "good" what assessment or judgment are you making of it? And looking at the proficiency rates at some of the schools rated "good..." [LB662]

SENATOR PANSING BROOKS: But if I know the word "excellent" or whatever the one above that, satisfactory...? [LB662]

CHRISTY HOVANETZ: "Great." [LB662]

SENATOR PANSING BROOKS: "Good," "great." [LB662]

SENATOR GROENE: "Excellent," "great." [LB662]

SENATOR PANSING BROOKS: "Excellent," "great." [LB662]

SENATOR EBKE: See, that's the problem. [LB662]

SENATOR PANSING BROOKS: But wouldn't I know that it wasn't measuring up by looking at the three or the four markers? [LB662]

CHRISTY HOVANETZ: You could, but my concern...I think our concern is telling somebody that they're in a "good" school, but 15 percent of the students are proficient and, you know, 20 percent of them are making growth. Is that a "good" school? Should you classify that as a "good" school? And so the categorical descriptors don't necessarily match the performance at that school. I think that's... [LB662]

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SENATOR PANSING BROOKS: But a D would better indicate the performance or a C? These are definitional terms that we just use. So the other thing that I'm concerned about is that it talks about on Page 4 schools who do not test 95 percent of their students will have their school grade lowered by one letter. That one really concerns me. I feel like the public schools would be detrimentally affected by such a statistic. I don't know, you know, how that would relate, but I do know that our ACT average in Lincoln, because we are now testing all 11th graders, it has gone down quite a bit. Because we have to now pull in everybody who's taking the test and not just those who are college-bound and are taking the test seriously and who want to go on to four-year education. We know that some kids don't want to do that. But if that has to be comparable to maybe a private school, which doesn't have to take everybody, or has higher standards about who might get into their school, I think that's problematic. Do you have something to encourage me that that wouldn't cause a great problem for the public schools? [LB662]

CHRISTY HOVANETZ: So we're not encouraging grading private schools. I mean, we're encouraging the accountability system as a requirement for all public schools, not necessarily private schools. [LB662]

SENATOR PANSING BROOKS: Okay. And not for any of the other schools, privates or charters or anything that are attempting to come in, is that correct? [LB662]

CHRISTY HOVANETZ: Charter schools are public schools, funded with public taxpayer dollars, so we would expect that they would fall under the same accountability system. [LB662]

SENATOR PANSING BROOKS: Okay. Thank you. [LB662]

SENATOR GROENE: Any other questions? Senator Erdman. [LB662]

SENATOR ERDMAN: Thank you, Senator Groene. Thank you for coming. In your literature you said that multiple years some of those states have implemented the A-F and they use the NAEP test. You heard earlier a testifier said that our NeSA and this NAEP test aren't the same. It isn't apples to apples, it's apples and oranges. Can you explain the difference and clarify that for me? [LB662]

CHRISTY HOVANETZ: Sure. So states are required to set out their state test and determine what is proficient on their statewide assessment. How a state defines or classifies proficient is very different. The proficient definition is they're likely to be successful in post high school work. I mean, so they've defined it as that. I'm not sure how Nebraska defines grade level proficient or benchmark, but what most states have done in the 2014-2015 school year is they've

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transitioned to new assessments and their standards are college and career-ready standards and they want to measure whether or not kids are going to be college and career-ready. They want to set and define proficiency as kids are likely going to be successful on college level material, or on track to be successful on college level material. What that has resulted in is proficiency expectations that are set at a very high level. More than 40 states have gone through and reevaluated their proficiency expectations and set a much higher expectation on their new assessment than what they had under No Child Left Behind. Nebraska and about three or four other states have not undergone an assessment transition in the last three years. Most states have. Of those states, they've all increased their rigor. The reason they've done that is because there's no longer the requirement or expectation for all kids to be proficient in 2014. States are designing their own system. But one of the perverse incentives that NCLB provided was the requirement that all students had to be proficient, so as a result a majority of states that were implementing the accountability system for AYP and developing their statewide assessment for the first time lowered the expectation of what it meant to be grade level proficient. And so now you have the National Assessment for Educational Progress telling you that 40 percent of your kids are likely to be successful on college coursework and you have the definition of proficient using the same terms here that says 81 percent of your fourth graders are proficient. And they mean different things. You know, absolutely right, they're completely different definitions of what's to be proficient. And that's the point is the way state's define proficiency hadn't always been as genuine as what they were doing. NAEP has been around since the early '90s, it's a way the country decided we needed to have some sort of comparison measure state to state. You know, let's administer this, get you know, state level perspective so we can do these comparisons to know if we're on the right trend for student achievement. [LB662]

SENATOR ERDMAN: Thank you. [LB662]

SENATOR GROENE: Thank you. Any other questions? Thank you for your testimony. [LB662]

CHRISTY HOVANETZ: Thank you. [LB662]

SENATOR GROENE: Any other proponents? Opponents? [LB662]

GRANT NORGAARD: (Exhibit 11) Hello, my name is Grant Norgaard, superintendent of McCook Public Schools, G-r-a-n-t N-o-r-g-a-a-r-d. And I want to thank you, I didn't say that last time, so I want to thank you for LB651 also. So this is a little delayed, thank you for listening. First, as an opponent of LB662, I don't believe this bill is significantly different from the current law that we have on the books right now. And since this current law requires the Nebraska State Department of Education to classify schools, I question the necessity and impact of this bill. I also question the research results of this practice, since what I've found had returned mixed

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results and I believe it is simply too early to jump on this bandwagon. And what I mean by that is states that have gone to the A, B, C, D, E...or A, B, C, D, and F haven't necessarily seen the types of growth that might be proposed or stated here by other people. Points of concern: I question the necessity of the bill, since current legislation mimics the bill's major tenants. When a school is classified as "needs improvement" it will receive the same type of analysis and criticism as a school that is labeled with a D or an F. I assure you that at McCook Public Schools that if we received a "needs improvement" we would take that very, very seriously. As a matter of fact, what we do get rated, this last go around we were rated at "great" as a school district. "Great" is not the highest level of rating, "excellent" is, and I assure you that we take that very serious. At McCook Public Schools, our goal is to be rated "excellent." Current law has only been in place for a couple of years, so it would make sense that this process...that we let this process play out, and we should evaluate this. Like you said, like 2015 was the first year of this. It's 2017, it's a little bit premature to go about throwing this process out before we know whether or not it really has an impact on student achievement. The current AQuESTT model took a great deal of time, planning and organization and all of this work was not done for free. It makes no sense that the state would again request the NDE to spend even more money prematurely preparing for another new classification process that does not guarantee, does not guarantee better results. Section 2(e), I just have a couple questions about the bill, as well, that are concerns of mine. Why would the state automatically adjust qualifying percentages by 5 percent when 65 percent or more of the schools achieved at this level A or B? A procedure where schools that are working hard to improve and do not, but then don't...but do, then don't get recognized for it, will be detrimental to the process and will act as a deterrent to further growth. We have "great," if they all of a sudden change the requirements for being "excellent" and we didn't get to be "excellent" that would be very disturbing to myself and to my staff, as well as working hard to get to that level. But for a few...I'm going to skip down, since I'm running out of time here. But for a few exceptions I believe we will discover, this legislation, if passed, will confirm that for the majority of schools an A will equal affluence. When comparing the final results to student demographics, we're going to have rock-solid, undeniable proof that socioeconomic condition is the largest influence on a school's grade. When faced with this proof, I wonder if the state will abide by research that allows investing in schools of poverty as because we know why researching has a positive effect on students, on schools that exist in poverty communities. And I know I'm out of time, but there's more there you can read, and I do source my research. [LB662]

