

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

Education Committee
January 22, 2018

[LB779 LB783 LB803 LB851]

The Committee on Education met at 1:30 p.m. on Monday, January 22, 2018, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB779, LB783, LB803, and LB851. Senators present: Mike Groene, Chairperson; Laura Ebke; Steve Erdman; Lou Ann Linehan; Adam Morfeld; Patty Pansing Brooks; and Lynne Walz. Senators absent: Rick Kolowski, Vice Chairperson.

SENATOR GROENE: Welcome to the Education Committee hearing. My name is Mike Groene from Legislative District 42. I serve as Chair of this committee. The committee will take up the four bills on the posted agenda. Our hearing today is your public part of the legislative process. 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 procedure. Please turn off your 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--I believe it's green this year--the green testifier sheet and hand it to the committee clerk, page when you come up to testify. If you have written material that you would like distributed to the committee, please hand them to the page to distribute. If you are not going to publicly testify or need to leave early, you can turn in written testimony with a completed green testifier sheet. We need 12 copies for all committee members and staff. If you need additional copies, please ask a page to make copies for you now. When you begin to testify, please state and spell your name for the record for the transcribers. Please be concise. It is my request the testimony limit to five minutes, we will be using the light system. Green; with one minute left, yellow will come on; and then red. If you would like your position to be known, but do not wish to testify, please sign the white form at the back of the room and it will be included in the official record. Beginning Tuesday, January 23, 2018, written correspondence and testimony not presented at the hearing must be received by the committee office before 5:00 p.m. the business day prior to the hearing. You must include your name, address, a specific request to be included in the public record if it's by e-mail or mailed in. Please speak directly into the microphone so our transcribers are able to hear your testimony clearly. The committee members with us today will introduce themselves, beginning at my far right.

SENATOR LINEHAN: Good afternoon. Lou Ann Linehan, District 39: western Douglas County.

SENATOR GROENE: Senator Pansing Brooks, and I'm assuming Senator Kolowski, are joining us. They said nothing besides that. Senator Mike Groene.

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SENATOR EBKE: Laura Ebke, District 32: Jefferson, Thayer, Fillmore, and Saline Counties, and the southwest portion of Lancaster County.

SENATOR ERDMAN: Steve Erdman, District 47: 10 counties in the Panhandle.

SENATOR EBKE: Can you name them?

SENATOR ERDMAN: I can.

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

SENATOR GROENE: I believe Senator Morfeld will be joining us too. I haven't heard otherwise. I'd like to introduce the committee staff. To my immediately left is legal counsel, LaMont Rainey. To my right, at the end of the table, is committee clerk, Kristina McGovern; and our pages are Heather Bentley, student, University of Nebraska--I think you're from Miller, Nebraska. I remember that. To my right, at the end of the table is...excuse me, and Sam Baird. Who can forget Sam? A student at the University of Nebraska. Please remember that senators may come and go during our hearing as they may have bills to introduce in other committees. I'd also like to remind our committee members to speak directly into the microphone and to limit side conversation, making noise on personal devices. Lastly, we are an electronically equipped committee; you might see us on the phone typing and stuff. It's usually because we're communicating with our committee staff and others on questions we may have to ask you, for clarification. So thank you. We'll begin with Senator Vargas on his LB783. [LB783]

SENATOR VARGAS: Thank you very much, Chairman. Members of the committee, thank you for having me here. My name is Tony Vargas, T-o-n-y V-a-r-g-a-s, and I represent District 7 and the communities of downtown and south Omaha in the Nebraska Legislature. I'm here today to talk about my bill, LB783, which clarifies the term educational interpreter in statute and better aligns it with the Department of Education's definition in Rule 51. LB783 also clarifies the role of an education interpreter as it relates to the actual duties he or she performs when working with deaf and hard-of-hearing students. The definition of qualified educational interpreter is currently unclear in statutes, which has caused some schools to skirt the requirement to provide an educational interpreter to deaf and hard-of-hearing students even when an interpreter is required by the student's IEP, or Individual Education Plan. Without an interpreter, these students do not have equal access to classroom instruction, other support services. Since the introduction of LB783, my office has spoken with both the Deaf and Hard of Hearing Commission and the Nebraska Department of Education, both of which agreed that it is essential to the students' education to have interpreters with them in the classroom and at the school. We've also spoken about the language in the bill versus what the Department uses in its Rule 51, which are the

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standards and regulations for special education programs. As a result, we will likely have an amendments to the bill that more closely aligns the bill's language with that what is in Rule 51 which was recently updated to ensure that what is in statute matches with how the department enforces its own rules and regulations. Now a question you may be asking yourself at this point is if there is already adequate language in the department's rule, why is it necessary to change it in statute? Now you'll hear testimony today for an attorney who practice education law, who has experience with schools who try to use the statute's ambiguity as an excuse for not providing qualified interpreters for deaf and hard-of-hearing students. You'll also hear--well, we have written testimony as a result of the weather complications--the student, their family--the Fritz family from Creighton who had to face this dilemma--and that was also written testimony that we provided to you. What I'll say for now is that if any student is facing a barrier to receiving his or her constitutionally guaranteed right to a free public education, it is our responsibility as lawmakers to strengthen that law and provide the support that is needed. Current law states, and I quote: It is the intent of the Legislature to assure that qualified educational interpreters are provided to deaf and hard of hearing children in kindergarten-through-grade-twelve public school districts and educational service units. Unfortunately, this is not happening for all students so we need to fix it. With that, I'll be happy to take any questions. Thank you very much. [LB783]

SENATOR GROENE: Anybody have questions? Senator Erdman. [LB783]

SENATOR ERDMAN: Thank you, Senator Groene. Thank you, Senator Vargas, for bringing this. In the green copy on page 3, starting with line 6, it says "regular education teachers, occupational therapists, and physical therapists shall not be considered to be educational interpreters for the purposes of this section." What is the intent of that wording there? [LB783]

SENATOR VARGAS: The intent of that would be to ensure that...that the...the staff members that are already existing in school, that they...their sole purpose is to provide education, but that interpreters would then be an additional service that's provided because that is what is stated in the Individualized Education Plan. This way we're not saying that an education...let's say a regular education teacher would then be providing translation services for an individual if that's in their IEP. [LB783]

SENATOR ERDMAN: So if one of those teachers have those qualifications to be an interpreter, they couldn't be? [LB783]

SENATOR VARGAS: Under this section, yes. [LB783]

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SENATOR ERDMAN: Wouldn't that make sense? If they had the skills to do it, they could do it? [LB783]

SENATOR VARGAS: Oh, I think that there would be a case...a case basis. What we've seen is the opposite; more individuals that are regular education teachers are not certified in this, and so we want to make sure there are individuals that have the capability to then meet the needs of students that fall under this subsection of hearing impairment and need these services. And so that was one of the reasons that they were separated out. [LB783]

SENATOR ERDMAN: But if that person...if that person was qualified and certified, they couldn't be one of those interpreters? [LB783]

SENATOR VARGAS: Well, the job of a general education teacher is to make sure that they're providing services to all kids, and under an IEP similar to additional services that are parted to other students that have IEPs, we make sure that there...additional services are provided by additional individuals. [LB783]

SENATOR GROENE: Senator Ebke. [LB783]

SENATOR EBKE: So, is what you're saying here in response to Senator Erdman essentially that a P.E. teacher or a math teacher who may be certified, may be able to do this, can't be with the child all day because they have other responsibilities? And so the goal is to provide somebody whose primary responsibility is to provide that interpreting. [LB783]

SENATOR VARGAS: Correct. [LB783]

SENATOR EBKE: Okay. Thank you. [LB783]

SENATOR GROENE: So, Senator Vargas, you're in a small school district and somebody's hard of hearing. That school district would have to hire a full-time employee to follow this student around to interpret with sign language what the teachers have told them? [LB783]

SENATOR VARGAS: If there is a student that has in their Individualized Education Plan and has been verified that they have hard of hearing or they are deaf and they are in a school district, it's our responsibility to make sure that they have the services they need, which would include having somebody with them to make sure that they are supporting their coursework, anything that has to do with classwork, co-curricular activities, anything that makes it...is a barrier to them...their...for them to be able to complete their coursework in a school; that's what they would

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help with. And so, in that instance, if there is a school somewhere that doesn't have the services, they would be required to make sure that there are services to be provided. That should already be happening. We're making sure that this is clarified under our existing statute. [LB783]

SENATOR GROENE: So if you had a special needs student, besides having hard of hearing, you could have up to two aides, one for the special needs and one for interpretation for one student? [LB783]

SENATOR VARGAS: If somebody has special education needs and, in addition to...in their IEP, okay? I'm going to use that acronym. That has hard...they are hard of hearing or are deaf and has an additional services that are required under their IEP that are outside of that, then yes, it would...they might have two people that are meeting two different needs. In this instance, like a paraeducator provides services to somebody with...that has an IEP that are providing different services, let's say if somebody has some cognitive delay of some sort. [LB783]

SENATOR GROENE: Thank you. Any other questions? Senator Lynne Walz. [LB783]

SENATOR WALZ: I just wanted to clarify; we had a conversation this morning and this person does not have to be hired. They could be a volunteer. They could...is that correct? [LB783]

SENATOR VARGAS: So there are rules and regulations currently, if you look in Section 20-150, and it doesn't explicitly state all the rules and regulations that are created by...oh, sorry. In 20-150(2): The Commission for the Deaf and Hard of Hearing shall license and evaluate interpreters and video remote interpreting providers pursuant to section 20-156. This commission shall develop licensed interpreter guidelines, develop training for...to implement the guidelines, adopt and promulgate rules and regulations to implement the guidelines. These pieces are already in statute to then create the guidelines. So they'd have to operate under those guidelines. We're not clarifying the guidelines here in statute. [LB783]

SENATOR WALZ: So the answer was... [LB783]

SENATOR VARGAS: So it depends on if, according to the guidelines, do they meet the current rules and regs that the commission created? It doesn't mean that those guidelines can't be changed, and I'm not changing that. We just want to make sure it's clear that individuals that have...are deaf or hard of hearing have somebody that is specifically meeting the needs of their specified need. Yeah. [LB783]

SENATOR WALZ: All right. Thanks. [LB783]

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SENATOR GROENE: Any other questions? Thank you, Senator Vargas. You'll stay around and close? [LB783]

SENATOR VARGAS: I will. Thank you very much. [LB783]

SENATOR GROENE: Proponents. [LB783]

ELIZABETH EYNON-KOKRDA: Members of the committee, thank you so much for your time today. My name is Elizabeth Eynon-Kokrda. It's spelled E-l-i-z-a-b-e-t-h E-y-n-o-n - K-o-k-r-d-a, and I'm testifying in support of LB783 because I believe it closes a gap and, I don't think the gap is something the Legislature intended, based on all the language that exists right now. I'm an education lawyer and I've practiced and represented schools, higher ed, families, teachers, children. However, I'm not here on behalf of any client. I'm here simply because when I look at this bill, given my experience, I think it's a necessary piece based on what I've had happen to children with IEPs in school. Basically, what's happened, is if you look at the legislative language in front of you, what it says is if you are an educational interpreter, you need to be qualified. What happens with children is if I'm a deaf and hard-of-hearing child and I've been verified as such and I'm in a school district and the school district says that it's part of what I need for my education is to be treated...or will...dealt with in my own language and my language is sign, I believe that the intent of the Legislature already was that what would happen is I would be assigned an educational interpreter. The challenge is the word "interpreter" and the word "interpreting," because there's no actual definition. So let me tell you what's happening. What's happening is you have a young child, for example, and the young child comes to school, still learning vocabulary. Imagine a kindergartner who's hard of hearing, who doesn't know why everybody's standing up to go to the bathroom; who doesn't hear what their peer might be saying to them. Generally, what happens in that situation is they are already assigned, for example, a paraprofessional to support them. And the IEP will call for--or it may not--but if it does call for the child to be educated in the child's language, and that child is sign, I believe the intent is that the person that's going to signing with them is qualified. However, because there's no actual definition of "interpreting," what school districts have said is that interpreting is very narrow. What it is is like what you see on TV. There's somebody standing there going like this (hand gestures) so it's a go-between where there's a hearing person and a nonhearing person and it's a literal translation, period, Amen. And so what happens is a young child comes in and the school says, well, that's not what you need. You need a para supporting you. Maybe they're right. But then what they say is: and that's not interpreting, so they don't have to be qualified. And I've had this situation arise with more than one school district, and it's primarily our youngest, most vulnerable children who are coming in and they may have, you know, 300 or 400, 500 words in sign that they've learned before starting kindergarten. And then they're given no support. So they can't communicate with their teacher. They can't communicate with their para, except using other methodology. Now granted, little children do use other methodology, you know. They're...I'm

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using my hands. I'm a hands person. They do that kind of thing. But they're missing out. One of the people that wanted to testify today--and I believe their testimony is in there--is a woman who had this happen to her and the school district literally said: Yeah, we know it says signing, but that doesn't mean an interpreter, and we're not going to give you an interpreter. And what that woman ultimately did--because her child could not figure out what was going on--is she pulled her child from public school and enrolled them in private school where the private school would let her hire a person to accompany her child and go to school. So I believe it's actually a gap. And what we're trying to do by this language is close that gap and say if, in the context of education, you have been assigned to support someone in their language and their language is signing, you need to be qualified. And so what the language here says is I think just that. Senator, you asked about that last line; and as I looked at that last line about where it says regular and etcetera, just as Senator Vargas said, I don't think anyone wants to say if the regular education teacher reaches out to the child and knows--I don't know--ten signs and uses them, that that's a violation of some kind because they're not qualified. The idea is that if you have been assigned specifically to support the child and that support includes using that child's language, then you need to be qualified in that language. Oh, I do want to let you know that I also reached out both to the Commission of Deaf and Hard of Hearing and the Department of Education. They...they're...they expressed to me some--I'll call it the same confusion that Senator Erdman said--is what's the intent of that last line, because they didn't want to make it, I'll call it easier for people to avoid. They want to make sure that what was the intent of the Legislature is actually met. However, I believe that the Department of Education and the Commission for the Deaf and Hard of Hearing are in complete agreement that if you're going to sign, you should be qualified to sign. Thank you. [LB783]

SENATOR GROENE: Any questions from the committee? Senator Linehan. [LB783]

SENATOR LINEHAN: Thank you, Chairman Groene. Thank you very much for being here today. I appreciate it. I'm a...I guess my confusion, this all falls under IDEA, doesn't it? [LB783]

ELIZABETH EYNON-KOKRDA: It does, but IDEA relies specifically on what your IEP requires. [LB783]

SENATOR LINEHAN: Right. [LB783]

ELIZABETH EYNON-KOKRDA: Right. [LB783]

SENATOR LINEHAN: But...so if it's under IDEA and there's an IEP and it says that they need to have an interpreter--and in this case for sign language--wouldn't they be...wouldn't that be if they weren't doing that, wouldn't there be a problem with the federal regulations? [LB783]

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ELIZABETH EYNON-KOKRDA: Well, to not put too fine a point on it, they gain the system. And what happens is the school district will say...they won't use the word "interpreter." They'll say yes, you get signing. And then they say, but you don't need an interpreter because that's somebody who does what I described, like you see on television. And so there...that's where the gap is. They don't use the word "interpreter." And everything that we have right now in statute says an educational interpreter is one who interprets. And they say that's not interpreting. When you're talking to a child directly, it's not interpreting, so they don't have to be qualified. [LB783]

SENATOR LINEHAN: I'm taking advantage of the fact that you're a lawyer and that you know this law. So bear with me here. So do we, in Nebraska law, therefore have to have everything that the federal law requires? I guess I'm just...because I was always under the impression that federal law says X will have to do X. [LB783]

ELIZABETH EYNON-KOKRDA: What the federal law effectively says in general language is that you need to meet the needs of the student so that they can have an equal opportunity to participate. And you, the school district, need to decide with the parents what that is. And I'll call the description of that goes into the IEP and that's kind of the contract. So the IDEA basically says is figure out what the child needs and then provide it. [LB783]

SENATOR LINEHAN: Okay. [LB783]

ELIZABETH EYNON-KOKRDA: And so then the school district and the family get together and they figure out what the child needs... [LB783]

SENATOR LINEHAN: And that's where the disagreement comes. [LB783]

ELIZABETH EYNON-KOKRDA: ...and here the gap comes up which is they say, yeah, we know signing is part of this, but it's not interpreting so we don't have to make sure that who we provide is qualified. [LB783]

SENATOR LINEHAN: Okay. Thank you very much. I appreciate that clarification. [LB783]

ELIZABETH EYNON-KOKRDA: Sure. [LB783]

SENATOR GROENE: Senator Walz. [LB783]

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SENATOR WALZ: Thank you, Senator Groene. I have a question. As you were talking, I just keep thinking about kids in very rural areas and how tough it might be to find somebody to come in and interpret. So as you were talking--and I don't know what the answer is, hopefully you--what...does an interpreter have to be a person or can it be an electronic device that maybe translates words spoken into words that are written? Do you... [LB783]

ELIZABETH EYNON-KOKRDA: May I just... [LB783]

SENATOR WALZ: Okay, I'm just...I think about that because I don't know how...I don't want kids out there not being able to understand it's time to go to the bathroom if there's nobody, a person, available to speak. [LB783]

ELIZABETH EYNON-KOKRDA: Well, actually in the IEP, the parents and family could agree to that methodology of communication. Your statutes right now, and the regulations don't really address that. What they do address is that if everybody agrees that you're going to sign, you should be...well, we thought it said if everybody's going to...you know, sign, you should be qualified. There's nothing that will prevent a family and a school district from doing that. I do want to speak, though, directly to the issue raised with regard to the family that was going to testify today, which is in that instance, they actually found an individual who was capable and the school district declined to hire them specifically because they said we don't have to hire somebody who's qualified. So yes, I fully respect that, especially in more rural areas, it may be more difficult to find that person. The other thing I would say is that right now, for interpreters, the Department of Education has done a very nice job of understanding that same issue and they basically let you scale up. So in other words, let's say you need an interpreter. The IEP says interpret instead of our problem, but the problem is they can't find somebody qualified that's going to move out. They do have it to rural district ABC...they do...the Department of Ed lets you scale up, so you can take, like, about two years. So you could find somebody on your staff willing to learn and scale up, and then meet it over two years. So I think that there's already a reasonableness piece within a regulation. It's just really closing this gap of when we say interpret, we actually mean signing. We don't mean just this narrow definition. Did I answer your question, or? [LB783]

SENATOR WALZ: Yeah, you did. I...yeah, you did. So, basically, this bill or statute currently does not allow for technology to be used as a means of interpreting? [LB783]

ELIZABETH EYNON-KOKRDA: It doesn't do either. Well, I guess what it says is if you're going to be the interpreter, you have to be a qualified interpreter. It doesn't really address the issue of could a child's needs be met without a live interpreter? So that's sort of a parallel question. This just basically says if you need a live person, the person needs to be qualified. But

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it doesn't prevent the parents and family from agreeing to utilize some other mechanism.
[LB783]

SENATOR WALZ: Okay. Thank you. Thank you so much. [LB783]

ELIZABETH EYNON-KOKRDA: Sure. [LB783]

SENATOR GROENE: I'm...are you from Nebraska? [LB783]

ELIZABETH EYNON-KOKRDA: For 27 years now, yes. [LB783]

SENATOR GROENE: All right. I did...we talked about our...you said your regulations as if it were somebody else's. So I just... [LB783]

ELIZABETH EYNON-KOKRDA: Oh, I just meant the state's regulations. [LB783]

SENATOR GROENE: All right. [LB783]

ELIZABETH EYNON-KOKRDA: Right. [LB783]

SENATOR GROENE: Why do they have to be licensed if it's a...if it's a language and it's a common language, sign language is? If somebody is going to a teacher is bilingual and is Spanish, they don't have to be licensed to interpret a language. That seems like a...and in smaller communities and stuff, it might be a volunteer that's fluent in sign language, but they have to be licensed? I mean, you...you're not here for that. [LB783]

ELIZABETH EYNON-KOKRDA: Right. [LB783]

SENATOR GROENE: That doesn't sound reasonable. [LB783]

ELIZABETH EYNON-KOKRDA: Well, I think the Legislature several years ago basically made this finding that it's a policy of Nebraska to secure these rights. And they basically said, and have, I think, passed recent law, maybe two years ago to even increase the qualifications. So it's already in Nebraska's statute that you need to be what's called a qualified educational interpreter and the Legislature gave that to the Department of Ed to flesh out. And the Department of Ed said, well, what we're going to do is pass a license or a slash qualifications test to make sure that you really do know sign. And what this bill is trying to do is simply say seeing as the Legislature

