

## Education Committee January 23, 2018

**GROENE:** [00:00:02] [RECORDER MALFUNCTION] Legislative District 42. I serve as chair of this committee. The committee will take up the bills in 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. Please, to better facilitate today's proceedings, I ask that you abide by the following procedures. Please turn off cell phones and other electronic devices. Move to the chairs in the front of the room when you are ready to testify. The order of testimony is introducer, proponents, opponents, neutral, and closing remarks. If you will be testifying, please complete the green testifier sheet and hand it to the committee clerk, page, or page when you come up to testify. If you have written materials that you would like distributed to the committee, please hand them to the page to distribute. If you're 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. Please be concise. My request the testimony limit to five minutes. We might change that as the day goes on with different bills if it runs late. We will be using the light system: Green for four minutes, yellow for one minute, and then please wrap up your comments before the red light comes on or right after. 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. To the public out there listening, if you want to, on any bill in any committee, if you want to send in an email that you want included in the record, we are cutting off requests at 5:00 the day before because the committee clerks just can't handle it all. They don't have time to print them all off, enter them into the record, and then also prepare for the committee hearings at 1:30. So try to get your comments in the day before. And you must in your correspondence say you want it in the written record and then state your opposition or your position. And your name and address so you can be identified. The committee members with us today will introduce themselves beginning on my far right.

**LINEHAN:** [00:02:36] Good afternoon. Lou Ann Linehan, District 39: Western Douglas County.

**KOLOWSKI:** [00:02:41] Good afternoon. Rick Kolowski, District 31 in southwest Omaha.

**ERDMAN:** [00:02:47] Steve Erdman, District 47.

**WALZ:** [00:02:50] Lynne Walz, District 15: Dodge County.

**GROENE:** [00:02:52] My assumption is Senator Pansing Brooks and Senator Morfeld will be joining us. Senator Erdman notified us that she'll be a few minutes late-- not Senator Ebke. He's always late. Anyway, I'd like to introduce the committee staff. To my immediate left is legal counsel Charles Garman and to my far right is committee clerk Kristina McGovern. As far as pages, I believe we only have one today. Sam Baird is 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 loudly into this mike, and that's also the testifier, clearly because the transcribers. These mikes are not for amplification, they're for recording that the transcribers can later on put it into the record. You might see some of us on our electronic devices up here. Normally it is that we're corresponding with our staff to look up information that we can accurately ask questions to the testifiers. So thank you, and we're going to start with Senator Wayne, LB888.

**WAYNE:** [00:04:23] Thank you, Chairman Groene. My name is Justin Wayne, I represent District 13. J-u-s-t-i-n W-a-y-n-e. District 13 is north Omaha and northeast Douglas County. And today I'm here to talk to you about a complicated issue called TEEOSA. No, wrong bill. Here to talk to you

about posters. This a very simple bill that will simply require schools to post posters. 27 states already have this. This is just a good public policy that in places where there is child abuse or children, posters can remind them to when they're in danger, if they're in danger, what number to call. Nothing complicated. No fiscal note. And in fact, one of the testifiers will come up today who are offering to pay for all the schools to get those posters, and all they have to do is literally hang them up. So one of the few bills that not only have a fiscal note, I still know how to pay for it. So with that, I will entertain any questions.

**GROENE:** [00:05:25] Any questions from the committee? Yes, Senator Kolowski. Sorry.

**KOLOWSKI:** [00:05:34] Yes, Senator Wayne. Thank you. Do you have a fiscal impact on this as far as overall production? There's a lot of schools out there.

**WAYNE:** [00:05:43] Yes, but again, a testifier behind me will-- they're offering to pay for all the schools to get in the state of Nebraska to receive this poster.

**KOLOWSKI:** [00:05:52] Yearly?

**WAYNE:** [00:05:52] Yearly. Well, hopefully they don't tear them down every year but potentially, yes.

**KOLOWSKI:** [00:05:59] Thank you.

**GROENE:** [00:06:01] Senator Walz?

**WALZ:** [00:06:02] Thank you. Do you have any requirements on how big these posters have to be?

**WAYNE:** [00:06:10] I have a sample poster but obviously I didn't bring that here because that would have made too much sense to pass out. But no, they're usually 11-- 17, 8.5 by 11 or 17, the double, whatever size the double paper is. But 8.5 by 11. Again, it's just Maddie will, the testifier behind me, will be able to tell you a little bit more about as far as the size, since they're willing to pay for it.

**GROENE:** [00:06:41] Is there-- who decides, Senator Wayne, who decides what the graphics on it or pictures are on it?

**WAYNE:** [00:06:51] These are just standard ones that have been adopted again by 27 different states. They're all kind of the same standard that has been, it's also in statute, kind of outlines the number of who to call. Obviously, schools would have to approve the poster, as they would with any other poster. But this is not a poster that's going to have pictures or anything that would cause controversy. It's a number, hotline number, pretty basic number.

**GROENE:** [00:07:19] It will just be letters and numbers, not a depiction or a picture in the background?

**WAYNE:** [00:07:25] No.

**GROENE:** [00:07:27] Could I ask who asked you to bring this bill?

**WAYNE:** [00:07:30] I received a couple of e-mails from different constituents. And to me, when I looked at the states having it, from Texas to Tennessee, Utah, there's 27 of them. I won't name them all, Alabama, from both conservative to what's seen would be liberal. I think this is a good overall

policy that when children can read and children start seeing things oftentimes they don't know who to call and who to contact. But most of the children go to school and they can see that poster there. And they would know who to call and who to contact.

**GROENE:** [00:08:02] Does this go to our state office or a federal number?

**WAYNE:** [00:08:05] It would be the state, I believe. I have to double-check but I believe it's the state.

**GROENE:** [00:08:13] And that number is already set up within--

**WAYNE:** [00:08:15] Correct. There's already a hotline. There's multiple different numbers not just for, I mean, not just for child abuse, but there are-- there already is a statewide hotline.

**GROENE:** [00:08:24] That goes to the state office, it doesn't go to the local sheriff or the local police department?

**WAYNE:** [00:08:28] They would-- there is a process, and I can't get to the details of all that process, but there would be a process in which it would be referred to local, yes. Like a local CPS person or something like that to investigate if their claim is substantiated or believed to be able to be substantiated.

**GROENE:** [00:08:45] Thank you. Any other questions? Senator Erdman.

**ERDMAN:** [00:08:49] Thank you, Senator Groene. Thank you. Senator Wayne, what do they do now. Do you know what they do now? What's the procedure now if someone has-- is there anything at the school to tell them where to call or is this something new that they don't have?

**WAYNE:** [00:09:00] Well, actually there is not a consistent, as being a former OPS School Board member, principals often designated what posters went in their buildings. And so there would be a different variety of posters on a different variety of things. But there wasn't a consistent policy. Not just within Omaha Public Schools but not-- but throughout the state. And so the thought process is no matter where you're at, if you can read and write and you're attending a public school we want you to be able at least have a number you can call if you have an issue.

**ERDMAN:** [00:09:35] So I see in your bill this number, this toll-free number is going to be or has been established by HHS? Is that correct?

**WAYNE:** [00:09:40] Yes.

**ERDMAN:** [00:09:46] Thank you.

**GROENE:** [00:09:46] Any other questions for Senator Wayne? Thank you, Senator Wayne. Proponents.

**MADDIE FENNELL:** [00:10:03] Thank you, Senator Groene, members of the Education Committee. My name is Maddie Fennell, M-a-d-d-i-e F-e-n-n-e-l-l, I'm the executive director of the Nebraska State Education Association, and I'm here representing our 28,000 NSEA members in support of LB888. I want to thank Senator Wayne and Senator McCollister for providing a conduit for us to publicize child abuse reporting information. We have a tremendous responsibility to care for our most vulnerable citizens and it is important to have reporting information readily at hand when needed. The NSEA is committed to working with the Nebraska Department of Education and

other stakeholders by providing the services of our communications department in the development and distribution of these posters. In fact, when LB888 passes we will publish a poster in our monthly magazine that is sent to our 28,000 members statewide, every single school district, every single building. We will also be happy to make extra copies available for anyone who wants them. However, if we truly want to provide the safest environment for each of our children, it's not just about making sure we know how to report those in danger. It's also about making sure that the appropriate interventions are put in place so that our children are truly safe. I would be derelict in my duties as an educator if I did not point out that we also need to resolve serious problems within the Department of Health and Human Services. I could share many but let me share two personal stories that highlight why I am so concerned. When I was beginning year-- in my beginning years as a first grade teacher at Conestoga Magnet Center in Omaha I reported the abuse of a beautiful little girl. During a lesson on personal safety the child came up to me and reported that she was being sexually abused nightly by a member of her family. I reported this abuse and the child was removed from the home. However, that did not end this little girl's nightmare. Shortly after being placed we found out that she was being abused in foster care. Luckily, I was able to find a friend who agreed to be a foster care parent for this child and provided a safe and loving home for the child for several years. However, we know from recent investigations by the Inspector General of Nebraska Child Welfare that this is an ongoing problem. Six years ago I had a very kind, shy young man I will call Jeff in my fourth grade classroom at Miller Park Elementary. He was a hard worker but he would often fall asleep during class. When I pulled Jeff aside and quietly questioned why he was sleeping in class he looked at me and then down on the ground and said, well, we keep the lights on at night because the bedbugs and the mice are so bad it's hard to sleep. We contacted Child Protective Services but nothing was done. One day, Jeff came to class with a bruise on his cheek and said his father had smacked him. I personally contacted the Child Abuse Hotline, filed a report, and even sent photographs of the bruises. The children were not removed from the home. My principal was so incensed that she brought in the social worker and demanded action. But nothing happened. This year, three weeks before Christmas, I was contacted by a family specialist with the Nebraska Families Collaborative who informed me that Jeff and his sister were now in foster care and all parental rights were being terminated. It took five years for these children to be removed from the home. Jeff's younger sister was so badly sexually abused that she is now in a long-term residential treatment center in Kansas. I was contacted because they were looking for adults who could hopefully take both the children over the holidays. When they asked this young man whether there was any adult who cared about him, Jeff said, well, my fourth grade teacher said I was her favorite. Would you please call her? I was very grateful that this caring, committed social worker took time to find me, that we were able to have Jeff and his sister in our home for the holidays, and that I am now able to serve as Jeff's court-appointed educational guardian. Yet, I am profoundly saddened that these children had to endure years of abuse before the system provided them the safety and support they needed. Senator Erdman, yesterday you shared your frustration with the number of students who began college not ready to learn. And I share your frustration. But I can tell you that this young man who is now a sophomore in high school is not on grade level and has a long uphill battle climb as he prepares for adulthood. The years of abuse have affected not only his psychological development but also his academic achievement. As I stated in my testimony yesterday, there is never one simple answer. Our kids are faced with complex problems and they need complex solutions. I urge you to support LB888. I also ask and urge you to be extremely sensitive to the need to do a better job in so many more ways for our most vulnerable children. Thank you.

**GROENE:** [00:14:14] Questions? Maddie, lately we've had a couple instances in the paper where it was school personnel. I could see where because of that intimidation of that individual being in the school, in a place of power a child would probably have a hard time reporting anybody else in that school too, right? Because that individual is one of them. You think this would help?

**MADDIE FENNEL:** [00:14:45] I think that it heightens the sensitivity that there is a place you call. It sickens me that there are people within our own profession that would take advantage of their position of power and abuse children. And it is not only the responsibility-- it is the responsibility of every other professional in that school who thinks they see something to say something. And if-- I actually know people who've been in that situation, who've reported to a principal and not gotten an appropriate response. And so then it's their responsibility to call the Child Abuse Hotline and to report that and we would encourage them to do that.

**GROENE:** [00:15:20] So the child calls, how are they contacted by HHS? It's a child talking to a phone line.

**MADDIE FENNEL:** [00:15:30] A child can call and they can give their own information, they can, they want, if they can say their name. Often what I found was someone would be sent to the school, they would talk to the child at the school, away from parents, in a safe environment. And then if they felt that the situation the child was going to go back to was going to be an unsafe situation they would then take custody-- the police, child social services would then take custody of the child and the child would not be sent home that day. Quite often it's not children who call the abuse hotline, although that can happen, it's actually adults who are very concerned about the children who call the Child Abuse Hotline. It's kind-- having these posters out kind of reminds me to go to many churches today. Those of you who go in the ladies room at churches, there's often women abuse hotlines posted in those church restrooms. They find them in places where, today when you go into airports there's often things posted about child trafficking, in a place where somebody can see it, they can perhaps in private write down the number and then utilize it at a later time.

**GROENE:** [00:16:35] Thank you. Any other questions? Thank you.

**MADDIE FENNEL:** [00:16:35] Thank you.

**COREY O'BRIEN:** [00:16:58] Good afternoon, Senator Groene, members of the Education Committee. My name is Corey O'Brien, that's C-o-r-e-y O-'-B-r-i-e-n. I am the criminal prosecution-- I'm sorry, the criminal, I'm the Criminal Section Chief of the Nebraska Attorney General's Office here to testify on behalf of Senator Wayne's bill as well as Senator McCollister's bill because they touch upon similar circumstances. In my opinion, both these bills are well reasoned and a very good start of something that needs to happen and I'm going to give you an example of why we felt compelled to come testify. Last week, a colleague of mine, one of the lawyers that works in my office, completed prosecuting an individual up in northeast Nebraska. She reported to a school counselor that she had been the victim of sexual assault. The school counselor had no idea what to do with that report. Things of this nature that provide additional education and training materials as to what to do with this material is vastly needed in our opinion. I've heard countless cases in my 19-year career as a prosecutor of not reporting on behalf of schools because they simply don't know the mechanisms in place and how they operate. Of course we've all heard the stories about administrators that try to protect educators who are allegedly perpetrating on students in schools. Obviously, that wouldn't solve this. This just doesn't necessarily solve that situation. But in the Attorney General's Office's opinion, this is a good start. We'd like to see this further down the road with some training. Obviously, with Senator Wayne's bill we like the mandatory nature of the fact that the posters must go into the schools. One suggestion that we had, I got this from the child advocacy centers, is that the information also contain a number for the Safe Schools hotline in addition to the HHS hotline as an additional outlet to report child abuse. So with that, I just wanted to be on record on behalf of the Attorney General's Office and to provide you that story from our recent prosecution where the school counselor didn't know what to do with that information. I don't know if that's an exception to the rule. Ultimately, that information was

revealed to the principal, and it eventually came to light through a phone call to HHS. But there was a slight delay in the process and the mechanism doesn't necessarily function as it should. So thank you.

**GROENE:** [00:19:47] Senator Pansing Brooks.

**PANSING BROOKS:** [00:19:48] Thanks for coming, Mr. O'Brien. Can you repeat what that little part that you said on the white piece of paper again?

**COREY O'BRIEN:** [00:19:55] Sure. I was speaking with the, the advocates for the child advocacy centers and their suggestion was that in addition to the HHS hotline that information also be provided regarding the Safe Schools hotline or at least another poster to indicate that a report be made to the Safe Schools hotline. I don't work in that field entirely so I'm not really sure what that mechanism is and whether that's a local report or a national report. But I rely upon the advocates from the advocacy centers and they said that they felt that it could go a little bit further to make those reports of the Safe Schools hotline.

**PANSING BROOKS:** [00:20:38] Okay. So is that a federal? I'm sorry, you're still not sure.

**COREY O'BRIEN:** [00:20:40] I think it is. I think it is but I don't know for sure.

**PANSING BROOKS:** [00:20:44] Okay.

**COREY O'BRIEN:** [00:20:44] I don't know of it existing at the state level so.

**PANSING BROOKS:** [00:20:47] Okay, thank you for coming today.

**GROENE:** [00:20:51] Senator Kolowski.

**KOLOWSKI:** [00:20:53] Thank you, Mr. Chairman. Mr. O'Brien, the schools vary greatly in size across the state. Do you primarily look at the principal of the building as the main contact or depending on the size again do you go to the assistant principals that might be in charge of parts of the student body or is it the counseling center that has impact and connections with what you're trying to get done here. Do you have variations all over the place?

**COREY O'BRIEN:** [00:21:24] In terms of who actually does the reporting?

**KOLOWSKI:** [00:21:27] Right. Someone assigned to that particular duty.

**COREY O'BRIEN:** [00:21:30] I mean, my experience has always been that someone in administration has usually been the reporter. But, you know, I think that the law, the criminal law commands that each and every one of us, not just teachers, are reporters. Mandatory reporters of child abuse and neglect. So honestly I think it would be, in my opinion as a prosecutor, I think that the person that's receiving the information probably should be the one that actually does the reporting because they have the most foundational knowledge about what the situation is. Maybe they're afraid of stepping on the toes of the chain of command, so be it. But my experience is usually the administrator, the principal, the vice principal are the ones that are reporting to the hotline versus the teachers themselves or the counselor that gets the information. And perhaps, you know, again, when we talk about education down the road, it might be a better course of action that the person to whom this student entrusted that information, who has the most knowledge, should be the one that's actually making that phone call. But that doesn't seem to be the case in my opinion.

**KOLOWSKI:** [00:22:41] Thank you.

**GROENE:** [00:22:41] Senator Linehan.

**LINEHAN:** [00:22:47] Thank you, Chairman Groene. So I just want to make sure I'm understanding. So you're saying that in your experience, which is vast, that it's the principal or superintendent calls you, not the teacher that actually talked to the child? So in other words--

**COREY O'BRIEN:** [00:23:04] This is anecdotal. This is anecdotal.

**LINEHAN:** [00:23:06] Anecdotal, okay.

**COREY O'BRIEN:** [00:23:07] Anecdotally, from the reports that I've read historically over the years, it seems more often than not that it's the administrator that's making the phone call to the hotline versus the teachers. And that could be for a variety of reasons, it could be the fact that the teacher is in class with the students all day long and doesn't have that opportunity to do it. But it seems to me like more times than not that they're the ones that are actually relaying the information to the administrator that they're the ones that are actually making the phone call. That's not always the case. There are times where the teacher has actually made the phone call or the counselor. But in my experience most of the time it is the principal.

**LINEHAN:** [00:23:46] But I think what you're saying, and I would agree, is that it's best if whoever talked to the student is the one who calls. And there shouldn't be some kind of have to go up the chain of command to make the call. The call should be made immediately.

**COREY O'BRIEN:** [00:24:00] Right. I mean, our hope is that this gets reported immediately so that child doesn't go home for another day if at all possible and it gets reported immediately. And hopefully hearing this woman's concerns about HHS, I know that there were some issues with the hotline, and God forbid hopefully those have all been resolved. And I think that they have. And that they're acted upon appropriately immediately.