SENATOR GROENE: Any questions? Did you get a question first time around? [LB662]

GRANT NORGAARD: I did not, I would love to have a question. [LB662]

SENATOR GROENE: Well, you drove this far so. You know the AQuESTT system very well? [LB662]

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GRANT NORGAARD: Well, I can't say I'm an expert on it. I know there are some experts in the room. [LB662]

SENATOR GROENE: This Omaha World-Herald story said that picked out an elementary school in OPS, but then you said your district got a grade. [LB662]

GRANT NORGAARD: Yes, but... [LB662]

SENATOR GROENE: But don't they rate each elementary school? [LB662]

GRANT NORGAARD: Yes, they do. [LB662]

SENATOR GROENE: All right. [LB662]

GRANT NORGAARD: So we have an opportunity... [LB662]

SENATOR GROENE: Give you two ratings? One for the whole district and one for each of the... [LB662]

GRANT NORGAARD: Each building in the district and then the district gets a rating. I want you to know we have an excellent school system. And Mr. Garcia, who is my principal, he is a highly talented individual, and we have an amazing staff and we have amazing kids and they performed at a very high level, 96 percent proficient in reading this last year and 90 percent proficient in mathematics. They were rated "great," so this system is tough. I mean, that's 51 percent free-and-reduced-lunch kids. And we know why we didn't get "excellent" and guess what our plan is, is to meet those needs to get "excellent" because they were "excellent" the first time around, which was deserved as well. So schools do take this seriously. And maybe we take it a little bit more seriously than our community does, but when we get "great" I'm not...it doesn't...I don't lose sleep over "great," well, not much, but I certainly want to be "excellent." And I think if a school is "needs improvement," if a school is "good" their goal is to reach that next level. [LB662]

SENATOR GROENE: How much...maybe one of the department head, how much does graduations rate play into the reading? [LB662]

GRANT NORGAARD: And you know, that information is made available to us. I can't quote to you what that percentage of that is. I don't know, I'm sorry. [LB662]

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SENATOR GROENE: You would never just keep a kid here and give him a--I'll use male terms--pronouns... [LB662]

GRANT NORGAARD: No. [LB662]

SENATOR GROENE: ...a degree just so your rating could go up? [LB662]

GRANT NORGAARD: I think it would be interesting to see if that is actually what's happening. I think that when it becomes part of the process I think you do take it maybe more seriously, okay, these kids have to graduate. We've had that discussion with my administrative team. [LB662]

SENATOR GROENE: Is that because they're working harder with the students? But it is a coincidence that our graduations rate went up coincidentally at the same time when AQuESTT came out. [LB662]

GRANT NORGAARD: Yeah, I can't speak for other school districts. I can speak for McCook Public Schools, and we take graduation rate very seriously. And our graduation rate isn't where we want it to be, it's 93 percent. We want it to be 100 percent. But we take it very seriously, we want every kid to graduate from high school, but we still have some things to work out, we still have some things to work on. And we are, we're trying to figure out what it is that's going to make the difference for that other, that 7 percent of students, that we aren't getting across that stage and earn that diploma. [LB662]

SENATOR GROENE: But just to get a graduation rate and add another 5 percent and give...wouldn't that downgrade what a diploma means in your school district if you just start passing them out? [LB662]

GRANT NORGAARD: Well, if you were to talk to...I think my teachers would take care of this issue, they're not going to allow us to just hand out diplomas. That's... [LB662]

SENATOR GROENE: That's a good point. [LB662]

GRANT NORGAARD: They're very seriously about the curriculum that they teach. [LB662]

SENATOR GROENE: Yes, I understand. Good teachers wouldn't allow it. [LB662]

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GRANT NORGAARD: Yeah, they are. We are blessed. [LB662]

SENATOR GROENE: Appreciate it, thank you. Next proponent. Opponent, excuse me. Opponent, whatever. [LB662]

BRANDY C. JUDKINS: Hello, my name is Brandy C. Judkins, B-r-a-n-d-y C. J-u-d-k-i-n-s. I'm sorry, I don't have a prepared statement for you all, but I do want to speak very briefly. While I object to the bill in the whole, I would like to speak, as a doctoral candidate in education and as a community member, in particular on one point that I see very concerning in this bill. It's been brought up that schools with less than 95 percent participation rate in the testing will have their score lowered by one letter grade. However, the Constitution of this country, and also here in Nebraska, protects the parents' right to direct the education of their children. This in fact was ruled on more than once by SCOTUS, but in particular in the landmark decision Meyer v. Nebraska. Parents have the right to opt their children out of testing or to determine what sort of education their children receive, whether that's enrolling them in a private school, relocating to a different area of the state, so forth and so on. So I'm concerned about punishing schools for something that is a parent's decision, in terms of opting their child out of participation of the state testing or having their child participate in the state testing. If a school down the street, a school near me, happens to have 87 percent of student participation rate and 10 percent of that under 100 percent is due to parent choice, then that letter grade falling is, in a sense, a punishment for the school based upon something that the parents chose. The school can't say you must, you must, when the parents have the right, the constitutionally protected right to direct the education of their children. And so I really do worry that this transition from the current system we have to a letter grade system may unintentionally infringe upon parental rights in our state. [LB662]

SENATOR GROENE: Thank you. [LB662]

BRANDY C. JUDKINS: Questions? Yes. [LB662]

SENATOR GROENE: Any questions? Senator Ebke. [LB662]

SENATOR EBKE: Well, first of all, as a parent, I don't think I've ever been able to opt my child out of a test, although I would like to sometimes. Second of all, I'm not sure, and tell me how this works. I mean, if my child doesn't turn in her homework, okay? We don't, you know, she doesn't get a pass on that. I mean, her grade gets deducted. So how is that not... [LB662]

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BRANDY C. JUDKINS: So I want to speak to two points there. The first is that grade that the student would receive would be the student's grade, not the school's grade. And yet, here we're speaking about what would actually be the school's grade. [LB662]

SENATOR EBKE: Sure, but it's still accountability, right? [LB662]