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has already found that this ought to be the right of students, let us close that gap where school districts are kind of going around it by saying but signing doesn't mean interpreting. Interpreting is narrow, so we don't have to be qualified to sign. So it's basically the licensure and qualification pieces already exist. [LB783]

SENATOR GROENE: You realize in rural Nebraska, it's hard to find a teacher, period... [LB783]

ELIZABETH EYNON-KOKRDA: Absolutely. [LB783]

SENATOR GROENE: ...let alone one somebody that's licensed in. And to duplicate a service, the full-time position that has...is licensed is very, very hard to do in rural Nebraska. So I thought...I mean, you're not ask...this was existing law. I was just wondering why we couldn't have somebody who happened to live in the community or a family member that wanted to come to school and help. [LB783]

ELIZABETH EYNON-KOKRDA: I think you actually could, Senator. I believe that there's nothing that prohibits school districts from doing it. It's that the challenge becomes that if you're there and you go to the school district and you have a child and the child has this need, and the school acknowledges it's the need, the school's duty already is to meet that need through federal law through what IDEA requires. And I think it was the intent of the Legislature to also meet it through state law for people who have a language barrier that is for deaf and hard of hearing. So it's just the last piece which is if I bring my child to school and you say you're going to sign, and you say that's what they need, then you actually have to provide somebody that can do it. Now if you don't say that's what they need, well, then you don't provide it. But if you say they need signing, then it can't be somebody that doesn't know how. [LB783]

SENATOR GROENE: Thank you. Any other questions? Thank you for your testimony. [LB783]

ELIZABETH EYNON-KOKRDA: Thank you so much for your time, Senators. [LB783]

SENATOR GROENE: (Exhibits 1, 2, 3, 4) Any other proponents? Was there any...we received one, two, three, four letters of support for LB783 from the Nebraska State Education Association; Nebraska Speech-Language-Hearing Association; Amber Fritz of Creighton, Nebraska; and Julie Delkamiller. Opponents. Are there any opponents to this bill? We received no letters of opposition. Neutral testifiers? [LB783]

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JOHN WYVILL: Good afternoon Mr. Chairman, members of the Education Committee. My name is John Wyvill, W-y-v-i-l-l. I am the executive director of the Nebraska Commission for the Deaf and Hard of Hearing and my testimony here is neutral. We have a nine-member board that's appointed by the Governor: three deaf, three hard of hearing, and three--for the lack of better term--at-large members of the community. Our testimony is in three components. We are working in conjunction with the Nebraska Department of Education and recognize there's some serious challenges and opportunity for providing education for deaf and hard of hearing students in the state which result in we need to do better in terms of educational outcomes and employment opportunity for deaf and hard of hearing. To that end, we've been working with the Commissioner of Education with a task force that was created last year that meet...has met over 32 times with the various steering committees and subcommittees. We anticipate that we will be back here either in the fall or next year presenting our findings about what we can do systemically to improve educational opportunities. We encourage sponsors and supporters of this bill to continue working with us on that. Second, speech and language in the classroom is a very important component of success for the student, whether it be deaf, hard of hearing, or hearing student. As all of us know, we were all students once and we remember in class that sometimes it may be a challenge to understand what's going on all the time. Those that are deaf that rely upon the early-on American Sign Language, with sign language as a separate language and an interpreter, that becomes an even more critical function because they have someone in between them and the teacher or the professional. And for those, they even get less in the classroom. Third, want to make you aware that although we have no regulatory oversight over educational interpreters--that's a Department of Education Rule 51 function--we have oversight capacity over community interpreters and must emphasize for all of you on the committee the importance of having qualified, competent professionals providing communication access. Because without effective communication access, the student will not have the same educational opportunities of hearing students and unable to fill the mandate that's on our Nebraska state flag of being equal before the law. And that's all they're asking for is the opportunity to compete equally with everyone. And we will be more than happy to work with this committee and committee staff to answer any questions now or after this hearing. Thank you very much for your time. [LB783]

SENATOR GROENE: Any questions? Okay. ESUs...what...where do the services come from now most of the time when there's a deaf student in a school? [LB783]

JOHN WYVILL: Well, the student who is deaf or hard of hearing that requires an interpreter, the services can come from a number of different sources. There could be--for lack of a better term--since LPS is in the room, Lincoln Public Schools, let us say there's a deaf student in the Lincoln Public School system. Those services are provided by the school at the school that they're at with the support of the educational service unit. And they usually carry out that consistent with an IEP plan. And then they will have, if appropriate, an interpreter which has a educational interpreter performance assessment score or proficiency person that works with that student. And they

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usually work and have some sort of a communication plan with those students. So that's how the services are done, usually. [LB783]

SENATOR GROENE: Thank you. Any other questions? Thank you. [LB783]

JOHN WYVILL: Thank you for your time. [LB783]

SENATOR GROENE: Any other neutral testifiers? There is no letters neutral on LB783. If Senator Vargas is in the room, he can close. [LB783]

SENATOR GROENE: He waives closing, so that ends the hearing on LB783. We want to go to LB851 by Senator Linehan. [LB783]

SENATOR LINEHAN: (Exhibits 1, 2, and 3) Good afternoon, Chairman Groene and members of the Legislature's Education Committee. My name is Lou Ann Linehan, L-o-u A-n-n L-i-n-e-h-a-n. I represent District 39 in western Douglas County. I come before you today to ask for your support of LB851. LB851 would cap public school superintendents' total compensation at a multiple of five times the beginning teacher's total compensation in any given district. It is not, not a one-size-fits-all approach. If LB851 became law, every district would have the same latitude they currently enjoy in setting their beginning teachers' salaries and, therefore, their superintendents' salaries. It's important to note that though most of Nebraska's beginning teacher salaries are in the high \$30,000's, this number is not reflective of their disposable income. If a beginning teacher's base salary is \$38,000, their net income is far less. We all know teachers, even beginning teachers, must contribute 10 percent of their salary to Teacher's Retirement Fund. Another 7.5 percent of their salary goes to Social Security taxes, reducing their salary of \$38,000 to \$31,500 before there are any deductions for union memberships or medical and life insurance remits. If a young teacher has student loans--which I assume most do--I'm not sure how they're supposed to buy a house or start a family. You will recall that last week during testimony on Senator Walz's LB771, a family of three whose income is less than \$37,777, children qualify for reduced lunches. School officials, who appear frequently before this committee, refer to children who are eligible for free and reduced lunches as children in poverty. I find it highly problematic that we would pay beginning teachers just above the poverty level while paying other school officials--even the most senior officials--wages that outstrip almost all other public employees. Most parents, teachers, principals, and superintendents will tell you nothing is more important than the teacher in your child's classroom. I doubt there are many in this room today who, at one time or another, did not request a particular teacher for their child. I know I certainly did. I do not say any of this to discount the importance of a talented principal or superintendent. They, too, are critical. LB851 represents about it's a matter of fairness. I would refer you to the handout entitled "School Superintendents Association 2016 AASA Superintendent Salary & Benefits

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Study," dated February 2017. This is attached to my testimony. Please note at the bottom of the third page, it's page number 13, what the association says. "An important metric often calculated in the private sector is the ratio of entry level worker compensation with that of the CEO. Accordingly, the median entry level salary of teachers was compared with the median salary of the superintendents arrayed by district." It's the chart right above...it's the bottom chart on the third page you have, number 13. "The ratio appeared to widen over the past three survey periods regardless of the district's enrollment. What remains to be investigated is the impact of teacher shortage on the ratios in the future." Please also note nationally--the top of the page is the teacher's salary and the page before it's superintendent's salary--and only by a...excuse me. Please also note nationally during the 2016/17 school year, and only by a minimal amount in districts over 25,000, the ratio of superintendent to teacher pay does exceed 1:5 during the 2016/17 school year. What is more troubling for Nebraska is that while our teachers' compensation seems to fall at the median, some of our superintendents are far above the national median. Again, this is a matter of fairness. Before I wrap up my introduction, I would like to address a complaint that has been repeated in multiple letters to the committee and to, I'm sure, you, in e-mails, and in the press regarding how this legislation usurps local control. With all due respect to local control, how do we balance local control with the fact we, the Legislature, collect taxes from Nebraskans and then through TEEOSA and other programs send \$1.5 billion to school districts? Are we not to exercise any oversight? We have a fiduciary responsibility to the dollars flowing from Lincoln to school districts. Local control does not erase that responsibility, not for public schools or any other institution which we fund. Further, the legislation is constitu...the Legislature is constitutionally required to ensure every child in Nebraska between the ages of 5 and 21 is afforded an education. The central tenet of that responsibility is to ensure that there is an effective teacher in every classroom. LB851 will help do that. And I'm more than willing to take questions. Thank you. [LB851]

SENATOR GROENE: And are there any questions? Senator Linehan, it always bothered me; maybe I don't like percentages because the rich get richer and the poor get poorer. When I hear a school board member or somebody tell me they gave the teacher a 5 percent raise and they gave the superintendent a 5 percent raise, well, \$40,000 times 5 percent is \$2,000; \$200,000 times 5 percent is \$10,000 and I don't think their electrical bill went up any more than the teacher's did. But wouldn't it be better if we start somehow pay raises for administrators were in dollars and not percentages? [LB851]

SENATOR LINEHAN: I agree wholeheartedly with your point. It is...and I know this is not just with public officials, but in the private sector too. When somebody gets a 10 percent raise and they're in their 50s and it is their 20th year at the same job, that's a lot more than the young people who have babies or young kids in school who are trying to buy a home, who are still paying off student loans. And it's...I think the problem...and I know it costs the schools a lot more than \$38,000; to have these teachers start, it's more like \$60,000. But so much of their

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compensation is out of their control and I think many of us on the committee, and I, have young adults starting out their family, it's very...it's very expensive. And when that much of your compensation--almost 50 percent--is out of your control, it makes it very hard to feed your kids and buy a car and get a house. [LB851]

SENATOR GROENE: So what you're trying to do here is raise the beginning pay. [LB851]

SENATOR LINEHAN: Well, what I'm trying to do here is point out the fact that we've got teachers who have gone to school for four years and they...our children are most dependent on them for their education, that we're not paying a reasonable wage to. And I'm not saying their total package is not reasonable--\$60,000--but I think we need to look at adjustments as maybe, I'm not sure. I have not dug into that, but it just doesn't seem reasonable to me that we expect a young teacher to be, basically, bringing home poverty-level wages. [LB851]

SENATOR GROENE: You do understand it's all tied to the CIR? [LB851]

SENATOR LINEHAN: I do understand that that is part of the issue, yes, sir. [LB851]

SENATOR GROENE: The teachers' union eat their young; they keep the price...pay low at the beginning so that they can top the...at the end of the pay scale because it's tied to their retirement. So raising the lower pay will cause a big, huge increase for school budgets on the upper end. [LB851]

SENATOR LINEHAN: I think...I understand exactly what you're saying and I find that very problematic that we...it also has...this I also find problematic. I think if you're going to make a salary that you can send kids to college on, it encourages you in education to go into administration. And, therefore, we're not encouraging people to stay in the classroom. And I find that problematic. So I think the whole...better answer would be, Chairman, we just need to look at the whole system and how we're paying and what we're paying people to do. [LB851]

SENATOR GROENE: In defense of the school board, they cannot raise the lower pay without doubling the pay at top. [LB851]

SENATOR LINEHAN: Okay, well, then we should look at that, sir. [LB851]

SENATOR GROENE: Thank you. Any other questions? Senator Pansing Brooks. [LB851]

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SENATOR PANSING BROOKS: Thank you. Thanks for bringing this, Senator Linehan. Number one, what does the AASA stand for? I'm sorry not... [LB851]

SENATOR LINEHAN: Yeah. That's okay. I...it's the American Association of School Superintendents Association. So that's not quite...I have it right here, it says AASA and under it, it says School Superintendents Association. So I'm assuming part of that's American. [LB851]

SENATOR PANSING BROOKS: It's the same, somehow. [LB851]

SENATOR LINEHAN: But it's a study that they published which, if you read the foreword--and I've got the whole study here if you'd like to look at it--they basically published this study to help enable superintendents to negotiate salaries. [LB851]

SENATOR PANSING BROOKS: Okay. So I totally agree with you that super...or that teachers aren't paid enough. So and I...and I totally...I totally get that you're saying that there's a discrepancy there. Did you look at any other ways to...I mean...by limiting superintendent salaries--and there's where I have an issue about--like in Lincoln and Omaha, especially trying to hire people and keep competitive. There's an issue about trying to be able to pay wages that are similar to what's happening nationally to big companies. When you think about Lincoln Public Schools being, what, I don't know, it's the second largest employer. [LB851]

SENATOR LINEHAN: Right. But here's where I think we've gotten a little bit away with superintendent's salary. I realize they have very tough jobs and they have huge responsibilities and we want the very best we can find. But that's true in many public jobs, and yet salaries...we're all public employees. We have police, obviously the military, our congressmen, our senators. There are many, many public employees who would argue that they could do better in the private sector. We're not the private sector. This is...these are public employees and they are...they need...there needs to be an understanding that there's some kind of cap here as to what public employees should be around; and I don't think it should be double what we pay the Secretary of Defense of the United States of America. [LB851]

SENATOR PANSING BROOKS: So I, I mean, I totally get what you're saying. Again, I get what you're saying about the teachers. I just...I wish we could have this bill and this discussion about teachers without having to bring it in... [LB851]

SENATOR LINEHAN: Well, I... [LB851]

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SENATOR PANSING BROOKS: ...to throw superintendents under the bus. I mean, this discussion that you're bringing is really important and it's critical to so many in our communities and, you know, people are tone deaf to the fact that teachers who create our future are getting paid--as you point out--poverty wages. [LB851]

SENATOR LINEHAN: But I do think, in fairness, and I have not done a study, a complete study. I do think there are teachers that get paid well. There are some teachers, if they stick with it long enough. [LB851]

SENATOR PANSING BROOKS: Yeah. Right. [LB851]

SENATOR LINEHAN: It's the sticking with it long enough. And so I think it would be well worth it and I'd be interested if the committee's interested in doing a study about it over the summer to see if we can see a way where there isn't this dramatic kind of like almost poverty level wage when you start out, hoping that 20 years from now when your kids are ready to go to college they'll be in fine shape. [LB851]

SENATOR PANSING BROOKS: Right. [LB851]

SENATOR LINEHAN: It's just, I think there needs to be a fairness. And one...just one little...can't...I don't want to...I don't think I'm throwing any superintendents under the bus here. I...the vast majority of superintendents in the state of Nebraska are far under five times the beginning teacher's salary. I think one of the things that I found problematic when I looked at this over the summer is the superintendents who are getting paid at the highest levels are also the superintendents that are in the highly equalized school districts. So there is...I mean, you talk about fair, is it fair that we have equalized school districts who are getting almost 50 percent of their budget from the state of Nebraska that can go out and pay a superintendent \$300,000 to \$400,000 when we have--I don't ever get this number quite right--but 172 school districts that get no equalization pay? So are those superintendents who clearly--if you look at the numbers which we lined them up by the amounts--the superintendents in those unequalized school districts are not making those kinds of wages, not anywhere near. Very few, if any, get to 200. So I think it's a matter of--and the chairman was an economics major; I didn't do that well in economics--but there's some theory that the more money you put...the more money available pushes cost up, and I think that's some of what we have going on in our equalized school districts. I mean...and I do think some of this goes back to 2009 and '08 when federal funds came in. It was a...it was a artificial injection of a very large amount of money into equalized school districts. And I think, over the last 10 years, is kind of unbalanced from the rest of the school districts. [LB851]

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SENATOR PANSING BROOKS: So I'm still asking...have you done any kind of number crunching so that you can see that by somehow limiting or creating a cap for the superintendents is going to help...can directly help the teachers in any significant kind of way? Because otherwise we're talking two other...two different really important things. I mean... [LB851]

SENATOR LINEHAN: Well, it's the same pot of money, Senator. If you have an account...if you have a finite amount of money in your budget and you have to pay more than would seem reasonable, I think to most Nebraskans, to the people at the top of the pay scale, it leaves less for the money if I go off the bottom of the pay scale. It's just...it's just all about discrepancies. Five times is not a small discrepancy. That's still a lot of growth room there. [LB851]

SENATOR PANSING BROOKS: Okay. [LB851]

SENATOR LINEHAN: Oh, we have our closing. [LB851]

SENATOR PANSING BROOKS: Okay. [LB851]

SENATOR GROENE: Any other questions? Senator Ebke. [LB851]

SENATOR EBKE: Thank you. Thank you, Senator Linehan. Does your bill take into consideration the nine-month versus 12-month contracts? So teachers typically have a nine-month contract. They get paid over 12 months, but they have nine months of work versus superintendents who--at least in my experience--are typically on a 12-month contract. Does that...is that factored in, or do we have a model for that? [LB851]

SENATOR LINEHAN: Well, I would say...did I...I would say five times is factoring it in. I mean...I...again, this is not...we're talking \$37,000 versus...what is five times 40...is the easier number, or five...total salary, so it's 60 beginning, 60 times 5 is \$300,000. That's the cap we're talking about, \$300,000. It's not insignificant amount of money. [LB851]

SENATOR EBKE: Okay, so are you counting also benefit... [LB851]

SENATOR LINEHAN: Yes, benefits, yes. [LB851]

SENATOR EBKE: So if you...so if you include...if you include starting salary plus benefits. But the benefits packages are going to vary from school to school. So, you know, even schools of the

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same size. I mean, because in my...when I was on the school board, we had, you know, we had our array and the benefits package was different from place to place. [LB851]

SENATOR LINEHAN: Right. So the language in the bill is total compensation versus total compensation. [LB851]

SENATOR EBKE: Okay. [LB851]

SENATOR GROENE: Any other questions? Thank you, Senator Linehan. You're closing later? [LB851]

SENATOR LINEHAN: Yes. Thank you. [LB851]

SENATOR GROENE: Proponents? Any proponents? No proponents? There's no letters for proponents. I guess nobody wants to cap any salaries. We'll have opponents now. Go ahead at any time. [LB851]

LACEY MERICA: All right. Chairman Groene and members of the Education Committee, my name is Lacey Merica, L-a-c-e-y M-e-r-i-c-a. I am vice president of the Omaha Public Schools Board of Education and the chair of their legislative committee. And I'm appearing today to testify in opposition to LB851. Omaha Public Schools, like much of the state, believes in local control. As an elected official, I, like all of you, have to make difficult decisions involving our budgets. No member of our board takes these decisions lightly. But we know Omaha. We know our schools. We know our students. We know our staff. We make decisions that we believe are in the best interest of our students, staff, and our whole OPS community. One of those decisions is to set the compensation of our superintendent at a level that will attract and retain the best and brightest, while being cognizant that the taxpayers who elected us give us our funding for those salaries. And when we make those decisions about superintendent and teachers' salaries, we hear from our constituents. If the votes we make as a school board do not reflect the feelings of our constituents in the districts we represent, we hear from them and they have the opportunity to vote us out of office on a frequent basis. LB851 is a government intrusion into the free market system. Superintendent salaries are set by the market. In order to get top talent, a district must be able to offer an attractive compensation package. To artificially set limits on superintendent pay could have the opposite effect of what is intended. A well-qualified superintendent can identify and implement policies that can make a district run more cost efficiently. More important, such a superintendent can implement policy that increase student achievement. It is vitally important to the children of OPS and every other district in our state to have the best people in place to lead their district. If OPS cannot offer a competitive compensation package, the best will go to one of the other 48 states that do not have these limits. Right now, OPS is in the middle of a search for a

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new superintendent, in case you haven't heard. We are fortunate to have many well-qualified applicants; however, a policy such...that..a policy such as that set forth by LB851 would have a chilling effect on future searches or searches by other districts in our state and would encourage talented people to apply for positions in Kansas, Colorado, Iowa, Minnesota, Washington, other states rather than coming or remaining in Nebraska. I would urge the committee to indefinitely postpone LB851; and I would be happy to answer any questions that you have. [LB851]

SENATOR GROENE: Questions from the committee? Senator Erdman. [LB851]

SENATOR ERDMAN: Thank you, Senator Groene. How much does your superintendent get paid? [LB851]

LACEY MERICA: Our current superintendent's salary this year is about...a little over \$295,000. [LB851]

SENATOR ERDMAN: And so if...did you apply Senator Linehan's bill? Would he get more or less? [LB851]