**LINEHAN:** [00:24:25] Okay. Thank you very much for being here today.

**GROENE:** [00:24:29] The focus of this bill is accessible to students.

**COREY O'BRIEN:** [00:24:32] I agree.

**GROENE:** [00:24:33] You're saying as a secondary that the employees at the school would also see it. But the focus of this bill is not the employees of the school but the students.

**COREY O'BRIEN:** [00:24:43] I know that the bill is intended for students. I'm hopeful that students will report. But I'm even more hopeful that the teachers will continue to report. And so anything that goes into the schools that encourages that I think is a great thing. You know, what I would make a call, I know this committee can't, that every parochial school in this state, you know, have similar kind of measures out there so that they have that mechanism out there to let people know that there is a mechanism in place to report this information.

**GROENE:** [00:25:16] When HHS gets a call, do they report it to you or to the local-- do they report it to the local law enforcement?

**COREY O'BRIEN:** [00:25:22] It gets reported, it gets taken in by HHS the hotline and then it is sent on to the sheriff for investigation immediately. To local law enforcement.

**GROENE:** [00:25:32] Why are you involved in a case? Shouldn't it be the county attorney?

**COREY O'BRIEN:** [00:25:37] When we get involved in cases all the time. We do sexual assaults frankly for the vast majority of the rural counties across the state because--

**GROENE:** [00:25:49] They asked for your--

**COREY O'BRIEN:** [00:25:49] They asked for our assistance because actually the Legislature has been gracious enough to give me three experienced child abuse prosecutors. That the county attorneys, a lot of them in the rural districts they don't have that experience to do those kind of cases. So a lot of times they reach out to us to do those cases. So we do an inordinate amount of those cases all across the state. And so that's where we come in and our experience is assisting those county attorneys. Not all the time but a lot of the time.

**GROENE:** [00:26:19] The vast majority of the calls that come in, are you telling us is adults calling in and reporting an instance where a child talked to them or they think the child was being abused or is there a lot of children call themselves?

**COREY O'BRIEN:** [00:26:35] I got to be honest, I've never seen a report where the child themselves called into the hotline. The only other reporters that I know of generally are parents that will call the hotline. But I don't ever remember seeing a case where the child themselves made a call to the hotline. That would be great if they did but I don't know--

**GROENE:** [00:26:57] That's why you're here saying it's the adults, you're hoping the adults see it in the hallway on the bulletin board.

**COREY O'BRIEN:** [00:27:02] That's correct.

**GROENE:** [00:27:03] The employees.

**COREY O'BRIEN:** [00:27:03] And you know, just maybe, just maybe. Because, you know, a lot of the cases that we handle the child usually tells somebody else first before they tell the educator or the counselor. They usually tell a friend, a lot of times a peer. Perhaps, you know, in a lot of cases we see that peer go home and tell their mom and their dads. And that's how the information gets to law enforcement. But perhaps now if the children themselves that are getting this information reported to them in the schools that they see that and they go, oh, well maybe we should call instead of going home and report this to our mom and our dads. Maybe we should make this call on their behalf. And so, you know, I don't know that any child knows that that HHS hotline is out there, so perhaps it will open the door to more reports from-- more reports to the HHS hotline by the students themselves, the friends of the students in particular. Thank you. Any other questions?

**GROENE:** [00:28:04] Appreciate your testimony.

**COREY O'BRIEN:** [00:28:05] Thank you, senators.

**GROENE:** [00:28:08] Any more proponents? We received no correspondence in support of LB888, so we will go on to the opposition. Any opposition to LB888? We also did not receive any correspondence in opposition. Any neutral testimony? Senator Wayne, would you like to close on LB888?

**WAYNE:** [00:28:47] Yes, I will be brief. So if you notice I'm a little tired today, I was up

supervising snow removal for 28 hours yesterday. In no way that me being tired and kind of joking should neglect or affect the seriousness of the issue that we're not talking about as far as child abuse. So I wanted to put that on the record. The reason I looked at-- I looked at SafeSchools, just to answer a couple of questions, I looked at SafeSchools. The reason I did not include that is because teachers are mandatory reporters and I didn't want to put a teacher in a situation where they call a different number and not actually call the state who they're supposed to call. So that's why I didn't include it in my bill. I think we should keep it simple. They need to call the state because they have to be under mandatory reporting. This is for students but I think it benefits anybody who walks in the schools. And I think schools, whether elementary through high school, are community assets. So when people are there they know, they see the sign, they know who they can call and who they can-- and how they can help any young individuals, teens, or really anybody who might find themselves connected to a situation like this. The reason my opening and my closing is so short, this is to me is one of the few bills that I introduce and probably will ever introduce that I think are just no-brainers. There's no cost to the state, it doesn't hurt anybody to put a poster up, but it could save a kid's life. I don't think you can get much simpler than that. So with that, I'm done.

**GROENE:** [00:30:24] Senator Pansing Brooks.

**PANSING BROOKS:** [00:30:25] Thank you. Thank you for bringing this bill, Senator Wayne. Have you been working with somebody on the poster or--

**WAYNE:** [00:30:35] No, I have not. I don't want to, I mean, my thing is I want the number on there, schools and districts. And I know and NSEA has offered to pay for it. I'll let somebody else come up with the design. And I guess real quick, while I'm on the record, the reason I added "shall" and not "permissive" as in Senator McCollister, is when I was in the school board we had a similar incident where a teacher reported to a principal and it was unclear when and how, if ever, that principal reported inappropriate touching of another staff member. You can Google when I was on school board when that happened. And so I want to make sure it's clear "shall." That these posters need to be there. Let's not have any discretion on whether schools think they need a poster or don't think they need a poster. Again, this is to me a simple thing that could save a kid's life so.

**PANSING BROOKS:** [00:31:32] Thank you.

**GROENE:** [00:31:34] Any other questions? Thank you, Senator Wayne.

**WAYNE:** [00:31:39] May I be excused from your hearing room?

**GROENE:** [00:31:41] Yes. But read the posters. That closes the hearing on LB888 and we'll start on LB912, Senator McCollister.

**EBKE:** [00:31:56] He's getting a drink.

**GROENE:** [00:32:38] Anytime you're ready-- ready, Senator.

**MCCOLLISTER:** [00:32:39] Thank you. Good afternoon, Chairman Groene and members of the Education Committee. I'm John J-o-h-n, McCollister, M-c-C-o-l-l-i-s-t-e-r, and I represent the 20th Legislative District in Omaha. Today, I'm introducing LB912. This bill would provide for the creation and display of one or more posters in public school buildings to give easy access, especially for students, to the state of Nebraska's toll-free Child Abuse and Neglect Hotline telephone number. After a constituent suggested that such a bill be created, the Nebraska Council of School Administrators approached my office and offered its help with and in support for this bill. This is why the council was originally named in the green copy of LB912. I'm offering AM1597 to

replace the existing language in (2) of the bill to eliminate references to a non-governmental entity. We appreciate Charles Garman's counsel regarding this change. Some policy members and victims' advocates, advocates believe that the best approach to identify-- identifying and mitigating abuses go through the school system. At least 27 states, including Colorado, Kansas, Missouri, and Oklahoma now require schools to post their state's child abuse hotline telephone number where children can see it and view it on a daily basis. According the National Council Alliance in 2015, 700,000 children are abused in this country every year. Of the children who experience maltreatment or abuse, three-quarters experienced neglect, 17 percent suffer physical abuse, and 8 percent suffer sexual abuse. Some children are victims of more than one form of maltreatment. Even more frightening is the fact that a parent of the child-victim is perpet-- perpetrator-- perpetrator in 78 percent of the verified cases of child maltreatment. According to a study by Time magazine, as few as 1 in 10 of the incidents of abuse or neglect in this country is actually confirmed by social service agencies. This tends to marginalize the children and create an environment in which their ability to heal and thrive becomes even more difficult. Posting Nebraska's toll-free child abuse telephone hotline number in an area that children frequent is a perfect way to accomplish two goals. First, it would give children the knowledge that they have the right to self-report abuse. Second, it would give them the means to do so. As you can see, LB912 is a permissive proposal with no fiscal impact to schools or the state. Under AM1597 to LB912, the Nebraska Department of Education would collaborate with appropriate entities to create a poster containing Nebraska's toll-free Child Abuse and Neglect Hotline telephone number. A sample of such a poster has been provided to you. The appropriate entity would place the document in its web, on its Web site to be downloaded by Nebraska schools. The department has assured me that its participation in this process would not generate a fiscal impact. LB912 would provide an easy way for Nebraska to join 27 states that already provide for children to know every day that they have the right and the means to seek help for themselves, their siblings, and their friends if abuse is present in their lives. I ask for your support for this simple solution to a challenging problem. I'd be happy to answer any questions you may have.

**GROENE:** [00:36:37] Questions for Senator McCollister? Senator Pansing Brooks.

**PANSING BROOKS:** [00:36:39] Thank you. Thank you for bringing this bill, Senator McCollister. Okay, so I'm trying to catch the permissive versus the mandatory language and, I mean, I see it but I-- what I'm saying is I thought there was a fiscal note on one versus the other. Is there-- have you seen any fiscal notes?

**McCOLLISTER:** [00:37:00] Senator Pansing Brooks, I think you would probably assume there would be a fiscal note with Senator Wayne's bill. But apparently it's been modified in such a way as to either mitigate or eliminate the fiscal impact. And I'd like to congratulate Senator Wayne on the introduction of his bill. And I think both bills are good bills.

**PANSING BROOKS:** [00:37:22] I do too. So if yours became mandatory do you believe there would be a fiscal note? Because if they're talking about having them just send it out, download it, and make copy, and put it up, I don't see how it really makes a difference.

**McCOLLISTER:** [00:37:34] Well, you know, that's I suppose your call but it's, you know, we got more support for our bill in that it was permissive and we didn't require that the posters be of particular size and allow schools to put anywhere they think that it might be best. So I think that feature in my bill is an improvement.

**PANSING BROOKS:** [00:38:00] Okay. And another question I had was it's in English. So was the intention to have it in two different sheets of paper that are just English and Spanish, and have you thought about other areas that might have more? Like I know some of the Korean kids are at a

couple schools and the Vietnamese kids are at some other schools.

**McCOLLISTER:** [00:38:21] Good question. In fact, LPS came to me this morning and indicated that there are many schools that you would need to put in a third or even a fourth language for the same message. You know, nothing in my bill would preclude anybody from doing that. I would assume that the Department of Education would aid in that effort.

**PANSING BROOKS:** [00:38:39] Thank you for bringing this.

**GROENE:** [00:38:44] Any other questions? Had my staff Google report child sexual abuse and it comes up with a whole bunch. And about the tenth one is the federal number. Then he added Nebraska and the HHS number never still came up. So I don't understand how anybody finds that number or knows about it. Do you have any-- have you investigated that, Senator McCollister?

**McCOLLISTER:** [00:39:04] Well, we tracked that number and to our surprise it was HHS. And it's the dedicated to child abuse family service specialists. Apparently they man that phone system 24/7. Calls are then routed to the Project Harmony in Omaha and they will figure out what to do with that complaint. And surprisingly, the school administrators have a different obligation, they report to the law enforcement agency in that jurisdiction. And, you know, I would presume that the Project Harmony during their process reported to the some kind of law enforcement agency.

**GROENE:** [00:39:48] Did you inquire of HHS how many calls they get a year?

**McCOLLISTER:** [00:39:53] I have not but that's a good question.

**GROENE:** [00:39:55] Thank you. Any other questions? Thank you, Senator McCollister. Proponents of LB912?

**KYLE McGOWAN:** [00:40:21] Good afternoon. My name is Kyle McGowan, K-y-l-e M-c-G-o-w-a-n, and I'm representing the Nebraska Council of School Administrators. So I would like to thank Senator McCollister and Senator Wayne with proposing this bill. As Senator Wayne may have said, we think it was a no-brainer. When we reached out to Senator McCollister we felt that we would try to implement the no-brainer, keep it simple policy by we think that schools know best where to post things, know best where kids will see them, and know best how many languages to put it in. Didn't feel like it needed a lot of rules and regulations, we would just do it. So we worked with the Department of Education to make sure that we were in compliance with their expectations and everybody wants the same thing. This measure is to expand on already-existing mandatory reporting so it would be an effort to encourage students to self-report, maybe other visitors to the school. When a school person, whether that's a teacher, a custodian, a principal comes upon an abusive situation to investigate we're required to contact law enforcement. So we wouldn't be using this number. But there are certainly folks that are apprehensive about first reporting to law enforcement and so they may use such a number. Our report would go to the relevant local law enforcement. Shouldn't be any costs to any of this. This is something that I think is very relevant and easy to implement. Generally speaking, the school principal would have the responsibility of determining what's posted in their building and where it's going to be posted in their building. That's not to say that those things are worked in concert with teachers or other staff members. So it's a good piece. I would like, since I still have a green light, just respond to Senator Linehan question about who should be-- or teachers passing that on to administrators. And I was a long-time elementary principal. Teachers are required to report. What commonly-- and sometimes that happens they would report themselves right away. Regardless, as just the other gentleman was saying, what is not uncommon is for the teacher to come to the principal and say, hey, I found this out. I'm nervous about it. Let's make-- and the principal will say let's make a call together. But the

law enforcement is going to want to talk to the first-hand person. Now, a good principal, of which I think there's many, will often take the heat off of the teacher because that teacher may have to work with that family still. So the report would be done in concert but what was common for us is if there was a question, it was the principal that was making the report so the teacher wouldn't have to be in an uncomfortable situation of still working with that family in the classroom. Does that make sense?

**GROENE:** [00:44:14] Senator Linehan.

**LINEHAN:** [00:44:14] Thank you, Mr. Chairman.

**GROENE:** [00:44:16] Are you done testifying?

**KYLE McGOWAN:** [00:44:17] Yeah, I am. Sorry.

**LINEHAN:** [00:44:18] Oh, I don't want to interrupt.

**KYLE McGOWAN:** [00:44:19] No, that's fine.

**LINEHAN:** [00:44:21] So my concern is this because these are all very, very complicated hard things, right? So instead of having one adult making the decision, and I know when you have to make hard decisions you like to go talk to your supervisors, it's just that is there a possibility in that kind of discussion between the teacher and the principal that we decide, well, maybe we don't have to. Or is it just very clear, and this is I just don't understand, is it very clear as soon as a teacher comes to you it's like we have to call the law enforcement? There's not decision making, it's more a supportive role.

**KYLE McGOWAN:** [00:44:57] The-- first of all, the information that's given to our staff is the person receiving the information is ultimately responsible for reporting. So if a teacher receives that information, they are legally bound to make sure that the reporter is made. And that certainly is, I've seen that happen personally. We ask our staff to tell us if a report is being made so we're aware of possible, I don't know if I should say consequences. Things that may happen because of a report.

**LINEHAN:** [00:45:32] Nobody likes surprises.

**KYLE McGOWAN:** [00:45:33] Right. But more often than not, the teachers are asking for the administrators help because they have done this many times. And it--

**LINEHAN:** [00:45:43] That was the clarification I was looking for. It's not a judgment thing, it's not whether we make a decision. It's a matter of being supportive.

**KYLE McGOWAN:** [00:45:49] There is no judgment, it has to be reported to law enforcement, yeah.

**LINEHAN:** [00:45:54] So when does the hotline come into play?

**KYLE McGOWAN:** [00:45:57] This hotline that we're talking with this poster is really intended for what I would call visitors to the school, students, people that may not feel comfortable or are unaware of who they should be contacting. But again, the school wouldn't be calling this hotline because we would be calling law enforcement.

**LINEHAN:** [00:46:21] Okay, thank you.

**GROENE:** [00:46:25] Senator Pansing Brooks.

**PANSING BROOKS:** [00:46:25] Thank you. Thank you for coming, Mr. McGowan. I did talk to you about this a little bit before and I guess I'm interested in your thoughts on the requirement. We all hate being required to do anything but this seems like if there were some system it was just like, oh well, whatever, we're not worried about it. Whereas, the Department of Ed could then say-- give them a little nudge and say, really, you need to get this put up in the school to help kids find this.

**KYLE McGOWAN:** [00:46:53] Yeah, I think I understand. So it's really, you know, six of one, half a dozen of another in terms of mandatory or not because we will really expect this to be done. I would think that you as a legislative body or a school board could expect to tell schools to do something and not everything would need a lot of rules and regulations or costs to it. This is an example of it. I think again, and I don't mean to, you know, guess what Senator Wayne may be looking for. I think he wants the same thing as Senator McCollister, that kids are made aware of opportunities to get help.

**PANSING BROOKS:** [00:47:44] Good, good. And that's refreshing, that everything doesn't need a law.

**KYLE McGOWAN:** [00:47:48] Right. Yeah, exactly.

**PANSING BROOKS:** [00:47:52] That's a happy thought for today. So what about the other languages because there are schools-- I mean, they clearly have no problem. It says specifically Spanish and English.

**KYLE McGOWAN:** [00:48:05] Yeah.

**PANSING BROOKS:** [00:48:05] And there are other--

**KYLE McGOWAN:** [00:48:06] And see, I would assure--

**PANSING BROOKS:** [00:48:07] Lincoln Public Schools has 56 languages or something.

**KYLE McGOWAN:** [00:48:09] Lincoln Public Schools is a perfect example. They have a system in place whenever they notify of how many languages to put it in. And so that already exists. In Crete, everything that we did was in Spanish and English. Everything. And that was long before there was any sort of federal expectation or requirements to do that, too.

**PANSING BROOKS:** [00:48:33] Thank you for coming.

**KYLE McGOWAN:** [00:48:34] Thank you.

**GROENE:** [00:48:37] You have a question, Senator Kolowski?

**KOLOWSKI:** [00:48:39] Dr. McGowan-- thank you, Mr. Chairman. Dr. McGowan, the turnover in a year's time in a building a lot of things happen. And places where if we're given this to put up in a lot of schools it might get a little piece of tape on each corner, stuck on a wall, and in six weeks it's ripped or torn down or blown down or whatever else might happen. If you have a case you can put it and behind glass and it stands out very nicely, that really helps a great deal. But not all buildings have that glass case and they don't have the space. Making sure you put this up on a yearly basis becomes crucial piece of this whole law a success story I think. And making that-- making sure that happens on a yearly basis would be the responsibility of the principal that this is

one thing that always goes up, no questions asked. Make sure it's there because it really could get torn down.