BRANDY C. JUDKINS: Second, there is a national opting out of standardized testing movement that's increasingly grown over the last 10 years in the United States. And while it's not a major movement here in Nebraska, it is in fact...it is present. There are parents who elect to have their child not participate in the state mandated testing or in any standardized testing. I don't necessarily agree with that decision, but that decision is their right as the parent. [LB662]

SENATOR EBKE: But I can't imagine that there's going to 5 percent of the kids' parents who are going to take that... [LB662]

BRANDY C. JUDKINS: There have been districts where it's been over 25 percent of parents who have opted out. [LB662]

SENATOR EBKE: In Nebraska? [LB662]

BRANDY C. JUDKINS: Not in Nebraska, but nationally there have been districts where it's been over 25 percent. [LB662]

SENATOR EBKE: That seems to be...that would seem to me to be a regulatory...something that could be fixed through regulatory means. Whether an opt...you could amend the bill so that parents could opt out, just as they do with other things, if that was really the primary concern. [LB662]

BRANDY C. JUDKINS: And I would definitely... [LB662]

SENATOR EBKE: You'd have to have a record of it. [LB662]

BRANDY C. JUDKINS: Such an amendment would be excellent, would be an excellent provision. [LB662]

SENATOR EBKE: But you'd have to have a record of that, that they had opted out so that the schools would then not be accountable for those particular grades. [LB662]

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BRANDY C. JUDKINS: Uh-huh. Any other questions? [LB662]

SENATOR GROENE: Any other questions? Do those schools where 25 percent opt out have a grading system, then, of "excellent, great, "good," and needing improvement?" Because they can't... [LB662]

BRANDY C. JUDKINS: I'm aware of districts that have large percentages in Florida where they do have the A-F grading scale. I don't know if it's been the 25 percent. The largest percentages that I'm aware of have been in New York and New England as well. Many states that...they have rating systems, they're not necessarily the same rating system as ours. I do believe New York City used the A-F system until Mayor de Blasio's term when he removed that rating system from the school district. [LB662]

SENATOR GROENE: All right, thank you. [LB662]

BRANDY C. JUDKINS: Anything else? [LB662]

SENATOR GROENE: But you do know that we've had, across the country with No Child Left Behind, that we had pressure from administrators whereas the teacher walked by the trashcan with the test, five of them fell into the trashcan. [LB662]

BRANDY C. JUDKINS: Yes. [LB662]

SENATOR GROENE: Because they knew that student would bring down the average. [LB662]

BRANDY C. JUDKINS: And I'm aware and I think that that, if it's not an issue of parental choice, that it's a very different issue. So where the school has control over the participation rate, that is of course something that we should look at. But the school does not always have. We're a state where we do believe very strongly in parental rights, in independence, and to limit that concerns me greatly. [LB662]

SENATOR GROENE: Thank you. [LB662]

BRANDY C. JUDKINS: Thank you. [LB662]

MATT BLOMSTEDT: I think I can still say good afternoon again, not good evening just quite yet, but close. I am Matt Blomstedt, I'm Commissioner of Education, Blomstedt is B-l-o-m-s-t-e-

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d-t. I'm here to testify as a result of the state board taking a position opposed to this particular bill, but I actually do want to more start on a conversation that I had the opportunity to sit down with Senator Linehan, and actually one of our board members, Pat McPherson, to talk with Senator Linehan about what her intents were necessarily with this bill and to give us an opportunity to have a conversation about really what AQuESTT is intended to do. So I wanted to hit on just a couple of points, rather than reading for you I'll hit a couple of points that I think I've heard that are actually quite important to the context of where we are right now. First of all, when Senator Raikes was working on, and there was a battle, I will tell you, over the star system and local assessment and where we needed to go from an accountability system. I happened to be the research analyst for the Education Committee at that point in time, and Senator Linehan knows that as well. So the opportunity, and I think those quotes that she highlighted resonate with me yet today, right, because the system that we were intending to build, the system that we were having conversations about was: Number one, that assessments need to be done statewide with some comparability across the state; that we need to be able to use data to really effectively look at what the results were and certainly what those outcomes were taking place in different schools. And we were intent on making sure that a statewide system of assessment was built, and it was. A statewide system of assessment was built and it was called NeSA and we went through a whole process where that was done. Nebraska was also at a moment in time where frankly other states went down a path, a very different path sometimes, to talk to about how they did their standards. And some of those states did their standards on something that we now know as Common Core. Nebraska did not go down that path, we were quite intentional to go down a path that was not that. But there was a movement afoot to talk about raising the bar, and I think it's important, raising the bar on what our expectations were around student achievement. And we continue to do that and I think the prior testimony, the first proponent, talked about that intention of raising the bar. Well, Nebraska is going through a process where we just implemented and are implementing ACT in high school. I think that's an important part of our accountability system and an important part of our next phase. We're in a process where we're going through an RFP actually for a new assessment system, we're setting where we have expectations of college, career, and civic readiness for all of our students across the state of Nebraska. I can tell you, when I first started as commissioner, happened to be in January of 2014 when LB438 passed. That was the first push to drive us towards an accountability system that we have since built with AQuESTT. The State Board has worked very hard on what I would call a theory of action, because LB438 also required that we provided interventions for the three lowest-performing, the three lowest in the classification, which ended up being "needs improvement." And we have provided interventions there, we've done that work. There's other World-Herald articles that talk about how that is smart work compared to what the federal system had been. I'll stop there just because I will obey the stoplight. [LB662]

SENATOR GROENE: Any questions for the committee, from the committee? How many schools buildings are there that you rate in the state of Nebraska? [LB662]

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MATT BLOMSTEDT: We...and I'll say schools, roughly about 1,150 or so because we look at elementary, middle, and high school and you know that some of our buildings include all of those. So it's hard to say buildings per se. [LB662]

SENATOR GROENE: Senator Erdman keeps repeating, which I think it finally sunk in that there's 87 students that are non... [LB662]

MATT BLOMSTEDT: 87 schools. [LB662]

SENATOR GROENE: Schools, excuse me. All right, how many are in the "good" category? [LB662]

MATT BLOMSTEDT: I didn't bring it off the top of my head. But roughly, let me...I'll break it down this way: we have the fewest percentage-wise in "excellent;" we kind of have almost, if you would think of it as a normal curve relative to where they're out for "great" and "good" they kind of fall into that curve; and then in "needs improvement" we have those 87, roughly the 8 percent or so that are... [LB662]

SENATOR GROENE: Do you test on the curve or how do you test? [LB662]

MATT BLOMSTEDT: No. I mean, the design of that, when you had to come up with a way to actually classify schools, you looked at that general performance. And we did have conversations about, well, do you weight heavily towards the middle or where we're at? And you get to that point...yeah, so... [LB662]

SENATOR GROENE: Can you--let me interrupt your point. Without going into a dissertation, what are the components and how do they weigh? [LB662]