LACEY MERICA: It would be less. Our starting teacher's salary currently is \$41,000. As a board, we've taken great steps over the past three years to increase our teachers' salary because we value our teachers. We recognize that teachers do need to be paid more. So our starting teacher salary, we have progressively increased to \$41,000, so if you apply the five times, I think that would take us to just over \$200,000. [LB851]

SENATOR ERDMAN: Now, the \$41,000, that's all benefits and everything included? [LB851]

LACEY MERICA: That is just base salary. That's not including benefits. [LB851]

SENATOR ERDMAN: I believe her bill says all benefits included. [LB851]

LACEY MERICA: If you take it to all benefits included...I can get back to you on the exact number. I know the World-Herald did a chart of that yesterday. But it would still be a reduction in our superintendent pay package. [LB851]

SENATOR ERDMAN: You don't think their benefits would equal \$12,000, \$15,000 for each teacher? [LB851]

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LACEY MERICA: No sorry. If you took our teachers' salary and benefits total package and multiplied it by five, we would still have to reduce our superintendent pay and package because it would be currently above the five times. [LB851]

SENATOR ERDMAN: New teachers salaries start at \$41,00 base pay? [LB851]

LACEY MERICA: Yes. [LB851]

SENATOR ERDMAN: Okay. [LB851]

SENATOR GROENE: Any other questions? So you're presently looking for a superintendent, right? [LB851]

LACEY MERICA: Correct. We had 74 people apply for the position and we actually just had to postpone our board meeting due to the weather to tomorrow night and we are looking forward to announcing finalists tomorrow night. [LB851]

SENATOR GROENE: So have you...when you put out for applicants, did you list the pay that you will be paying? [LB851]

LACEY MERICA: We did. What we said in our posting was that it would be in the range of \$300,000 plus benefits. [LB851]

SENATOR GROENE: And those benefits add up to quite...I mean, you're matching their retirement by nine...over 9 percent, health insurance probably \$16,000, \$17,000. And I've read articles; isn't there some spiffs that administrator gets? [LB851]

LACEY MERICA: That can honestly vary from superintendent to superintendent. Different superintendents have different benefits in their packages. I know there's some...there's some districts that provide a car to their superintendent. We don't do that. Some districts pay more for cell phone service because, obviously, a superintendent is expected to be available 24/7, 365 days a year to handle issues as they arise. [LB851]

SENATOR GROENE: Does your superintendent...is...are they required to be on your health plan? [LB851]

LACEY MERICA: I can double-check on that and get back to you. [LB851]

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SENATOR GROENE: Because I know of a few that took more money and then bought their own because they were retired. They'd get 80 percent of that towards retirement. But...so thank you. Just good luck. [LB851]

LACEY MERICA: Thank you. We are very optimistic and we had a very impressive pool of candidates and hopeful that the community will be happy with the finalists that are presented. [LB851]

SENATOR GROENE: Thank you. Senator Erdman. [LB851]

SENATOR ERDMAN: Thank you, Senator Groene. Do you have any...do you have any requirements on as far as standards that your kids must meet before they get a bonus, or do you have any incentives like that for graduation rates and anything that comes into your contract? [LB851]

LACEY MERICA: That is an excellent question. Historically, OPS hasn't. Our board actually took the step of putting that in I believe two or three years ago where we did structure kind of the compensation increase based on metrics where, you know, this is our goal for graduation rate; this is our goal for NeSA test scores; ACT type score. And then we also included climate surveys. Do parents feel like they're being engaged in the district? What's the staff and other administrators' satisfaction rating as far as their engagement with the superintendent? And so we did build a matrix that used those rankings, tied them to specific amounts and, if the goal was met, they were eligible to receive that bump in pay. If the goal was not met, they didn't receive that. For the next superintendent, that would be part of our contract negotiations, whether they're open to that type of plan or not. [LB851]

SENATOR ERDMAN: Would those extra pay be significant? [LB851]

LACEY MERICA: I can...we can get the information to you on specifically what that amount was. It was in range with what other administrators have received as far as raises. [LB851]

SENATOR ERDMAN: If I remember correctly, I think last year we had some discussions about the proficiencies of some of the schools, elementary schools in OPS, and there was a number of them that weren't proficient in reading. I would think if I was the school board member, I'd put some of those stipulations in place that they must improve those kind of things. And we heard this morning on the floor that 75 to...25-70 percent of those students have graduated from high school to go to community college and have to have remedial math. And third...18-33 percent, or 38 percent need help in English. I'm thinking the high schools need to do a little better job and

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the education system needs to improve so those students don't have to take that. I think that would be a qualification I'd put on my superintendent that our schools need to improve so when our kids come out of it, they can go to school...go to college if they need to. [LB851]

LACEY MERICA: And that is definitely a concern of our board. That's something we spend a large amount of time discussing on when we received our NeSA test scores and the ACT test scores from the junior class last year, directing the district to bring back a plan to the board of specifically what we were going to do to look at those issues, how we were going to improve scores, how we're going to increase student achievement going forward. [LB851]

SENATOR ERDMAN: And it's very important because we're not doing too good. Thank you. [LB851]

SENATOR GROENE: Thank you. [LB851]

LACEY MERICA: All right. Thank you. [LB851]

LANNY BOSWELL: (Exhibit 5) Senator Groene, members of the Education Committee, my name is Lanny Boswell, L-a-n-n-y B-o-s-w-e-l-l, and I am here on behalf of Nebraska's 1,724 locally elected school board members as the president of the Nebraska Association of School Boards. Today you will hear a lot about local control. Nebraska consists of 531 communities. Inside those communities are over 1,700 people serving as school board and ESU board members. The three main responsibilities of these board members are setting policy, managing a responsible budget, and hiring and evaluating a superintendent. No one is in a better position to judge the effectiveness of a superintendent than the locally elected board. When a superintendent is hired, a board goes through a lengthy process to identify a qualified candidate. They then establish annual goals that support student achievement and come up with a system to evaluate the superintendent. LB851 arbitrarily limits the pay for superintendents to five times that of a first-year teacher. Whether you see this as a floor or a ceiling, this bill and the local conditions that vary across Nebraska's 260 districts call for informed judgments from those closest to each specific situation as opposed to an inflexible, one-size-fits-all mandate. Please recognize that our boards are competing with those in other states to bring in the best and brightest innovators to lead their districts. We need the flexibility to offer what the fair market demands for their talent while still being focused on managing a responsible budget. Like you, ultimately, we are all accountable to the voters to find that balance. Thank you and I would be happy to take questions. [LB851]

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SENATOR GROENE: Questions from the committee? You do know that administrators aren't under the union under the CIR and you do not have to take a raise and you can hire...you can offer a contract at any amount you wish. [LB851]

LANNY BOSWELL: Yes, sir. [LB851]

SENATOR GROENE: I keep hearing from school boards they have...they take an array of around school boards and they get an average like you do in union contracts and then that's how you set your pay. How would you do that? [LB851]

LANNY BOSWELL: Well, I can't speak...so my experience with evaluating superintendent has been through my experience on the Lincoln board and I...I recall us looking at similar situated superintendents. But ultimately, our discussion isn't based on an array. I have not seen an array for superintendents. [LB851]

SENATOR GROENE: Thank you, sir. [LB851]

LANNY BOSWELL: Thank you. [LB851]

SENATOR PANSING BROOKS: I have a question. [LB851]

LANNY BOSWELL: Oh, I'm sorry. [LB851]

SENATOR PANSING BROOKS: Thank you for coming, Mr. Boswell; I appreciate it. So you are speaking to one section of the bill which deals with the superintendents. But I just...do you have any comments on the other intent portion of the bill which is to pay teachers more, and that whole issue? I mean, clearly there's two issues that Senator Linehan's trying to address and did the boards decide to discuss that at all about teacher pay or mainly only object to the bill because of the fact that it is tied to the pay for superintendents? [LB851]

LANNY BOSWELL: I really appreciate the question, Senator, and thank you. This is a ratio, so it is a 5:1 ratio and so I think you're certainly correct that the two ways to address this are when a district is outside of that 5:1 ratio or either to lower the superintendent's pay or raise the compensation for a starting teacher. With the way the math works, because the number of starting teachers is so much greater, the funding that would be required to raise up the starting teacher's salary to be one-fifth of the total compensation for the superintendent, I think led us to believe that the focus of the bill is on lowering the superintendent's pay. And we can certainly get you numbers on that for different districts, but to the larger point of the hardworking teachers

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across our state and their compensation, NASB would be happy to work with you and the committee on ways to discuss teacher compensation because we do believe that teachers across the state are very deserving and hardworking. [LB851]

SENATOR PANSING BROOKS: I think that'd be great. I'd like to see some of those numbers. Again, having teachers working at poverty levels is--I think everyone in this room would agree--ridiculous. So I guess I think it's worth discussing. It's worth looking at and worth contemplating and maybe the 5:1 issue isn't the way to go. But clearly, a large part of this intent is to look at making sure that people in our state are paid appropriately for the work that they're doing on behalf of our children. So, again, I would hope that we could possibly work to see if there's some common ground there too. You know, I guess I feel like the underlying intent to help those in poverty and those teachers that are struggling versus the...I think everybody focusing on the fact that we're worrying about the superintendents, which I agree, as I said before, we need to pay appropriately. But clearly the intent to protect and to help teachers is within...all throughout that bill and we need to discuss it and prioritize that part of this bill, in my opinion so. [LB851]

LANNY BOSWELL: I appreciate those remarks. [LB851]

SENATOR PANSING BROOKS: Thank you. [LB851]

SENATOR GROENE: Senator Erdman. [LB851]

SENATOR ERDMAN: Thank you, Senator Groene. Thank you. So let me be clear on what you said. You said you like local control and you want the superintendents to be compensated by the school board, right? [LB851]

LANNY BOSWELL: That's correct. The compensation for superintendents should be determined by the local board. [LB851]

SENATOR ERDMAN: Okay. Then just a moment ago you said maybe you can help us figure out how to pay teachers better. So do you want local control for paying the teachers but you don't want local control for paying the superintendents? That doesn't work. That's your responsibility for how to pay the teachers. So if you want some help, we can help you with the superintendent's pay and with the teachers. It's either one way or the other, but it can't be both. [LB851]

LANNY BOSWELL: Well, Senator, I think as you look across school funding, you see that some of those resources come locally and some of those resources come from the state. The constitution, of course, is a state requirement to provide education in the common schools for

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students between ages 5 and 21. But the Legislature has created local school boards to oversee that work by setting policy, by establishing budgets, and evaluating a superintendent. So we're...we are very willing and appreciate the opportunity to work with you on all of those issues. Specifically to the point of superintendents, I believe that the local boards who work on a day-to-day basis with the superintendents are the ones best positioned to evaluate them and determine what an appropriate compensation would be. So that was the intent of my remarks. [LB851]

SENATOR GROENE: I have a question. [LB851]

LANNY BOSWELL: Certainly, Senator. [LB851]

SENATOR GROENE: So then you would support an effort to eliminate the CIR so that we could dictate beginning teachers' pay and maybe allow high-demand positions like chemistry and the sciences could be paid...a school board could arbitrarily pay more for those positions? [LB851]

LANNY BOSWELL: I don't believe that that's NASB's position, but we can certainly get you the information on that. [LB851]

SENATOR GROENE: That'd be a good answer. [LB851]

LANNY BOSWELL: And, of course, it would depend on what would replace it. [LB851]

SENATOR GROENE: Would you support if the Legislature defined what administrative positions are? Because I think the public's concern is the cost of administration as a whole. But I can go to one district and their HR person is an employee; next, their assistant superintendent. I can go to one district and they have a special ed coordinator, who's a staff; and then I go to another one and they're considered an administrator so they can inflate the pay. Would you think it would be wise to put into statute what positions are considered administrative? [LB851]

LANNY BOSWELL: I think I would have to see the statute. In general, I would say that providing school boards with the flexibility to define positions, even hybrid positions, could be helpful because one of the things that I have learned through my role with NASB as apart from my local board is how different conditions are across the state and across our different districts. And so I...if there were a theme to the message, I would encourage you to provide flexibility. I... [LB851]

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SENATOR GROENE: It's hard to judge administrative costs across the state when one school has an HR person as an assistant superintendent and the next one has them as a staff employee. It's hard for the public to understand administrative costs when every school district defines the position differently. That's a concern I've always had. So we could use your support. [LB851]

LANNY BOSWELL: Okay. We'd be happy to work with you on ways of organizing that information. I think we're all best served by clear, transparent information. [LB851]

SENATOR GROENE: Thank you, sir. [LB851]

LANNY BOSWELL: Thank you. [LB851]

SENATOR GROENE: Next. [LB851]

MIKE PATE: (Exhibit 5) Good afternoon. Thank you, Senator Groene and members of the Education Committee. My name is Mike Pate, that's P-a-t-e, and I'm here to testify in opposition to LB851. I am here today representing Millard Public Schools. I am currently the president of the Millard Public Schools Board of Education. But I'm also here as a local businessman in Omaha, as president and CEO of United Republic Bank. I am currently in my 22nd year serving on the Millard Public Schools Board of Education. Millard Public Schools is the third-largest school district in Nebraska with approximately 24,000 students and 3,500 employees. We operate 25 elementary schools, 6 middle schools, 3 high schools and 1 alternative high school. We have a general fund budget of approximately \$230 million. And I've seen over my 22 years, in the course of my time on the board, very significant changes. You might be asking why is this background information important in these discussions. Quite simply, if I look at it strictly from a business perspective, those numbers represent one of the largest businesses in both the state of Nebraska and in the Omaha metropolitan area. One of the greatest challenges I face in my company, as do many of the businesses across this state and owners across...business owners across the state, is the issue of attracting and retaining a qualified work force and education is no different. I am a firm believer in local control and a free market system. I'm also a firm believer in accountability. In my business, I look for a return on investment and that's done through profitability. In public schools, the return on the investment is difficult to quantify; but I measure it by looking at student achievement results. That's the expectation our community has placed on us as a board of education; and if they don't feel they're receiving that type of return on investment, they vote us out of office, quite simply. That's local control. If enacted, LB851 would usurp local boards of education's ability to hire and retain the best possible superintendent candidates and would likely have a trickle-down effect to other public school employees who might think: are we next? Now, more than ever, we need to attract and retain the best qualified individuals; and this bill would have major negative consequences for our state. Recently, the

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Greater Omaha Chamber of Commerce came out with a future economic development strategy with the focus on three specific goals. One of those goals states: By 2040, we will be a region of 1.3 million people--that's the Omaha metro area--a place where everyone thrives. Many of those goals are focused on acquiring and retaining a diverse, educated work force to ensure these goals are met. Another example is the recent announcement by Omaha Mayor Jean Stothert, recommending an increase in the Omaha police chief's salary of \$33,000 over the next five years. Why the increase? Because he has excelled in his job and because other cities are interested in his talents and have, quite honestly, offered him more money. I applaud Mayor Stothert for taking this position in trying to retain a key city employee. Finally, consider the recent hiring of the University of Nebraska's head football coach, Scott Frost. Imagine if the Regents and the university had placed compensation restrictions on the athletic director's ability to hire the best candidate for the job. My guess, we would have hired another average coach. We have been average most of the...we have been average in the football program and most of the state doesn't like it. I don't think we want to settle for average when it comes to education...educating our children. Free markets and local controls work. One other...couple of other points I'd like to make that aren't in my written testimony, I do want to remind everyone that Governor Ricketts was searching for talent as well, and he used a search agency, to find key cabinet members for his administration. And that was because he wanted to find the best talent he could possibly find, and he reached out to search agencies to help him do that. I also want to mention that the...when you take a look at superintendents' salaries, there's also another salary that's...I look at in Omaha, and that's the Learning Community Coordinating Council's CEO salary. That individual makes roughly about \$138,000 base salary; total comp is probably \$150,000 to \$155,000, and he manages a staff of about six people. Okay? To me, when you take a look at a school district to \$24,000; take a look at somebody that's making \$150,000 base in education and only has six people as direct reports, there may be an issue with that. I also recall in conversations regarding Senator Linehan's testimony to you; I also remember conversations Senator Linehan and I and others have had where she has actually stated that we pay our teachers too much, and that's a conversation I recall very, very vividly. That's not...that's not the case at all. And to Senator Pansing Brooks' comments with regards to teacher salaries, yes, I believe that that is an issue. I pay--in my business--I pay my tellers...tellers, today, nearly the same salary as a starting teach...or as a teacher makes today. And that's because the markets dictate that. I have to pay that in order to get a good teller, a good market teller; so, it's market driven. It's market driven. So it is poverty level. My daughter is a teacher, she's a single mom of two. It's tough to make ends meet on a salary that she's making being a single mother and family of...with two children. And with that, I will answer any questions you might have. [LB851]

SENATOR GROENE: Go ahead. Senator Pansing Brooks. [LB851]

SENATOR PANSING BROOKS: That's okay. Thank you for coming...sorry, just dropped...thank you for coming, Mr. Pate. I really appreciate your testimony regarding your

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business perspective and the return on investment and your comment that it's hard to quantify what the return on investment is for schools. And that's just because there's so much discussion about turning government into a business, but we have to take care of our kids and we cannot necessarily make money off taking care of our kids. So I agree with you totally that if you are doing a good job and the scores don't measure up and we can all be voted out of our office. But the idea that free markets and local control works is a good one. I appreciate the fact that you are concerned about those teachers that are...that are living at really low near-poverty level wages. So thank you for your comments. Thank you for coming today. I really appreciate it. [LB851]

MIKE PATE: You're welcome. Thanks. [LB851]

SENATOR PANSING BROOKS: It's a really good perspective how we cannot just run something like the education of our students within government as a business because a business is supposed to make money. And so to make money off the backs of these kids and the teachers that are working so hard every day is pretty nearly impossible, in my opinion. So thank you for coming. [LB851]

MIKE PATE: Thank you, Senator. Yes, Senator. [LB851]

SENATOR GROENE: In your business, you said you hired tellers at the same price of beginning teachers. Through your experience, do tellers make twice as much as your beginners doing the same job? [LB851]

MIKE PATE: I'm sorry. [LB851]

SENATOR GROENE: Do your experienced tellers make twice the salary as your beginning tellers doing the exact same job? [LB851]

MIKE PATE: No, they make comparable salaries. [LB851]

SENATOR GROENE: You hire a beginning teacher, they will make half of what another teacher that might be there 16 years longer; is that not true, that has a doctorate degree? [LB851]

MIKE PATE: It could be. But there's a cap that eventually...if you stay in a position--in my business--if you stay in a position for a certain length of time, you can only earn so much unless the market dictates that that salary has to increase in order to keep you happy and keep you as an employee of the company. [LB851]

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SENATOR GROENE: As a manager...as a school board member, would you like, sometimes, to raise the beginning pay without raising the top-end pay, like you can in the free markets? [LB851]

MIKE PATE: Sure. And one of the concerns I've had, and I've stated this publicly many, many times, is we have a teacher shortage. And I think that's only going to get worse because as teachers...as anybody coming out of school today that's thinking of being an educator, coming out of school today, and they're looking at being a teacher as a profession, knowing that they're going to probably be making \$38,000 to \$40,000 a year where private-sector jobs are maybe offering a little bit more than that, that's going to be a concern going forward, is are we going to be able to attract and retain good teachers, which is probably one of the most important jobs going forward. So I would love to take a look at how we can do that, but there's only a certain pot of money to go around. [LB851]

SENATOR GROENE: There's also limitations with the Committee (sic--Commission) on Industrial Relations. [LB851]

MIKE PATE: Don't disagree with you at all. [LB851]

SENATOR GROENE: Thank you. [LB851]

MIKE PATE: You're welcome. [LB851]

SENATOR GROENE: Any other questions? Next testifier? Thank you. [LB851]

MIKE PATE: Thank you. [LB851]

BOONE HUFFMAN: (Exhibit 6) Education Committee, thank you for having me. My name is Boone Huffman, B-o-o-n-e H-u-f-f-m-a-n. I'm here today to represent Chadron Public Schools. I'm a board member, local rancher, and we also own another couple businesses. First off today, we're in opposition from Chadron Public Schools about this. You might ask why do we drive seven hours to testify about a bill such as this? And what really starts to boil down to is we're in a unique situation where we have about \$300 million worth of valuation that we cannot tax because of state parks, federal lands, college, that type of thing. And then our ag land is very poor, grassland for the most part, and we don't have the large tax base to use. So it's very important for us that we have the local control. And what I feel that this bill is, is just one more mandate that we've already got enough federal and state mandates. You just keep piling them on. And it should be up to us locally elected officials to run our schools as we wish. We're on the