**KYLE McGOWAN:** [00:49:42] Our executive director and the executive board felt it was important for our school leadership to take the lead, and we have annual meetings. I'll bet you've been to administrator days. And so this will be, if the department wants to use us, we've offered that. They certainly appreciated it. This will be a routine that we get into. Also, in today's world, you know, putting thing on your-- something on your Web site or some other sort of social media or electronic is sometimes more powerful too. But you-- everyone's got a nice bulletin board. But if I was and elementary principal, and I was, and I wanted the kid to see it I'd put it by the water fountain. And it would last the about a month and then we'd put up another one or we'd laminate it or we would put it in the library next to certain books. And so I think again that's one of the things I liked about Senator McCollister's approach with this is, you know, once we start saying it has to be 8.5 by 11, has to be posted by the front door, or those types of mandatory pieces, those become minimum requirements rather than just saying we want to make sure that this information gets out to students and visitors.

**KOLOWSKI:** [00:51:12] The important aspect of, again, if you're told something by a teacher and you fail to report that as an administrator you have just put your job and your career at risk.

**KYLE McGOWAN:** [00:51:23] Both have. Because if that teacher is expecting the administrator, and I think both are taking a risk. That should be a side by side, I would suggest, or certainly whoever received the first report. Absolutely.

**KOLOWSKI:** [00:51:45] And as a building principal, I would want to be connected with that call or knowing that's taking place in my building.

**KYLE McGOWAN:** [00:51:52] You know, a lot of times parents aren't happy or who is ever in that adult that's being accused is not happy. And so I've certainly been in a lot of difficult situations that are better for me to handle rather than a classroom teacher by themselves.

**KOLOWSKI:** [00:52:13] Absolutely. Thank you.

**GROENE:** [00:52:15] Sir. But the law says the individual, an adult, knows but should report. Not report to their supervisor but report directly to the police, right?

**KYLE McGOWAN:** [00:52:24] Right, right.

**GROENE:** [00:52:25] So if a teacher comes to you and then you report is the teacher not following the law?

**KYLE McGOWAN:** [00:52:31] No. I think you just waited for that hour or however long it takes.

**GROENE:** [00:52:37] I understand I'm playing semantics here.

**KYLE McGOWAN:** [00:52:39] Right.

**GROENE:** [00:52:40] I just noticed, I've been coming to this room for three years now and I just noticed that there's two posters in that corner and two posters in that corner. And it's the first time I ever noticed they were there. It seems to me that this is more a staff development, that this number should be shared with the staff. Because school becomes a community and sometimes somebody doesn't want it-- wants to not believe the child because it's their friend in the next classroom that's

abusing the child. Wouldn't it be better to give to inform your staff of this number so they could report without the--

**KYLE McGOWAN:** [00:53:19] Well--

**GROENE:** [00:53:19] I mean, they could do it both ways but they could--

**KYLE McGOWAN:** [00:53:21] Right.

**GROENE:** [00:53:22] But human nature is we can put all the laws in the world but if you get somebody a tight position, they're going to shut their mouth. Wouldn't it be better that the staff had this number?

**KYLE McGOWAN:** [00:53:31] I think you are right on target, Senator, in terms of it's the responsibility of the school to provide professional development to the staff that includes what the law is.

**GROENE:** [00:53:43] And that this number exists?

**KYLE McGOWAN:** [00:53:44] But see, the staff would be not abiding by the law to call this number. If they're aware of the abuse, they call law enforcement. Now, I think again what I recognize is that there are certainly people that are concerned about getting involved, calling the police, and so and as much as we do there might be some children afraid of the police. So here's a number that can be called. Eventually, no matter whether it starts with HHS and goes to, you know, is it Project Harmony? It has to get back to law enforcement. So this might be a softer approach for some people that they may choose but not for staff members, that they would need to call the police or state patrol or whomever.

**GROENE:** [00:54:42] In a perfect world they would.

**KYLE McGOWAN:** [00:54:43] Right.

**GROENE:** [00:54:44] That doesn't always happen, does it?

**EBKE:** [00:54:48] Just one comment. I mean, I think it's important to note that teachers, physicians, I mean, there's a whole group of people who are mandatory reports. And they lose their license and they can be fined, they can be punished if they don't report. And so and teachers and schools.

**KYLE McGOWAN:** [00:55:06] Criminal consequences, yeah.

**GROENE:** [00:55:10] Any other questions? Thank you, sir.

**KYLE McGOWAN:** [00:55:14] Thank you.

**GROENE:** [00:55:18] Any other proponents?

**COREY O'BRIEN:** [00:55:34] Good afternoon again. My name is Corey O'Brien, C-o-r-e-y O-'-B-r-i-a-n, and I'm the criminal process-- criminal bureau chief of the Nebraska Attorney General's Office. First of all, in case anybody is watching this, I want to put out a public pitch. If anybody knows a child in danger, the HHS hotline number is 1-800-652-1999. I wish that number was a lot more prominent in other areas besides our schools. One of the things that I just wanted to briefly

touch upon is, from the previous testifier is, that there is a great deal of confusion about how the process works. As I illustrated from my example earlier about the counselor that didn't know what steps she needed to take, ultimately the report was made with local law enforcement. In some locales we go to, the only report that's made is to the hotline number. And a lot of locales we go to the school will usually call both the hotline number, as well as law enforcement. And in some places, they'll just call the hotline number and not law enforcement. So there is a little bit of a disconnect in what happens statewide. And again, that's why I would make my pitch that there is a need for greater training in this and perhaps this magazine that will put out this poster could highlight, you know, what the best practices are at the time that they send out that poster next year. The other thing that I'd like to just briefly mention is if the students are the intended recipients of this message we all know that-- we all know that young people communicate entirely different than they did when we were younger. As far as I know, the HHS hotline only allows for voice calls. I have several nieces and nephews that don't know how to make a voice call. So perhaps in the long-run we need to figure out mechanisms that allow them to report, particularly when they're reporting something of such a sensitive nature, where they can do it with a little bit more comfort than they're used to, such as text messages or e-mails. Ultimately, the Attorney General's Office is in support of LB912, as well as LB888. We'd like to see something happen in this regard and continue down the road where we can respond our victims in a lot more timely fashion and an appropriate fashion. I'd be happy to answer any questions you might have.

**GROENE:** [00:58:28] Any questions? Senator Linehan.

**LINEHAN:** [00:58:32] Thank you again for being here. I appreciate it very much. Could some of the confusion be, because I feel like almost like I'm in an HHS committee hearing, could some of the confusion be that, because I remember this from HHS, dirty house? So kids come to school dirty, not sure they're fed. HHS, a teacher may not feel, or a superintendent, that that's really a criminal situation but they still need to call in HHS. So we do put kind of the responsibility on, and it's a big responsibility, no doubt, that every time HHS needs to be called, the hotline needs called, it might not actually be criminal per se?

**COREY O'BRIEN:** [00:59:14] Exactly.

**LINEHAN:** [00:59:14] That you would ultimately get involved.

**COREY O'BRIEN:** [00:59:16] Well, you know, I mean and part of the confusion is the fact that there are two distinct purposes for, you know, the hotline is to be, you know, a one-stop shop so to speak. But at the same time, it's from what I understand, it's supposed to be the place that is supposed to start the CPS investigation that whether or not there's a placement issue and taking that child out of a potentially dangerous situation as quickly as possible. And on the other side, what law enforcement-- when the teachers are responding to law enforcement they're beginning a law enforcement investigation. And perhaps the sheriff's department or the local PD is not really focused in on the safety of the child but making sure that they arrest the perpetrator at that point in time. So they have a completely different function. So again, I think we may have confused the process a little bit and that's why I think it might be very beneficial to educators across the state that we develop a best practices model as to, you know, who gets called and when.

**LINEHAN:** [01:00:21] Who would we be?

**COREY O'BRIEN:** [01:00:25] People that are smarter than myself.

**LINEHAN:** [01:00:27] But you probably, your office would want to be part of the conversation?

**COREY O'BRIEN:** [01:00:29] We-- we, I think that we would invite that opportunity. I think that HHS should be involved in those discussions, local county attorneys, local law enforcement to come up with-- and educators, medical personnel to come up with a system of best practices on how we best respond to this and, you know, who you need to call and how you cover yourself legally. I can tell you that if a teacher calls the HHS hotline and reports child abuse and doesn't call local law enforcement there's not a prosecutor in the state that's going to prosecute them for violating the law. So it's not a violation of the law, so to speak, even though they may not have conformed to the law. That's not the goal of--

**LINEHAN:** [01:01:17] Their intent was--

**COREY O'BRIEN:** [01:01:18] That's right. There's a lot of educators that have the intent to do the right thing by their students. Most of them do. And it's just not knowing what to do with the information I think that prohibits them or inhibits them from doing the right thing. It's not that they don't want to. They love their students and they want to do well by their students and I think we maybe complicated the process for them.

**LINEHAN:** [01:01:41] Thank you very much.

**GROENE:** [01:01:44] Any other questions? Thank you for your testimony.

**COREY O'BRIEN:** [01:01:47] Thank you.

**GROENE:** [01:01:50] Any other proponents? And then proponents, we've had two correspondents in support of LB912. That's Westside Community Schools and Millard Public Schools. Any opposition? No correspondents in opposition any neutral testimony. No letters neutral. Senator McCollister, would you like to close on LB912?

**McCOLLISTER:** [01:02:32] Thank you, Chairman Groene, members of the committee. I want to thank the committee for this rather interesting discussion. I think it's been very beneficial. LB912 addresses a major problem in our country. Permissive approach in this proposal is in keeping with the intent of Governor Ricketts' executive order of April 2017 which prohibited any new rules and regulations through the end of last year and ordered a review of all existing regulations to minimize costs and reduce restrictions. I believe this bill will be an excellent candidate for the consent calendar this year. I ask that LB912 be advanced to the floor to ensure its eligibility for consent. Thank you very much.

**GROENE:** [01:03:19] Thank you, Senator McCollister. Any questions? That ends the hearing on LB912. We will now move to LB898 by Senator Howard. Is she here? Any time you're ready, Senator Howard.

**HOWARD:** [01:03:57] You ready? Okay. All right, good afternoon, Senator Groene and members of the Education Committee. My name is Senator Sarah Howard, H-o-w-a-r-d, and I represent District 9 in midtown Omaha. Today I'm presenting to you LB898, a bill providing for an on-campus anonymous sexual assault climate survey and training for employees who participate in the grievance process-- grievance procedures and misconduct violations that surround sexual assault and sexual violence issues. Also included in the bill are reporting requirements to the Nebraska Legislature. I've met with the University of Nebraska and have kindly been informed of the Board of Regents v. Exon case and I have worked on language to mitigate some of those concerns which are included in the packet that's being handed out to you now. We've also worked on language that will hopefully create less of a fiscal burden on all of the postsecondary schools who are encompassed within this legislation. I'll give you some national statistics because I think that's sort

of the broad perspective. Nationally, about 43 percent of dating college women report experiencing violent and abusive dating behaviors and 84 percent of female survivors reporting being sexually assaulted during their first semester on campus. That's five out of six women report being sexually assaulted during their first semester on campus. And don't-- I don't want you to think that national statistics belie what's going on in our state. I actually included an article about a woman who went back to her dorm room to change her shoes and was sexually assaulted by a gentleman there. I feel that schools have a responsibility to be transparent about how they respond to reports of sexual violence and how students-- and to ask students how they view their safety on campus. This ensures that schools are not sweeping sexual and dating violence under the rug but that also prospective students and parents can make informed choices about where to attend college. So I'll start by talking about a campus climate survey, and what I've given you is actually in the back of your packet some example questions. These are not binding but these were some questions that were created by the federal government when they were recommending campus climate surveys under Title IX. So campus climate surveys generate school-specific data on the nature and prevalence of gender-based violence within a school community as well as data on the attitudes and perceptions about gender-based violence among different student groups. The survey in my bill would be reported to the institution's governing board and based on the proposed amendment then they would share those results with the legislature. Participation in the survey is completely voluntary by students. It is completely anonymous. No one would ever face any consequences for declining to participate. Currently, campuses already have reporting requirements to the federal government under the Title IX Clery Act. And for those who aren't familiar with the Clery Act, it's named after Jeanne Clery who in 1986 she was raped and murdered in her own dorm room by a fellow student. Her parents championed the Clery Act in her memory and part of the requirements of the Clery Act is an annual security report or an ASR, which hopefully you'll hear more about from some of our colleges. The ASR has to be submitted and made available on the Web site of every college in the state of Nebraska and the country, and that report includes reports of stalking conduct, intimidation, dating violence, domestic violence, sexual assault, and hate crimes. Colleges are also required to issue timely warning when a crime has been committed and poses a serious threat to the rest of campus. The legislative reporting provisions actually go just one step further and they ask all public colleges to report details of sexual assault or violence on campus that could include the types of misconduct, the outcome of each complaint, disciplinary actions, and the number of reports. Well, we actually removed that, although I want to put it back, the number of reports alleging nonstudent perpetrators. Which I apologize, we removed it because I'm very curious to see-- I guess when we're not monitoring these reports if it's a nonstudent perpetrator we don't know if there's a predator on campus who shouldn't be there in the first place, who's not a student. So that was something that we talked to the university, they said they had no way of monitoring it. No alleged victims or alleged perpetrators would be identified by this information. And a number of other states have already passed legislation to this effect, requiring colleges and universities to develop and implement campus climate surveys of this nature. Some of those states are New York, Washington, Louisiana, Massachusetts. Those are the most recent. If our, the colleges in our state are already reporting this information, and I do believe that you'll hear from some of them that they're already doing some type of climate survey, we just want to make sure that they're including gender-based violence, sexual assault safety on campus as part of that climate review. The training component ensures that schools are being accountable and creating and sustaining safe and open learning environments so that no student has to endure further trauma when reporting any type of violence. And this training is really focused on employees who would be a part of the grievance process. Every college has a process when there is sort of a Title IX complaint or a sexual assault case. But we want to make sure that the employees who are participating in that are well-versed in and well-trained in these issues. I think that covers everything. When designing the training we did have a "may" which is more of a recommendation that they work with state or local victims services groups to provide the most effective training. So in your packet you have a cheat sheet on the amendment, the amendment itself, an article about the gal at Lincoln who went to go change her shoes. And my apologies, when

I introduced this bill I thought that the universities were already doing this type of campus climate survey and that this would sort of be feel-good legislation, we just put into statute what they're already doing. And that was actually based on a 2014 newspaper article where the University of Nebraska at Lincoln said that they were planning on doing a campus climate survey. And at this point, based on the fiscal note, I don't believe that they are. And that's a 4-year-old article. And then finally you have the example questions. I believe that LB898 is a great avenue for this Legislature to have a conversation about how we gauge how students feel about their experience on our college campuses. Whether they feel safe, whether they know what to do in the instance of a sexual assault. And I believe that this will lead to a safer and better college educational experience for all of our students. I would ask for your support and I am happy to try to answer any questions you may have.

**GROENE:** [01:11:04] Any questions for Senator Howard? Senator Morfeld.

**MORFELD:** [01:11:08] Thank you, Chairman Groene. Thank you for bringing this, Senator Howard. Can you tell me, based on the surveys that you've seen centered around this topic issue, because I know there's a lot of other campus climate surveys about a variety of different issues. But particularly with sexual assault, sexual harassment how many questions on average-- what does it look like? Is it a 20 or 30-question survey?

**HOWARD:** [01:11:33] I saw one from a university in California, it was five questions. I mean, they're very basic and they can sort of pick and choose from the recommended ones. But it shouldn't be expansive, we don't want it to be a burden. We'd actually like to see more students being willing to take the time and answer their questions.

**MORFELD:** [01:11:51] Okay. So it's not really a complex survey, per se? It's can be very simple, straightforward.

**HOWARD:** [01:11:58] Absolutely.

**MORFELD:** [01:11:59] Okay, thank you.

**GROENE:** [01:12:04] Senator Linehan.

**LINEHAN:** [01:12:05] Thank you, Chairman Groene. Thank you, Senator Howard, for bringing this. Does the federal government through Title IX or any other do they require the schools to do any surveys?

**HOWARD:** [01:12:17] So they don't. So this was part of there were two sets of guidance that were created under the previous administration and this was one of the last pieces. So they were about to mandate campus climate surveys as part of Title IX and then ran out of time to get the guidance done.

**LINEHAN:** [01:12:36] So there's no, there's no requirement by any government at this point for universities or colleges to do this?

**HOWARD:** [01:12:43] I don't believe so. At least not this type of sexual assault campus survey.

**LINEHAN:** [01:12:49] So is there-- because my kids have all gone to college already, so I haven't looked at colleges lately. Do colleges post any of this kind of information when you're shopping for schools? Are there schools that post their surveys?

**HOWARD:** [01:13:01] Sure. So the ASRs are supposed to be posted on-line or the annual security

report is supposed to be reported on-line. And so in one of the articles that I gave you that has to highlight, they actually cite that there were 88. From 2008 2012 Nebraska colleges reported a total of 88 forcible sexual offenses on their annual crime reports, and that's where that's coming from.

**PANSING BROOKS:** [01:13:26] Which article is that?

**HOWARD:** [01:13:26] Oh, The 2014. Yes, the highlights. Thank you.

**LINEHAN:** [01:13:32] Okay, thank you, Senator Howard.

**GROENE:** [01:13:39] Any other questions? Just a quick one. When you said five of six--

**HOWARD:** [01:13:45] Yes.

**GROENE:** [01:13:46] Is that five of the six respondents or five of six because your survey says it's voluntary? So I would assume an awful lot of students live a normal life having been assaulted and will not fill out that form.

**HOWARD:** [01:14:03] So that was a national percentage from a national group who interviewed young women during their first year of college who-- it was during-- I apologize, I misspoke. It was during their first four semesters on campus, so during their first two years on campus they reported being sexually assaulted.

**GROENE:** [01:14:23] So a random sample, not reliant on who reported?

**HOWARD:** [01:14:26] Random sample, yeah. This is actually a really underreported crime. You know, most women don't feel comfortable reporting and so it is very hard to get your arms around what is actually happening on our campuses. And so the hope was that an anonymous survey would help us know what type of problem we have in the state of Nebraska.

**GROENE:** [01:14:46] They didn't survey young men?

**HOWARD:** [01:14:49] You know, I don't know actually. I'm certain there are some surveys around young men because sexual violence impacts them as well.

**GROENE:** [01:14:58] So your survey is all individuals, not one sex versus other on the survey?

**HOWARD:** [01:15:02] No, I think this was just broken out by female survivors. But I'm sure it's all students.

**GROENE:** [01:15:07] But I'm talking about in your statutes.

**HOWARD:** [01:15:07] Oh, this survey. Yes, this statute is everybody, no, not just ladies.

**GROENE:** [01:15:13] Thank you. Any other questions? Thank you, Senator Howard.

**HOWARD:** [01:15:15] Thank you.

**GROENE:** [01:15:16] Proponents? There's no proponents here today. We received support of a LB898: Women's Fund of Omaha, Nebraska Coalition to End (Sexual and) Domestic Violence, ACLU, Know Your Title IX, NSEA. Any opposition testimony?