MATT BLOMSTEDT: So I think you heard some actually pretty accurate description relative to what goes into it. There's status, status meaning how schools are currently scoring on the NeSA test, you know, the level of proficiency and where they're at. Growth, meaning that and improvement as well, looking at how students are doing and also looking at how schools are improving on the level of proficiency. And then something that we call raw classification, which is the bulk of what goes into this. I've heard kind of conversations around other things being used. Graduation rate is used as a capping mechanism because of all those concerns you had. We actually use it as a cap, they can't get better than a certain thing based on the percentage. Nebraska does have a high graduation rate, so we set that cap very, very high. The intention was that we would use it that way. There are elementary and, you know, differences obviously in

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elementary compared to high school. I can get growth in high school because I only have one grade that we test, right? So there's a need to think about how we use measures and metrics in that sense. The EBA itself, which is evidence-based analysis, which is the conversation around how we actually merge the accountability requirements and asking schools how they perform on certain things, which is truly more of an input approach, I don't deny that at all. The output approach, however, is the vast majority of it--110 schools, I think, roughly were able to move up as a basis of the EBA. And that was intentionally capped at a very low level, districts weren't moved up, by the way, in that classification. [LB662]

SENATOR GROENE: So in high school we just test 11th grade and that's basically all the parameter you have, plus graduation. [LB662]

MATT BLOMSTEDT: Yeah, so you get attendance, you can start to try look at other things. And there is, just for the sake of conversation, there is the percentage of students tested. They are marked down underneath our system as well if you don't have the right percentage of students tested. [LB662]

SENATOR GROENE: On the what we passed last year, the College Entrance Act Test or SAT... [LB662]

MULTIPLE SENATORS: ACT. [LB662]

SENATOR GROENE: Dyslexia showing. I think I do have a little bit. But anyway, especially in how I pronounce words sometimes. But anyway, especially late in the day. Anyway, I'm trying to focus here and remember what the question I had. But anyway, on that test, can you opt out or does every single...? [LB662]

MATT BLOMSTEDT: There is an opt-out provision that's required by federal law that students are able, parents are able to opt their students out. We have a very low percentage, I think that testimony you heard earlier was quite accurate on that front. [LB662]

SENATOR GROENE: And they can opt out of any test in school? [LB662]

MATT BLOMSTEDT: On the assessments as they relate to large scale assessment. That's what the requirement is at the federal level, not necessarily any test, a formative test in a classroom or an end of (inaudible) test. [LB662]

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SENATOR GROENE: They can't opt out of every test, just national tests or mandated tests.  
[LB662]

MATT BLOMSTEDT: Yeah, right. Those things mandated for accountability actually I think is the way that it's basically framed. [LB662]

SENATOR GROENE: Thank you. Senator Erdman. [LB662]

SENATOR ERDMAN: Yeah. Thank you, Senator Groene. I'm looking here at the Omaha Public Schools and there are 28 schools "need improvement" and if I counted right there's 86 schools. Does that sound right? [LB662]

MATT BLOMSTEDT: Yes. [LB662]

SENATOR ERDMAN: So over 30 percent of the schools in Omaha Public Schools need improvement. [LB662]

MATT BLOMSTEDT: Yeah. [LB662]

SENATOR ERDMAN: There were a few "excellent," I didn't count those. Probably maybe 8 or 10 and the rest are "good" and a couple of "greats." That's a significant number of "need improvement." [LB662]

MATT BLOMSTEDT: Yeah. [LB662]

SENATOR ERDMAN: That's a problem. [LB662]

MATT BLOMSTEDT: So and actually can I...well, it's not a question, so I guess I'll...can I answer it without it being a question per se? [LB662]

SENATOR GROENE: Answer the question he didn't ask. [LB662]

MATT BLOMSTEDT: Okay, I'll do that. So no, I absolutely agree. So when we looked at building the system and you look at where Omaha Public Schools is at and where they are classified, we actually looked across the state. So we had schools that would kind of fall in the what I call the tradition urban school setting. I'll tell you have a "needs improvement" school if you walk across the parking lot to the south, I guess that is, and McPhee. I would actually

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encourage that you do that to see what a "needs improvement" school looks like in Nebraska, because I think that's an important thing. But there are 28 that are in Omaha. It's important that you also know that when we selected priority schools we had one of the OPS schools selected and it's been quite intentional that we're trying to build capacity with Omaha Public Schools to work between the State Department of Education and OPS in a way that's never happened before to ensure that we have the capacity to improve all of those schools. And we have roughly the same percentage statewide that fall into traditional rural--traditional rural--declining enrollment districts. We have a number of schools that fall into the Native American school classification, we have a school that's a priority school up there, that's Santee. We have, in the traditionally kind of rural declining enrollment, we have a priority school in Loup County. We have worked very closely and intently. We had one fourth category that I would tell you that's quite important is what we call demographically shifting communities. They are communities like Crete and others that have had...experienced quite a change in having the high ELL population and we're focusing energy and attention on those as well. If we got into a...and I'd be happy to do a broader briefing with you, by the way, at some point on AQuESTT, just to walk through those dynamics. But we do take all that quite seriously. [LB662]

SENATOR GROENE: But are you comparing them to a high-income area school where a lot of option kids enrolled into it and their kids were there because they got two-parent families or they got parents that care? You're not doing that--a comparison--to a school in north Omaha with poverty or one end...they're not compared one on one and saying you're lower than this one, this one got an A in the same test and you got an F? [LB662]

MATT BLOMSTEDT: It's not our...I guess it's not our... [LB662]

SENATOR GROENE: They're comparing to themselves, comparing to improvement within themselves. [LB662]

MATT BLOMSTEDT: That's my intention of an accountability system like this, that we're asking them to compare themselves to the best version of themselves in the long run, right. That's what we're trying to build that, hey look, the reality is I would like to see schools...and there's some good things, by the way, in LB662 about recognizing improvement and growth. I believe in those things and so I think an accountability system ought not just be about shaming schools and labeling schools and perhaps demoralizing the very educators we have to ensure that are going to be there to do that work. Instead, it ought to be about us taking our responsibility at a state level. I will stand up and say it, I'm responsible for "needs improvement" schools, I'm responsible for their improvement. We've tried to build a system that ensures that that gets done, but I had to have a theory of action if I'm going to take that responsibility. And I think you also have to have a theory of action. Simply labeling schools, as we've learned with No Child Left

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Behind, didn't necessarily end up in a better school system for the country. It just simply didn't get us there. Now I'm not saying we've designed the perfect system, so I'm quite willing to talk with you about how else we might go about doing that. But we need a theory of action that improves our schools and gives our students the very best opportunity. That's what we're talking about in an accountability system. If there are ways that we could do that differently, I'm up for that. But the reality is the state's invested a lot of energy and effort into what we've done with AQuESTT and it gives us a chance to do that help. [LB662]

SENATOR GROENE: Right. You win with three schools, what do you do with the other 84? [LB662]