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opposite end of these large school districts. Our superintendent does not make what the 1 in 5. She'd be more at the 1 in 4. Yet she earned superintendent of the year. Our test scores are the top in the Panhandle and nearly top in the region yet with 40 to 50 percent poverty rate in our schools. Secondly, I think it violates the free market principles. If we were a struggling district, I think it would be very important for us to be able to go out and get that best talent that we could. If that's the one thing to pay an extra \$40,000, \$50,000 in order to secure that candidate, I do not want to be capped by somebody in Lincoln, a bill in Lincoln, telling us how to run our schools in Chadron with the unique distances and things that we have to do, traveling to conferences and those types of obligations. I think it's very important that the local control stays and offers the free market principles for those other schools. There may be some right down the road--we pray not--but Chadron is struggling, not at the top, and we need to make that move. And I don't want to be handcuffed by a bill such as this. Again, I feel it's a one-size-fits-all type of bill. It doesn't give the districts ambiguity to do as they see fit. In fact, talking about teacher wages and that thing, when we lost \$1.6 million in our budget, which was dang near 20 percent, our teachers they took a freeze in pay. Our superintendent took a three-year freeze in pay. She is superintendent of the year; our test scores are at the top in the region; yet she's the lowest paid superintendent probably in that region and...for that size of school. But on the opposite end of that, we don't want to be handcuffed. You know, and that's why we're bringing this position from here. Just overall, our local and rural communities are struggling because of issues of taxes, because of that weight on our people, the valuation is increasing 20 percent a year. And yet here we are testifying on a bill that's going to save the state, what, \$400,000? I mean we're talking millions of dollars struggling districts, and we're worrying about a \$400,000 bill. And to me it's silly almost, you know, that that is where we're at. But it's definitely not excessive superintendent pay that's crippling our schools and our ag producers. I mean, that's not where it is. Yeah, maybe it is too high sometimes on certain districts, you know. But we as a community and a great place to live, we can attract talent to Chadron that maybe others can't and they're willing to have, you know, a lower salary because we have lower housing and those kinds of things that go along with that. So there's a lot of pieces out west much different than here. And I mean with that many kids and high schools, you know, obviously we're not in that category and so our superintendent isn't going to make as much as that. But yet we want our teachers taken care of. Pretty much in the end, the teacher pay makes up 75 to 80 percent of the salary of a district. And a district like us where we have no valuation with a \$1.05 mill levy, we raise that bottom teacher pay and we pretty soon have roads we can't repair. I mean it's a balancing act. So if we're forced in some mandate, that gets us in trouble. And the flip side is, again, is this going to be a floor or is it going to be the ceiling? I feel once our superintendent--she's retiring in three years--if this one in five rule is in place, they're going to come to us saying we deserve \$170,000. Well, we've been paying her a much lower rate. Now do we lose that opportunity to say this is what Chadron offers, you walk into a great situation? Yeah, you may be taking a little less, but your life is going to be pretty good. There are not going to be people up your door every day and, you know, so ultimately local control. The consequences of this I think are farther reaching than what this

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bill, good intentions I think to do. But that's...if anybody has any other questions, I'd be happy to answer them. [LB851]

SENATOR GROENE: Questions? Senator Ebke. [LB851]

SENATOR EBKE: I think you raise an interesting point there with respect to the floor or the potential for a floor on the superintendent's salary because I went through two superintendents while I was on the school board and in both cases that was something that we considered. We knew that they were coming to the end at some point. And you asked the question, okay, what can we do to incent them to stay for an extra year or two even though they might be a few years out? And sometimes a salary is a part of that, if you can...I think we were closer to 3.5 or 4, 1 to 3.5 or 4 at the time, so then do we say, well, okay, if you'll stay for another three years we'll give you...we'll put you up to 1 to 5 so you could be on to something there. [LB851]

BOONE HUFFMAN: Yes. I think that is a very, very critical point that it sets a precedent not intended in the bill itself. You know, it puts us at a situation actually creating a starting point and an ending point. You know, and if you're in business, why do you want to go in a job you never ever have a chance to, you know, be rewarded maybe for that extra great job you've done, you know? And out west, you know, they have 73 applicants; we might get 5, you know. The difference to come out, it takes a special person, you know. And their families, do they want to live there 100 miles from any type of shopping? You know, I mean those are real concerns that we have in the west that a person doesn't even think about on this side of the state so. Any others? [LB851]

SENATOR GROENE: Senator Erdman. [LB851]

SENATOR ERDMAN: Thank you, Senator Groene. Thank you for driving all that way. I understand what that is. [LB851]

BOONE HUFFMAN: Yeah. [LB851]

SENATOR ERDMAN: I appreciate it. I had on several occasions used your school and the example that your teachers provided me by voting not to take a raise. I've used that several times; I appreciate that. Thank you. [LB851]

BOONE HUFFMAN: Yeah. [LB851]

SENATOR GROENE: Senator Walz. [LB851]

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SENATOR WALZ: Yeah. I just want to make...thank you...I just want to make a comment too and thank you again for driving seven hours. And to the gentleman that spoke before you, I just want to say what you're saying is really proving to be a great example of a school board member, both of you. You can tell that you really love the kids that you serve. You love your community. You love your school. And it proves to me and I hope to a lot of other people that you guys are the ones that understand the district and the community. So I just want to thank you for your work. How much do you make? [LB851]

BOONE HUFFMAN: What do I make? [LB851]

SENATOR WALZ: Thank you for your volunteer work. [LB851]

BOONE HUFFMAN: A big zero. And what it's about, I have five kids from 17 to 5. And, you know, most young guys don't run for school board, young people, because they got to work, you know. Luckily, I'm in a business with some great people under me that allow me to do this. But I teach, you know, coach softball, coach basketball, do these things as a board member because I want my five-year-old to have just as good an opportunity as these kids right now that are coming out 18 so. [LB851]

SENATOR GROENE: Do you have an assistant superintendent? [LB851]

BOONE HUFFMAN: We do not. [LB851]

SENATOR GROENE: Do you have assistant principals? [LB851]

BOONE HUFFMAN: We do not. [LB851]

SENATOR GROENE: The administrator like that should be paid well. [LB851]

BOONE HUFFMAN: Yes. And we're very thankful that she has been, you know, very generous by taking that three-year freeze, not ask, you know...it's a community that chose the right person, you know, to put us where we are and with a good set of principles. [LB851]

SENATOR GROENE: Do you have an HR? [LB851]

BOONE HUFFMAN: No, sir. [LB851]

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SENATOR GROENE: Do you have a curriculum coordinator? [LB851]

BOONE HUFFMAN: Yes, we do. We do have a curriculum coordinator. And we do have some human resource but it's not... [LB851]

SENATOR GROENE: Is the curriculum coordinator an administrative position... [LB851]

BOONE HUFFMAN: Yes, it is. [LB851]

SENATOR GROENE: ...or a paid staff person? [LB851]

BOONE HUFFMAN: It's a half time. She is a half-time FFA, half-time curriculum so half salary administration and half at the base rate. [LB851]

SENATOR GROENE: Thank you. That's a point about pay. North Platte had an administrator who was the business manager also and the HR person. [LB851]

BOONE HUFFMAN: Yeah. [LB851]

SENATOR GROENE: One came in behind him had a pay raise and hired an assistant superintendent and a business manager so that's factors that need to be taken into consideration. And I think you guys have done a good job that you...TEEOSA formula does not do Chadron justice. [LB851]

BOONE HUFFMAN: Yeah. It's just the fact. You know, we have an extremely odd set of circumstances and we're not going to get around. They're not going to start taxing the (inaudible) land. They're not going to tax Chadron State College. So we have what we have and we're scratching and clawing trying to get things paid for and rebuilt, you know, and yet take care of our people and make sure our kids are... [LB851]

SENATOR GROENE: What is your levy? [LB851]

BOONE HUFFMAN: \$1.05. Yeah, we're maxed. [LB851]

SENATOR GROENE: Thank you. [LB851]

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BOONE HUFFMAN: Yes, sir. [LB851]

SENATOR GROENE: Any other questions? Thank you. [LB851]

BOONE HUFFMAN: You bet. [LB851]

SENATOR GROENE: Next...any more proponents? [LB851]

SENATOR EBKE: He's an opponent. [LB851]

SENATOR GROENE: This is proponents. Did I say opponent? [LB851]

SENATOR EBKE: Opponents. [LB851]

SENATOR GROENE: Opponents, I'm sorry. Opponents. [LB851]

MARILYN BOHN: Thank you for taking the time to visit with us today. I'm Marilyn Bohn and my name, M-a-r-i-l-y-n B-o-h-n, and I serve as board member in Ravenna Public Schools for 20 years and a board member for the ESU 10 in Kearney. One thing a board member and a senator have in common is that we are elected by the same people in our districts and we share the same community sometimes. The LB851 is the one that I oppose and it would take away the board's authority in selecting and adequately suspending or compensating the administrators need to lead the service agency. We have just hired an administrator for the ESU 10 last month. And with the budget constraints, choosing an administrator is one of the most important things that an elected official can do. And we need to have the best leader that we can to provide for our children and the agency. The role of the ESU board is designed to recruit, select, and retain the chief administrator for our service agency. Restrictions and/or limitations in the board decision-making proceeds...the board's effort in meeting the vision of each service agency. The ESU strives to meet the needs of school districts and the selection and compensation of the best candidate is essential to the meeting, the vision, and purpose of the service agency. Thank you for your time. Any questions? [LB851]

SENATOR GROENE: Any questions? Senator Erdman. [LB851]

SENATOR ERDMAN: Thank you, Senator Groene. Thank you for coming. How many employees does your ESU have? [LB851]

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MARILYN BOHN: Oh, I will come back with that for you. Since I've been on the board a little over a year, I will find that out for you. [LB851]

SENATOR ERDMAN: Okay. And do you know what your mill levy is? [LB851]

MARILYN BOHN: No. [LB851]

SENATOR ERDMAN: Okay. [LB851]

MARILYN BOHN: Sorry. [LB851]

SENATOR ERDMAN: Do you know what the compensation of the manager is, your superintendent? [LB851]

MARILYN BOHN: No. [LB851]

SENATOR ERDMAN: Okay. [LB851]

MARILYN BOHN: I can get that for you though. [LB851]

SENATOR ERDMAN: All right. Thank you. [LB851]

MARILYN BOHN: But I do know that our administrator that is retiring has been with us for 24 years and has done a fine job with our ESU. [LB851]

SENATOR GROENE: Thank you. Any other questions? Thank you. [LB851]

MARILYN BOHN: Thank you. [LB851]

JENNIFER CREAGER: (Exhibit 7) Chairman Groene, members of the committee, for the record my name is Jennifer Creager, J-e-n-n-i-f-e-r C-r-e-a-g-e-r, senior director of public policy of the Greater Omaha Chamber. Our chairman, Dana Bradford, had intended to be here today but because of the weather could not attend so he asked me to read his testimony. First and foremost, the timing of the bill is very unfortunate. Our community is at a critical stage of the superintendent search for the Omaha Public School District. We are looking for a leader who not only will be responsible for a nearly \$600 million budget, but more importantly, for the person

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who leads the effort to educate 50,000 kids. It is no secret that this process has had its challenges in the past, but the board has worked through those issues and is on the cusp of hiring the next OPS leader. The message this bill sends, at a critical moment in the process, threatens to dissuade talented candidates from considering the position. We have an elected board in place whose job it is to make these decisions. On a broader level, an arbitrary cap on compensation, such as that suggested by LB851, limits our competitiveness as both a city and a state. It is unrealistic to expect that top-tier talent will consider leading our state's school districts when compensation levels are not competitive in the market. Further, the effect of such a cap would be an official state policy endorsing uncompetitive compensation and would send a message to prospective candidates that the state is dictating control of superintendent pay, rather than duly elected local school boards. Our 2018 agenda at the Chamber is aggressively focused on a growth agenda, which is essential to the prosperity of our community. Omaha has approximately 14,000 students graduating from its area high schools every year. What these 14,000 students are capable of achieving academically and professionally will define and determine Omaha's and Nebraska's future. This number of graduating high school students will total 70,000 people over the next five years, growing to 140,000 over ten years. Omaha's growth from 2010 to 2040 will be defined and determined by whether these students stay in the area and how they assimilate into our work force and community. We cannot send a message that institutions that educate our future work force are not worthy of the brightest, most transformative leaders available. Thank you for your attention. I ask the committee not to advance LB851. [LB851]

SENATOR GROENE: Any questions? Senator Pansing Brooks. [LB851]

SENATOR PANSING BROOKS: Thank you for coming today. I don't know if you heard the discussion previously regarding teacher salaries and that's a whole other part of this bill that everybody seems to not be...I'm presuming that, you know, as teachers are paid more, there's more dollars injected into the community so that portion of the bill would be something positive. [LB851]

JENNIFER CREAGER: As Mr. Pate said--he's on our board as well--we've undertaken a 2040 agenda and that focuses on people, place, and prosperity. And at the Chamber we felt a long time like that we have a wage problem in the state, that wages are not growing as much as they should be. And I think teacher pay is a component of that so that's something we'd absolutely be interested in working on. [LB851]

SENATOR PANSING BROOKS: Thank you very much. [LB851]

SENATOR GROENE: Ms., is the Chamber involved in the selection process? [LB851]

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JENNIFER CREAGER: They are part of sort of an ad hoc committee. They do not make a decision on the...they do not have a vote on the super...who the superintendent chooses, but there's kind of a community advisory committee. [LB851]

SENATOR GROENE: Is their opinion asked? [LB851]

JENNIFER CREAGER: Yes. [LB851]

SENATOR GROENE: I understand there was an undue influence on an individual in Omaha on the last process. Do you think that's going to happen this time? [LB851]

JENNIFER CREAGER: I guess I'm not sure what you're referring to. [LB851]

SENATOR GROENE: Some people do. Thank you. [LB851]

JENNIFER CREAGER: Sure. [LB851]

SENATOR GROENE: It wasn't the Chamber. [LB851]

JENNIFER CREAGER: I just...I'm not sure. [LB851]

SENATOR GROENE: Thank you. Anybody have questions? Any other opponents? [LB851]

KYLE MCGOWAN: Did you say proponents? [LB851]

SENATOR EBKE: Opponents. [LB851]

KYLE MCGOWAN: Or opponents? [LB851]

SENATOR GROENE: Opponents, yes. [LB851]

KYLE MCGOWAN: My name is Kyle McGowan, K-y-l-e M-c-G-o-w-a-n. I'm representing the Nebraska Council of School Administrators and we're, of course, opposed to LB851. Listening to Senator Linehan's opening, though, I have a better understanding although my comments that I won't use weren't necessarily related to teacher salaries. So the teacher salaries, I mean, I would go on record as a good teacher is worth their weight in gold. I'm not sure this bill really

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represents increasing teacher salaries. And I think there are ways to do that, but this bill may miss the mark. I was a little bit...I would disagree with Senator Linehan's discussion about local control and the state's \$1.5 billion tax contribution to schools as a rationale to be involved with local control because I do believe that our state appropriately gives tax incentives. And I would say if we are trying to make an apples to apples sort of legislation, would we ever propose that a company that receives tax incentives also have...address their salaries and put a cap on their CO salaries? There's no doubt that good school leadership results in good schools. Every part of research would show that. I think it's interesting that last year we had 43 superintendent openings out of 243, 245 districts. Over the past five years, there's been about a 14 percent turnover rate of superintendents. I think that's interesting. I believe that the school boards have done a very effective job working within their budgets and determining how to keep good leaders and keep good teachers. Those are complicated questions that often involve, as the senator was bringing up, some things within your control and some things without your control. So other than that, I'll end my testimony and take any questions. [LB851]

SENATOR GROENE: Questions? Senator Walz. [LB851]

SENATOR WALZ: Thank you, Senator Groene. And thank you for coming today. I heard you say 14 percent turnover rate but I kind of missed...I missed the whole sentence so. I guess my question is how do you feel this would affect the turnover rate of administrators? [LB851]

KYLE MCGOWAN: Well, I think it's...I believe that you have to do a number of things to recruit people, good people. And I think that includes good teachers too. Salary is a part of that, it is. But it's also the environment that you work in. I think the superintendent salaries in Nebraska have been good and that in part is why the tenure of Nebraska superintendent tends to be above the national average. But if I was in Omaha Public Schools, which last year their three finalists all turned the job down, and then to handcuff them with how to recruit for this year is very difficult. [LB851]

SENATOR GROENE: Any other questions? What defines as an administrator what an administrative position is, as I refer back to I think the people of Nebraska are concerned about administrative cost in a budget? [LB851]

KYLE MCGOWAN: Yeah. [LB851]

SENATOR GROENE: Who defines what...how a position is paid and does it fit under staff or does it fit under administration? [LB851]

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KYLE MCGOWAN: Well, I do think that's sort of in the eye of the beholder, right? So at...when I was superintendent at Crete, if you had a person that was in charge of an entire topic or group of people, then that was considered an administrator. So I had a food service administrator that she was paid and she oversaw all the food service in the federal programs. We did have a director of instruction. We had two assistant principals. Now we have four buildings. I think there's more assistant principals. But we had a business manager so would that business manager be an administrator or not? I guess that would be up to the school to define that. [LB851]

SENATOR GROENE: So it's hard from school to school to compare administrative costs, right? [LB851]

KYLE MCGOWAN: Unless...yeah, I think it is. I think you'd really have to define that...we had...I had a head maintenance person who also got his hands dirty every day, but he was in charge of about ten people. [LB851]

SENATOR GROENE: Question for you: It's been compared, your position, to free market. But isn't in the free market the position of the management to drive down cost, to control cost? So to compare it to part of an administrator's job is to control the cost of payroll. So it's a quandary to say we should tie it to the beginning teacher pay because part of the expectation of a school board is that that administrator keeps that 80 percent cost in salaries to the minimum. Is it not true? [LB851]

KYLE MCGOWAN: Yeah. I would agree with you that it's the responsibility of the management to work within their budget. But most companies and certainly most jobs like a school district it is a cost benefit to have quality employees that aren't turning over all the time. [LB851]

SENATOR GROENE: But at the best cost you can get them for, right? [LB851]

KYLE MCGOWAN: Exactly, exactly. [LB851]

SENATOR GROENE: All right. Thank you. Any other questions? Senator Ebke. [LB851]

SENATOR EBKE: Let me just make a point. I did not run through two superintendents while I was...we were anticipating Mr. McGowan's retirement (inaudible) he was not gone when I left so. [LB851]

KYLE MCGOWAN: Well, I was kind of hoping that you were going to bring up that I actually turned down a raise one year. [LB851]

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SENATOR EBKE: That's right, you did. [LB851]

KYLE McGOWAN: So I think there are... [LB851]

SENATOR EBKE: And we appreciated that very much. [LB851]

KYLE McGOWAN: Everybody did but my wife, but. [LB851]

SENATOR GROENE: (Exhibits 8-20) Thank you. Any other questions? Any other opponents? If there's no more opponents, we have a list of correspondence from opposition: Mary Yilk from ESU 9; Scott Williams from Norfolk; Mark Zimmerer, Norfolk Chamber of Commerce; K. C. Belitz, Columbus Area Chamber of Commerce; Keith Runge, Lakeview Community Schools; Steve Koch, Hershey Public Schools; Sandy Wolfe, Norfolk; Doug Willoughby, Columbus Public Schools; Lee Denker, Papillion La Vista Schools; Ron Pearson, ESU 3; Norris School District; Troy Strom from Norfolk; and Bonnie Hinkle from Grand Island Public Schools. Do you want to close, Senator Linehan, the one proponent? [LB851]

SENATOR LINEHAN: No one's neutral? [LB851]

SENATOR MORFELD: Anybody neutral? [LB851]

SENATOR GROENE: Anybody neutral? I guess I...sorry, getting ahead of myself. [LB851]