**TAMI STRICKMAN:** [01:16:08] Thank you. Good afternoon members of the Education Committee. My name is Tami Strickman, T-a-m-i S-t-r-i-c-k-m-a-n, and I am here testifying on behalf of the University of Nebraska where I serve as the Title IX coordinator at the University of Nebraska-Lincoln. While we support the underlying concept of LB898 we are in opposition to the green copy of this legislation due to constitutional questions raised in the Board of Regents v. Exon case. Even though the subject matter in that case was different from LB898, the court held that an elective board of regents has the responsibility to manage and operate the university while acting independently from government control and political influence. Given this decision, it appears that legislation which directs the board of regents to adopt a policy conflicts with the court's holding. As I mentioned earlier, we are supportive of the underlying concept behind LB898. The University of Nebraska campuses currently gather and publish the statistical information outlined in the bill pursuant to the federal law outlined in the Clery Act. The Clery Act requires colleges and universities that receive federal funding to disseminate a public annual security report also known as the ASR to employees and students every October 1. The annual security report must include statistics of campus crime for the preceding three calendar years plus details about efforts taken to improve campus safety. The annual security report also publishes resource options and university programs related to Title IX. Annual security reports must also include policy statements regarding crime reporting, campus facilities security and access, law enforcement authority, incidents of alcohol and drug use, and the prevention of and response to sexual assault, domestic or dating violence, and stalking. Over the past two weeks we have been working with Senator Howard on an amendment to address both our constitutional concerns and data reporting process and remain committed to finalizing this language soon. While our Clery Act obligations require the university to compile the statistical information outlined in the green copy of the legislation, we very much look forward to continuing to work with Senator Howard to obtain input from students related to education and awareness related to sexual misconduct at the University of Nebraska. I'm happy to answer any questions.

**GROENE:** [01:18:44] Senator Pansing Brooks.

**PANSING BROOKS:** [01:18:45] Thank you. Thank you for coming, Ms. Strickman. So have you seen this amendment?

**TAMI STRICKMAN:** [01:18:50] Yes.

**PANSING BROOKS:** [01:18:51] But it's not sufficient yet?

**TAMI STRICKMAN:** [01:18:54] As Senator Howard alluded to earlier, we do gather statistical information right now under Clery to get some of the information discussed in a campus climate survey. We would hope to work with Senator Howard and her staff to include that information in the proposed bill.

**PANSING BROOKS:** [01:19:19] You're coming in opposed to the bill.

**TAMI STRICKMAN:** [01:19:22] The green copy.

**PANSING BROOKS:** [01:19:23] Okay. But she's talking about this copy. I mean, the amendment is the new thing. So it seems like coming in against the bill when she's proposing a whole new amendment that she supposedly worked with you on, I don't really get that. Seems like the answer should be supportive with the amendment, we would like to also hope that something else might happen rather than we are against what she's doing. Because that's it's coming-- it's going to be listed as that you oppose this, any of this, including the amendment.

**TAMI STRICKMAN:** [01:20:01] Our position is that we're in opposition of the green copy of the bill and once the language is finalized in the amended proposed bill that we may have a different position.

**PANSING BROOKS:** [01:20:14] Okay, thank you.

**GROENE:** [01:20:14] Senator Linehan.

**LINEHAN:** [01:20:16] Thank you, Senator Groene. Thank you for being here. Can you respond to Senator Howard's concern, and I don't know if you have a copy of this article, but it says-- it's from the August 14 article and it was in the Omaha paper. The World-Herald, evidently. The University of Nebraska-Lincoln plans a climate survey, a new anonymous crime-reporting system, and a new set of pamphlets and working material explaining the process of reporting sexual misconduct. UNL also plans to start a new prevention or bystander training curriculum once the US Department of Education provides recommendations. So did I understand Senator Howard right that this has not happened?

**TAMI STRICKMAN:** [01:20:59] Correct.

**LINEHAN:** [01:21:02] So that seems odd to me that it would be in the paper and you say you were going to-- it would be publicly announced I would assume that you're going to do it. Is there a reason none of this has happened?

**TAMI STRICKMAN:** [01:21:11] Yes. We have done a lot of the education and outreach that is discussed in that article. The reason that we did not implement a climate survey on our campus is because at that juncture there was discussion that the Department of Ed Office for Civil Rights was going to come up with a uniform climate survey that had to be administered at all higher ed institutions. And so the Lincoln campus did not compile or put out a climate survey at that time. We have been in discussion about doing one, there has been some change in leadership across the system under Title-- in terms of our Title IX leadership and so we have been discussing putting out a campus climate survey for the system.

**LINEHAN:** [01:21:55] Because I would agree with, I mean, I assume you would agree too that all of Nebraska colleges collectively reported fewer than 18 sexual assaults among their nearly 140,000 students. That doesn't sound accurate to me, just by what we know statistically, right?

**TAMI STRICKMAN:** [01:22:13] Right.

**LINEHAN:** [01:22:15] So there's a disconnect between what we're reporting and reality. What your report-- not you personally but the schools are reporting.

**TAMI STRICKMAN:** [01:22:22] And I apologize, I'm not familiar with that 2014 article.

**LINEHAN:** [01:22:27] Okay, I'm sorry. I don't mean to--

**TAMI STRICKMAN:** [01:22:29] No.

**LINEHAN:** [01:22:32] It's just there's a-- what the disconnect is the number the schools are putting out reports it's how many rapes or sexual assaults there were. And we know statistically that that's probably way low.

**TAMI STRICKMAN:** [01:22:46] Yes.

**LINEHAN:** [01:22:46] So how do we fix that?

**TAMI STRICKMAN:** [01:22:49] Well, I think through education, outreach, and surveys. I think the more that we are able to educate our student population on ways to report and places to get resources we will see our numbers rise. I have been at the University of Nebraska-Lincoln since 2015 and since we really started working with our students and staff and faculty on the education of Title IX and reporting and resource options we have seen our reporting numbers rise dramatically. So we continue to be committed to getting that information out and making people feel comfortable to report.

**LINEHAN:** [01:23:32] So in the last school year do you have numbers that were reported in the last 2017 or '16-17 years?

**TAMI STRICKMAN:** [01:23:39] Yes.

**LINEHAN:** [01:23:41] And what were those numbers?

**TAMI STRICKMAN:** [01:23:42] I don't have a specific breakdown with me. We had roughly 220 reports of sexual misconduct on the Lincoln campus.

**LINEHAN:** [01:23:51] Okay, thank you very much.

**GROENE:** [01:23:54] Any other questions? It says in the fiscal note here that you'd have a \$430,000 cost to do this.

**TAMI STRICKMAN:** [01:24:00] Yes.

**GROENE:** [01:24:01] Is that accurate?

**TAMI STRICKMAN:** [01:24:01] Yes. That is the information that we gathered from our budget offices across the system.

**GROENE:** [01:24:06] As an individual in management, if they took a survey what good would it do you? Compare actual complaints to what the survey said, I'm trying to, you know, surveys are fine but at the end of the day what do they accomplish?

**TAMI STRICKMAN:** [01:24:24] One of the things that this type of survey could accomplish is to get some information on the knowledge that students have in terms of reporting. So one of the questions for example that could be asked, and often is, in a campus climate survey is do you as a student know your reporting and resource options? So that's something that's very good to know for a for a Title IX office.

**GROENE:** [01:24:48] You could use it for management in your position.

**TAMI STRICKMAN:** [01:24:50] Absolutely.

**GROENE:** [01:24:50] Thank you. Any other questions? Senator Morfeld.

**MORFELD:** [01:24:53] In terms of the cost, there's-- I'm looking at the fiscal note, have you seen the fiscal note.

**TAMI STRICKMAN:** [01:24:58] I've only seen the final number.

**MORFELD:** [01:25:01] The number? Okay. And if you can't answer that, that's fine. I understand. It says that LB898 essentially has three parts. This is from you guys. The annual sexual assault survey required report and required training. Based on your knowledge of the fiscal note, or the costs associated with this bill anyway, which part of that is the majority of the \$430,000?

**TAMI STRICKMAN:** [01:25:25] I don't know in breaking that number down but I know that oftentimes a large cost associated with a climate survey is they are done with or in collaboration with external agencies that have worked doing them at other institutions. And that can be quite costly.

**MORFELD:** [01:25:43] Okay. Okay, thank you.

**GROENE:** [01:25:47] Senator Pansing Brooks.

**PANSING BROOKS:** [01:25:47] Thank you. Thank you. So isn't that something your office can help do though, isn't that sort of what your mission is?

**TAMI STRICKMAN:** [01:25:54] Yes, that is certainly something that we could do in collaboration. One of the reasons external entities are very helpful with this type of survey is because they have experience with different campuses finding out where some of the issues might be within the student body: experiences, knowledge of resources, that type of thing, and then compiling the data. They're also often successful at incentivizing students to do it. While nobody would be forced to do it, it would be voluntary, sometimes there are very helpful tools that can be used and these types of companies have that knowledge base.

**PANSING BROOKS:** [01:26:38] And are there any federal dollars that would help to make a survey like this?

**TAMI STRICKMAN:** [01:26:44] There have not been that I'm aware of so far. When other institutions have done them, they have paid for them through state dollars. Sometimes there are federal grants. For example our Kearney campus did work on a grant with the University of Kansas and received some money through their women's center. But they are limited dollars.

**PANSING BROOKS:** [01:27:08] Okay, I just, when I think of the fact that the University of Nebraska is a research institution and, you know, it's like the climate change work. The University of Nebraska is willing to use some of their resources to look at what is happening with mitigation of weather and the various factors within quote unquote climate change. So it seems to me if we got hold office on this that it's certainly something that the university could do much of its own research and not necessarily have to go and hire a third party. But you think that you think a third party would be necessary?

**TAMI STRICKMAN:** [01:27:54] I don't know that it would be necessary, it's just one of the avenues that we've explored, especially in looking across at other higher education institutions that have conducted climate surveys.

**PANSING BROOKS:** [01:28:03] Thank you.

**GROENE:** [01:28:07] Thank you for your testimony. Is there any other any other testifiers? Neutral? We have no correspondence in opposition. Go ahead whenever you're ready.

**KRISTIN PETERSEN:** [01:28:34] Good afternoon, my name is Kristin Petersen, K-r-i-s-t-i-n P-e-t-e-r-s-e-n, I'm general counsel and vice chancellor for employee relations for the Nebraska State College System. I'm here today testifying on behalf of the Nebraska State College System in a neutral capacity on LB898. First, I'd like to thank the committee for the opportunity to engage in this discussion today. I'd also like to thank Senator Howard for her interest in our students and her willingness to meet with us earlier today to discuss the bill. Two things I think it's important for the committee to know, the Nebraska State College System already does conduct the surveys that would be similar to those anticipated in this bill. We do so at all three colleges. We also conduct the staff training so that piece is already taken care of. But after careful consideration on some of the other requirements of LB898, we want to share our concerns. We believe LB898's public reporting and those posting requirements would deter victims from reporting sexual violence. We believe that LB898 will compromise the college's ability to comply with confidentiality requirements, which could expose us to additional liability. The prospect of litigation and liability are obviously concerning to us. Our most significant concern, however, with LB898 is the impression that the legislature would be appropriately tasked to review each investigation and each student disciplinary action at our colleges. So I'll take, you know, the remainder of my time and just provide a little bit more summary on those concerns. For the oversight, LB898 would require us to report the details for each investigation and each student disciplinary outcome. We question whether this level of oversight for individual cases lies with the Legislature. The education of our students is under the constitutional purview of the Board of Trustees and our college administration. We prevent, we address, we remediate barriers that stem from unlawful discrimination, harassment, and violence. We appropriately carry out those responsibilities and we take them very seriously. Requiring us to report the details of each case appears to put the Legislature in the role of managing individual student affairs decision that concerns us. Second of all, just in terms of the chilling effect on victims, the report that's anticipated by LB898 regarding sexual assault complaints we think will discourage victims from reporting more of their stories of violence. Our colleges are very small, we're close-knit communities and the level of detail for each report, you know, for example, the outcome of the investigations and the disciplinary actions, we think that would reveal the identities of some of the individuals involved. We think the public report and posting would discourage victims from coming forward and we think that has the likelihood for additional trauma for victims. Excuse me. In terms of the confidence-- confidentiality and liability concerns, we make every effort to maintain confidential information in compliance with federal law. Publication of confidential information could cause individuals harm, individuals' reputations to be damaged. We take those risks very seriously. We also look at the likelihood that we could expose ourselves to defamation lawsuits from perpetrators. I also want to note here that in terms of confidentiality and sharing information, victims already have the ability to get information about the disciplinary consequences for an individual that would have sexually assaulted them. Finally, on the reporting requirements, and Senator Howard already covered a great deal of information about the annual security report, so I will try not to duplicate much of that. But the bill here does speak to the public interest on accountability and transparency. We think that transparency is already addressed through the requirements that we have in the annual security report. Those statistics are anonymous. They inform the public about the safety of our institutions and the occurrences that we have on college campuses. Those reports are already available on-line. We think those reports provide more meaningful information than even our climate surveys do that we currently participate in. Those just have pretty low response rates. Therefore, we don't believe the legislature would be better informed by requiring our colleges to go through the climate surveys. In closing, before I run out of time, the board of trustees is very committed to providing an appropriate learning environment. We don't wish to shield information from the Legislature or the public but we just don't believe that LB898 would really improve our learning environment or conditions for students. That being said, we do again thank Senator Howard for the willingness to talk to us and have a conversation about a bill. Thank you.

**GROENE:** [01:33:53] Thank you. Senator Erdman.

**ERDMAN:** [01:33:56] Thank you, Senator Groene. Thank you for coming. Have you ever testified in front of this committee before?

**KRISTIN PETERSEN:** [01:34:01] Yes, sir. I was here last Tuesday.

**ERDMAN:** [01:34:05] And did you-- were you questioned by someone about your neutral testimony?

**KRISTIN PETERSEN:** [01:34:08] You know, I do believe I received a question, I believe it was from that side of the hearing bench. And I believe it was about the neutral nature of our testimony.

**ERDMAN:** [01:34:18] And you said, all I said your testimony wasn't neutral, it was opposition. And you said I'll take that under advisement.

**KRISTIN PETERSEN:** [01:34:25] Yes, you did. That is my recollection, too.

**ERDMAN:** [01:34:25] So explain to me, when you're ready to make a statement about a testimony, whether it's neutral or not, how do you go through that process? What do you determine is neutral and how do you make that decision?

**KRISTIN PETERSEN:** [01:34:34] We look at the nature of the bill and the senator's interests. We look at our concerns, and again, this is a difficult bill to come in and say that you're in opposition because to say that we aren't interested in transparency or accountability is not the case. Again, I understand your displeasure, Senator Erdman, with not being labeled in opposition. And once again, I can take that back to our chancellor.

**ERDMAN:** [01:35:01] It's not what I label it, it's what it was. And you didn't seem to have any trouble testifying that way. You did quite a good job.

**KRISTIN PETERSEN:** [01:35:07] Well, thank you.

**ERDMAN:** [01:35:08] But it was opposition, there was nothing neutral about your testimony.

**KRISTIN PETERSEN:** [01:35:12] I understand.

**ERDMAN:** [01:35:13] Okay, thank you.

**GROENE:** [01:35:15] Any other questions? Let me, I think you pointed something out I didn't catch. There's actually two distinct parts of this bill isn't there? There's the survey--

**KRISTIN PETERSEN:** [01:35:25] There's the survey.

**GROENE:** [01:35:25] Which you're doing.

**KRISTIN PETERSEN:** [01:35:26] Yes.

**GROENE:** [01:35:27] And then there's Section 4 says they have to report actual sexual complaints, right?

**KRISTIN PETERSEN:** [01:35:35] Yeah, I think the bill in general, and Senator Howard can

correct me if I mischaracterize.

**GROENE:** [01:35:39] Two are separate, right?

**KRISTIN PETERSEN:** [01:35:39] But it's the survey results and then it's also the institution providing information in the report. And I'm looking at lines 24, 25, 26. The types of that information would have to come from the college: the sexual misconduct, the outcome of each--

**GROENE:** [01:35:55] But this information isn't coming through the survey, this is information of actual complaints of sexual complaints.

**KRISTIN PETERSEN:** [01:36:00] Yes.

**GROENE:** [01:36:01] So we got really two parts here.

**KRISTIN PETERSEN:** [01:36:04] Agreed.

**GROENE:** [01:36:05] You have no problem with the survey.

**KRISTIN PETERSEN:** [01:36:08] The survey isn't the problem, even sharing the results of the survey with the Legislature wouldn't be the problem.

**GROENE:** [01:36:14] How do you take your surveys now? Over the computer or are they mailed out or on paper?

**KRISTIN PETERSEN:** [01:36:20] I'd have to get the details. I went through and I looked at our response rates, and I did verify Chadron State College does their surveys every year, Peru and Wayne State College do them every other year. They do them as a larger survey on a number of issues.

**GROENE:** [01:36:35] How do they do them? On-line?

**KRISTIN PETERSEN:** [01:36:36] I believe they are on-line, yes.

**GROENE:** [01:36:37] So the cost isn't--

**KRISTIN PETERSEN:** [01:36:39] We had in our fiscal note the information about the additional cost. And when we put that in, that was to take the every other year costs at Peru and Wayne and to meet those an annual cost. So it was a fairly minimal expense.

**GROENE:** [01:37:01] So when, I'm not a computer person but, the survey would be done like on your Web site and ask students to go to that Web site and fill out a-- answer the questions.

**KRISTIN PETERSEN:** [01:37:14] I believe so. I would hate to mis--

**GROENE:** [01:37:15] So that it can't be tied back to your e-mail.

**KRISTIN PETERSEN:** [01:37:17] I'd hate to misrepresent and I haven't gone through the details on the implementation of the survey, just make sure they do it.

**GROENE:** [01:37:23] Just seems like it would be pretty simple, you answer these questions and then they feed back in and when they're not tied to an individual.

**KRISTIN PETERSEN:** [01:37:27] It is, and it does go to all male, all female students. We survey on-campus and on-line students.