MATT BLOMSTEDT: Well, we actually are talking how we work...we're actually building models for them to be able to do the very same work that we're doing in those three schools, working with ESUs or working with the district. So in OPS for instance, that model that seems to be working effectively in Druid Hill, they were working on about eight other schools and now we're trying to work on a plan where all of the 28 schools would have at least a model for how they would improve, given that experience. [LB662]

SENATOR GROENE: Thank you. Any other questions? Senator Kolowski. [LB662]

SENATOR KOLOWSKI: Thank you, sir. How many scores have we had with AQuESTT, just to clarify? [LB662]

MATT BLOMSTEDT: So yeah, let me clarify that point. First of all, there were a few things that happened along the way. Number one, the first thing that happened was No Child Left Behind was in place when we started AQuESTT and we had a responsibility to do two accountability systems: one that the federal government required and the other that the state essentially required. The other dynamic that happened along the way was in the build out of our system ESSA was passed. It interrupted the federal accountability system time frame into which we're trying to align those various time frames that have to happen. We still reported all of the data that would fall into raw classification for all of our schools, but as Senator Linehan said, we didn't intentionally skip, we gave the schools a report of how they did and where they would have proceeded moving forward on all of those different scores. The only part that we actually did not replicate in AQuESTT was a timing issue with the EBA itself. That actually...so some of those comments from Cindy Gray and others from Elkhorn that actually the push was to improve that instrument so that it had the desired result and intent of aligning what we do in accreditation and aligning what the expectations were of the state board so. [LB662]

SENATOR GROENE: When do we expect the next rating to come out? [LB662]

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MATT BLOMSTEDT: So essentially we did the rating then...I'd like to get the time frame moved up to where we can start doing it in the closer to the beginning of the school year, instead of a December roll out. So next fall is our target to do the next iteration, yeah. [LB662]

SENATOR GROENE: We will get another rating in next fall. [LB662]

MATT BLOMSTEDT: Yep. [LB662]

SENATOR GROENE: All right. We skipped '16 basically. [LB662]

MATT BLOMSTEDT: And again, the data...well, but the data is actually there and it's actually there for '16 as well. So I might have to...yeah. [LB662]

SENATOR GROENE: But not the rating, you didn't apply a rating. [LB662]

MATT BLOMSTEDT: It's what we call the Nebraska school profile that gives a chance for all that data to actually be included in that. [LB662]

SENATOR GROENE: But you didn't rate them? [LB662]

MATT BLOMSTEDT: So the rating essentially stand as they were, right, so we have the ratings and nothing has changed those ratings. [LB662]

SENATOR GROENE: So if an administrator worked really hard and he doesn't know if he got out of the "needs improvement..." [LB662]

MATT BLOMSTEDT: We did take criticisms on that front from schools, because there were some that said, hey look, we would want to be able to improve. [LB662]

SENATOR GROENE: Some of them wanted to get that done, I heard one that wants to be "excellent." [LB662]

MATT BLOMSTEDT: Yeah. [LB662]

SENATOR GROENE: I mean, he's excellent and he's still working. [LB662]

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MATT BLOMSTEDT: By the way, McCook's my birthplace, so I mean, I can't say anything bad about McCook so. [LB662]

SENATOR GROENE: All right. Well, anyway, thank you. Any other questions? [LB662]

MATT BLOMSTEDT: And I will just say thanks to Senator Linehan one more time, she was very generous with her time when we met and I appreciate that. [LB662]

SENATOR GROENE: Next opponent. I'll shut up. [LB662]

CHAD DUMAS: (Exhibit 12) Good evening. Thank you, Senator Groene, members of the Education Committee. I'm Chad Dumas, director of learning of Hastings Public Schools...or Dumah (phonetic), C-h-a-d D-u-m-a-s. I'm testifying against LB662. In doing so, just like last time, I have three main points, except that I'm also going to add a plea at the very end. My first is that accountability is important. Schools accept tax dollars from constituents and we should be held accountable for the results that those funds produce. My second point is that we need to have meaningful accountability for the 21st Century world in which we're living. If you go back to the testimony about LB438 a couple of years ago, I testified right here in support of that bill to make sure that our accountability addresses 21st Century learning. Having one, two, or even three test scores is not enough to make a value judgment that is meaningful, let alone accurate. As you're aware, as has been talked about a lot, there's AQuESTT that this body put in place a few years ago. Not by that name, but that's the system that we have to hold schools accountable. I'm the first person to acknowledge that AQuESTT is far, far, far from perfect and there's a lot of things that have been brought up already with the evidence-based analysis, the comparison between demographic schools that's not present, etcetera. I would contend that AQuESTT is not a finish line, but it's rather a starting point. But it's far superior than other systems that have been in place: AYP, PLAS, and LB662. And I'm not going to complain that AQuESTT, or even this bill, is too hard or unfair because I don't think that's the case. I think there's other pieces of this bill that are not appropriate. So AQuESTT I think needs time. As you know, it was just implemented a year ago, as we've been talking here. It needs time to work to let the Department of Education work through those issues. We all know that test scores are inadequate measures of student learning, just as graduation rates are. In my role as the director of learning I already have to work really, really, really hard to help teachers understand that learning is not about test prep and this bill would make that even harder. I've included for you a copy of the lyrics of a song by Tom Chapin about the struggles of accountability systems like LB662. Now my third and final point is that you might be familiar that the U.S. News and World Report recently ranked Nebraska as number 6 of the 50 states in education quality in this country, so we must be doing something right. Yet, this bill says that if more than 65 percent of schools aren't an A or a B then the bar needs to be raised. That's like saying to a mile runner if you run a five-minute mile you're

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going to get an A, but as soon as we have too many people running a five-minute mile we're going to make it four and a half minutes and then you're going to get an A once you get four and a half. And that's moving the bar and that's not fair. Nebraska has a solid education system. If we're providing a top tier education then Nebraska schools deserve to be recognized as such. My final plea. I've got two boys, a sophomore and senior in the public schools, and they're not a test score. You've got children, grandchildren, nephews, they're also not a test score. If you take all of the kids in a school and put them together, they're still not a test score. Yet, this accountability system that this bill lays out does just that. Let AQuESTT have its time, let it do its work, let the State Board of Education make the necessary adjustments and don't start all over. Thank you so much. I'd be happy to answer any questions. [LB662]

SENATOR GROENE: Any questions? You're from Hastings? [LB662]

CHAD DUMAS: I am, yes. [LB662]

SENATOR GROENE: How does your school rate? [LB662]

CHAD DUMAS: So the district...the first time we were a "great" school and in this progress report we were "good." And that's part of where my problem comes in because actually the change... [LB662]

SENATOR GROENE: Did you have any "needs improvement" of your grade schools or anything? [LB662]