SENATOR LINEHAN: I'll be quick, I promise. Just a couple of comments. Mr. Pate said that he remembers clearly that I said teachers made too much money. I may have, in fact, when I was running said that. I'm a lot more informed about the realities of education and the costs than I was two years ago. I didn't have any idea that it would cost a school board \$60,000 for a beginning teacher but the teacher would only take home \$31,000. I was unaware of that so. It's different when you look at it from the reality of what the teacher is actually taking home. I don't know if Boone Huffman has left. I was very impressed with his testimony, but even more impressed with their superintendent. I met her last year when I was working on the K-3 reading bill. She is a very impressive woman. If I remember right, she is from New York originally. I was like, you're from New York and you live in Chadron? She clearly loves her school. I happen to have salaries of the superintendents across the state in my packet here. The superintendent of Chadron Public Schools makes \$156,035 a year. Regarding the police chief in Omaha, who I think we would all agree and Mr. Pate brought up, he's got a pretty tough job and he's probably 24 hours a day, 7 days a week, 365 days a year. His salary right now is \$174,754. So if he got a \$33,000 raise, he would still be in about...he'd be less than 4 to 1 to what we start a beginning

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teacher. There was a lot of talk today about the free market. And I did take enough economics in college to understand free market. Public schools aren't a free market. Free market is when I open up a store and I have something that somebody wants to come in and buy. We couldn't do public education, education at large, private or public, would not work without the subsidies of either the taxpayers or people who are generous and have been fortunate in their lives, contribute to the private schools. This is not a free market world. We are all limited. We are limited here every day in the Legislature to what we...revenues that we are given. It's not free market. And as far as Scott Frost, the comparison there is a bit beyond me. I saw it in the paper yesterday. I was shocked by it. But since it came up here today, the football program at the University of Nebraska is, as far as I know, self-funding. It's not taxpayer funded. And if it was, we wouldn't be paying the football coach several million dollars a year. So with that, any more questions? That's all I have. [LB851]

SENATOR GROENE: Senator Ebke. [LB851]

SENATOR EBKE: So I understand where you're coming from here. But different schools, just like different agencies of government, have different challenges, right? [LB851]

SENATOR LINEHAN: Right. [LB851]

SENATOR EBKE: And that's...I mean I did a little research over the summer looking at what department heads in the state get paid. [LB851]

SENATOR LINEHAN: Uh-huh, right. [LB851]

SENATOR EBKE: And it ranges anywhere from about \$93,000 a year to over \$200,000 a year. I mean, so what's...so, I mean, I think that takes into account the differences in, you know, the way that...the responsibilities, the challenges that the different agencies have. Does this...but I suspect that employees at the same level, you know, whatever the...are getting paid the same, okay, the clerks or whatever the designations are, are getting paid the same. So should we be looking at state directors as well, state administrators? [LB851]

SENATOR LINEHAN: Well, I think...what little I've looked at it at Health and Human Services Committee, and I've not looked at it as much, I do think there's...well, clearly we have an issue with trying to find social workers at Health and Human Services. And I have frequently said, in case somebody else remembers, that it's interesting to compare what we pay social workers who have to work in probably the most difficult situations of anybody we ask in Nebraska and we

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don't pay them very well either and we have a huge turnover problem. So I do not know what we pay Courtney Phillips. [LB851]

SENATOR EBKE: She's the highest paid of the bunch. [LB851]

SENATOR LINEHAN: But I would also guess and this is something that it was interesting me today through all the opponents, nobody brought us a list of salaries in another state that far exceeded the state of Nebraska. We are not paying our superintendents the lowest...in fact, it's hard to research because we all know you can't look at the base salary because sometimes the benefits are double what the base salary is. But I couldn't find any states that were paying exorbitantly higher salaries than we are paying. There's some outliers. New York City is above and beyond what we're paying. But generally if you look at superintendent salaries across the nation, we are very competitive. I don't think OPS is going to have a problem finding a superintendent because we're not offering a competitive pay package. [LB851]

SENATOR EBKE: It would be interesting to look at similarly situated schools. And this gets back to the whole CIR kind of concept and that doesn't apply to superintendents, but it would be interesting to be able to look. Because I know when we would do...in Crete when we would do our superintendent's review every year or every two years and determine what we were going to do, we had sort of our own little informal array that our board president would call around and say, okay, what are you guys paying and what do you get? So, I mean, you know, I suspect that even though Omaha and Lincoln are unique there really is nobody else in the state to compare with that you might find the same kind of thing happening. [LB851]

SENATOR LINEHAN: I do recall and I had these numbers, so we're not here till midnight, and I can get them for you. When you look across to Iowa, we compare very favorable to Iowa and to Kansas, the surrounding states. From what I can see and it's not, again, because I can't dig down into all the... [LB851]

SENATOR EBKE: The benefits and... [LB851]

SENATOR LINEHAN: Benefits. But from what I could see, Nebraska superintendents at the top level. I mean, we have lots of superintendents like the one in Chadron who are not making very much money if you consider...if I remember, I think he said she was close to retirement. She gets incredible scores and he said they have 60 percent poverty, I mean I remember meeting her and saying too bad we can't, you know, have you in lots of schools. So across the state our superintendent salaries, there's only maybe a dozen that are anywhere close to this ratio. Most of them are far below it. [LB851]

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SENATOR GROENE: But in government, as I told you earlier, we have a problem when we put a ceiling in, it becomes a floor. And I could see ten years from now a superintendent walking up and saying, the measure becomes, well, we start them out 5 to 1. [LB851]

SENATOR LINEHAN: Right. [LB851]

SENATOR GROENE: That's the measurement stick. We put \$1.05 in for a lid...for a ceiling and it became the floor for everybody for levies. So that's a concern. I've never seen government ever consider it a ceiling. [LB851]

SENATOR LINEHAN: Right. And I was sympathetic because Mr. Huffman, Boone, great name, Boone Huffman had that same concern. And I, you know, there's...not to beat it to death, but there is an example of why public schools have worked in those small districts. You've got a parent who's got kids, he coaches the softball team or whatever, baseball, and, you know, they make it work. [LB851]

SENATOR GROENE: Do you think of the 73 applicants at OPS that most of them are from out of state? [LB851]

SENATOR LINEHAN: They said they had in-state, too, and they said they had within the district. So, I mean, I actually thought they had three good candidates last time so I don't think it's... [LB851]

SENATOR GROENE: I believe two of them are outside the state so salaries are attractive in the state of Nebraska. [LB851]

SENATOR LINEHAN: Right, right, they are. [LB851]

SENATOR GROENE: I know because of Kansas' situation there's an awful lot of Kansas administrators now working in Nebraska because it's very attractive. [LB851]

SENATOR LINEHAN: Right. Our superintendent salaries, especially in the states right around us, we do...they do very well. [LB851]

SENATOR GROENE: Thank you. [LB851]

SENATOR LINEHAN: Thank you very much. [LB851]

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SENATOR GROENE: We're going to take a five-minute break and then I will introduce LB779. And Senator Morfeld, since our Vice Chairman is not here today, Senator Morfeld agreed to chair it. [LB851]

BREAK

SENATOR MORFELD: We're going to get started here so we stay on time. If everybody could take a seat, please. Okay. Senator Groene will be opening on LB779. Okay, Senator Groene. [LB779]

SENATOR GROENE: Acting Chair Morfeld... [LB779]

SENATOR MORFELD: Put that on my resume. [LB779]

SENATOR GROENE: ...and members of the Education Committee, for the record my name is Mike Groene of the 42nd Legislative District, here today to introduce LB779. LB779 is a bill that I introduced on behalf of the Learning Community Coordinating Council. Due to the weather, Kent Rogert, registered lobbyist for the Learning Community, will...is sitting behind me, ask questions of him because I am introducing it for them, and their CEO could not make it due to the weather. LB779 as introduced would make the following four changes. First, LB779 would change from January 1 to February 1 a reporting deadline for two reports that the Learning Community is required to submit to the Education Committee. The evaluation and research report is required annually and a report of diversity is required biennially. To compile the reports previously mentioned requires the release of certain information to the Learning Community from the Nebraska Department of Education. That data is being released to the Learning Community later than originally anticipated, making it more difficult for the Learning Community to get the reports to the committee by January 1. The Learning Community Coordinating Council believes that a February 1 date would give them sufficient time to complete this requirement. The second change under LB779 would amend the diversity goal requirements under 79-2118 to make diversifying the schools in the Learning Community a more appropriate priority. With the removal of the open enrollment and open enrollment transportation provisions through LB410 in 2013, the Learning Community believes a tool to help reach the goal of increased diversity has been taken away and as a result the statutory goal implemented in '06 and '07 should reflect that change. The third change would amend Section 79-1013 and 79-1014 to follow a similar change made under LB1067 in 2016 which changed the requirement that the Learning Community Coordinating Council "approve or disapprove" their member districts' poverty plans and limited English proficiency plans but instead review them and suggest improvements in order to coordinate the plans of the districts and a newly created community achievement plan. The final change under LB779 would be to remove a provision

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that put a 10 percent cap on the amount of funding raised from the Learning Community's levy authority that could be used for employees' of the Learning Community salaries under LB1070 in 2010. Since 2010, the mission of the Learning Community has changed dramatically and their program base has proved successful and has grown. The Learning Community currently is at 5.7 percent of the employees' salaries coming from their levy, with anticipated hiring decisions to raise that amount to 6.2 percent through the expansion of the programs in north Omaha. This is a move designed to address a potential problem before it becomes an issue. That is the provisions of LB779 and I would ask for your vote to send this bill to General File. Any general questions on why I...? [LB779]

SENATOR MORFELD: Any questions for Chairman Groene? Okay. [LB779]

SENATOR GROENE: Thank you. [LB779]

SENATOR MORFELD: Seeing none, we'll move to proponents. Mr. Rogert. [LB779]

KENT ROBERT: Acting Chair Morfeld...I like that. [LB779]

SENATOR MORFELD: Due to unforeseen blizzard conditions, you have 15 seconds. [LB779]

KENT ROBERT: (Exhibits 1, 2) I did tell them I would be here less than a minute and he said he'd vote it right out. My name is Kent Rogert, K-e-n-t R-o-g-e-r-t, and I'm registered lobbyist for the Learning Community of Douglas and Sarpy County and we do thank Senator Groene for introducing this bill for us. As he said, David Patton, our CEO, was intending on being here this afternoon; but if you look outside, you'll understand why he didn't make it today. Senator Groene may have said that he doesn't know what this bill does, but he just told you exactly what this bill does and I don't need to tell you again. So if you have any questions for me, I will certainly try to answer them. [LB779]

SENATOR MORFELD: Thank you, Mr. Rogert. Any questions? Senator Linehan. [LB779]

SENATOR LINEHAN: I'm just asking these questions to be on the record so. [LB779]

KENT ROBERT: Okay. [LB779]

SENATOR LINEHAN: Okay, so I'm looking at this. It says remove the goal of creating socioeconomic diversity across the Learning Community. [LB779]

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KENT ROBERT: Which we did in...when we went back to option enrollment versus open enrollment in 2013. [LB779]

SENATOR LINEHAN: Okay. So I'm just very...I don't know why we have this anymore. I mean the common levy went away but we still...we have e-mail, at least I'm getting...maybe I...I don't think (inaudible). This is...so in Douglas County we have, and Sarpy County too, we have our local schools' property taxes; we have ESU property taxes; and now we have Learning Community taxes and then bonds on top of all that. So I don't understand why we have a Learning Community anymore because, I mean, we do have a Learning Community and I think the superintendents and them working together that is all good. But I don't know what...what are we paying property taxes for them to accomplish? [LB779]

KENT ROBERT: So we have programs in both of our centers in north and south Omaha. And almost 100 percent of our mission today is to work on early childhood programs to help those that are in struggling populations to do better and close the achievement gap. In south Omaha, we are working with parents to help them teach their children and help non-English-speaking parents some of them so they go so they can interact with teachers and their families are not used to our way of doing the school... [LB779]

SENATOR LINEHAN: Cultural. [LB779]

KENT ROBERT: Yeah, so they...and we can show you the results. They've actually...there's a waiting list down there to get families into there and they really like it and those students are doing remarkably better. [LB779]

SENATOR LINEHAN: I actually help tutor a little girl there so I'm familiar with the one in south Omaha. I guess what I would like from the Learning Community, maybe they have this and I just don't have it, I'm sure if Senator Groene is supporting this, this is all good ideas. But I would like their mission statement. [LB779]

KENT ROBERT: Okay. [LB779]

SENATOR LINEHAN: Just because it's...I remember clearly when it came into being and the point was to give kids, no matter where they lived in Douglas or Sarpy County, an equal chance. And I just...it seems like we've gone a long, long way away from the original intent. And I just...I'd like to know what the intent is now. [LB779]

KENT ROBERT: Certainly. [LB779]

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SENATOR LINEHAN: Thank you very much. [LB779]

KENT ROBERT: You're welcome. [LB779]

SENATOR MORFELD: Any other questions? Senator Erdman. [LB779]

SENATOR ERDMAN: Thank you, Senator Morfeld. Sir, tell me something--what's their budget, Learning Community? What's their budget? T [LB779]

KENT ROBERT: I don't have that. [LB779]

SENATOR ERDMAN: Do you know how many employees you have? [LB779]

KENT ROBERT: So they...I think that's about right, about six, but they also work with several other groups because we don't...I don't know how many employees we have, I actually don't know. [LB779]

SENATOR ERDMAN: Well, I'll follow up with Senator Linehan because I'm of the same impression. I don't know why we have this, but I need to figure that out--maybe collect more property taxes, is that the reason? [LB779]

KENT ROBERT: No. [LB779]

SENATOR ERDMAN: Thank you. [LB779]

KENT ROBERT: Yeah. [LB779]

SENATOR MORFELD: Any other questions from the committee? Okay, no...thank you, Mr. Robert, appreciate it. [LB779]

KENT ROBERT: Thank you. [LB779]

SENATOR MORFELD: (Exhibit 3) Any other proponent testimony? We also do have one letter that is proponent from Heather Phipps with Millard Public Schools that will be entered into the record. Any opponent testimony? Any testimony in the neutral? Senator Groene, would you like to close? [LB779]

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SENATOR GROENE: To answer Senator Linehan, I didn't say I supported the Learning Community's existence. [LB779]

SENATOR LINEHAN: (Laugh). [LB779]

SENATOR GROENE: This legislation makes them more efficient for what they do. And who gives entity a duty to increase diversity with no tools to do it is not fair. So removing that makes sense. And it's a local entity that is elected by local people, the board. And if they want to raise their taxes to 2 cents and how they want to spend it...and they made a good argument that now they...because of the limit of 10 percent, they are forced to contract out some of their services, they will be, instead of making them employees in some of their early childhood endeavors. So if they're going to exist, I just figured it would be best if they were able to exist the most efficiently way to do with the \$6 million or \$7 million of property taxes they get and the \$500,000 of state aid that the Learning Community receives. So thank you. [LB779]

SENATOR MORFELD: And that is the most efficient committee hearing ever in Education on LB779. Turn the Chair back over to... [LB779]

SENATOR GROENE: We'll take into consideration the 15-second rule, Senator Morfeld. [LB779]

SENATOR MORFELD: Thank you, Senator Groene. [LB779]

SENATOR GROENE: Now begins LB803, which will be introduced by Senator Stinner. [LB803]

SENATOR STINNER: (Exhibit 1) Good afternoon, Senator Groene and members of the Education Committee. For the record, my name is John, J-o-h-n, Stinner, S-t-i-n-n-e-r. I represent District 48, which is all of Scotts Bluff County. LB803 is part of a much-needed discussion on the requirements behind early childhood education in Nebraska and how this fits in with the work force issues we have experienced over the last 10 years. I have been in many discussions with various stakeholders on the issue and am open to working with them on a compromising solution as we move forward with the underlying issues the bill seeks to address. LB803 originated with the ESU 13 out of Scottsbluff. Jeff West from ESU 13 has been working closely with the Department of Education to draft a bill, when it was brought to my attention for this introduction. Jeff is here to testify and can give you some real-world examples faced by early childhood educators out west and the realities that we face. And I do want to say that Head Start Program was part of CAPWN, CAPWN filed bankruptcy. CAPWN is a fairly qualified

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healthcare clinic. It was a great move that ESU 13 picked it up, otherwise I think it would have been a Denver organization that would have picked up the Head Start. So we kept it local, we kept it in the Panhandle, we kept it with people that understand what the issues are in the Panhandle. Before I get into details on the bill, I would like to first thank the department for drafting it and all the work they have done to advocate for rural areas like the one that I represent. The department will be testifying after me and can help give you some background on the bill, as well as any technical questions that the committee may have. LB803 repeals a minimum requirement for kindergarten progress first established in 1967 and last modified in 1985. It modifies language related to requirements for teacher and administrator certification in prekindergarten and early childhood education programs. The intent behind this proposed change is to provide flexibility to the State Board of Education under Rule 11 of its rules and regulations to address a shortage of early childhood education work force. I would like to stress that this is provide flexibility without hindering the quality of education provided. I would also like to highlight that the work force issues in early childhood education is not unique to western Nebraska, but certainly more amplified in rural areas of this state. What is much needed for rural areas of the state is flexibility for the Department of Education under Rule 11, so that it can field those work force needs, give adequate training to early childhood education work force, and give our schools the ability to provide more programs for families seeking early childhood education programs. I understand the concerns that have been raised thus far, and am open to working toward a solution addressing work force shortage while maintaining a level of quality that is appropriate for early childhood education. Lastly, there is some cleanup language in the bill, clarifying language used throughout the statutes relating to prekindergarten services, prekindergarten programs, early childhood education programs. In addition some of the wording in the statute related Step Up to Quality is redundant and would thus be eliminated under the provisions of LB803. I look forward to a productive discussion on this topic and would welcome any questions. I do want to also emphasize that I am not in favor of just stepping down from the quality education in early childhood. I am...I sought and received a fellowships in early childhood, I believe in it. I believe in the quality of the achievement gap, closing the achievement gap, all the things that are associated with early childhood. But I also understand that there is a reality out there and the reality is that certified teachers are not equally dispersed throughout the state of Nebraska. And that if we have Rule 11 and we have to comply under statutes with Rule 11, that may eliminate early childhood opportunities within some towns. And that's what I want to avoid, but also you have to understand I am not an advocate for lessening standards. But I am an advocate for early childhood development. I do have an amendment in that bill. And in talking with PRO is a requirement for kindergarten, full-time kindergarten throughout the state of Nebraska. That's a mandate that is put in statute, about 95 percent of the schools actually have a full-day kindergarten. I want to take that out as a mandate. I just don't think that it's appropriate for us to mandate across the state of Nebraska for full-day kindergarten. That amendment will be presented for the record. Do I have...okay, so we passed out the amendment. I do not have the amendment, so I can't...(inaudible). So in any event, questions? [LB803]

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SENATOR GROENE: Any senator questions? I have one. If you strike that language, you talk about mandates that says, "All teachers and administrators in prekindergarten programs established pursuant to this section shall hold a valid..." that doesn't stop any individual school district from setting that as a requirement to hire their prekindergarten. [LB803]

SENATOR STINNER: That's right. [LB803]

SENATOR GROENE: So we're not stopping anybody? [LB803]

SENATOR STINNER: You can set higher standards if you like within your school district. This is just allowing you to make that determination at the local level. [LB803]

SENATOR GROENE: So in some instances in rural Nebraska they can't even find somebody to fill those positions with the present requirements. [LB803]

SENATOR STINNER: Yes. [LB803]

SENATOR GROENE: Senator Pansing Brooks. [LB803]

SENATOR PANSING BROOKS: Thank you. Thanks for coming, Senator Stinner. So I'm just interested in hearing more about taking that requirement of full-day kindergarten. Because it's my understanding that's best practices across the country, is to have that as early access to the children, and whatever disabilities that may be occurring, as possible. So it worries me to hear, oh well, let's take it out. I mean, we're mandating, you know, 5-21, so I just don't understand that. [LB803]

SENATOR STINNER: Well, the comfort level I have is 95 percent of the schools actually have acknowledged the fact of all the things that you're seeing best practices. Obviously, it's helping in the development of that child, and I believe in the brain science associated with that zero to eight years old. So 95 percent are there. The problem, I think, that a lot of folks who looked at the bill said, why do we mandate this? Let's keep it out of there just like it is today, let's let local control or the local people determine if they want to have full-day kindergarten or not. I can't tell you all the situations that are out there in the country. I don't know what the resources are, I don't know what the work force looks like. I just can't contemplate everything that's out there. So to mandate it, I think is a lot of people feel like it's severe. [LB803]

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SENATOR PANSING BROOKS: But we are mandating education and we are responsible for providing education for everybody. I mean, I'm happy with your bill, I'm just very concerned about that. Just so you know. [LB803]

SENATOR STINNER: Thank you, Senator. [LB803]

SENATOR GROENE: Senator Linehan. [LB803]