**GROENE:** [01:37:35] Thank you. Any other questions? Thank you.

**KRISTIN PETERSEN:** [01:37:41] Thank you.

**GROENE:** [01:37:42] Any other neutral testimony?

**BEV CUMMINS:** [01:37:57] Good afternoon. My name is Bev Cummins, B-e-v C-u-m-m-i-n-s, I'm the vice president of student affairs at Southeast Community College. And on behalf of SCC, I'm testifying in the neutral, in the neutral to LB898. However, the college is committed to protecting students and ensuring appropriate policies and procedures are in place to report sexual assault and other crimes. As been noted, complex and comprehensive federal guidelines kind of regulate what we do. And so the handouts that are coming around, I've got two of them. The first one is a sample of what those crime statistics look like and that's from our 2017 ASR, which is also posted on our Web site. And the second handout, it's just another kind of cheat sheet about Clery, kind of gives you the minimum of what we're required to do for Clery. I'll explain a little bit more of what SCC does. So we do kind of two types of surveys. We have a reporting process called TIPS, which allows anybody who can-- who wants to, whether they want to do it anonymously or not, to give information about the potential of a sexual assault or any sexual violence. And that could be-- that is a daily requirement, daily survey if you will. Those students can post it and give us information about responding to them and we work through the process of a time line investigation after that. We separate out-- and we also do a climate survey as well. We separate out the climate survey, which tells us how we're doing, from our reporting requirements the daily survey, which kind of tells us what's happening and what we're doing. Those two are kind of somewhat, they're same but different because we use the data in different ways. And we know that there are far more incidents of sexual assault that get reported to the college and so we want to use that information to improve what we're doing and how we're doing it, set priorities, and determine next best steps. One concern we have is if a student does provide that information to us we do a Title IX investigation, we work through the whole process with them. But then they find out later that that information was posted after they completed the climate survey, it's posted on-line, and potentially information could be connected to their situation, especially in some of our smaller campuses, with the unintended consequence of information being leaked about their confidentiality. But ultimately, when it comes to climate surveys, the key is about using them to improve what we do and to improve the environment that we provide for our students, ensuring that they're safe. Our surveys of our students and employees related to campus climate, working conditions, safety and security are very carefully designed, implemented, and analyzed and reported out by professional institutional researchers. The results of these surveys are widely, they are used to inform the college's policies and practices, and are calculated to minimize survey fatigue. We do survey our students a lot. We want to try to maximize their participation and complement other sources of information to enhance the student experience on our campuses. So trying to balance the confidentiality piece with using climate surveys to help improve what we do. We applaud the intent of LB898 to ensure that our postsecondary institutions are doing everything possible to establish safe and secure campuses. With colleges already engaging in numerous ongoing assessment and reporting of sexual assaults processes and other crimes, as required by federal regulations, it's possible colleges could provide the state with an overall summary of findings related to climate surveys required annual reporting of sexual assaults and other crimes, progress toward those climate goals that we would each set for ourselves, and outlining improvement strategies. So with that, I would take any questions you have.

**GROENE:** [01:42:12] Any questions? Thank you for your testimony. Any other neutral testimony? We received no neutral correspondence on LB898. That closes the hearing. Oh, we got the close, I'm sorry. Excuse me, I will rephrase that. Senator Howard now will closing with her closing.

**HOWARD:** [01:42:40] I am still here. No, I just want to thank the committee for their time and attention to this issue. I do think that when we look at the statistics in the state of Nebraska we are most likely just scratching the surface of what's actually going on. I am fully committed to working with the colleges and the universities to address both the confidentiality issue as well as some of their maybe fiscal concerns around putting together the survey. But I also wanted to make sure that as we close that you don't have any additional questions for me about the bill itself. It is actually there are three parts of it, right? There's the campus climate survey, there's employee training, and then there's their reporting to us as a Legislature so that we can make good choices not just about legislation for what they're doing but also how we spend our resources as a state. It's a very interesting dynamic. They are in charge of themselves but we hold the purse strings, which Senator Linehan noted to me today. And so I think it's really important that when there are systemic issues like rape on campus that we are a proactive Legislature and that we are making it clear to victims that we're here for them and we're trying to do something to help them. So with that, I'm happy to try to answer any questions you may have.

**GROENE:** [01:44:00] Any questions? Thank you, Senator Howard.

**HOWARD:** [01:44:03] Thank you, Senator Groene.

**GROENE:** [01:44:04] Now we close the hearing on LB898. We're going to take a five-minute break or so before Senator Kolowski introduces his LR270CA.

[01:53:25] [BREAK]

**GROENE:** [01:53:26] Senator Kolowski. Any time you're ready, Senator.

**KOLOWSKI:** [01:53:35] Thank you, sir. Good afternoon, Chairman Groene and members of the Education Committee. My name is Senator Kolowski, R-i-c-k K-o-l-o-w-s-k-i, representing District 31 in Omaha. I'm here today to introduce a constitutional amendment to reduce the age of free education in Nebraska from the currently required ages of 5 to 21 to the proposed ages of 3 to 21. This would require public schools to accept 3 and 4-year-old children into early childhood programs. Currently, 216 school districts of our 244 total school districts already operate early childhood programs and there are 10,888 children enrolled in those programs. The purpose of this proposed constitutional amendment is to provide access to a high-quality early childhood programs to all three and four-year-olds in Nebraska. While this would mandate a free education for 3 and 4-year-olds, I am not proposing that we change the age of mandatory education, so this would be an optional benefit for those families who desire-- who desire access to these programs. Studies have shown the great benefit that high-quality early childhood programs provide to young children. This will also be a workforce development bill as working parents will have an option of free high-quality childcare available to them. This matches the productivity of our parents in the state of Nebraska as we have the highest percentage of dual parents, both parents in a family working in the entire country. We lead the country in that. I believe that it is time to access-- that access to high-quality early childhood education is a right to Nebraska's children and families. It will make our state more competitive, improve educational achievement and outcomes, and promote important social and emotional development. I urge you to support this proposed constitutional amendment and give the people of Nebraska a chance to vote on this important issue. I'll be happy to answer any questions you might have.

**GROENE:** [01:56:26] Any questions for the senator? Senator Ebke.

**EBKE:** [01:56:28] Senator Kolowski, how many did you say are currently enrolled in preschool programs?

**KOLOWSKI:** [01:56:34] We have 216 of our 244 districts that have centers and 10,888 make up the current number of children enrolled in those programs.

**EBKE:** [01:56:48] Any idea, and maybe somebody can find this out, how many actual students, how many actual three and four-year-olds we have in the state?

**KOLOWSKI:** [01:57:01] I have something on that.

**EBKE:** [01:57:01] So what the potential population would be?

**KOLOWSKI:** [01:57:05] Sure. In 2015, 0 through 4-year-olds we had about 130,000 students. You divide that by 5 it's about 26,000 a year.

**EBKE:** [01:57:15] Probably-- well, divided by five times two, right? Because you have three and four-year-olds?

**KOLOWSKI:** [01:57:23] Three and four, right. Four divided by two.

**EBKE:** [01:57:24] Any sense of fiscal note? I mean, I'm thinking of schools. If you double the population of students that they've got, of the 3 and 4-year-olds they have to deal with then you start talking about the cost of adding on facilities and rooms. Any sense or have you heard anything from schools about what kind of cost they might be incurring if you had to do this?

**KOLOWSKI:** [01:58:00] We have not. We're in early discussions with a number of places that are very excited about this because they're already doing it and they have facilities already available or that are expandable on their particular campuses. Keeping in mind there's some history here that I think is really important in the sense that where Nebraska is and the direction our state has been going for the last decade at least. When Sam Meisels, Dr. Sam Meisels was hired from the University of Chicago area in Illinois to come to work with the \$50 million donation to UNL that Susie Buffett made on early childhood education, that was kind of earth shaking. That was a monumental shift in direction and hopefully attitudes toward early childhood and the training of the teachers and research and development of working with young people. In my own personal case, I know when my wife was hired in 1968, 50 years ago, to open the Westside Community Schools Early Childhood Center, Dr. Vaughn Phelps hired her a year ahead of time, in '67, to begin working on that particular program. And that was the beginning of the Westside program, which has existed for 50 years now. That's history we have in our state, that's history that's important to us. And yet we have educators and we have senators, we have others that don't know who Sam Meisels is and what the program is all about and what direction of early childhood is in our particular state. I think we need to understand where we are, what we can do, and to be a cutting edge state because of all the alignment of things that are happening in our state: very hard-working parents looking to see and to get the services of a early childhood center, where their kids could be safely taken care of and educated in a public education situation. It does not mean that every child will start school at three. They can start at five in kindergarten, or six. But it does give the option: compulsory acceptance, not compulsory attendance. So there is an opportunity there where we would be the first state in the union to make this move and have that as an option. The vote on this would not take place until November of this year. And then after that particular vote is successful, the state Department of Education would be charged with implementing a plan. They'd have to put that

within the realities of the budgeting that goes on within our-- Unicameral. And how that would factor out is simply all to be determined, it's that we have no preconceived notions on that.

**EBKE:** [02:01:29] Yeah. I'll tell you one of my concerns. And the school district that I was a board member of, Crete, already gets TEEOSA form funding and the early childhood education is counted, I think the four-year-olds at least are counted in the formula. However, for the rest of the schools in my district, they don't get any TEEOSA formula funding and they probably wouldn't with the small number that would be included here. And so what we're asking for an additional require-- it's a new mandate for the local schools that they're going to be paying for themselves without the state chipping in, unless you have some sort of concurrent legislation that requires the state pay for all that. So, I mean, I don't question your intent or your motives, I question the practicality of it in today's environment so.

**KOLOWSKI:** [02:02:30] Or the practicality, others would say that we're 50 years behind. We've missed some opportunities in this state in this environment.

**EBKE:** [02:02:38] But we're the first state. You're saying that we would be the first state so.

**KOLOWSKI:** [02:02:41] To make that move to three and four kids.

**EBKE:** [02:02:43] So I'm not sure that we're 50 years behind. But I get it. Okay, thank you.

**KOLOWSKI:** [02:02:49] Just using that as a benchmark. I think it's really important that we keep in mind the potential that this has. And you'll hear this from me for the next three years, and I'm not going to back off of this. I think it's one of those things that we could make a difference and we could become national leaders with the things that we have going on in our state to do things properly that would truly give us a leg up on the early childhood directions for the future of this country.

**GROENE:** [02:03:26] Senator Linehan.

**LINEHAN:** [02:03:27] Thank you, Mr. Chairman. Okay, so this, I have to admit I'm still in my first two years of being a senator. How come there's no fiscal note?

**KOLOWSKI:** [02:03:37] I don't know. We handed it in and didn't get anything back because I believe you'd have to pass it first in November before there would be a-- we have no--

**MORFELD:** [02:03:46] It's a constitutional amendment.

**EBKE:** [02:03:47] Because it's a constitutional amendment.

**LINEHAN:** [02:03:49] So we don't do fiscal notes on constitutional amendments?

**MORFELD:** [02:03:52] Because we're not sure if it will get passed by the people.

**EBKE:** [02:03:55] If it got passed by the people there would be a--

**KOLOWSKI:** [02:03:58] The impact in a November election, if passing, then would fall upon the next biennium that we would look at with the 90-day session and the 60-day session. And the decision, we would-- that would probably be passed on to the state Department of Education.

**LINEHAN:** [02:04:14] So we would pass-- we would pass a constitutional amendment or even put

one on the ballot without having a fiscal note?

**EBKE:** [02:04:20] And we would have to pass enabling legislation later.

**LINEHAN:** [02:04:24] So is there any idea what the fiscal note might be? I mean, I think this is pretty-- I understand it's wonderful if parents can access daycare, or not daycare but preschool, because it's not really daycare. Because if you're a working mom or dad--

**KOLOWSKI:** [02:04:38] It's not daycare.

**LINEHAN:** [02:04:38] Right. If you're working mom and dad, you have to get in the car, drop your child off somewhere before 8 o'clock in the morning, and you don't probably get back to pick them up until 6 o'clock at night. So school hours are from 9 to 3:30, so you're still going to on top of this you're still going to have to have daycare, to search out daycare.

**KOLOWSKI:** [02:04:56] And districts have that.

**LINEHAN:** [02:04:58] Right, some districts out that. But we have to have some idea I would think before we can really have a serious discussion here about how much this would cost. So I'm going back to the numbers here. There's 11,000 kids already out of a population of-- I couldn't quite follow, I'm sorry, that I wasn't quick enough on the math. Are we talking about a population of 26,000 or 52,000?

**KOLOWSKI:** [02:05:23] There would be approximately 26,000 per grade level on a K-12 basis that are currently in school.

**LINEHAN:** [02:05:30] So we're talking about 52,000 and minus 10,000 that are already in, so we're talking about 42,000 new kids into the school system.

**KOLOWSKI:** [02:05:37] If they would all be placed there by their parents. It's not mandatory.

**LINEHAN:** [02:05:42] It's not mandatory but a prudent way to look at something is what is the maximum this could cost.

**KOLOWSKI:** [02:05:47] Sure.

**LINEHAN:** [02:05:48] So if it costs, I don't know, let's say it costs 42,000 times what? What do you think it would cost per child to have them in this program?

**KOLOWSKI:** [02:05:58] That would be a factor that we would have to look at within the TEEOSA formula which I had as a priority bill last year that did not see the light of day.

**LINEHAN:** [02:06:06] But 42,000 times something, let's just say \$10,000.

**KOLOWSKI:** [02:06:11] Sure.

**LINEHAN:** [02:06:11] So that's \$420 million?

**KOLOWSKI:** [02:06:21] You're doing the math.

**LINEHAN:** [02:06:21] I know-- somebody else help me with backing up the math here but I think that's what it is, right? Just count the zeros?

**PANSING BROOKS:** [02:06:29] Four point--

**LINEHAN:** [02:06:31] Four point--

**PANSING BROOKS:** [02:06:34] You had one more zero.

**LINEHAN:** [02:06:35] Somebody, well, I'll figure out the math but I think--

**PANSING BROOKS:** [02:06:39] \$4.2 million. From 420,000, is that what you said?

**LINEHAN:** [02:06:45] No. Okay--

**KOLOWSKI:** [02:06:47] The important factor is the state Department of Education would be charged with the implementation depending on how much money we have. How they would go about doing that would be determined by the Unicameral and working with the state department on-

**LINEHAN:** [02:07:03] It's not how much money we have, to Senator Ebke's point, it's how much money the school districts have.

**KOLOWSKI:** [02:07:09] We give the school districts TEEOSA money or they have the money. So it's a mutual how much is available that would be spent.

**LINEHAN:** [02:07:19] There's 170-some school districts that don't think they're getting any-- well, they're not getting equalization. So the vast majority of school districts we would be putting a mandate on them to spend a lot of money that's not money that we collect. Money they would have to collect through increased property taxes, I assume.

**KOLOWSKI:** [02:07:39] If they want to have early childhood education, yes.

**LINEHAN:** [02:07:41] But isn't the bill saying that they have to make it accessible? It's they don't have to go but they have to make it-- they have to make it available. So we are telling the school districts, even though they get no TEEOSA, it would say you have to make not just four-year-olds but four and three-year-olds, you have to make a place in your school for them. And you have to have teachers.

**KOLOWSKI:** [02:08:06] You may or may not have to work at TEEOSA, and I think we will have to look to TEEOSA because that's a crucial issue on this whole thing going forward.

**LINEHAN:** [02:08:16] But if we don't give them any money for high school kids, we're probably not going to give them money for three-year-olds.

**KOLOWSKI:** [02:08:22] Unless something changes in TEEOSA.

**LINEHAN:** [02:08:24] Okay, thank you.

**GROENE:** [02:08:25] Thank you. Any other questions for the senator? Thank you.

**KOLOWSKI:** [02:08:30] Thank you.

**GROENE:** [02:08:36] Proponents? Thank you.

**JENNI BENSON:** [02:08:55] Thank you, Senator Groene and the members of the Education Committee. My name is Jenni Benson, J-e-n-n-i B-e-n-s-o-n, and I am the president of the Nebraska State Education Association, representing 28,000 members in support of our LR270CA constitutional amendment. Let me start by saying thank you to Senator Kolowski for his focus on early childhood education. We all know the tremendous benefit of high-quality early childhood education. Recent studies show that there is a \$13 return on every \$1 invested in early childhood education. Providing state support for these programs is needed, and is a wise and prudent investment that would benefit children the our entire state. Research proves that providing a high-quality education for children before they turn five yields significant long-term benefits. One well-known study, the HighScope Perry Preschool Study found that individuals who were enrolled in a quality preschool program ultimately earned up to \$2,000 more per month than those that were not. Young people who are in preschool programs are more likely to graduate from high school, to own their own homes, and have longer marriages. Other studies, like the Abecedarian Project, show similar results. Children in quality preschool programs are like less to-- less likely to repeat grades, need special education, or get into trouble, future trouble with the law. Early childhood development programs are rarely portrayed as an economic development initiative, yet they should be. A high-ranking federal reserve bank official notes: studies that find well-focused investments in early childhood development lead yield high public as well as private returns, and suggests that the cost of not making such an investment are too great to ignore. High-quality early childhood education represents one of the best investments our state can make. NSEA believes it is a common sense investment that we cannot afford to pass up. I encourage you to support this constitutional amendment, advance a committee, and let the voters of the state of Nebraska determine the importance of the state providing for early childhood education. Thank you.

**GROENE:** [02:11:26] Questions? Senator Linehan.

**LINEHAN:** [02:11:28] Thank you, Chairman Groene. Thank you for being here. Would the teachers in these programs all be certified?

**JENNI BENSON:** [02:11:37] I would say yes.

**LINEHAN:** [02:11:38] So they would all be certified. And you probably wouldn't be able to have 20 kids per class in these, would you?

**JENNI BENSON:** [02:11:43] I wouldn't want 20 3-year-olds in a class but I would guess that--

**LINEHAN:** [02:11:49] How many three-year-olds do you think you would have to have per certified teacher?

**JENNI BENSON:** [02:11:52] My daughter teaches Head Start in Crete and right now she has 14 students. And I think the maximum for Head Start is 15.

**LINEHAN:** [02:12:01] Three-year-olds?

**JENNI BENSON:** [02:12:01] And she has three-year-olds, yes.

**LINEHAN:** [02:12:05] What would you say the ideal number would be.

**JENNI BENSON:** [02:12:07] Well, she would say way less than that. But it is it depends on the makeup of that class as well. You know, the kids that are in maybe Head Start programs, she has a para now that is also in her class, so that helps as well. So, you know, it's the lower the number the

best, you know.

**LINEHAN:** [02:12:30] So it would cost more to educate 3-year-olds and 4-year-olds than probably 5 and 6-year-olds?

**JENNI BENSON:** [02:12:36] Yeah, I would think that that there's an ultimate number that you wouldn't want to be putting more into a classroom. So it may cost more.

**LINEHAN:** [02:12:45] So I've confirmed my math here. If every school did this, which we're saying they need to, so, it would be \$420 million.