CHAD DUMAS: We did not have any schools in the "needs improvement" category. But the change was in like 0.00001 of a point of a scale score made us go from a "great" school to a "good" school. And that's a problem. You know, we're also a district that we were just recently accredited by AdvancED, where we had six people from outside who come in and look at our standards. We've got five of our schools are national models, recognized externally for great student learning and improvements of student learning. But we've got 90 percent of kids in one building who are on free and reduced lunch and we also have more than 90 percent of kids that are proficient so. [LB662]

SENATOR GROENE: And on testing. [LB662]

CHAD DUMAS: Yes. [LB662]

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SENATOR GROENE: I'm into free enterprise and I hired people in the past and ran businesses. Testing is important to me. [LB662]

CHAD DUMAS: Absolutely. [LB662]

SENATOR GROENE: Because you want somebody to know that they learned, that if you told them something that they remembered it and did exactly that later. [LB662]

CHAD DUMAS: Absolutely. Absolutely. [LB662]

SENATOR GROENE: That's what a test is. [LB662]

CHAD DUMAS: And I don't have a problem with the state test, I think it's done a lot of good in this state. It's done a lot of good in public schools. [LB662]

SENATOR GROENE: Doesn't a test prepare a student to know that this fact needs to be retained and it needs to be retained that, when I tell you to turn that switch on, that you retained it and you turn it in the right direction? [LB662]

CHAD DUMAS: Correct. I absolutely agree, the state test is a really important part of it. What I disagree with in LB662 is turning that...changing the accountability system that we already have, throwing that all out the window, and starting all over when we just got it in place and are starting to work on it. [LB662]

SENATOR GROENE: When somebody tells me they have test anxiety that scares me as an employee because you tell them what to do and they have anxiety, they don't remember. Testing is important. [LB662]

CHAD DUMAS: Absolutely. [LB662]

SENATOR GROENE: To learn how to remember and then to remember it later and to put it down, that's business, that's life. [LB662]

CHAD DUMAS: And I would contend that the... [LB662]

SENATOR GROENE: But the poem here about testing I read it, so anyway. I'm criticizing that more than you, sir. [LB662]

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CHAD DUMAS: Yeah, yeah. [LB662]

SENATOR GROENE: Anyway, thank you. Senator Pansing Brooks. [LB662]

SENATOR PANSING BROOKS: I just, I don't know if you're an expert on testing anxiety, but I do know that there are...if there is that kind of thing that's happening that there are medications that people can get on that do help with the entire testing anxiety. So it's more than just you have testing anxiety and nothing else happens from that point. So again, you're tested... [LB662]

SENATOR GROENE: And we help them. Thank you, Senator Pansing Brooks, I learned something. Thank you. [LB662]

SENATOR PANSING BROOKS: Thank you. [LB662]

SENATOR GROENE: Thank you, sir. [LB662]

CHAD DUMAS: Absolutely. Thank you. [LB662]

SENATOR GROENE: How many more testifiers are there? One, two, three, four, five. I'll quit asking questions. Thank you. [LB662]

JOHN SPATZ: Good afternoon, Senator Groene. My name is John Spatz, it's J-o-h-n S-p-a-t-z, I'm the executive director of the Nebraska Association of School Boards. And I've got good news and bad news for you tonight. The bad news is I'm plan B. We had a couple of school board members who were going to be here to testify on behalf of the School Board Association in opposition of this bill, but they had to go, they had childcare issues they had to get home to. But the good news is I'm going to be very short. And over the last two years since we began discussing AQuESTT I really feel like it's enabled us to raise the bar in how we're discussing accountability across the state of Nebraska. I represent 1,724 school board members and ESU board members around the state and the dialogue we've been having with NDE as a result of AQuESTT I think has been very good. I talked to a lot of my peers from around the nation and over the last decade or so a lot of states have chased that federal money, a race to the top of waivers from No Child Left Behind. And you saw a lot of states do things to get that federal money and I think Nebraska to a large degree have resisted some of those trends and I think that's a good thing. We're a very strong local control state and the previous testifier talked about AQuESTT, it's a starting point. I really like the opportunity to work with...I know who the elected state board members are and I know who my school board members are. They're elected to address some of these issues and I'm looking forward to seeing how this process evolves and

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how we continue to raise the expectations, particularly in the governance form. So I appreciate your time today and I'd be happy to answer any questions. [LB662]

SENATOR GROENE: Any questions from the committee? Thanks, John. [LB662]

JOHN SPATZ: Thank you very much. Appreciate it. [LB662]

SENATOR GROENE: Next. [LB662]

JEANNETTE EILEEN JONES-VAZANSKY: (Exhibit 13) Jeannette Eileen Jones-Vazansky, J-e-a-n-n-e-t-t-e E-i-l-e-e-n J-o-n-e-s-V-a-z-a-n-s-k-y, I'm here as the president of the Lincoln branch of the NAACP. We oppose this bill because it disproportionately affects minority and disadvantaged students. While the NAACP is not opposed to core standards for school performance, we champion a system that is translatable across regions. We recognize that needs vary throughout the country. Local culture and history often dictate new and different areas of study necessary for success in those regions. Standards should leave room for curriculum customization as needed, but make sure all students are held to the same high expectations. Moreover, states must be held accountable for making sure that a set of common standards are the starting point and not the end for effective education of students. We believe that LB662 does not meet these standards, as it does not address inequity felt by schools in areas of concentrated poverty. A 2013 Oklahoma study on A-F report cards for schools revealed that "consistently across the three subject areas, reading, math, and science, minority and poor children tested highest in D and F schools and lowest in A and B schools." Put differently, according to the state of Oklahoma's own effectiveness grades, "A and B schools are the least effective for poor and minority children. High scoring affluent students in those schools produce averages that give the appearance of school effectiveness for all, essentially masking the especially low performance of poor and minority children." Essentially, A-F school grades primarily measure student income, and in schools that are most likely to receive D and F scores due to high poverty rates, individual low-income and minority students actually tend to score more highly. In other words, schools with higher minority and low-income populations are working to meet those students' needs in ways that more affluent schools may not be. In this way, A-F school grades oversimplify the picture and mask important details about vulnerable students' performance. The study authors state, "In summary, the data we have analyzed demonstrate quite dramatically that the letter grade system for school evaluation has very little meaning and certainly cannot be used legitimately to inform high-stakes decisions. The letter grades hide important differences between schools rather than reveal them." Our education system in Nebraska is strong, but we cannot take that strength for granted. What we need is full support for the excellent schools we have, not efforts to declare schools failing, which may lead to defunding schools and taking

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taxpayer dollars out of public oversight. We ask the senators to vote no on LB662. I'll stop.  
[LB662]

SENATOR GROENE: Thank you. [LB662]

JEANNETTE EILEEN JONES-VAZANSKY: Thank you. I'll take any questions. [LB662]

SENATOR GROENE: Any questions? Thank you. [LB662]

JEANNETTE EILEEN JONES-VAZANSKY: Thank you. [LB662]