SENATOR LINEHAN: Would it be possible...thank you, Mr. Chairman. Thank you, Senator Stinner. Would it be possible well that maybe that 5 percent of schools that don't have all-day kindergarten are probably nonequalized schools? Because the number of population, and I'm going to get deeply into water I don't really understand myself, but on the TEEOSA formula you get to count each child. So clearly, if you're an equalized school, you're counting that five-year-old as a student all day, so that goes to your needs. But if you're an unequalized school and you're under pressure from property taxes, you may be saving half a day's teacher salary. I mean, I'm guessing that maybe your 5 percent of schools, it's just a guess that they may not be...they're probably not getting funding through the formula for every student. [LB803]

SENATOR STINNER: I don't know what that 5 percent is. If I knew who the 5 percent is, I might be able to answer it. I'm going to guess that they have a one teacher that can teach it and they have an abundance of kids, so that they had to split it up in order for that one teacher to save that entire population. [LB803]

SENATOR LINEHAN: But it gives them the flexibility... [LB803]

SENATOR STINNER: That's a guess, but purely speculation on my part. [LB803]

SENATOR LINEHAN: Okay, thank you very much. [LB803]

SENATOR GROENE: Senator Ebke. [LB803]

SENATOR EBKE: Just a comment that the issue on it could be a matter of space as well. Because I know that when Crete, and this has been 20 years ago or so, but when they added the full-day, when they created full-day kindergarten they also had to add on extra rooms because they were doing double duty in some of the rooms. So it may be a space issue too. [LB803]

SENATOR STINNER: Thank you. [LB803]

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SENATOR GROENE: Senator Stinner, you going to remain around to close? [LB803]

SENATOR EBKE: He's leaving. [LB803]

SENATOR STINNER: Yes, I will. [LB803]

SENATOR GROENE: Proponents. The 15-second rule. [LB803]

MATT BLOMSTEDT: I'm going to go for it. Hi, Senator Groene. I'm Matt Blomstedt, Commissioner of Education for the state of Nebraska. Blomstedt is spelled B-l-o-m-s-t-e-d-t. And thank you to Senator Stinner for his introduction. I will try to be brief, given the weather and everything else. But I would certainly take your questions as you have them. First of all, the State Board actually has reviewed this issue in a couple different ways, and I think...I believe when Jeff West comes up you will at least hear some of the interest in this particular bill on behalf of the State Board. But what I would like to really start with is, quite honestly, we believe in an early childhood experience that's really a quality level of experience for students across the state. And we don't want to undermine necessarily that. And so I don't want any other intention necessarily attached to the conversations that we have had. And also, that Nebraska really has a solid commitment to early childhood education across the state. And so I think that's something to take great pride in and to be very thoughtful about. And I can tell you, some of when the State Board actually laid out kind of an outline of the types of things that they would like to address. We heard comments immediately back and have continued to try to work with the education interests across the state, the early childhood education interests across the state, and continue to have very good conversations. So I just wanted to echo Senator Stinner's intent to start that conversation and have that discussion with you. But I do want to highlight why we discuss the importance of having some statutory changes. Now, first of all, when you look at the definitions within statute around prekindergarten services, prekindergarten programs and early childhood education programs, those things somewhat mesh together and have some circular references within the definitions--so is there a distinction between a prekindergarten service, a prekindergarten program, and an early childhood program? And I believe our interpretation within statute says that there is not. They kind of reference one another and it's hard to make that particular distinction. So we think that's something that ought to be clarified. There's also a sense of that statute, regardless of any of those. That means that any ESU or any school district that would offer any of those particular services would be subject to Rule 11, which would require that they meet the various requirements for teacher certification. And that's how that works right now. And it doesn't start with any transition to that particular program, it starts day one. If a school or an ESU is offering it, that they are subject to those particular requirements underneath Rule 11. So our example, and again, I think Jeff West will probably do a better job than I can, but ESU 13 took over a Head Start program, a real necessity I think in their area. They took that over

from another entity and the standard for work force simply increased because the ESU was the one who took that particular program over. If a separate entity, private, not part of the ESU system, not part of a school district, any other entity even could have...probably had a consortium of other places created a non-profit or something like that, could have created that and avoided the Rule 11 requirements. It would be...it would seem, at least to me, that having the ESU involved in it is a reasonable approach to trying to address that particular issue. And although kindergarten for instance is not necessarily required as compulsory attendance across the state, the State Board did say, hey look, we think it's important there. I appreciated just your brief conversation around kindergarten. I believe at one point we looked at it and one school in the state of Nebraska wasn't reporting that they were. And then in another year, and I think it goes to Senator Ebke's point, it varies from year to year because some schools might not have the capacity for all-day every-day kindergarten for all of their students. We would be very willing to work with Senator Stinner on other ways and other approaches to that particular issue. So I appreciate the concern about mandate there. School districts that are seeking to expand prekindergarten opportunities, and especially in rural places, have also expressed a concern around five-year-old requirements. We require that as soon as a student is eligible for kindergarten that they cannot be part of that pre-K service or pre-K program. There's some good rationale behind that and I think you'll hear folks that are maybe in opposition to this particular change make that rationale. What we would really believe is that the intent of the change would allow the State Board to make some rules around five-year-old engagement if you had in a community where a student was five years old and eligible for kindergarten that they could come back and at least have some rationale to be able to address that. But I think you will hear points about you don't want to push out three and four-year-old eligible students either. And I think capacity becomes a big challenge. And then overall, I think the challenge for the State Board and the department is in working with places, like you'll hear from Jeff, of creating some flexibility so they can legitimately ramp up programs without all of the requirements necessarily that might exist for fully operating programs. And so I think a well-intentioned, well-meaning approach to pulling forward with...and providing a program sometimes runs into challenges. I see that I've got my red light, so I'll stop there. It's always tougher when you're on this side, Senator Groene. You know that. [LB803]

SENATOR GROENE: I have a question. Should we wait and talk to Jeff on some questions, like what is the present requirement for pre-K? Is it a four-year degree and a certificate? [LB803]

MATT BLOMSTEDT: Yes. For pre-K's that are run by schools and ESUs, it would be like a regular certification program for a teacher, yes. [LB803]

SENATOR GROENE: Four years degree? [LB803]

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MATT BLOMSTEDT: Yes. [LB803]

SENATOR GROENE: Head Start, which I think what happened in Scottsbluff, they take three- and four-year-olds don't they? So their employees weren't certified and then the ESU took their employees into the...and we have a problem. [LB803]

MATT BLOMSTEDT: Yeah, he can probably address the specifics. But that's how I understand it, yes. [LB803]

SENATOR GROENE: Thank you. Any other questions for the commissioner? [LB803]

MATT BLOMSTEDT: Thank you. [LB803]

SENATOR GROENE: Plan on seeing you a few more times this year. [LB803]

MATT BLOMSTEDT: Yeah, I'll be around. [LB803]

JEFF WEST: (Exhibit 2) First time in the seat, so we'll see how this goes. Good afternoon, Senators. I'm Jeff West, J-e-f-f W-e-s-t, I'm the administrator at ESU 13 in Scottsbluff, where I've held that position since 2008. And it's in that capacity that I'm going to provide my support for LB803. Of course, I would like to thank Senator Stinner and his research analyst, Mitchell Clark, for all their efforts in drafting this legislation. On June 1, 2015, ESU 13 was awarded a \$2.9 million per year Head Start and Early Head Start grant that serves the central and southern parts of the Panhandle. Our grant is currently serving 248 preschool students, ages 3 to 5, and 68 infant/toddler children, prenatal to age 3. The ESU 13 Head Start program employs approximately 80 people in the Scottsbluff, Gering, and surrounding communities. The program's service area includes the counties of Scotts Bluff, Morrill, Kimball, and Cheyenne; and we have 13 locations throughout those 4 counties. ESU 13 Head Start currently employs 10 Head Start teachers, 2 of those 10 meet Rule 11 certification and are working on their early childhood endorsement. The other eight you can see listed there what their degrees are, and they do not meet that requirement. ESU 13 Head Start also employs five Early Head Start teachers. Of those five, one teacher currently meets Rule 11 certification and is working her early childhood endorsement. And you can see the others in parentheses as well. Following a review of the 12 teachers that currently do not meet certification under Rule 11, it was discovered that those 12 teachers would need to receive at least 72 additional credit hours beyond their degree and experience. An additional obstacle is the leave of absence time for completion to meet the student teacher requirement will also place an unfair burden on the program and its teachers. Upon completion of course requirements, it is likely these teachers will leave employment with

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ESU 13 and seek higher wages in a public school where they will be paid on the salary schedule. At least four teachers in the last two years that have worked for us received their teaching certificate and then moved on, because they can get paid higher wages if they go to a public school. Currently, we spend 72 percent of our money on budget for salaries. If we have to employ all 15 teachers on the certified salary schedule our salary percentage would go to 87 percent, thus leaving us with 13 percent to run the entire grant. You can see on page 3, on the top paragraph there, all the other things we would have to pay for out of 13 percent of the grant. And you can see that would be devastating. I am also a proud member of the Nebraska Early Childhood Workforce Commission. That commission was formed to tackle one of the most complex and pressing challenges facing Nebraska today, our expanding and strengthening the state's early childhood work force. Members of that commission are charged with developing a statewide plan to ensure a skilled, informed, and diverse work force. So I come to you today also as a strong supporter of early childhood education. ESU 13 Head Start fully supports professional development for our teachers. We allocate specific dollars so that can go back to school and get higher education in that field. While this is a benefit to any Head Start staff member, it is still a requirement that they are able to work the hours that we have hired them to do. Many of our staff members have families they support personally, and they cannot afford to take time off to meet the student teaching requirement. ESU 13 is the only agency, I believe, in the Panhandle with the capacity to administer a grant of this size. I feel the best place for the grant is with ESU 13 for several reasons: we have the expertise in working with students, teachers, and families--actually, that's what ESUs do. ESU 13 has staff with expertise in the area of finance that can oversee a federal grant of this size. And ESU 13 also has staff with expertise in areas such as transportation, maintenance, IT, and special education. Without Head Start services in these four counties of the Panhandle, there would be 184 preschool children in western Nebraska who are not kindergarten-ready and 68 infant/toddler children who would not receive quality care with early screening and detection. In closing, LB803 is not perfect. The rationale for this change is to address the shortage of qualified teachers for early childhood education throughout the entire state. It's a much bigger issue than just an ESU 13 issue. It also allows, in the case of an extreme hardship, which I believe ESU 13 falls under, you can present that to the State Board of Education and then the board will have the ability to waive a regulatory requirement that it can establish in rule. Under current statutory language, no one can waive that requirement that's done by the Legislature. So with that, I would thank you for your consideration of LB803. And not being an expert in this field, I will try to answer your questions. [LB803]

SENATOR GROENE: Questions? Senator Linehan. [LB803]

SENATOR LINEHAN: Thank you, Chairman Groene. Thank you for being here on this snowy, cold day. [LB803]

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JEFF WEST: You bet. [LB803]

SENATOR LINEHAN: I am a little confused. So the program was set up to ensure basically that we were going to rate preschools. Is that the same program? Is that what we're trying... [LB803]

JEFF WEST: That we are going to rate. [LB803]

SENATOR LINEHAN: That we're going to...the Step Up to Quality. It was like they get a 1 or a 2 or a 3 or a 4 or a 5. Was that part of...wasn't that part of something? [LB803]

JEFF WEST: Yeah, I think it is. I can't really speak to that part of this bill. [LB803]

SENATOR LINEHAN: That's okay. Okay. So what you're basically saying is these are all good ideas, that everybody have a certificate, but you couldn't, one, afford it, and there aren't the people? [LB803]

JEFF WEST: Right. I think it's really two issues for us out west. It's we can't find them and then, because my grant is 100 percent federally funded, I get no financial support from the state, and so my grant is basically tied to what it is for five years. And so I really have to pay everything out of that grant for five years and it really doesn't change much. And so, if I could find them...even if I could find them, which I can't, I couldn't afford to put them on the salary schedule. Because once they...if they are required to meet certification, then they are also required to be placed on the salary schedule. So the teachers that I am paying now are being paid less, and sometimes half, of what I would have to pay them if they go onto the salary schedule. And, you know, a grant that's set for five years, it's just I don't have the discretionary money to shift that kind of funds from everywhere else to pay people on the salary schedule. [LB803]

SENATOR LINEHAN: Okay. Thank you very much. [LB803]

JEFF WEST: That's basically it in a nutshell. [LB803]

SENATOR LINEHAN: Yeah, thank you. [LB803]

SENATOR GROENE: Any questions? Senator Erdman. [LB803]

SENATOR ERDMAN: Thank you, Senator Groene. Thank you, Mr. West, for coming all the way from Scottsbluff. [LB803]

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JEFF WEST: You bet. Yep. [LB803]

SENATOR ERDMAN: So the grant you're speaking of is a grant just for picking up what Kaplan used to do, is that correct? [LB803]

JEFF WEST: Correct. [LB803]

SENATOR ERDMAN: All right. And so how much was that grant, do you remember? [LB803]

JEFF WEST: \$2.9 million a year for 5 years. So almost \$15 million. [LB803]

SENATOR ERDMAN: Okay. All right. And the ESU itself has how many employees? [LB803]

JEFF WEST: About 190. [LB803]

SENATOR ERDMAN: And then there's 15 here, is that what you said? [LB803]

JEFF WEST: No. Included in the 190 are these 80. So we were about a little over 100 before we took this on. [LB803]

SENATOR ERDMAN: Okay. All right, thank you. [LB803]

JEFF WEST: You bet. [LB803]

SENATOR GROENE: Senator Pansing Brooks. [LB803]

SENATOR PANSING BROOKS: Thank you for coming today, Mr. West. [LB803]

JEFF WEST: You bet. [LB803]

SENATOR PANSING BROOKS: I appreciate it. I'm just...have you seen the amendment? [LB803]

JEFF WEST: I have not. [LB803]

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SENATOR PANSING BROOKS: Okay, so you really can't speak to that at all? [LB803]

JEFF WEST: Yeah, I'm sorry, I can't. No, I haven't seen it. [LB803]

SENATOR PANSING BROOKS: Okay. Thank you very much. [LB803]

JEFF WEST: You bet. [LB803]

SENATOR GROENE: A couple of questions for clarifications. [LB803]

JEFF WEST: Okay. [LB803]

SENATOR GROENE: Because you're an ESU, you have to follow the state statutes that also regulate the schools, is that correct? [LB803]

JEFF WEST: Correct. [LB803]

SENATOR GROENE: So what you're telling me, correct me if I'm wrong, is the federal requirements for the employments in a Head Start were less than what the state requirements are? [LB803]

JEFF WEST: Correct. I'm glad you brought that up. One of the questions when this group of folks approached us, after the grant was lost from Kaplan and it went Denver to an interim company, they obviously knew that that wasn't going to work well. So then they came to me and said, Jeff, would you be willing to look at this for ESU 13? Well, my first question was are we in good standing with all the standards? You know, is there a problem, what's going on? I don't want to step into the middle of a mess. And one of the questions was do we meet all the requirements for their certification and everything for the grant? Yes. Well, at that point we did, because the federal requirements were less than what they are at the state. So when we were exploring it further, we thought we would come the idea, well, doesn't federal law supersede state law? Well, this particular grant it says, that may be true, but this grant says you follow the highest standard of certification. So right...and I didn't know that until after the fact. And so then after we got into it, it was like, oh, so the higher standard is not the federal standard, it's the state standard, which is Rule 11. [LB803]

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SENATOR GROENE: But also the state standard never anticipated...maybe I'm wrong, but anticipated that we were talking four-year-olds. Now you're talking babies and we're saying you have to have a teacher certification to tend babies. [LB803]

JEFF WEST: For Early Head Start as well as Head Start, yeah. [LB803]

SENATOR GROENE: Because you're part of this state system. [LB803]

JEFF WEST: Correct. Correct. [LB803]

SENATOR GROENE: How many school districts are in your ESU? [LB803]

JEFF WEST: Twenty-one school districts. [LB803]

SENATOR GROENE: How many of them are equalized? [LB803]

JEFF WEST: Oh, I couldn't tell you. I'm sorry, I should know that, but I don't. [LB803]

SENATOR GROENE: I know the ones in Scotts Bluff County, Mitchell, and... [LB803]

JEFF WEST: Yeah, I couldn't tell you. I'm sorry. [LB803]

SENATOR GROENE: So most probably aren't, because you're rural. Is Chadron part of yours? [LB803]

JEFF WEST: I would...yes. I would hate to speculate and give you a number. [LB803]

SENATOR GROENE: Do you know how many of those school districts have an early childhood program? [LB803]

JEFF WEST: Yeah, we have a number of partnerships. [LB803]

SENATOR GROENE: But the Head Start program, you are partnering with them? [LB803]

JEFF WEST: Yes. So we have a partnership with five public schools right now: with Bayard, Scottsbluff, Minatare, Mitchell, and Morrill. And we're only doing the central and southern

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Panhandle. The northern Panhandle is done by a different group. So we're only responsible for the central and southern part of the Panhandle. But we have five partnerships right now with public schools, we're looking to try to expand that. But, you know, there are obstacles to that with space and staffing. I mean, one of the issues... [LB803]

SENATOR GROENE: So some of your schools in your issue are not part of the Head Start contract? [LB803]

JEFF WEST: That's exactly right. They're not a part of mine. The northern part of my ESU area is not affiliated with this grant, just the central and southern part. [LB803]

SENATOR GROENE: I would almost willing to bet that the schools that contract with you are nonequalized because they don't get 0.6 funding for their early childhood because they're unequalized. So they get no money for their early childhood program and it would be wiser for them to go with you with the Head Start program. That's just another caveat of this whole situation. But you're not asking anybody, any other school districts, LPS, OPS, North Platte Public Schools to lower their standards for who they will hire for their early childhood? [LB803]

JEFF WEST: No. And what I'm actually for, Senator, with the help of the department and the State Board is just somewhere where I can go so someone can listen to a hardship that may occur. And instead of it just being in statute as it is now, where it's just that's the way it is, is now this allows the State Board to say, you know, you have to go before them. We still have to work out that process, what does that look like and how do you go before the board. But I don't have a problem going before the State Board and pleading my case. I think other schools who may all of a sudden who have taken state money and have received grant money and you're receiving money for four-year-olds, it's going to be a little difficult I think to go before the State Board and say, oh, I've got hardships here because I didn't know what I was getting into. Now I think their argument will be we just can't find them. I mean, I don't think theirs is a money issue, it's a staff. [LB803]

SENATOR GROENE: So you don't think it's some of them nonequalized rural school districts...they don't have a pre-K program for two reasons: they're not getting funded. [LB803]

JEFF WEST: Right. [LB803]

SENATOR GROENE: And number two, the high requirement of who they have to hire. [LB803]

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JEFF WEST: Exactly. I think that's part of it and that's why it's still a voluntary program in the state of Nebraska--it's not required for that reason. It's just different. [LB803]

SENATOR GROENE: Constitutional reasons also. [LB803]

JEFF WEST: Oh yeah. [LB803]

SENATOR GROENE: Thank you. [LB803]

JEFF WEST: You bet. [LB803]

SENATOR GROENE: Senator Erdman. [LB803]

SENATOR ERDMAN: Thank you, Senator. Maybe one more question, Mr. West. You don't have a contract or a relationship with Bridgeport Public Schools? [LB803]

JEFF WEST: I do. [LB803]

SENATOR ERDMAN: Because you didn't mention those in your... [LB803]

JEFF WEST: Oh, I'm sorry. I do have...I have them with Bridgeport. [LB803]

SENATOR ERDMAN: Okay, because I thought you did. [LB803]

JEFF WEST: But...no, I'll take that back, Senator. I don't have a public school partnership with Bridgeport. A public school partnership is where the kids that are in Head Start are in the public school preschool. In the case with Bridgeport, we still haven't been able to work out a public school partnership with them, but I have a center in Bridgeport providing education. [LB803]

SENATOR ERDMAN: Okay. [LB803]

JEFF WEST: So I need to clarify that. Yeah, the public school partnership is different from us having a location. [LB803]

SENATOR ERDMAN: Okay. All right, thank you. [LB803]

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JEFF WEST: You bet. [LB803]

SENATOR GROENE: So to clarify that, in some schools they supply the space, you supply the payroll? [LB803]

JEFF WEST: Yeah. What I do in those cases is they're paid so much per kid per month for us to do the paperwork, take care of them as far as the paperwork is concerned. And then we provide wrap-around services... [LB803]

SENATOR GROENE: But the employee is the school district? [LB803]