**JENNI BENSON:** [02:12:58] Right. I did the zeroes.

**LINEHAN:** [02:13:02] Where do you think that money would come from?

**JENNI BENSON:** [02:13:04] Well, I agree with what Senator Kolowski, you know, had said about looking at, you know, the TEEOSA formula. But I also look at some communities, we've heard of some communities who are looking at it as an economic development for their community. I'll use Red Cloud for example. They started an early childhood program in Red Cloud and families are moving to Red Cloud and their community is increasing and their school is thriving because of that. Because young families are saying, wow, I can go to Red Cloud and do that. So I think that, yes, it costs some on one end but the payoff and the other end, like I said: \$13 per every \$1 invested in the overall investment for early childhood I think is a bigger payoff.

**LINEHAN:** [02:13:49] Could you get me to study that says that, the \$13?

**JENNI BENSON:** [02:13:52] It's the-- there's a link on the back side of your that has it. But we can send it to you.

**LINEHAN:** [02:13:58] Because part of the verbal explanation of it I find, because I did take statistics, I find it a little questionable because we-- first of all, we don't have a lot of kids, which is part of the reason we're having this conversation today, in high-quality preschool programs. And we certainly didn't have a lot of them in high-quality preschool programs 20 years ago. So wouldn't it makes sense that kids we're looking at now, adults, young adults are doing better because as the old saying goes: they started like on third base? Because if they went to high-quality preschools, they probably came from the affluent families and had not only high-quality preschool but high-quality education all the way through, got to go to a good college, mom and dad helped with tuition. I'm very skeptical of kids who were in a high-quality preschool program 20 years ago or 30 years ago that now they're very successful because I just don't know how many high-quality preschool programs that were available to people 30 years ago that didn't have the ability to pay for them.

**JENNI BENSON:** [02:15:05] Well, and when I-- I'll use my own example. I have three children, my son is 33 years old and so he was about that age that many years ago. And we lived in South Texas at the time. And I had my kids in a Montessori preschool, and I was a teacher and my husband was also a public servant, so we weren't high income. But it was a lot more affordable than as well for us anyway. And so I think when I look at my own children and where they are, when I look at my grandchildren now and I look at my daughter adopted foster children out of foster care, twins that are 14 that did not have preschool, and they are really struggling because they were quite far behind when they started school so.

**LINEHAN:** [02:15:53] But I think you're kind of echoing what I said, you're a teacher, you were married, your husband's employed, they went to high-quality school program. And they're now

doing very well.

**JENNI BENSON:** [02:16:04] Right. But we want that program for everyone.

**LINEHAN:** [02:16:08] Yeah, but there's got to be a way to pay for it.

**JENNI BENSON:** [02:16:09] Yeah. Well, and I think that if we look at the programs that are offered now, I mean, when we went in with Lincoln Public Schools in cooperation with the Buffett Institute and started the program at Belmont School, it wasn't like they had to take students that we were already serving. There were that many students that were being underserved because they didn't qualify for some of the programs that were already in place and so we added that service then.

**LINEHAN:** [02:16:40] And I'm not-- and we talked and Senator Kolowski and it should be repeated. It was a huge gift from the Buffett Foundation. Huge, \$50 million, and we're all very, very grateful. But \$50 million is not a very big percentage of \$420 million that you would ask the taxpayers of Nebraska to be paying every year.

**JENNI BENSON:** [02:16:58] And I think that's the what this is about is to ask them.

**LINEHAN:** [02:17:04] Okay, thank you very much.

**JENNI BENSON:** [02:17:04] Thank you.

**GROENE:** [02:17:08] Any other questions? Do you know-- you're a huge organization and a well-respected one. You could sponsor a petition drive and put it on the ballot yourselves.

**JENNI BENSON:** [02:17:18] We could.

**GROENE:** [02:17:18] Have you thought of doing that to see what kind of feedback you receive?

**JENNI BENSON:** [02:17:23] We think about that for several.

**GROENE:** [02:17:25] Several issues? I never went to preschool or kindergarten. I'm disappointed, I could instead of \$12,000, I should be making \$14,000. So I appreciate that.

**JENNI BENSON:** [02:17:40] That would be a month.

**GROENE:** [02:17:42] What's that?

**JENNI BENSON:** [02:17:43] It was a month, \$2,000 more a month. So you would have been making more than you're making. We appreciate your service, though. I would-- I would vote to give you a raise.

**GROENE:** [02:17:56] All right.

**JENNI BENSON:** [02:17:56] Thank you.

**GROENE:** [02:17:57] You might get an opportunity. Any other proponents?

**ANN HUNTER-PIRTLE:** [02:18:13] Good afternoon, Chairman Groene and members of the committee. I'm Ann Hunter-Pirtle, A-n-n H-u-n-t-e-r-P-i-r-t-l-e. I'm the executive director of Stand for Schools, a nonprofit dedicated to advancing public education in Nebraska. We strongly support

this constitutional amendment and thank Senator Kolowski for introducing it. It would require all public schools to make pre-kindergarten education available to all three and four-year-olds in the state whose families wanted to send them to public preschool. It would not make pre-K education compulsory. The reason for our support is simple: early childhood education is about the single smartest investment that we can make in our state's future. For every dollar we invest in early childhood, and Senator Linehan there are a range of studies on this which I'd be happy to send you, but we do get back between \$5 and \$10 or more in benefits when those children grow up. And those benefits take the form of reduced demand on corrections, law enforcement, Medicaid, and antipoverty programs, as well as higher wages. And I want to say a few words about why that's true. A 2012 Brookings Institution report found that low-income children have heard 30 million fewer words by the time they enter school at age 5. The opportunity gap begins long before children enter kindergarten. And a growing body of research suggests that, as a recent CDC report put it, quote There's a strong graded relationship between the breadth of exposure to emotional physical and sexual abuse and or household dysfunction during childhood and health risk behaviors and disease in adulthood end quote. Such traumatic experiences in childhood are known in the literature as adverse childhood experiences or ACEs. A landmark 1995 CDC Kaiser Permanente ACE study and subsequent surveys show that most people in the United States have at least one ACE and that people with four or more ACEs, which include living with an alcoholic parent, racism, bullying, witnessing violence outside the home, physical abuse, and losing a parent to divorce carry a hugely higher risk of adult onset health problems such as heart disease, cancer, diabetes, suicide, and alcoholism. This committee is rightly concerned about the opportunity gap and well-being of children across the state. When we provide access to quality early childhood education, we increase the chances that children have the tools to succeed and positive adult role models to care about them. We're under no illusions that this proposal would be cheap but the state's budget is a reflection of its priorities. There are many sources of new revenue being debated this legislative session, as well as tax cuts on the order of hundreds of millions to billions of dollars. And if we truly want to run government like a business, we would find the highest return on investment possible and make those investments. It's not often that policymakers get to talk about silver bullets. Early childhood education is about as close as it gets. The people of Nebraska deserve the chance to vote on whether to offer universal public pre-K and we urge you to advance this resolution. Thank you.

**GROENE:** [02:21:12] Any questions? Senator Morfeld.

**MORFELD:** [02:21:14] Quick question, and I'll just bounce this off you a little bit. I've been thinking about this and I think it was alluded to a little bit earlier. So right now, a working parent who has to work, obviously, but has a child that's younger than kindergarten, they're currently paying for this right now, aren't they? I mean, so essentially parents are already paying for this. Do we have any facts or figures on how much it costs?

**ANN HUNTER-PIRTLE:** [02:21:45] I don't know that off the top but I can certainly find those figures for you and send them your way.

**MORFELD:** [02:21:48] Okay.

**ANN HUNTER-PIRTLE:** [02:21:49] So you're trying to get at the comparison of what is early childhood care costs now--

**MORFELD:** [02:21:55] Yeah.

**ANN HUNTER-PIRTLE:** [02:21:55] --versus what kind of taxes will we be looking at under this sort of proposal and think that's worth comparing?

**MORFELD:** [02:22:00] Yeah, a cost-benefit analysis of some sort. I'm assuming that Nebraska families probably pay millions and millions of dollars either for the care or for the forgone salary that would otherwise benefit the family if they weren't home.

**ANN HUNTER-PIRTLE:** [02:22:11] Right. In many cases, and this is anecdotal, so it will find those figures for you; in many cases, early childhood or early childcare, not even including preschool education but simply daycare, you know, is about equivalent to one parent's earnings. I mean it's hugely expensive.

**MORFELD:** [02:22:33] Yeah, I just remember my mother, my stepmother actually, when they had their, well, eventually three kids. It was it was cheaper for her to stay at home than work as a manager at Disney Store in San Diego while my dad was stationed there so, okay.

**ANN HUNTER-PIRTLE:** [02:22:49] It's a common challenge. We'll find those figures for you.

**MORFELD:** [02:22:51] Okay, thank you.

**GROENE:** [02:23:03] Any other proponents?

**MATTHEW DUNNING:** [02:23:19] Afternoon. My name is Matthew Dunning, M-a-t-t-h-e-w D-u-n-n-i-n-g, I'm appearing on behalf of the Nebraska Association of School Boards. NASB is in support of LR270CA, which would allow voters to amend the state constitution to amend the bill and expand the availability of a free public education. If amended, the state constitution would expand the ages from the current 5 to 21 to 3 years to 21 years old. Parents would not be required to send their three-year-olds to school but would have the opportunity to do so. NASB supports early childhood education and amending the state constitution to provide it for 3-year-olds is consistent with that support. Be happy to answer any questions.

**GROENE:** [02:24:07] Any questions? Senator Ebke.

**EBKE:** [02:24:09] Thank you. Thanks for being here. Would the NASB be in favor of this if there's no TEEOSA formula funding associated, if it was just a mandate?

**MATTHEW DUNNING:** [02:24:22] It would not be a mandate for the children to attend but I don't know--

**EBKE:** [02:24:27] It would be a mandate to have it.

**MATTHEW DUNNING:** [02:24:27] Be a mandate to have it, and the funding issue would be another funding issue to address at the time this was implemented.

**EBKE:** [02:24:38] Okay, thanks.

**GROENE:** [02:24:39] Senator Linehan.

**LINEHAN:** [02:24:42] So this is the State Association of School Boards.

**MATTHEW DUNNING:** [02:24:46] That's correct.

**LINEHAN:** [02:24:48] Which I read somewhere in the last few days or they told me yesterday during the hearings, how many people?

**MATTHEW DUNNING:** [02:24:53] 1,724 school board members.

**LINEHAN:** [02:24:55] So is there a vote on this? Those 1,724 board members vote?

**MATTHEW DUNNING:** [02:25:00] We had our legislative committee review proposals over the weekend and this is one that we are in support of so the committee-- the committee--

**LINEHAN:** [02:25:12] Those 177 schools that get no TEEOSA funding, that will get no funding for this from the state right now because that's the world we're in right now, they're willing to provide free early childhood education to all the 3 and 4-year-olds in their districts?

**MATTHEW DUNNING:** [02:25:31] The association of the 1,724 members have representatives on the legislative committee and the committee supported that. Now does that mean that every district or every board member feels the same way? I can't say that.

**LINEHAN:** [02:25:44] But that's what you're representing here.

**MATTHEW DUNNING:** [02:25:47] We're representing the group.

**LINEHAN:** [02:25:51] Did you talk about how much this would cost in your legislative meeting?

**MATTHEW DUNNING:** [02:25:56] We did not. We recognize that funding could be a challenge but we agree with some of the other testifiers that this is an investment and that there will be a return on that investment. That hopefully these children will be in a position to stay out of prison, stay off of Medicaid, and it would be taxpayers rather than a burden.

**LINEHAN:** [02:26:21] There's quite a few citizens in Nebraska that didn't go to an expensive early education that aren't in prison and aren't on Medicaid.

**MATTHEW DUNNING:** [02:26:31] I imagine there are.

**LINEHAN:** [02:26:31] Okay, thank you.

**GROENE:** [02:26:37] You have testified in the past, yesterday, you want local control. This would be a huge mandate from the state, would it not be? From the people of the state?

**MATTHEW DUNNING:** [02:26:48] The implementation of it would be a matter of local control after the Legislature.

**GROENE:** [02:26:52] You have a program now that you can participate in as a school for four-year-olds, is that not true? Or three-year-olds.

**MATTHEW DUNNING:** [02:27:02] Yeah, those--

**GROENE:** [02:27:03] You can enroll three- or four-year-olds now. Senator Kolowski said a pretty high percentage of them have a preschool now.

**MATTHEW DUNNING:** [02:27:08] Those programs are out there, yes.

**GROENE:** [02:27:10] And the Legislature through statute funds at 0.6 funding to those that are equalized school districts, right? So why do you need a mandate?

**MATTHEW DUNNING:** [02:27:25] We think it would be a good opportunity for parents to have this choice.

**GROENE:** [02:27:30] It's not a choice. It's a mandate to the taxpayers who are also parents to pay for it. Is it not?

**MATTHEW DUNNING:** [02:27:36] The funding would be a separate issue, I agree with that. But it would definitely be a choice--

**GROENE:** [02:27:42] It would not be a separate issue. Now it's a right, and now the state has to supply the free instruction. That's not a choice.

**MATTHEW DUNNING:** [02:27:50] I'm sorry. I thought you were discussing whether the parents would have a choice to send their children or not.

**GROENE:** [02:27:53] Right now, the Legislature has a choice to fund the four-year-old preschool with 0.6 or whatever. We could change that with statute. We put this in the constitution we have no choice, we have to supply free instruction for three- and four-year-olds.

**MATTHEW DUNNING:** [02:28:07] And we would work with future Legislatures to make that happen as effectively as we can.

**GROENE:** [02:28:14] There's no buts about it, we would do it. We would have to if this was in the constitution. Are you concerned-- is your school board members concerned about in a free society institutionalizing three-year-olds when their character is being formed and across the state they would all be taught the same values? Because that is when values and character is formed. Are you concerned about that as local individuals who are elected to a school board?

**MATTHEW DUNNING:** [02:28:43] I guess I'm not sure I understand. The concept of institutionalizing sounds like they're in prison somehow.

**GROENE:** [02:28:51] Well, a school is a public institution, is it not?

**MATTHEW DUNNING:** [02:28:55] But the education would provide those opportunities for the children to do better in school and to do better in life.

**GROENE:** [02:29:02] But three- and four-year-olds, we would have a curriculum for three- and four-year-olds statewide.

**MATTHEW DUNNING:** [02:29:07] Yes.

**GROENE:** [02:29:08] What happens to diversity? Everybody's taught the same thing, they have characters formed at three.

**MATTHEW DUNNING:** [02:29:15] There would be local control over some of those issues as well.

**GROENE:** [02:29:18] Very few.

**MATTHEW DUNNING:** [02:29:21] Similar to now with K-12.

**GROENE:** [02:29:24] Thank you. Any other questions?

**MATTHEW DUNNING:** [02:29:29] Thank you.

**GROENE:** [02:29:42] Any other proponents? Letters of support: correspondence with ACLU, Ralston Public Schools, Millard Public Schools, and Holland Children's Movement. Opposition testimony?

**COBY MACH:** [02:30:17] Good afternoon, Chairman Groene, members of the Education Committee. My name is Coby Mach, C-o-b-y M-a-c-h, I'm here today representing the Lincoln Independent Business Association, LIBA, and we are opposing LB270CA. In Lincoln right now, we have a citizen committee that is studying our school system which is quickly filling up with students. Because we have schools at or over capacity, we will soon, and when I say soon, next few years, we will have another new school bond issue put before the voters. In Lincoln, we have 42,000 students in the Lincoln Public School System. Think about that: 42,000 students. That's more population than most cities in Nebraska. Lincoln Public Schools, LPS is also estimating that our district is going to grow by 5,000 more students during the next 5 years. LPS projects that we will need many new schools. According to the Lincoln Journal Star, four months ago, on September 29 of 2017, it said quote The district's new 10-year plan calls for four new elementary schools, two new middle schools, in addition to a new high school end quote. The last two bond issues for new schools and a career academy in Lincoln totaled over \$400 million. Now LIBA and our 1,300 members, we supported that bond, those bond issues. We supported the teachers, we supported the students, LIBA supported the \$400 million in property taxes, we've supported the additional \$100 million in interest, we supported the salaries to pay all the new teachers required to fill those classrooms. We're invested in education. However, Lincoln taxpayers cannot afford any more unfunded mandates from the state. If the Legislature wants to add three and four-year-olds to our school system then please make sure the state funds 100 percent of the teachers, the classroom supplies, and the construction of the schools that would be needed. We ask that you oppose LR270CA. I would attempt to answer any questions you have. Thank you for your time.

**GROENE:** [02:32:50] Thank you, sir. Next opponent.

**GWEN EASTER:** [02:32:54] Hello. Good afternoon, senators of the Education Committee. My name is Gwen Easter, spelled G-w-e-n E-a-s-t-e-r, and I'm the founder of Safe Haven Community Center and the owner of Safe Haven Early Childhood Preschool Education Academy. I've been appointed by Governor Pete Ricketts to be a member of the Early Childhood Interagency Coordinating Council to be a voice for family childcare providers businesses. I'm not here on behalf of the council, I'm here on behalf of the childcare business, my childcare business and other providers who were not able to make it here today. I'm opposed to LR270CA, which would establish free taxpayer-paid public education starting at the age of three. There are thousands of qualified, unique in-home and center licensed early childhood preschool childcare businesses and faith-based preschool programs across Nebraska that work with children three to five years of age. Many childcare providers have prepared children for kindergarten and have supported school-age children academically for decades. This resolution is highly unfair because private childcare business preschools would be competing with the public school system whom already has a track record of failing K-12 children, especially in the early years of their education. And they continue to do so, as we have seen with the ACT test scores, I think speak for themselves. The Omaha Public School System and their organizational partnerships already have an advantage over childcare businesses due to the fact that they have worked hard to discredit in-home childcare businesses centers and faith-based preschool programs. They have promoted that children can only receive better education in their programs but have no measurable outcomes to support their ideals. In fact, the Omaha public school Head Start program has been a failure and they are required now to have a

certain number of children in their programs, which is one of the reasons I believe that they're after that early childhood program along with other agendas that the Omaha Public School System is pushing. Over 15,000 licensed childcare providers they have prepared children for kindergarten for many years up to this point. Like I said, there is no evidence to support these ideas that children are not being prepared for kindergarten who comes from these programs. The Omaha Public School Systems and their businesses are able to use our tax dollars, private and public grants funding to further their childcare and preschool agendas. They work with other organizations and are forcing out our businesses. Unfairly, the childcare businesses are being sabotaged and monopolized especially in north Omaha. Over 100 childcare businesses have already began, like I said, being sab-- has been sabotaged. We have organizations like the Omaha Public School System Empowerment Network, Cradle to Career, superintendent learning community, Buffett Early Childhood Institute, Early Childhood Learning Center, the early-- the learning community centers who may have come into our community-- community and duplicated my programs and my organization programs and services, some of my childcare programs. Also others' programs. At this time, the Omaha Public School system is partnering with Seventy-Five North to establish another early childhood center that will be two blocks away from my business, and they will take in a number of close to 200 children. Passing this resolution would be devastating to the childcare industry and will force out many other more daycare businesses and put us in more financial hardship. It has already happened to me and others-- and others. And further, furthermore this takes the rights of parents to decide who teaches their children. It takes-- the school system has an agenda and they're pushing comprehensive sex education and all these different things onto our children, and now they want our younger children. There has been rumors that they are wanting us out within three to five years. There is an agenda that is going on in north Omaha and it wants to spread to across Nebraska. And I'm asking you all to help us because you are the only people that we can turn to. In north Omaha we have no one to stand up for our childcare businesses. I had to close one daycare, now my other one is in jeopardy. My property is up for sale and I'm looking for another place. I care about the children and families in my community. This is why we provided the services that we have provided under Safe Haven Community Center and Safe Haven Early Childhood Preschool, and there are other daycares who care just as much about children. Omaha Public Schools and these organizations that are working together to push the Buffett agenda, I call it. And it is not fair. They've already used the health and human services to get policies changed in order to make things work in their direction. So I'm asking you all for your help today. Thank you. If you have--

**GROENE:** [02:38:09] Any questions? I have a question. Do you believe those, the children you're losing is because of the quality or because it's free over here.