NICOLE GREEN: Nicole, N-i-c-o-l-e, Green, G-r-e-e-n. I urge you to not support this bill, so I'm going to speak from my position as a doctoral candidate in composition and rhetoric, the key here being rhetoric. We've been throwing around a lot of words that get thrown around in education policy: accountability, growth, proficiency. But all of those words come back to the idea of standardized testing and those standardized tests, as the previous speaker said, don't equally measure students' learning. I teach...it is not a matter of knowing that the sky is blue and being able to answer that question correctly on a test, that's not how those tests work. I teach composition, among other classes, at the university and I can tell you that you could look at a grade distribution of my students and it wouldn't tell you anything about what they learned. As a teacher, I know what they are learning, what they can succeed at, what they are struggling with, which is why programs like the STARS program were so beneficial to our state, because they allowed school districts to decide how they were evaluating their students in locally controlled, sensitive ways. While a lot of the large school districts--OPS, Millard, LPS--did choose to do it through standardized assessment creation, a lot of the smaller school districts actually used parent panels, along with teachers' portfolio assessment to assess student learning, which is a great deal more effective than a student's score on a standardized test. I was one of those kids who brought down the school's standardized test scores. I can't take a standardized test, the accommodations don't actually adequately accommodate the needs I have, and I spent my entire elementary, middle, and high school chasing my friends who were labeled honor students because I wasn't good enough on those tests. And I can tell you what damage that does to a kid's psyche. More importantly, or I guess equally importantly, I'm not sure what value this adds to our education system by grading schools. So, okay, possibly in this end of the state, as a parent I might have a choice to send my kid to an A-graded school or a B-graded school. But if I live in the Sandhills in a very small town, what good does it do me to know that my school is an F and what good do we do as a state to support that school more if we're picking only three schools to support? They need greater funding, not to be punished. Thank you, I'll take any questions.  
[LB662]

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SENATOR GROENE: Thank you. [LB662]

PATTI GUBBELS: (Exhibit 14) Education Committee, thank you for enduring. It has been a long day, but I appreciate your diligence in really listening to all of the testimony that's being given. My name is Dr. Patti Gubbels, P-a-t-t-i G-u-b-b-e-l-s, I am a Norfolk Public Schools board member. I'm also a retired educational psychologist and teacher education professor. I don't want to repeat testimony that has been given, you'll see a lot of the comments I was going to make are found in the written materials. But what I would like to spend just a moment or two talking about is that AQuESTT is supported by a very well-established body of educational research. We know, and educational research supports, that we view learning as a process, rather than a product and that we need to emphasize improvement versus evaluative judgment. Grades are an evaluative judgment. In other words, students benefit much more from knowing that they need to improve and how to improve than they do from being assigned a letter grade. I think our policymakers, our public, and our schools benefit much more from knowing how they can improve or whether they are improving than being assigned or having the public see a letter grade for a school's performance because student success, though it does depend on academic performance, student success is much more than that. There are many things in quality schools that contribute to students being successful, like effective teachers, career education opportunities or career academies, and so on. I'm really proud that I live in a state that has developed such a forward-thinking school performance assessment system. It is evolving. It is, as other people have said, in the beginning phases, but we're on the right track. We're doing things that other states have not thought to do yet, in terms of tying how we assess schools to what we know about how people learn. That's a great model for us to have. Thank you, I'd entertain any questions that you have. You may be questioned out. [LB662]

SENATOR GROENE: Thank you. [LB662]

PATTI GUBBELS: Thank you. [LB662]

ANN HUNTER-PIRTLE: (Exhibit 15) My name is Ann Hunter-Pirtle, A-n-n H-u-n-t-e-r-P-i-r-t-l-e, I'm the executive director of Stand For Schools. LB662 reinvents the wheel on school accountability just three years after this Legislature directed the Department of Education to create AQuESTT and before that system is fully implemented. Under AQuESTT, three "needs improvement" schools can access additional resources, support, and staff training from the Department. We think it would be great to expand that number and would encourage the Legislature to consider appropriating additional resources to make that possible. 17 states have A-F school grading systems and Nebraska outscores 15 of them on the NAEP, the National Assessment of Educational Progress, otherwise known as the nation's report card, the standardized test that allows comparisons across states and over time. Nebraska should not seek

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to emulate states that consistently perform worse than we do. Florida was the first state to adopt an A-F school rating in 1999. That system has since undergone numerous changes that arguably inflated school scores and undermined confidence in its accountability. I'll have sources linked in the materials I pass out here shortly. There were 34 changes to that school rating system in the 2011-2012 school year alone. So many that Governor Rick Scott approved a one-year exemption from high-stakes consequences as a result of those assessments because frankly they got so complicated and happened so quickly that nobody could keep track of what they meant. Virginia repealed its A-F school rating system in 2015, a measure that was introduced in 2013 and never implemented, because they found that F ratings unfairly punished schools with the highest number of students in poverty, hindering their ability to recruit quality teachers, engage parents in children's education, and make changes necessary to improve their performance, thereby hurting the very students this bill intends to help. The proposed system in LB662 is a mechanism that in other states has led to defunding schools that need resources the most and to demoralizing students, parents, and staff. It would lead to more testing and worse outcomes. Reinventing the wheel when AQuESTT has yet to be fully implemented is a waste of taxpayer dollars and valuable staff time at the Department of Education, which worked from April of 2014 to December of 2015 to design this system. For these reasons, we oppose the bill and welcome any questions. [LB662]

SENATOR GROENE: Doesn't...nobody in Oklahoma or Nebraska wants to harm, they want to help schools, right? [LB662]

ANN HUNTER-PIRTLE: Yeah. [LB662]

SENATOR GROENE: As we talk about schools progressing, there's a student sitting in that classroom that only has one shot at an education. [LB662]

ANN HUNTER-PIRTLE: Absolutely. [LB662]

SENATOR GROENE: We don't have 10 years for him or her. [LB662]

ANN HUNTER-PIRTLE: Absolutely. [LB662]

SENATOR GROENE: So doesn't it really help if we give a...if you rate them. That now as an elected official I say we have a problem here, we need to expend money, we need to concentrate on that school. We're not here laughing and giggling and saying that school is bad and public education is terrible. [LB662]

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ANN HUNTER-PIRTLE: Right. [LB662]

SENATOR GROENE: What we're saying is we want to find out and identify that school.  
[LB662]

ANN HUNTER-PIRTLE: Absolutely. [LB662]

SENATOR GROENE: Nobody is judging anybody. And then we concentrate on helping that school. Could that be the process that Senator Linehan and some of us are looking at, the rationale behind what we're talking about here? [LB662]