JEFF WEST: But the employee is the schools. The teacher is their responsibility, not mine. They must meet Rule 11 requirements, not me. So that's why I'm trying to push the partnerships is to get those teachers into the public schools and out from under me. Because if they're under me, I can't afford to pay them. And hopefully, schools can a little more. But it's even more difficult for them, because they have space limitations, they have cost limitations, they have staff. I mean, I have approached a couple of schools to do public school partnerships and they say, Jeff, I'm going to have the same problem you do. I can't find them either. And then I'm in violation of Rule 11, just like you are. [LB803]

SENATOR GROENE: Plus they're... [LB803]

JEFF WEST: So that's the other part of trying to make this thing work, is you're just passing it off to somebody else to try to deal with it. [LB803]

SENATOR GROENE: So do you oversee the Head Start program? [LB803]

JEFF WEST: I do. Well, I have a director and management team that do most of the... [LB803]

SENATOR GROENE: Do you see any difference between the employees that have a certificate and the ones with the experience? [LB803]

JEFF WEST: I think it depends on the person. You know, I've got some really good, dedicated... [LB803]

SENATOR GROENE: It doesn't depend on the certificate, it depends on the gift of teaching? [LB803]

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JEFF WEST: Yeah. And one of the things I have said from the beginning is I have people that have worked in this program for 35, 40, 45 years, who don't have a teaching certificate. Now, that's not to diminish the importance of a teaching certificate, but I would put them up against anybody fresh out of college with a PE degree who may not have any early childhood endorsement. But they have the teaching certificate and as long as they are working on a provisional for early childhood, they meet the requirement, as I understand it, for Rule 11. Now, I would argue somebody who has 45 years of experience and all of these hours and early childhood experience, can't we figure out a way to kind of come up with some kind of alternative certification so we're not saying you have to leave after 45 years if you're not going to go back and get a teaching degree at 60? I mean, that doesn't seem logical to me. [LB803]

SENATOR GROENE: You don't have an answer to how many schools don't have a full-time kindergarten, do you? [LB803]

JEFF WEST: I don't. [LB803]

SENATOR GROENE: I mean, Brian will come up here or somebody with an answer to that. [LB803]

JEFF WEST: Yeah, there are people a lot smarter than me that can answer that question. [LB803]

SENATOR GROENE: Any other questions? Thank you, sir. [LB803]

JEFF WEST: Well, thank you for listening to me. I appreciate it. [LB803]

SENATOR GROENE: Any other proponents? There's no letters or emails of support for LB803. We will now go to opposition testimony. [LB803]

MADDIE FENNELL: (Exhibit 3) Good afternoon, Senator Groene, hardy members of the Education Committee who a little snow won't scare you off. My name is Maddie Fennell, M-a-d-d-i-e F-e-n-n-e-l-l, and I am here representing the 28,000 members of the Nebraska State Education Association in opposition to LB803. Let me begin by saying that I applaud the focus on early childhood and the call for all districts to offer full-day kindergarten, even though that's been taken out of the bill. We all know the tremendous benefit to both the children and to the state through their return on investment when we offer high quality early childhood education and we provided the resources to school districts that are necessary to do this. But please also note that I said "high quality early childhood education." As a first-grade teacher for nine years, I

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could easily tell which students had attended high quality programs and which had received basic childcare with little or no education. In fact, teachers knew that if kids came from certain private programs we would have to do significant remediation on both academics and behavior. Educators who are working with our youngest students need knowledge about brain development, appropriate milestones, and the skills to work with this unique age group. Our children who are the most vulnerable and whose brains are the most receptive to learning need adults who are well-prepared to meet their needs and maximize their learning. While it's true that we struggle to attract certificated teachers to these crucial positions, we need to respond by raising wages, not by allowing untrained caregivers to work with our youngest students. Let me be clear, we cannot lower the bar and expect excellence. We need to raise the pay and the status of the early childhood field, not lower expectations for our early childhood educators. Just as the best teachers have high expectations for all students, Nebraska must keep high standards for all educators. Lowering standards may be an easy step to take, but it is the wrong solution for these children and our state's future. I was president of the Omaha Education Association when the Omaha Public Schools took over the Head Start program in that city. OPS worked with the Nebraska Department of Education to develop a timeline that would grandfather those who had worked for Head Start for a short time while they obtained the training necessary to be certified. This is just one way in which our current system allows us to be flexible to local needs while still maintaining high standards. I encourage you to oppose this bill and to work with the Early Childhood Workforce Commission and other stakeholders to develop better solutions that will not place our children in the hands of caring, but unprepared adults. Thank you. [LB803]

SENATOR GROENE: Thank you. Any questions? [LB803]

SENATOR ERDMAN: Thank you, Senator Groene. Thank you for coming. You mentioned that you're not interested in lowering the standards? Would you agree with that? So did you see a while back that they decided that they would lower the standards for people to get into the teacher's college from what it was? [LB803]

MADDIE FENNELL: Yeah, I saw the change in the... [LB803]

SENATOR ERDMAN: Are you in agreement that that's an appropriate approach? [LB803]

MADDIE FENNELL: They changed the composite score... [LB803]

SENATOR ERDMAN: Right. [LB803]

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MADDIE FENNEL: ...not necessarily the overall standard. You still have to pass the test, but now it's based on a composite score, not upon independent scores. [LB803]

SENATOR ERDMAN: Is that lowering the standard? [LB803]

MADDIE FENNEL: Depends on...it's an assessment thing. I don't know that it is. I can also say that there are some problems with the test itself and I'm hoping that that change can remediate some of the problems with the Praxis test itself. [LB803]

SENATOR ERDMAN: You know, I hear that a lot here in this committee is when people don't match up to the standard there's something wrong with the test, there's something wrong with the way we did it. There's always something wrong with that. But when people can't read in the third grade, when people can't go to the junior college and pass in math and English there's a problem with education. And it has nothing to do with making the standards higher, it's always making them lower. So when you lower the graduation rate from high school so you can get out of high school, but yet you can't get into junior college because you don't have the skills to get there, what the high schools need to do is talk to the community college about lowering their standards so they can get in. We got to fix the problem, as always treat the system. And we got to start teaching the kids better. So if lowering the standards is not okay here with these people, than it shouldn't be okay with letting people getting in to the teachers' college. I want the best people teaching my grandkids. [LB803]

MADDIE FENNEL: I agree completely. And that's why NSEA has been committed towards helping people take that test and do better on the test. In fact, we got a grant for \$130,000 and we're going around the state training teachers on the Praxis so that they will be very successful on that test. And in fact, go far higher than just the minimum standard. [LB803]

SENATOR ERDMAN: It's not appropriate either to teach people to a test. [LB803]

MADDIE FENNEL: No, but you can help people understand. If you haven't taken...if you took your last high school math class maybe when you were a junior and now you're a junior in college and you haven't taken anymore math, it's more how do you brush up on that. What are those things that we can do to tutor you, to help you remind yourself, you know, what's the algorithm, you know, how do you determine the area of a five-sided...I don't remember that stuff right off the bat, it's been a while since I have taken algebra. So I need little reminders, and that's what we're doing. We're not teaching them to the test, we're reminding them of the best test-taking skills. And we're also letting them know that actually the Praxis can be taken while you're still in high school, when that information is fresh in your brain. And so then they can bank the score until they're ready to go into an education program. We're also, because we're very

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committed to having more teachers of color across the state, we're actually helping them pay for the test, because that can be an impediment also to some folks. They can't even afford to take the test. So we're offering, the NSEA is doing that, because we're committed to getting more high quality educators into the profession. [LB803]

SENATOR ERDMAN: Okay. [LB803]

SENATOR GROENE: Senator Pansing Brooks. [LB803]

SENATOR PANSING BROOKS: Thank you. Thank you for coming, Ms. Fennell. I don't know if you were here before when I was asking my questions about getting rid of the mandate for full-day kindergarten. I quickly was looking at some of the best practices in regards to that while I was listening to all of us. And clearly there is Web site after Web site that talks about making sure that you get full-day kindergarten. Would you basically agree with that? [LB803]

MADDIE FENNELL: Oh, absolutely, positively. I have been in buildings that...when I started we had half-day and we moved to full-day, and the tremendous difference I could see in my kids who were coming. I think when OPS added the extra piece of the Head Start we now see kids who have come in at age three through Head Start who are learning the socialization skills they need in Head Start, how to really get along with people. Then they start to learn their ABCs and their numbers. It really hit me when a couple of years ago I visited one of our...I was a literacy coach and I went to observe a kindergarten teacher. Her kids knew at Christmas what I hoped my first graders used to know by the end of first grade. We have really compacted the curriculum, and a lot of that is because our kids are getting into school earlier and they're learning more. And we have been able to track those kids who have gone from age three Head Start through pre-K into kindergarten, every single one of those kids at Miller Park where I was at, every single one of them was on grade level and even above. [LB803]

SENATOR PANSING BROOKS: So my feeling is that this kind of a change would require another hearing to be able to say, oh, we're going to take away the mandate for full-time kindergarten. That's my concern. So clearly, when Senator Linehan went on our reading tour across the state, the sooner those kids had access to reading and the more often and the more time the better, clearly. And it gives educators the ability to identify the kids who have the most reading deficiencies at an earlier point, rather than saying, oh, we'll just wait until first grade and then we can see what's going on. And that is totally indicative of what part of the problem is, is that the kids that are truly having problems need more time, they need more interventions, they need more...they need teachers who are trained to be able to help them. And so I just...do you agree with all of that? [LB803]

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MADDIE FENNEL: Oh, absolutely. And we know that the earlier we catch a child and the earlier we can do interventions the better off they will be. I have seen that in my own family. Both my younger brother and sister are learning disabled, severely mentally handicapped. And my brother is 14 years older than my sister, so he came in after IDEA was passed but never really got the benefits of that. And he has struggled his entire life because of that. My sister, however, got very early intervention, they pegged her when she went off to her first preschool class, that she was having problems. And she got early intervention. And since the day she graduated from high school, she has been employed and she has been a taxpayer, not somebody who needed to live from taxes, because of the early intervention and the things that she was able to learn and help offset her deficits from an early age. [LB803]

SENATOR PANSING BROOKS: Okay. Thank you for coming here today. Appreciate it. [LB803]

SENATOR GROENE: Maddie, there's no evidence that the few schools that do not have full-day kindergarten that those children are not learning, are not being prepared, is there? There's very few schools out there that aren't full-day and that's a local decision. [LB803]

MADDIE FENNEL: Right. [LB803]

SENATOR GROENE: And there is no mandate now, and we're not removing a mandate. There's a proposed mandate. [LB803]

MADDIE FENNEL: It's best practice. And I think it also depends on...you have to look I believe at what circumstances the kids are coming from. I taught for 27 years in a low-poverty situation, where if kids weren't in an educational setting they were often in childcare that was very substandard. And they weren't...it wasn't a learning, it was just these kids need to be somewhere to keep them safe. In some places, parents and school districts may choose not to have full-day kindergarten because they have got the economy, they've got the assets, the resources to go ahead and offset that themselves. Not every family has that, though. [LB803]

SENATOR GROENE: Or a family might want to send their child to a Christian day school for half a day? [LB803]

MADDIE FENNEL: Which is still education going on, right. And they could be learning. [LB803]

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SENATOR GROENE: We mandated, or created, early childhood at four-year-olds in 2006. We've had 12 years...11 years of this. I haven't seen any studies where third grade test scores have gone up since the state of Nebraska created four-year-old preschools. Have you seen any test score improvements? All I hear is test scores are declining or staying the same as they always were. [LB803]

MADDIE FENNELL: I don't know of any studies to cite that. I just know I can tell you our study that we did at Miller Park, where we found that...we actually tracked our kids who came through the programs and those who didn't and we found that those who came through the Head Start, the pre-K programs, at ages three and four, and stayed at Miller Park, because that's part of the problem is these kids...a lot of kids in poverty move constantly, but they were on and above grade level. [LB803]

SENATOR GROENE: Through what grade, third, fourth? [LB803]

MADDIE FENNELL: Through third grade. Through third grade. [LB803]

SENATOR GROENE: But statewide we haven't seen improvements. [LB803]

MADDIE FENNELL: And I don't have that information for you. [LB803]

SENATOR GROENE: Thank you. Maybe we can get...I have asked the Department of Education if they have tracked any of that and I... [LB803]

MADDIE FENNELL: Well, and I think Senator Linehan's bill, there's a lot of good stuff in there about how we could be paying a little closer attention to that. I think the travel...you know, both the senators did, the conversations they had with teachers, I think they're pretty on-target on some of the things that we need to look at. [LB803]

SENATOR GROENE: To make sure they can read before they get to junior college and have to take a remedial class? [LB803]

MADDIE FENNELL: Absolutely. We need more conversations...part of our problem is sometimes I think we look at these things in isolation and we don't realize that it's systemic. And there are systemic situations that we need...complex problems are not solved by simple solutions, complex problems are solved by complex solutions. But often, we don't want to enter into those conversations. But we need to. If we're really going to have a kid ready for junior college, then it really does start in pre-K. [LB803]

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SENATOR GROENE: I agree, and it all starts with discipline in the classroom. Thank you, you know where I'm coming from. Anyway, thank you. [LB803]

MADDIE FENNELL: Thank you. [LB803]

SENATOR GROENE: Any other questions? Go ahead any time you're ready. [LB803]

SUSAN SARVER: (Exhibit 4) Okay, good afternoon. My name is Dr. Susan Sarver, S-u-s-a-n S-a-r-v-e-r, and I'm the director of work force planning and development at the Buffett Early Childhood Institute. I'm here speaking on behalf of myself and Dr. Samuel Meisels, who couldn't come today because of the weather conditions. Thank you very much for letting me be here today, and I wish to speak in opposition to two specific provisions in LB803, the elimination of the credential requirements for early childhood teachers and the provision that allows elementary schools to enroll five-year-olds in early childhood programs. I want to address certification first. Senator Stinner has spoken in favor of eliminating the statute that requires this early childhood teacher certification as a solution for the shortage of certified teachers in state-funded early childhood programs. With all due respect, I profoundly disagree with this proposal. There are other available solutions to this problem that stop short of removing the certification requirement from statute. In testimony today, we have heard a lot about the shortage of teachers across the state, which is particularly true in early childhood education. The problem is not with certification, the problem is with the shortage of teachers in the early childhood work force. Removing the requirement for certification will not necessarily address this shortage. The teacher shortage is a symptom of several crucial issues, systematic systems, a complex problem, as has been said here before. They have been ignored for far too long. These include low pay, poor working conditions and benefits, difficulty in obtaining certification, the high cost of obtaining certification. But the way to help our children and communities is to begin a process of correcting these problems, not ignoring them or making them worse. Our current system of professional certification is the best accountability system that we have available for ensuring that we have the professionals with the knowledge and the skills that we know are best for our youngest children. Requiring early childhood teachers to be certified by the state of Nebraska ensures that those teaching our youngest children meet the same standards as those teaching older students. While some may argue that teacher certification is less important in early childhood than it is for teachers in the k-12 system, I'm here to tell you that that is a fallacy. The early years are a period of intense and rapid development, and the research tells us that early intervention can level the playing field for children, particularly living in poverty. A well-qualified and skilled professional in these early years helps this process. None of this can happen if you reduce the qualifications of the early childhood work force. A skilled and informed professional can have a positive impact on a child from birth onwards. Conversely, a poorly-paired educator or caregiver can limit or even damage a child's development. Moreover, removing certification may produce several unintended consequences. Among these could be

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problems with future recruitment of individuals into the field when we already have a shortage. This gives leeway for administrators to hire candidates with lower qualifications. Although testimony has been said today that it is not the intent to lower the qualifications, when this is taken out of statute what are our guarantees that we still hire those with the best qualifications? There's also the likelihood of additional request for similar accommodations and changes to certification requirements in other professional fields with a shortage. I recognize and agree that the lack of certified teachers has practical implications for state early funded childhood programs, but removing credentials is not the answer to this. I respectfully request that the committee forgo consideration of this proposed change in statute so that stakeholders can work together to create a consensus about how best to move forward. As Jeff West mentioned, he is a member of the Nebraska Early Childhood Workforce Commission. We would suggest that this group of 40 public and private sector leaders that already have a commitment to, and learning and leadership and knowledge about, the early childhood workforce serve and get together to address this. The leadership of this commission, Dr. Samuel Meisels and Dr. Marjorie Kostelnik, the co-chairs, are committed to giving a report back to the committee within 9 to 12 months on ways that we could address these issues. The bottom line, removing certification, while well-intentioned, will create more problems than it will solve...solve. Rather, please allow us the time to work together and get this right. The stakes are too high for our children, families, and communities. And then speaking of high stakes, it brings me to the second provision of LB803 that we take exception to: the enrollment of five-year-olds in pre-K programs. In the field, we call this holding out or red-shirting. Its purpose is to give children, typically boys, more time to grow and become ready for the academic demands of kindergarten. Here are the problems with it. First, it pits the desires of five-year-olds against the parents of three-year-olds. For every child who wants to be enrolled...every five-year-old who wants to enroll in pre-K, you have a three-year-old parent who also wants to enroll in pre-K. Second, it confounds age and development, assuming that if a child is older, he will be able to learn better, faster, or more. But research shows that development surpasses age in importance, not the other way around. [LB803]

SENATOR GROENE: Could you sum it up, we're at...? [LB803]

SUSAN SARVER: Yes. I have one more sentence. And the most important issue about holding out is that it actually makes the problem worse. Parents will hold out their child until six-year-olds, until they are six, go into kindergarten, and then they have even higher expectations for kindergarten, thereby increasing the desire of later parents to continue holding their kids out. If a kindergarten-eligible child is not ready for a particular kindergarten curriculum, that classroom needs to adapt to the child, not the other way around. [LB803]

SENATOR GROENE: Thank you. [LB803]

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SUSAN SARVER: Thank you, I'm sorry for going over. [LB803]

SENATOR GROENE: Any questions? Senator Erdman. [LB803]

SENATOR ERDMAN: Thank you, Senator Groene. Thank you for coming. So you heard Mr. West's testimony today? [LB803]

SUSAN SARVER: Yes, sir. [LB803]

SENATOR ERDMAN: And you heard his comments about those people who have been doing this for 40 years and he would put those up against anyone who had a certificate? Would you agree with that? [LB803]

SUSAN SARVER: Yes, sir. And I think that is a very good point. I think it is quite possible that some of them are just as good, if not better, than certified teachers. But unfortunately, there is no system within the Nebraska Department of Certification Processes that allows us to share that. I think it's better to look for that process. [LB803]

SENATOR ERDMAN: Okay. So where Mr. West functions and the things he has to do there, there are not people to do that. What is the solution, what does he do to fix that? How does he find those people? [LB803]

SUSAN SARVER: How does he find those people? I think it goes back to the root of all of these problems: low pay, the benefits that are there. I think we widen the net for recruitment and I think you work creatively with the local community colleges and the four-year colleges to entice people to come to those areas. [LB803]

SENATOR ERDMAN: Have you ever been to Scottsbluff? [LB803]

SUSAN SARVER: Yes, sir. [LB803]

SENATOR ERDMAN: So the unique situation we have in western Nebraska is not similar to Lincoln and Omaha, there's no people there. So what do you do then? [LB803]

SUSAN SARVER: It is unique. There is more...a larger teacher shortage in rural parts of the state, that is very clear. But overall, there is a teacher shortage in early childhood, especially across the entire state. [LB803]

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SENATOR ERDMAN: Amazing. Okay. [LB803]

SENATOR GROENE: Senator Linehan. [LB803]

SENATOR LINEHAN: Thank you, Chairman Groene. Thank you for being here. I think maybe you're the person I've been waiting for here. Were you here and involved when we created the Step Up to Quality program? [LB803]

SUSAN SARVER: Yes, ma'am. [LB803]

SENATOR LINEHAN: So just so I'm clear, this is a program that schools or other organizations can opt-in to, right? [LB803]

SUSAN SARVER: Yes, ma'am. [LB803]

SENATOR LINEHAN: And they opt-in to it and when they opt-in to it they agree that they're going to follow these rules. If I want to open a preschool that isn't part of this program, then none of those rules apply? [LB803]

SUSAN SARVER: The Step Up to Quality is a voluntary program for any licensed center or prekindergarten program. They don't follow the Rule 11, but they are rated on a 1 to 5 scale based on Step Up to Quality requirements. [LB803]

SENATOR LINEHAN: And who rates them? [LB803]