**GWEN EASTER:** [02:38:22] I believe that, yes, because it is free they're setting up these other organizations, most of them are nonprofits. And, yes, it's because it's free. I mean, what parent is going to decide to come to my daycare if they can get free daycare over here? And some of these organizations are teach-- are showing parents how also to get over on the system in order to become to be a part of their program.

**GROENE:** [02:38:46] So let's say the state had a grant, some people call it a voucher, that this parent could decide if they wanted to give it to the public school or they wanted to give it to you for-- do you think you would get a lot of them to stay with you and more people coming to you?

**GWEN EASTER:** [02:39:07] Yes, I do.

**GROENE:** [02:39:08] If that opportunity was given?

**GWEN EASTER:** [02:39:11] Yes, I do. I believe that we would, that my daycare personally would

get that. I believe that other daycares personally would get that because there are some very good daycares. And daycare, early childhood is daycare.

**GROENE:** [02:39:24] If one of your employees wanted to talk about Jesus to that 3-year-old, are they allowed to do that?

**GWEN EASTER:** [02:39:32] Yes, they are allowed to do that because I'm a Christian daycare. I'm a Christian.

**GROENE:** [02:39:36] Do you think they're allowed to do that in a public school?

**GWEN EASTER:** [02:39:39] No, no. No, they would probably shut them down so quickly.

**GROENE:** [02:39:44] I know a lot of 3-year-olds that come up to me--

**GWEN EASTER:** [02:39:47] Yeah, me too.

**GROENE:** [02:39:47] --and ask me questions but they heard about Jesus. If they did that in the public daycare, what do you think would happen?

**GWEN EASTER:** [02:39:53] They'd be okay to talk to--

**GROENE:** [02:39:54] In a public daycare, public school.

**GWEN EASTER:** [02:39:57] Oh, in a public? No, they would not be allowed to do that.

**GROENE:** [02:39:59] They would be told that's a subject that can't be talked about in this.

**GWEN EASTER:** [02:40:04] And I've had-- I've had a number of different kids in my daycare: Muslim children, you know, I've worked with a lot of families, refugee families and had classes.

**GROENE:** [02:40:17] All right, thank you. Is there any question? Senator Pansing Brooks. Think you had your hand up first.

**PANSING BROOKS:** [02:40:21] Well, I take umbrage with the Sherwood or Buffett, whatever, controversy or conspiracy that you're claiming that there is. And part of what you're talking about seems to me the exact opposite of the argument for charter schools. We have to have the privates but well, if we're not making money then the publics are really messing us over because we're trying to have a business here for charters. But I'm getting really messed over because the public schools are free and why should I have to compete with the public schools? Well, that just to me is very problematic. And I understand that in a way this idea is coming in after the idea of public preschools is coming forward. But I don't think there's any kind of conspiracy or plan. There is a plan to educate with best practices and to educate through research and understanding of the best way to go forward. And I would disagree that if some little child comes up and talks about their faith that they're going to be shut down immediately. And hopefully there would be an understanding that it's not just a Christian preschool but it's also-- you say that you are a Christian preschool but you do allow Muslim children and refugee children. And that's good, that's important, but you still said you're a Christian preschool so.

**GWEN EASTER:** [02:41:55] Yes, I am.

**PANSING BROOKS:** [02:41:56] Again, having state dollars go to a Christian preschool and I

don't believe that necessarily there would be enough understanding about the Muslims that are there, that are coming to your school, to be able to teach them appropriately about their religion or-- and I presume you don't intend to teach them about their religion. So it's fine for everybody to say that they want to, you know, be sure to have a faith-based school, but which faith? Which opportunity are we going to provide as a state? And, you know, there are so many differences in even among Protestant religions that to say, oh, don't worry, I know how to take care of our own. Who are our own? And it really does concern me. And to claim that the Buffetts have some ulterior motive is--

**GWEN EASTER:** [02:42:49] I'm not talking-- the Buffett Early Childhood Institute.

**PANSING BROOKS:** [02:42:54] Yes. I do not believe they have another ulterior motive to put people like you out of business.

**GWEN EASTER:** [02:42:59] Well, that's what they are doing. They are putting us out of business. They are, the learning community, they're being provided funding is being made available to them. Daycares are not being provided that type of funding to support their daycares. They are going into our community, they're connecting to parents. We have to go out and look for our own clients. But they have parents at their beck and call, through the organizations they are partnering with. It's not a fair ground, it's not fair to what is happening in our community. And I know that you may not believe that but they are doing this and they are sabotaging our daycares. And they are telling parents our daycares are babysitting daycares. In order to drive them to the school system they are offering them things that maybe other daycares cannot offer. And so it is, it is. And if they approve this, this is going to-- more children are going to end up into these programs and they will leave other businesses. It's not fair. And they're getting the funding, you know, to do so. So I'm not against them supporting, I'm just telling you that this is what's going on. And they do believe, they have this belief that parents don't know better than the so-called experts. Sorry, but it's the truth. They think that parents do not know how to teach their own children and then they want to downplay our businesses too.

**PANSING BROOKS:** [02:44:35] Clearly, there are some parents who can't even read themselves.

**GWEN EASTER:** [02:44:37] Clearly, there are, then they need help.

**PANSING BROOKS:** [02:44:40] And they need help.

**GWEN EASTER:** [02:44:41] That's right.

**PANSING BROOKS:** [02:44:41] And that's the type of people that are trying to reach out to.

**GWEN EASTER:** [02:44:44] But that doesn't mean that their programs are better than other programs.

**PANSING BROOKS:** [02:44:49] I've never seen anything that says this is better than any other--

**GWEN EASTER:** [02:44:51] They have been downplaying our daycare since they started changing the laws in 2014.

**PANSING BROOKS:** [02:44:56] Thank you for answering my questions.

**GROENE:** [02:44:58] Senator Linehan.

**LINEHAN:** [02:44:58] Thank you, Chairman Groene. Thank you for being here today. Do you have, and I'm not expecting so, I'm just hopeful you might have some idea, of the number of minority certified teachers, meaning people of color, that OPS has in their system?

**GWEN EASTER:** [02:45:17] I don't.

**LINEHAN:** [02:45:20] Would you-- do you have kids in public school?

**GWEN EASTER:** [02:45:22] No.

**LINEHAN:** [02:45:22] In Omaha Public Schools?

**GWEN EASTER:** [02:45:24] I don't have, I don't have any children of my own but I care about the kids of my community. And that's why I started my business 18 years ago. That's why I started my organization, to provide services that was not being provided to kids, you know? And I wanted to help get kids prepared for school at an early age, also to help my kids who had learning disabilities like dyslexia and things like that. We've provided those types of programs to our kids in our community. And my program now is has suffered. My business, like I said, all of this has suffered. And I'm not the only daycare, it's hundreds of daycares who are now out of business.

**LINEHAN:** [02:46:02] Thank you very much for being here.

**GWEN EASTER:** [02:46:03] Thank you.

**PANSING BROOKS:** [02:46:05] I just want to say one more--

**GROENE:** [02:46:05] Senator Walz first. She hasn't had a chance.

**WALZ:** [02:46:08] Thank you, Senator Groene. Thank you for coming today. How much-- do you charge at your preschool?

**GWEN EASTER:** [02:46:13] Yeah.

**WALZ:** [02:46:14] How much do you charge?

**GWEN EASTER:** [02:46:16] Well, it depends on if-- some kids, some families get Title XX. So if they get Title XX then the state covers their--

**WALZ:** [02:46:24] If they don't get Title XX, how much do you charge per hour?

**GWEN EASTER:** [02:46:25] If they don't get Title XX, it could be anywhere from \$125 to \$150 if the--

**WALZ:** [02:46:30] \$1.25 an hour?

**GWEN EASTER:** [02:46:31] \$125 a week like, you know--

**WALZ:** [02:46:33] \$125 a week-- a week for one child?

**GWEN EASTER:** [02:46:36] Yeah, could be anywhere from in between that. Right now I don't have any kids in my daycare right now because I'm struggling to keep kids. I'm competing with the school across the street, down the street, around the corner.

**WALZ:** [02:46:48] \$125 a week is what you charge?

**GWEN EASTER:** [02:46:51] People charge different.

**WALZ:** [02:46:52] Right, right. Okay, I guess my question then is how fair do you think it is for families and children to not be able-- who can't afford to go to preschool, how fair do you think it is for them to just not have that opportunity?

**GWEN EASTER:** [02:47:12] What I'm saying is that daycares do-- there are daycares that do provide educational activities just the same. The Omaha Public--

**WALZ:** [02:47:20] I'm not, I'm not, that's not my question, that's not my question. And I'm not--

**GWEN EASTER:** [02:47:24] It's not, I mean we want all kids to get an education.

**WALZ:** [02:47:27] I'm not saying you are doing a bad job. My question is how fair do you think it is, if families cannot afford \$125 a week to send their kids to your preschool, how fair do you think that is to all the other children who live in poverty not to have the opportunity to attend a preschool? How fair is that?

**GWEN EASTER:** [02:47:49] I think all kids should be able to attend preschool. I'm not against that. I'm simply saying that there are daycares who provide educational support to children just as the Omaha Public School system programs would, just as these daycares that are--

**WALZ:** [02:48:03] And that's not what I'm-- that's not my point. That's not, I'm trying to find out how fair you think that is.

**GWEN EASTER:** [02:48:09] What I'm saying that we want-- I'm not against people being able to afford to be able to go. If kids can't afford to come to my daycare, if Title XX would cover all the kids for free, if kids-- if the state paid for kids to come to my daycare for free I would give them the same education as any other child or however. I'm not saying that it's not fair or we're trying to cheat kids or however. What I'm saying is that our daycare businesses are being downplayed as if we are not providing services, as if we don't take training, as if we, you know, before there was a mandatory-- it was mandatory for us to do 12 clock hours. And any other training that you wanted to do to better your kids in your daycare, you took it upon yourself to do those things. And I'm saying but we have been downplayed, and as a result of that there have been policies and different things have been changed in this, in the state of Nebraska, to benefit these other programs. And instead of them working with daycare providers who have worked hard to help children also and want the betterment of children, they are going in and they are partnering with other organizations like the learning community who are coming into our community and taking our programs and our services--

**WALZ:** [02:49:28] So really this is about--

**GWEN EASTER:** [02:49:29] That we have provided.

**WALZ:** [02:49:30] -- taking away your business.

**GWEN EASTER:** [02:49:32] Taking away our businesses, taking the rights of parents to decide who teaches their children.

**WALZ:** [02:49:37] This bill, and correct me if I'm wrong--

**GWEN EASTER:** [02:49:40] Eventually, because their goal, whether they're telling you guys this or not, their goal is to at some point make preschool mandatory. Their goal is to do this. Their goal is to push out our daycares within three to five years. Now we're not going to-- I'm not going to let them just pretend like they're not doing these things that are going on in our community. Our community is also-- our councilmen and others are not supporting our businesses. What-- what organization-- what area do you know of where over 100 and some daycares has been pushed out business today and no one stands up for our business? Yet, we say that we want, you know, minorities to have businesses, you know, in our communities and things like that. But no one stands up for our businesses. Not a one.

**WALZ:** [02:50:38] That's really a, I mean, I think that we're talking about two different things because--

**GWEN EASTER:** [02:50:41] But it's all together. We're talking about early childhood education and we're talking about people downplaying other's businesses. They have no measurable outcomes, even from their programs that they're producing now. They have no measurable outcomes to say that their programs are better than or a higher quality education than my program or Suzie's down the street. You know, in Lincoln or in west Omaha they have no measurable outcomes to say what they're saying. And as a result of this, our daycare businesses have been forced out of business. And this will continue to spread as they continue to create other preschool programs in these other areas. There will be-- and at some point, parents will not have a choice.

**WALZ:** [02:51:25] All right, thank you.

**GROENE:** [02:51:26] I think you've made your point.

**WALZ:** [02:51:27] Okay.

**GROENE:** [02:51:30] Senator Pansing Brooks, did you still want to make a point?

**PANSING BROOKS:** [02:51:31] I just wanted to say thank you for coming and communicating about this.

**GWEN EASTER:** [02:51:37] Well, thank you all for listening to me. It's just been it's just been hard four years. A hard four years.

**GROENE:** [02:51:45] Thank you, Gwen. You represented your case well. Go ahead any time you're ready.

**VIC STEVENART:** [02:52:10] Senator Groene and members of the Education Committee, thank you for taking the time to listen to the public. This issue is near and dear to my heart. I've testified before you before about some things but I'm the father of six children, 15 grandchildren.

**GROENE:** [02:52:27] Could you say your name and spell it?

**VIC STEVENART:** [02:52:27] I'm sorry, thank you. Vic Stevenart, I'm from Omaha, Nebraska, Senator Hilkemann's area. And that's V-i-c, as in Victor, and Stevenart is S-t-e-v-e-n-a-r-t. I'm the father of six children, 15 grandchildren. Five of my children were educated in OPS high schools. I have the 15 grandchildren, 6 are or have attended public schools in Nebraska. So I think I have a pretty good idea of what the public school system looks like. I have a major concern about some of

the testing results I've seen from the OPS-- from the public schools in Nebraska and as to what they are producing. So I kind of wonder about this whole idea of moving that down to a lower level. And if you can't do it right at the upper level, why below? And I heard somebody talking, I heard mention of the fact that we want to be on the cutting edge. You know, I was in IT for 27 years with ConAgra Foods and we used to talk about what's the difference between cutting edge and bleeding edge. Where I don't want to go is I don't want to bleed. So that's kind of what the, you know, bottom line of my concern over this LR270. I'm opposed to it because it would provide free taxpayer-paid public education starting at the age of three years. This unfairly competes with private childcare preschool programs, which are already plentiful and diverse across the state. We've had this same kind of discussion that somebody brought up before in the charter schools and in the private schools and the fact that no state money is received by parents. Here we go again. Through their formative years, I think it's important that we do have some way to educate them. And I think that's what the parents are supposed to do. We homeschooled our two youngest children through eighth grade and then sent them to public high school. And I'd have to say that that was a wonderful experience and they did extremely well. We did have our children go at times to preschool, and I think that's a great idea. I don't know that every taxpayer needs to pay for that though, because that's been part of the problem. I'm also opposed to adding that additional tax burden to the people in Nebraska who are already so heavily taxed for the support of the public schools, and at a time when our state budget is needing to be strongly curtailed because it is insufficient to the demands. And there's talk of expanding a sales tax. This is nothing-- public education looking, and its bureaucracy, looking to expand its reach and its growth industry. Again, I'm concerned about the optional benefits that I heard somebody mention. Isn't that what we have now are optional benefits but the taxpayers aren't paying for it? I'm concerned about Nebraska paying for early education. The state of California can prove to you what happens when you try to pay for everything: They're nearly broke. I heard Chicago brought up as an example that came in to help us spend money and spend the money that was provided by another organization that's doing quite a bit in this arena. And yet, I wonder the state of Illinois started this year without a budget. How would you like to be in that situation, guys? You know, you're kind of starting down the same path to some degree here now. And I'm just saying I think we need to think about what it's going to cost. I heard it said, pass the state amendment and then we'll figure out how to pay for it. I think we heard that with Obamacare, first pass it and then we'll see what it has in it. We've seen what it's done. I'm just opposed to this whole concept and I'm especially opposed now that I hear the various things that have not been considered just yet. And I understand sometimes you can't consider these things until they're law. Well, I'd like for us to start considering things before they're law. I had other issues on my paper, if you want to read. I stole most of that argument. The rest of this has been Vic Stevenart speaking for himself and his six children and his 15 grandchildren and asking you, please consider defeating this proposal because I think it's a mistake. Thank you.

**GROENE:** [02:56:32] Any questions? Sir, did your children attend preschool?

**VIC STEVENART:** [02:56:37] To some degree, yes, they did. They did, and we paid for it. I was very fortunate enough to have a job. My wife chose to stay home through the first three children. Number four child came along, we called him our Toyota baby: you asked for it, you got it. It was the first boy. He drove her right out of the house, so she started working part-time. But I will say, yes, we did, we did. And we always taught our children at home. That's the choice that we all have, that you can always do that. And that was something we always thought was important. You know, subsidiarity, we've talked about that. Subsidiarity goes down to the family unit first then up to the local community and beyond. That's very important, and I think we need to look at that. You know, when I hear some of the things I've heard today, I'm kind of shocked. Anyway.

**GROENE:** [02:57:23] Thank you, sir.

**VIC STEVENART:** [02:57:23] Thank you.

**GROENE:** [02:57:24] Any other questions?

**VIC STEVENART:** [02:57:27] Have a blessed day, and thank you for this opportunity.

**GROENE:** [02:57:35] When you testify, if you sit down, start. You don't have to have the green flag or the checkered flag or whatever.