ANN HUNTER-PIRTLE: I think that's the intention, absolutely. I'm not impugning anyone's intentions by any means in introducing the bill. What I am saying is that, in states that have gone to an A-F system, research has shown...I'll reference the previous testimony that said that basically those A-F school rankings obscure the real facts about which students need the most help. And I would also argue that when you introduce A-F, as opposed to the four categories under AQuESTT, what's the real difference in this bill, well, you're adding a fifth category, but you're calling it "failing." And that introduces a lot of emotion and a lot of, let's call it, introduces the opportunity for a lot of spin that can distort and detract from exactly what you're trying to get at, which is helping schools. [LB662]

SENATOR GROENE: Thank you, thank you. Appreciate your testimony. [LB662]

ANN HUNTER-PIRTLE: Thank you. [LB662]

SENATOR GROENE: Any more opponents? [LB662]

JAY SEARS: (Exhibit 16) Good evening, Senators, and Chairman Groene. For the record, I'm Jay Sears, J-a-y S-e-a-r-s, and I'm here today to testify in opposition to LB662 on the behalf of the 28,000 educator members of the Nebraska State Education Association. Excuse me, I've been here too long. Passage of LB662 would take Nebraska back 17-plus years in the academic accountability race. LB662 is designed to meet the requirements of the failed No Child Left Behind Act. Congress passed a bipartisan reauthorization of the Elementary and Secondary Education Act, recently titled the Every Student Succeeds Act. It's not my favorite title, but ESSA is the law of the land, which provides for more state flexibility and demands a different approach to school accountability. Nebraska, through the Department of Education, the State Board of Education, and public school educators have developed a new accountability system that does not rely on just a student test score. As you may know, the Accountability for Quality

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Education System Today and Tomorrow, AQuESTT, as it's known here in Nebraska, has gone beyond measuring against standard requirements to create a next-generation accountability system that supports and rewards continuous improvement in every student, school, and educator. The result is an innovative approach that views each student holistically, classifies all schools into four performance levels, and provides opportunity for every Nebraskan to get involved. The report cards that are part of the AQuESTT accountability system clearly exceed the requirements of reporting information about student academic progress and school building and district improvement, as required by ESSA. LB662 would take a step backward, do not take Nebraska back to the failed accountability system of No Child Left Behind. AQuESTT moves our state forward with an accountability system that will continually improve student achievement, school improvement, and educator improvement. I urge you to postpone LB662 indefinitely. Thank you very much, have a good evening. [LB662]

SENATOR GROENE: (Exhibits 17, 18, 19, 20, 21, 22, 23, 24, 25) Any questions? Thank you. Any other testifiers in the opposition? How about neutral? We have, which I forgot, we have one letter of support for LB662, Americans for Prosperity. We have letters of opposition from Ralston Public Schools, Gaylene Steinbech from Lincoln, Mattison Merritt from UNL, Lincoln Public Schools, Mary Schielder from Lincoln, Janelle Coady from Norris School District, Susie Wilson from Lincoln, John Skretta from Norris School District. Read that into the record. Senator Linehan, would you like to close? [LB662]

SENATOR LINEHAN: I would, sir. Thank you very much. Thank you all for sticking this out, it's impressive, it's very impressive. I want to just answer some of the things and I'll try to be quick. On a U.S. News and World Report article that somebody mentioned, it is worth looking at, but I just want to point out that 50 percent of it was based on higher education, it also considered pre-K education. Very little of it was focused on what we're talking about today, and it also was we scored very high in the fact that we...tuition and fees for in-state students at public institutions and average debt is very low compared to nationally. So if you look at it, I think you would feel pretty good about the way we support education in the state of Nebraska. That was a lot about what it was about. Regarding the woman who referred to Oklahoma, I handed out earlier a school superintendent who would argue with that point. She thinks it helps minorities. I think if you go back through the record, starting with Mr. Sears, which I understand, most of the people that sat here today and say they love AQuESTT didn't like AQuESTT when it got passed. They all came and testified against it. We do have No Child Left Behind, which I worked for Hagel at the time, he didn't support it, I supported that decision because it was a mandate on schools. Hagel also worked with the Department and State Department of Education and we got waivers for No Child Left Behind. With all of that said, that doesn't mean that we shouldn't be judging ourselves. We do not...a lack of information is always a bad situation. You need to know the facts, because you can't get better unless you know what the truth is. And that's what Senator Raikes believed, and again, I'm just going to point back to the law that I handed out earlier.

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"Report the performance of public schools based on the results of state assessment instruments and national assessment instruments. Provide information for the public and policymakers on the performance of public schools. Provide for the comparison among Nebraska public schools and the comparison of Nebraska public schools to public schools elsewhere." And at the very bottom of the page, "The state board shall recommend a national assessment instrument for the purpose of national comparison." And they should do this by year 2017-18. Everything we're doing here and AQuESTT and the testing was driven by Raikes in 2008 and we've had one release of AQuESTT and statewide assessment. So I think we need to study this. Maybe this isn't the right legislation, but we need to hold the department accountable and we need to let people know what we're spending money on and what the results are. We spend \$4 billion on K-12 education in Nebraska, it's the biggest industry in the state. We need to know what's going on. Thank you. [LB662]

SENATOR GROENE: I do have a question. So you're saying the law went into effect originally in 2008 and then in 2015 was the last time we had...first time we had a rating or was there one prior to that? [LB662]

SENATOR LINEHAN: The first time we had the rating, the only rating we've ever had, was the one I handed out, the AQuESTT. Because after...no. [LB662]

SENATOR GROENE: From the STARS situation we never had... [LB662]

SENATOR LINEHAN: Well, they gave them time in the law, the law was phased out, and this was balancing with what the federal law was doing. And then finally, because the federal law said we had to have an assessment, that's when Adams brought forth the bill to meet the federal law, which also followed this. [LB662]

SENATOR GROENE: All right. [LB662]

SENATOR LINEHAN: But the law I just read has been on the books since 2008. [LB662]

SENATOR GROENE: So we used the federal law as a rating system basically. [LB662]

SENATOR LINEHAN: No. Well, we made it compliant as best we could with the federal law. But it took...I'm just saying...what I'm trying to say is the resistance to this is significant because, even though the law was passed in 2008, they had to come back in 2013 or 2012, maybe your legal counsel can help me, and push again to get it actually accomplish what the law passed in 2008 said we needed to do. [LB662]

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SENATOR GROENE: Did you look at the transcripts? [LB662]

SENATOR LINEHAN: I did look at a lot of the transcripts, yes. [LB662]

SENATOR GROENE: Did the same people testify against that today? [LB662]

SENATOR LINEHAN: Yes, sir. [LB662]

SENATOR GROENE: The same people praising... [LB662]

SENATOR LINEHAN: Yes, sir, I got letters from people. [LB662]

SENATOR GROENE: The same people praising the present system testified against it? [LB662]

SENATOR LINEHAN: Yes, sir. [LB662]

SENATOR GROENE: All right, thank you. Any other questions? That ends the hearing on LB662. [LB662]

SENATOR LINEHAN: Thank you all very, very much. [LB662]