SUSAN SARVER: There is a variety of things that they receive points on, it's run through the Department of Education. And they send outside observers to do ratings of the classrooms. Plus, they have to meet several other qualifications. [LB803]

SENATOR LINEHAN: So we rate preschools that are in the Step Up to Quality program? [LB803]

SUSAN SARVER: Yes, ma'am, anybody that voluntarily wants to be in. It also... [LB803]

SENATOR LINEHAN: Now wait a minute, anybody that voluntarily wants to be part of the program? [LB803]

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SUSAN SARVER: Yes, ma'am. [LB803]

SENATOR LINEHAN: Okay. [LB803]

SUSAN SARVER: A state prekindergarten program that is funded through the state, if they decide to be involved in the Step Up to Quality program, they will come in at a level 3 out of the 5, because the requirements for state programs under Rule 11 are higher standards than what you would find. [LB803]

SENATOR LINEHAN: So just because they checked all those boxes they come in at a three... [LB803]

SUSAN SARVER: They would still have to do the outside observation and everything. [LB803]

SENATOR LINEHAN: ...before anybody has even been in the building and see what's going on? [LB803]

SUSAN SARVER: No, I think they would still have to have an outside observer. I'm not sure of the details, but because the standards for Rule 11 are so much higher than licensing standards and really emphasize high quality, it was decided that those programs would enter as a 3. And I think Head Start programs are the same way. [LB803]

SENATOR LINEHAN: Are you aware do we have any similar kind of rating programs for k-3? [LB803]

SUSAN SARVER: No, ma'am, not that I am aware of. [LB803]

SENATOR LINEHAN: Would you be supportive of programs that rate k-3? [LB803]

SUSAN SARVER: Personally, yes. I think a similar program to Step Up to Quality that went through the kindergarten through grade 3 program could be useful because it shows a continuation of improvement, it gives you places to focus on where do you improve. It's not a gradient system, A-F, it is very much a continuous improvement process. [LB803]

SENATOR LINEHAN: So what about fourth to eighth grade? [LB803]

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SUSAN SARVER: My expertise is in early childhood, which only goes to grade three. So I would not like to speculate on that. [LB803]

SENATOR LINEHAN: Okay, thank you much. [LB803]

SENATOR GROENE: You said you were involved in the Step Up program. When was that created? [LB803]

SUSAN SARVER: I don't know. I wasn't involved in the creation of it, but I know some of the details from being involved with various committees in Step Up to Quality. [LB803]

SENATOR GROENE: So the Step Up program, if you got a pre-K in a school you got to follow Rule 11 and have a certified teacher that's...you're not rated if you are a public school. [LB803]

SUSAN SARVER: Yes. [LB803]

SENATOR GROENE: You are a program and you have to have certification. [LB803]

SUSAN SARVER: You can voluntarily enroll in Step Up to Quality, but you're not required to. [LB803]

SENATOR GROENE: So Ms. Fennell can correct me, but she said they track Head Start children in the Miller school. Those teachers, those individuals were not certified that taught those kids. And they came out of Head Start and the Head Start children did very well in kindergarten and first grade. So there's no correlation there between a certification and results. [LB803]

SUSAN SARVER: I would argue, Senator, that it is the quality of the teacher that is the most important factor. And those Head Start teachers were likely very highly qualified. They might not have been certified, but they were high quality. But we currently have no other accountability system in the state that says you are a high quality teacher, you have the skills and knowledge you need other than state certification. [LB803]

SENATOR GROENE: How about results? How about results? Mr. West says he has results without the certification. [LB803]

SUSAN SARVER: I think that could be a part of solving this problem is to look at things like those results, what are the changes that are happening in the classrooms. [LB803]

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SENATOR GROENE: Is the Step Up program rating on results or that you have so many certified teachers, you have so many kids per employee, that you offer...is it grading results? [LB803]

SUSAN SARVER: No, the Step Up to Quality program is based on structure and processes within the program. It's a program level rating. [LB803]

SENATOR GROENE: So not on test results or actual outcomes, just... [LB803]

SUSAN SARVER: No, the processes and what is happening in the program. [LB803]

SENATOR GROENE: So as citizens we don't know if we're getting good results, we just have a good process. [LB803]

SUSAN SARVER: It's a very good indicator. They have in place those things that will get the best results. [LB803]

SENATOR GROENE: Thank you. Any other questions? Thank you for your testimony. [LB803]

SUSAN SARVER: Thank you. [LB803]

SENATOR GROENE: (Exhibits 7, 8) Any other opposition? Let me see. Opposition for LB803 is Marcia Blum of the National Association of Social Workers and Ralston Public Schools. If I have that right. Any neutral testimony? [LB803]

BEN BAUMFALK: (Exhibits 5, 6) Hello. I'll try to be brief, I know there's a blizzard outside. So everybody's got somewhere to be. Hi, thanks for having me. Chairman Groene and members of the Education Committee, my name is Ben Baumfalk, that's B-e-n B-a-u-m-f-a-l-k, and I'm here on behalf of First Five Nebraska. I'm also filling in for my colleague, Jen Goettemoeller, who was unable to be here due to the weather, so I will be reading her testimony. At First Five we focus exclusively on policies impacting young children at risk of failing in school and the early experiences that close the achievement gap at the time it's most efficient to do so. In some way, LB803 may seem simple, but there are a lot of layers to the issues within. As you consider this piece of legislation and others throughout the session, I would encourage you to remember something about the population that will be entering the k-12 system very soon. Of the 154,000 Nebraska children ages zero to five, 39 percent of them are already at risk of failing school when they reach kindergarten. Attached to my written testimony is a map showing this data statewide. As you consider how to deal with the host of educational and funding issues before you, it may

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be wise to remember these young learners and what it will mean for our schools, business, and communities if they arrive to kindergarten with significant developmental disadvantages. Many of us have seen and heard the challenges schools face in offering these kinds of interventions, particularly in rural areas. LB803 attempts to respond to some of these challenges and we appreciate Senator Stinner's leadership and commitment to finding solutions. Aside from funding, perhaps the biggest challenges communities face in offering effective early childhood education is in the lack of the adequate work force. As we all know, it is a highly skilled, responsive, and encouraging teacher that make all the difference in learning. Brains are built on these interactions. Children thrive and learn best when they have secure, positive relationships with adults who are knowledgeable about how to support their development and learning and are responsive to their individual progress. And it is those set of skills that we are looking for in the early childhood work force, being able to respond to the child appropriately when they work with them. We do not believe that at this time removing the certification requirement for early childhood teachers, as proposed in LB803, is the best solution for dealing with the work force shortage. Although, we certainly agree that policies must adapt to fit local challenges. By focusing on competencies, creating nontraditional delivery methods of instruction, and increasing paths to certification, we can help schools and communities find the work force they need, while ensuring public funds are purchasing quality interventions that reduce the achievement gap. It has been mentioned previously about the Early Childhood Workforce Commission, that's made up by representatives from early childhood, k-12, higher education, government, school boards, childcare business, and philanthropy. I would ask the committee to consider their efforts before moving forward with this piece of the bill. I would call to your attention one other facet of the bill that allows and encourages schools to increase the number of five-year-olds who are age-eligible for kindergarten to be served in early childhood education programs. It's a small technical change in the bill, found in Sections 1, 5, 11, and 13, that changes "kindergarten entrance age" to "enrollment in kindergarten." And again, you've heard the concern with that, that there is only so many spots available in those programs. And for every five-year-old that then enrolls there will be one less spot for the three-year-old, where there are already a shortage of those opportunities. I will conclude that by asking the committee to utilize the expertise of all those that are currently working on these issues as you decide which pieces of the bill to advance. Thank you for holding this hearing today, it's a first step in gathering information. And I appreciate the opportunity to testify. Please let me know if there's any other additional information First Five can provide. [LB803]

SENATOR GROENE: Senator Erdman. [LB803]

SENATOR ERDMAN: Thank you, Senator Groene. If you have never been to a committee hearing where I have sat, you may find this surprising. But I'm amused by people who try to do a neutral. Can you explain to me why you took that position rather than opposition, because that's exactly what you are, is opposition. [LB803]

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BEN BAUMFALK: Well, I think that we support finding solutions in a way that's evidence-based. That's based on knowing more about the problem. I think that we need time to really evaluate what's happening in the districts, you know, outside of just ESU 13. I know that they have shortages, but are there shortages in other parts of the state? Do we know what those barriers are, those obstacles? And then also, have we identified components of a solution that would be effective in solving those problems? So we support potential solutions, which may or may not include outside of certification, but I don't think we know enough yet to fully support pulling the credentialing process. [LB803]

SENATOR ERDMAN: Try real hard if you can. Try to explain to me why you chose neutral and not opposition. [LB803]

BEN BAUMFALK: Because, you know, I think that we are dedicated to working with the stakeholders at hand. And we want to find a solution to this problem. We support finding solutions, but we need more time to evaluate the problem. [LB803]

SENATOR ERDMAN: So you came here to tell us we need to make these changes, but you're neutral? [LB803]

BEN BAUMFALK: Yes. [LB803]

SENATOR ERDMAN: That's not neutral. [LB803]

BEN BAUMFALK: Okay. [LB803]

SENATOR ERDMAN: Thank you. [LB803]

SENATOR GROENE: Senator Linehan. [LB803]

SENATOR LINEHAN: Thank you, Chairman Groene. Thank you very much for being here. I would say your name, but I'm afraid I would mess it up. [LB803]

BEN BAUMFALK: That's okay. [LB803]

SENATOR LINEHAN: I'm looking at your chart here. Can you explain this 39 percent estimated percentage of the number of children age zero to five in Nebraska at rest...at risk, excuse me, thank you. At risk. That's my dyslexia. What's that based on? [LB803]

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BEN BAUMFALK: That's based on the five year American Community survey estimates for children living in poverty, ages zero to five. So that would be represents the percentage of children within those districts that are at 185 percent of poverty or less. [LB803]

SENATOR LINEHAN: And what is that? [LB803]

BEN BAUMFALK: For a family of three, I think it's around \$57,000, if I'm not mistaken. [LB803]

SENATOR LINEHAN: So you believe, your organization believes, that a family of three making \$57,000 a year is in poverty? [LB803]

BEN BAUMFALK: They would be...they would qualify for free and reduced lunch within their district. And there are many studies that show, that yes, those individuals do face more challenges than those that would be at a higher level of income. [LB803]

SENATOR LINEHAN: It's always better to have more money. Okay. Then on your map, why are...you've got the metro area here but, like, you don't have all the districts. You have some of the legislative districts outlined here, but not all of them. [LB803]

BEN BAUMFALK: I would have to look into that. I'm not sure why that was... [LB803]

SENATOR LINEHAN: Well, we've got all of them in OPS I think are listed, Westside seems to be listed. But as you move west, Elkhorn is clearly left off the list. I just wondered if there was some reason. [LB803]

BEN BAUMFALK: We just remade those maps with the most recent data that was released in December, so it may just be a formatting error. But I will look into that. [LB803]

SENATOR LINEHAN: Okay. Thank you very much, appreciate it. [LB803]

SENATOR GROENE: Senator Pansing Brooks. [LB803]

SENATOR PANSING BROOKS: Thank you. Have you seen the amendment to this bill? [LB803]

BEN BAUMFALK: To remove the all-day kindergarten requirement? [LB803]

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SENATOR PANSING BROOKS: Yes. [LB803]

BEN BAUMFALK: Yes. [LB803]

SENATOR PANSING BROOKS: And do you have an opinion on that? [LB803]

BEN BAUMFALK: For the most part, I think we would support an all-day kindergarten. And from my understanding, what I've heard is it's only two schools within the state that currently are not in compliance potentially with that requirement. So I don't see it as that big of an issue. But I would say that, yes, we would support all-day kindergarten. [LB803]

SENATOR PANSING BROOKS: So it's better not to lower the standard, generally? [LB803]

BEN BAUMFALK: Right. Well, it's better not to lower the standard unless you have some other process in place for ensuring that the work force is high quality. [LB803]

SENATOR PANSING BROOKS: That the standard is met. Thank you for coming. [LB803]

SENATOR GROENE: You understand we are not lowering any standards, the standard is what it is. And that's you can have half-day. [LB803]

BEN BAUMFALK: Oh, I'm sorry. I was speaking about removing the teaching certificate. [LB803]

SENATOR GROENE: Editing a bill does not lower standards that exist because the bill doesn't exist itself. [LB803]

BEN BAUMFALK: Right. [LB803]

SENATOR GROENE: So you said something about...every child right now, there's three-year-olds, two-year-olds in the Panhandle of Nebraska. They only get one chance at life, they're two-year-old once. [LB803]

BEN BAUMFALK: Yeah. [LB803]

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SENATOR GROENE: You think we should wait around until 40 people on a committee sit around and make a decision about how we get certified teachers or should this body and these senators react now to make sure Mr. West, who is doing a great job, has the ability within his budget to supply that two-year-old, that only has a shot once in life to be two years old, should get the services? Or do you think we should wait around and wring our hands and try to find more money in the state with the second-highest tax burden in the nation? [LB803]

BEN BAUMFALK: Well, I think that, I mean, when we're talking about all of the two-year-olds across the state, we need to make sure that whatever we do is appropriate. [LB803]

SENATOR GROENE: Nobody is asking to take away the ability of LPS or OPS or Millard to set a standard that they have to be certified to work in their pre-K. [LB803]

BEN BAUMFALK: But we have guarantee that they would do that. So it's similar to the k-12 world in that we require certification for the k-12 world. But if we were to remove that from the early childhood world, what would we be saying about the value of those experiences for those kids? [LB803]

SENATOR GROENE: We would be saying before the certification standard we had very good pre-K programs in the state of Nebraska. [LB803]

BEN BAUMFALK: Sure. Sure. [LB803]

SENATOR GROENE: To claim the certification program has improved it, there's no actual studies to prove that. There's just, as we heard earlier, a process. [LB803]

BEN BAUMFALK: Right. [LB803]

SENATOR GROENE: Thank you. Any other questions? Thank you, sir. We appreciate it. [LB803]

BEN BAUMFALK: Thank you. [LB803]

SENATOR GROENE: Senator Stinner. Is there any other neutral? [LB803]

SENATOR STINNER: I'll try to be quick. First of all, Senator, the current law does not require all-day kindergarten, but I get what you're saying, that maybe they should. By taking it out and

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just basically moving it back to where we're at today. And I don't want to debate all-day kindergarten right now. You know, I have no quarrel with the opposition when they talk about quality, when they talk about the complications of work force and pay and all the rest of that stuff. I have no quarrel. In fact, I would love to work and am working on trying to find a solution for this early childhood situation. But I think Dr. West has really kind of framed the issue as it relates to western Nebraska, but also in rural Nebraska. We don't have certified teachers, we don't have budgets for certified teachers. Maybe we can work on the budget, maybe over a period of time. This could be a work in process, and I look at this bill as a work in process. I look at the early childhood as a work in process. And I agree that there has to be some evidence-based, and there is all kinds of evidence-based information about early childhood. But what I'm looking at is reality-based. The reality is I think he's doing a heck of a good job and he's in violation of Rule 11. Now he's just in a real pickle, he's swinging in the wind. He's asking for solutions, that's what this bill is about, is a solution. Is it lowering the bar, is it lowering the standard for the entire state and the world is coming to an end? No, it isn't, because every school district can use that evidence-based and say, by God, we do have a work force out there, we can keep those standards up. And they can set higher standards. The problem is, is that the standards that we have today we can't be in compliance. So do you want to have an early childhood program? Do you want to have it or don't you? And I'm just talking about kids right, I could also make a case on an economic development side. There's \$15 million and 80 people being hired for this program in the Panhandle of Nebraska. Take it out, you lose \$3 million a year and 80 jobs. That doesn't even make sense for an economic development standpoint, but I won't go there for a while. But in any event, we're looking for a mechanism, we're looking for a solution. Maybe there is a waiver situation that we can apply to and still have the stringent standards that we would all like to have, but proof that we have a hardship situation and maybe we got some leniency. I want to see early childhood stay in the Panhandle, I don't want to see it go away. That's my remarks for today.
[LB803]

SENATOR GROENE: Senator Pansing Brooks. Excuse me. [LB803]

SENATOR PANSING BROOKS: Thank you for bringing this bill, Senator Stinner. Of course, part of my concern is sort of the opposite of what...I don't know if you were here for the previous bill where Senator Groene has a worry that you set a cap and then everybody goes up to the top of that cap. You set the lower...you lower the standard and everybody says, oh, well, we're going to be down and be at the bottom with that standard. We went across the state and saw really great public education going on across our state and some places that need some help. So you set that bar lower and we've got exactly what everybody is complaining about. Senator Erdman is complaining about the fact that he's got kids that can't get into Southeast...or to the community colleges. We set that bar lower and pretty soon...we are going to have to go after the community colleges and tell them to then set their bar lower to meet the fact that there aren't sufficient teachers. Maybe there are other alternatives, maybe there's video conferencing. Senator Morfeld

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has a class where he teachers kids by video conference. I mean, we're going to have to think out of the box to be able to continue to educate our kids and deal with the precious kids that are in the rural part of the state that you're talking about and not just leave them behind and expect them...because there aren't enough teachers, we're going to set a lower standard because we just, you know, there's nothing else we can do. I don't agree that we're at the end of our rope and that we need to lower our standards at this point because of that. And I appreciate you so much and I know you care. We both do. But maybe there's a good, happy medium we can find somewhere. [LB803]

SENATOR STINNER: I have a higher regard for education than the people who are running education within the state of Nebraska because we would lower the standard to allow the ESU 13 to have a Head Start program, to have an early childhood program, to be able to afford it, to be able to employ 80 people, to be able to have these programs in these small towns. And I get the argument on the work force, but I also look at other school district who have the resource, who understand evidence-based. They are not going to lower their standards. They're going to try to do as much as they possibly can productively. And frankly, if you looked at what is available in this Head Start program and the people associated with it, they are more than confident enough to carry out a great Head Start program and a great early childhood program. I just think maybe there are some exceptions, maybe there's a waiver, there's pockets where we need to say, okay, we need to have a Head Start program, we need to have early childhood. We understand you're in a situation where we don't have certified teachers, but we still want to have the program. [LB803]

SENATOR PANSING BROOKS: Okay. [LB803]

SENATOR STINNER: Right now, with Rule 11 where it's at, there are places you are not going to have the program period. So you got to make the decision. [LB803]

SENATOR PANSING BROOKS: I just feel like there's a continuing effort to just to say, okay, we're going to let kids be substitutes that just have a high school education and a high school degree, we are attempting to lower standards by some of what we're doing in an effort to just say, well, because our work force isn't adequate we're going to just go ahead and allow people to not quite meet up with the standards that others are going to set. And I'm not giving up yet. I am not giving up yet on what we could do across our state. [LB803]

SENATOR STINNER: I am not giving up either, and I am part of this coalition on work force, I am part of the early childhood fellowship and movement and all the rest of that. I'm not willing to give up on it either. But I've got a problem and we've got a problem. [LB803]

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SENATOR PANSING BROOKS: I agree. [LB803]

SENATOR STINNER: And it impacts the western part of the state where I'm at, but it also impacts across rural Nebraska. We've got to have a solution. We've got to have early childhood in my estimation. So that's my point. [LB803]

SENATOR GROENE: Well, Senator Stinner, I'm going to ask the Department of Education to get us a list of the schools that do not have a pre-K program. I think they're going to coincide with those that are not equalized because they get no funding for it. And I will also try to find out how many schools and how many students are affected right now by not all-day kindergarten. Because I think we'll find that what we have done, and voluntarily let local control by funding full-day kindergarten, the evolution of it is that slowly but surely every school is starting...has a full-day kindergarten. So we'll try to get that information to you and to the committee because I think this affects more than just the Head Start program. I think an awful lot of smaller school districts do not have a pre-K because they cannot afford or find a teacher to do it and they get no funding for it. So to claim we're taking away quality away from children that don't even have an opportunity for pre-K because of the restrictions, is foolishness in my opinion. And to Senator Erdman's point, those kids that are taking...in the community college were taught by certified teachers in our public schools. So the certification didn't help those kids. Thank you. [LB803]

SENATOR STINNER: Just to add, the Sixpence program is from zero to three years old. And Scottsbluff has a Sixpence program, so does Gering. They will have to have certified teachers for infant to three, so just thought I would throw that out. Thank you very much. [LB803]

SENATOR GROENE: Thank you, Senator Stinner, for bringing that bill. That ends the hearing today in the Education Committee. [LB803]