**JOHN DOCKERY:** [02:57:42] Good afternoon, everyone, Senator Groene, Education Committee members. My name is John Dockery, spell that D-o-c-k-e-r-y. I live in Omaha, Nebraska. I'm retired, married, father, grandfather, and taxpayer, and I'm opposed to this resolution changing the school age for Nebraska children to start at age three rather than age five on this year's election ballot. Early childhood development is important and comes to our children in a variety of ways, mainly from parents, private schools, and daycare facilities funded by families, employers, philanthropies, and faith-based organizations. There are many people employed by these child-assisting organizations and the funding comes from donations and those who benefit from these services. Why would the state of Nebraska want to take on this responsibility that is already supported by those who use it and benefit by it? My concern is that the real reason to lower the age is to give public education more control over what these children are learning rather than their parents. Learning is secondary in a child's life at three or four years of age when being compared to being loved and developing a sense of belonging. Traditional families and enduring alternative families provide support the schools cannot replace. Bonding and families gives a child the self-confidence to say no to gangs and other negative groups that ultimately try to fill this void. Mother Teresa once was asked, what was the one thing a person could do to really make an impact on society? She said: If you if you want to bring happiness to the whole world, go home you love your family. Who is going to bear the costs? Where is the money going to come from? Local school boards are in a better position than the state to make such a change. To my knowledge, most of over 200 school districts in Nebraska do not receive state funding. If this resolution is passed, I predict a local foundation will have billboards and TV ads all over the state to put fear into Nebraska parents before the November vote. They'll say: if your child's public education doesn't start at age 3, they're going to be so far behind. They won't be able to get a job or succeed in life. We have immigrant children coming into our schools from all over the world who don't even know how to speak English. How much difference does it really make if a child knows how to stand in line or raise their hand before they start kindergarten? Bottom line is that public schools want to be the parents. If this happens in a free society, it would obviously be socially and culturally detrimental. Thank you.

**GROENE:** [03:01:08] Thank you, sir. Any questions. It was good testimony, thank you.

**LISA MAY:** [03:01:34] Good afternoon, Senator Groene and members of the Education Committee. My name is Lisa May, that's Lisa May, and I am here today to testify against LR270 constitutional amendment. After listening this afternoon, I'm not even sure if I'm qualified to sit in this chair and testify before you. I did not go to preschool, I did not go to kindergarten. But what I did do is I can shovel grain, clean a bin, load a drill, and change the shovels. I also know how to grow a garden, can, all kinds of things, cook from scratch, not pop it in the microwave and that's the meal. I'm a little dumbfounded as to-- that with continuing with that is that I am not a successful person because you didn't go to preschool. Both my parents came from large families, 10 and 17 kids. I don't have a brother or sister and they have a GED. Well, I'm here to tell you that that's wrong. I'm a graduate of class '89 at UNL. While I do not speak for the organization of the Nebraska Federation of Republican Women, I currently serve as the president. And I currently serve as commissioner for the Nebraska Educational Television and-- excuse me, Nebraska Educational

Television (SIC) Telecommunications Commission appointed by Governor Ricketts. I've had my business for 20 years. I've been married for 23 years, it was a blind date and dated 26 days when we got married. I have two daughters, one in college who's on the dean's list, and I have a senior. I'm not a failure. They went to preschool, I paid for it. I also worked 40, 80 hours a week. I'm not ashamed of that. I'm not ashamed of hard work. I'm not opposed to helping people. I've had numerous kids for 20 years, some that were Title XX, some that went to Head Start, some that their parents paid for preschool, some that I paid for their preschool so they could have a better chance out of my own pocket. That doesn't make me a failure. What bothers me most about this bill is it's a slap in my face as a in-home day care provider for 20 years, that the only place a child can get a proper and quality education is in a classroom at a preschool. I have 10 kids now under the age of 3 in my daycare. I have three that are high-achiever learners and two other ones that are right there. The-- a lady spoke earlier about her daughter and how many 3-year-olds she would have her classroom and 15 would be too many. My daughter had a class of 12, my oldest daughter, class of 12, public school. She had three high-achiever learners and on the other end of the spectrum were children that needed every little thing helped with to do, to fill out their calendar, to make sure mommy and daddy signed it that they did their homework. That's what bothers me. Just because what we teach at an in-home isn't necessarily always from the book, it's about learning, it's about experience, it's about finding out on your own doesn't make it wrong, it's just different. The age of three, they're learning about relationships, creativity, all kinds of things. And as far as public school system taking on children age three and four, it's already overburdened, it's already overcrowded, there's already a deficit shortfall on the budget. Currently in Kearney, we have a brand new high school facility, the teaching days are longer, and the teachers are adding another class. Where's the money going to come from? It's a simple question, who's going to pay for it? Yes, it's not mandatory but if you're going to make it there as an option for everyone to have, it's got to come from being paid from someplace. And I leave you with the question of this: do not parents already have an option to have their child have quality education? Thank you.

**GROENE:** [03:06:30] Questions? I have one? You have a daycare for how many years?

**LISA MAY:** [03:06:35] Twenty.

**GROENE:** [03:06:36] It's a private daycare in Kearney?

**LISA MAY:** [03:06:38] Correct.

**GROENE:** [03:06:40] Title XX, explain that to me.

**LISA MAY:** [03:06:43] Title XX is when the state covers the cost of--

**GROENE:** [03:06:46] State or federal?

**LISA MAY:** [03:06:48] State, because I--

**GROENE:** [03:06:51] Federal money, though?

**LISA MAY:** [03:06:52] Yes. Yes, because I would bill-- would bill the state for Title XX, yes. And then they would cover the cost of the daycare for the day.

**GROENE:** [03:07:01] So would you consider that a taxpayers-funded voucher for certain children?

**LISA MAY:** [03:07:09] That--

**GROENE:** [03:07:09] The federal government, play along with me here, but the federal government does not give federal-funded vouchers to create schools or public schools because they are a state mandate, is that not correct?

**LISA MAY:** [03:07:22] Theoretically, yes.

**GROENE:** [03:07:24] So if we left three- and four-year-olds that's not in the public school system, there would be nothing wrong with the state in Nebraska having a voucher for 3- and 4-year-olds because it is not competing at all with public funding mandated in our constitution, is that not true?

**LISA MAY:** [03:07:45] If I understand your question is they could just do the same thing for public schools.

**GROENE:** [03:07:52] The federal government does.

**LISA MAY:** [03:07:53] Yeah, exactly.

**GROENE:** [03:07:54] Federal government doesn't give vouchers for public kids that are in the public schools but they do for preschool, which is not covered by state public schools. So there's no competition here, three and four- year-olds in the state of Nebraska are not considered part of the public school and free instruction guarantee. And you would gladly-- you know a lot of parents who would probably accept that voucher and would could choose between the public school or you, right?

**LISA MAY:** [03:08:25] Yes. And theoretically I would say yes because just an example, I think what Miss Easter was trying to get at earlier was the competition side of if you-- in Kearney, they used to have year-round school. Started about three weeks earlier, the major breaks: Christmas, Easter they got out the same time. Thanksgiving were the same time but there was an additional longer spring week break in then one in the fall. Well, what happens is, and my children were on this in elementary school, is they had year-round school up until grade five. Then you had none in middle school and none in high school. But what would happen then is parents, obviously their kids would advance in the grades, and you would have kids on elementary on the optional calendar and then you'd have the regular calendar for middle school and high school. Well, then--

**GROENE:** [03:09:32] Excuse me, clarify year-round school up the 5-0-- the five they had year-round school? Public schools can't do that.

**LISA MAY:** [03:09:38] It was kindergarten to first-- excuse me, kindergarten to fifth grade. And then you'd have parents having kids on both calendars. So what they would do is, well, they don't want to have everybody on different calendars, different breaks. They would take children off of the optional calendar and move the kid to the regular calendar and then all their kids were on the same break. And what I'm--

**GROENE:** [03:10:06] Point? When the school takes two weeks off at Christmas, where is the three-year-old going to go?

**LISA MAY:** [03:10:12] They go to daycare.

**GROENE:** [03:10:13] Does the private one still accept that student when the parents are teaching the two weeks at Christmas, in the summertime, and also the week or two they take at spring break?

**LISA MAY:** [03:10:25] At daycare? Yes.

**GROENE:** [03:10:27] Public schools don't do that: six and a half hours a day, five days a week, and then mom and dad pick them up, right? So we would lose that that the private industry gives parents the full-time care of those children. If we destroyed the private industry with government-funded preschool?

**LISA MAY:** [03:10:45] Yes.

**GROENE:** [03:10:46] Statement, question for somebody that's in the industry.

**LISA MAY:** [03:10:49] Yes.

**GROENE:** [03:10:49] Thank you. Any other questions? Any other testifiers in opposition? Opposition correspondence: Nancy Carr, Lincoln; and Leroy Becker, Nebraska Parental Rights. I know we got a lot more correspondence on all of these bills, folks. So if you're listening, please get your statements in the day prior to hearings in the future if you're listening on the internet or TV, because we received an awful lot of correspondence on these and most of it came today. Thank you. Senator Kolowski, would you like-- what? Neutral, excuse me. Neutral? You got to excuse me, I'm on cold medicine. So I don't know if I'm here or there or which--

**MORFELD:** [03:11:55] I think Senator Erdman scared off all the neutral testimony.

**GROENE:** [03:12:05] Thank you, Senator Kolowski.

**KOLOWSKI:** [03:12:09] Thank you, Senator Groene. Thank you for all those who had a chance to speak today, I think it's important. One thing I would leave us with, not going to do a seminar on early childhood education or anything, but one thing I wanted to leave us with is two things. Senator Linehan's figures, I wouldn't quote those because I don't know what she used as far as getting to those. I'd be happy to sit down with her and go over that some other time soon we might be if we're using correct figures and figuring out how much this might cost. And secondly, the concerns over early childhood education centers and daycare are miles apart. Those are two different things. If you want to have a daycare center, which is babysitting service plus maybe something else going on, compared to an early childhood education center that's a different situation. And they're worlds apart as far as what you're trying to get done and what happens. Third comment I'd make, adding one more, because I was there when this happened in the Millard Schools about 15, 20 years ago. We were moving into afterschool programs, before and afterschool programs at elementary schools throughout the district. Went to a meeting one night and the entire board room was filled with the centers all through the Millard area all protesting that the district was doing that. Twenty years later, they're still striving and every one of our elementary schools has a full docket and a waiting list for kids to get into their programs. It didn't hurt the city, folks. And all the private entities that were all through the Millard area and it didn't hurt the Millard schools because they had their program that was also going on at the time. So whatever is going on, could be a quality issue of what takes place in those schools, I don't know those, from the person who spoke here. But I have seen that happen in our own district and we've moved on beyond that. And every one of those early childhood centers as well as the daycare centers are doing a very robust business. I'll stop there and look forward to the opportunities that we'll have--

**GROENE:** [03:14:52] Senator Walz.

**KOLOWSKI:** [03:14:53] Where we might end up.

**GROENE:** [03:14:55] Senator Walz.

**WALZ:** [03:14:56] Thank you, Senator Groene. Thank you, Senator Kolowski. First of all, I just want to address the ladies. I owned an in-home daycare center as well, so I do understand the concerns of you being able to make a living and continue to provide kids, you know, a quality daycare preschool service. So I do understand that. Secondly though, I want to make sure that we all understand do people have to go to these preschools that we would be offering?

**KOLOWSKI:** [03:15:39] The three- and four-year-old programs?

**WALZ:** [03:15:40] Do they have to go?

**KOLOWSKI:** [03:15:41] No, they do not. It's an option they would have in their family to decide if they wanted to participate in that.

**WALZ:** [03:15:49] Right. So people don't have to leave. And the other thing I wanted to make sure that, and I just wanted to bring out is that I also sent my kids to a faith-based preschool that I paid for, I worked hard for. I was able to do that. We had the opportunity to do that and we had the ability to do that. Do people have to leave the current preschools that they are attending now to go to the public preschool? Was that part of the bill?

**KOLOWSKI:** [03:16:18] Well, you would be leaving wherever you are because the schools--

**WALZ:** [03:16:22] Do they have to, though?

**KOLOWSKI:** [03:16:22] No, they don't have to.

**WALZ:** [03:16:24] Right.

**KOLOWSKI:** [03:16:24] The schools are setting up programs with three- and four-year-olds that you could transfer into if you wanted to attend that public center.

**WALZ:** [03:16:31] If you wanted to. Right, right. But if you wanted to have your child--

**KOLOWSKI:** [03:16:37] Absolutely.

**WALZ:** [03:16:37] -- attend a different, that would be fine. The other point I want to make is that, again, it is an option. So if a parent chooses to send their kids to a public preschool knowing that there's going to be a Christmas vacation for two weeks, that's still a choice, correct?

**KOLOWSKI:** [03:17:01] Sure.

**WALZ:** [03:17:01] That's all. Thank you.

**GROENE:** [03:17:03] Senator Morfeld.

**MORFELD:** [03:17:04] Senator Kolowski, I just wanted to thank you for bringing this legislation, or I guess proposed constitutional amendment.

**KOLOWSKI:** [03:17:11] Sure.

**MORFELD:** [03:17:11] You know, there are some folks that stated earlier that, you know, there's plenty of choices, everybody has these opportunities. I mean, I'm sure that there's plenty of choices

out there, I know that there's plenty of choices out there. I've worked in this field, I currently work in this field. That being said, as a child, with my working mother, she didn't have those opportunities. I didn't have those opportunities. Now, do I think I'm stupid or dumb? No. Do I think I'm above average intelligence? Probably not. Do I think I'm special? No. And so I think there's a lot of other kids out there that were like me and my working mother that didn't have those opportunities, or even if the opportunities were around they could afford them and avail themselves of it because sometimes they fall in the gap of a Title XX subsidy and just simply the ability to pay and make ends meet. So long story short, I think that there's a need for this. Certainly if it gets passed into law, we'll have to figure out the funding. But I think it could be a good impetus for providing something we should have done a long time ago. So thank you.

**KOLOWSKI:** [03:18:05] Thank you very much. I'm simply trying to keep this visible and open for discussion because I think and know it's the right way to go. We just have to get understanding as to what we're talking about as far as definitions.

**MORFELD:** [03:18:23] Thank you.

**GROENE:** [03:18:24] Senator Erdman.

**ERDMAN:** [03:18:25] Thank you, Senator Groene. I'm sorry had to step out, I had another meeting I had to attend. Sorry I missed that. So who brought this bill to you, Senator Kolowski? Who was--

**KOLOWSKI:** [03:18:34] I did myself.

**ERDMAN:** [03:18:35] Okay.

**KOLOWSKI:** [03:18:36] From a combination of things that we're working on with a number of educational issues and this was one of my top ones.

**ERDMAN:** [03:18:42] So in the public school now we have choice and we can move from one school to the other, and that funding follows the child, right?

**KOLOWSKI:** [03:18:50] In public schools? Sure.

**ERDMAN:** [03:18:51] Okay, so if we do this for three- to four-year-olds, do you think they can do the same thing? Can they take that funding and move to a different preschool and a different school?

**KOLOWSKI:** [03:19:01] No, not a nonpublic preschool.

**ERDMAN:** [03:19:05] No, but to another public school preschool?

**KOLOWSKI:** [03:19:09] They'd have options within the district but a lot of our districts would only have one preschool.

**ERDMAN:** [03:19:13] If they didn't like the preschool at your school they could choose another one?

**KOLOWSKI:** [03:19:16] Sure.

**ERDMAN:** [03:19:16] Okay, so in your rationale you said that there was a difference between the daycare and the public school. My three boys attended a daycare, we paid for it. That wasn't a

babysitting service, that lady taught those kids. And when they went to kindergarten they were well-prepared for kindergarten, they could read, they could do things that if they hadn't done that they wouldn't have been able to. So you're classifying those daycares as being a babysitting service. I think that's inappropriate. The second question you have to answer is, if you have an opportunity as a parent to get something for nothing and you have to pay \$125 a week and you're not eligible for Title XX, what is your choice going to be? Your choice is going to be the free service which the taxpayers are paying for. So you are in competition with these people and you're putting them out of business. I think this is inappropriate. I don't think this should see the light of day. That's my opinion.

**KOLOWSKI:** [03:20:19] Were your children taught with a certified teacher? Certificated?

**ERDMAN:** [03:20:26] Have no idea.

**KOLOWSKI:** [03:20:29] Okay, just asking.

**ERDMAN:** [03:20:29] What I knew was this, that the other children who went there before my kids went got the experience that I wanted my kids to have. That's why they went there. I didn't ask if she was certified, I knew she was qualified. And she was more than qualified because my kids came out exactly as I wanted them to.

**KOLOWSKI:** [03:20:44] You got what you wanted.

**ERDMAN:** [03:20:46] Yeah, exactly.

**KOLOWSKI:** [03:20:47] You're a happy camper. Good. And I know the difference in other schools that I could talk about as well.

**GROENE:** [03:20:54] Appreciate you bringing it. I understand your passion for this. If I was Senator Erdman I would say you're not an introducer, sir. You should have been a proponent. But anyway. You understand my wife taught our kids to read and they were way ahead, and she's not certified. I would under-- I don't know if Gwen is certified but I will bet you she can teach a child to read. So this ideal that certification ties to-- you can only teach if you're certified is a scary concept to this senator. Parents teach. They teach more than a public employee does to this senator. To what was said here, all public school is optional. You can send it to any school you want, you can home school. But it is not optional to the taxpayers in a community to fund it. It is not optional for that parent who is paying the private preschool to pay more taxes to fund public. There is a difference here that is not free, and it is not optional to pay the taxes to fund it or for the school district to provide it. There is a big difference here and that's what this fear is, Senator, as you know, about difference between offering and what we call a mandate.

**KOLOWSKI:** [03:22:21] Well, we have lots of different sidebars we could get off into, Senator Groene, but the issue is early childhood education programs. And that is a horse of a different color than we've been talking about around this table this afternoon compared to where we are.

**GROENE:** [03:22:35] I know I'm asking too many questions but we've had four-year-olds in public schools, 200-some of them so far since 2006. Can you get me a documentation of test scores in our public schools that have improved for third grade reading, third grade math, since we taxpayers have funded four-year-old preschools in our public schools.

**KOLOWSKI:** [03:22:57] Whatever you would like. I'm sure the state Department of Education could try to find it.

**GROENE:** [03:23:01] I asked them and they can't document anything. I would like some documentation.

**KOLOWSKI:** [03:23:04] I don't have the documentation.

**GROENE:** [03:23:06] Because those first four-year-olds in 2007 are now 14, so there should be some documentation.

**KOLOWSKI:** [03:23:13] Well, I told you my wife had started this 50 years ago. I know what happened in her preschools. I know the results of those kids over many decades and those kind of things have been impactful throughout the Omaha area, not just in the Westside schools where she taught. So there's, you know, we have different opinions on that.

**GROENE:** [03:23:35] And I-- that's why democracy is great. Thank you. Let's close the hearing and we had a good discussion.

**KOLOWSKI:** [03:23:42] Thank you very much.