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Education Committee
February 05, 2018

[LB1001 LB1069 LB1070 LB1135]

The Committee on Education met at 1:30 p.m. on Monday, February 5, 2018, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB1069, LB1070, LB1135, and LB1001. Senators present: Mike Groene, Chairperson; Rick Kolowski, Vice Chairperson; Laura Ebke; Steve Erdman; Lou Ann Linehan; Adam Morfeld; Patty Pansing Brooks; and Lynne Walz. Senators absent: None.

SENATOR GROENE: (Recorder malfunction)...public hearing. My name is Mike Groene for Legislative...from Legislative District 42. I serve as Chair of this committee. Committee will take up the bills on the agenda. Our hearing today is your public part of the legislative process. This is your opportunity to express your position on proposed legislation before us today. To better facilitate today's proceedings, I ask that you abide by the following procedures. Please turn off cell phones and other electronic devices. Move to the chairs at the front of the room when you are ready to testify. The order of testimony is introducer, proponents, opponents, neutral, and the closing remarks by the introducer. If you will be testifying, please complete the green testifier sheet and hand to the committee clerk/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 the page to make copies for you now. When you begin to testify, please state and spell your name for the record. How many folks are here to testify today? We're going to start with four minutes of time each one will get. And if you've testified before, you will find that we are not a school board or a city council. We actually engage you and ask you questions, so a lot of times you'll have more time than four minutes, more than you want sometimes. 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. Anybody listening out there, if you sent in an e-mail and it didn't get to us by 5:00 yesterday afternoon, it will not be included in the hearing records. We just don't have enough time to process all the information and do it right. The committee members with us today will introduce themselves, beginning at the far right. Senator Linehan.

SENATOR LINEHAN: Oh, excuse me. Good afternoon. Lou Ann Linehan, District 39, which is Elkhorn, Waterloo, and Valley.

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

SENATOR EBKE: Laura Ebke, District 32, southwest Lancaster and then the four counties immediately southwest of there.

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

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

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

SENATOR GROENE: Senator Pansing Brooks, I believe, will be joining us. She did not indicate otherwise. To my immediate left is legal counsel, Charles Garman. To my right at the end of the table is committee clerk, Kristina McGovern. Heather Bentley is one of the pages, and Sam Baird. Hand them any handouts and then they will make sure we all get that. Please remember that senators may come and go during our hearing as they may have bills to introduce in other committees. So we will start with LB1069, Senator Brasch.

SENATOR BRASCH: (Exhibits 1 and 2) Good afternoon and thank you, Chairman Groene and members of the Education Committee. My name is Lydia Brasch, spelled L-y-d-i-a B-r-a-s-c-h, and I represent the 16th District in the Nebraska Legislature. I've introduced LB1069 to change provisions relating to the committee on Americanism. LB1069 is result of two bills I introduced last session, a bill introduced by Senator Krist, and multiple meetings or conversations held with education groups and private citizens since that time. Although a committee on Americanism was first written into law in 1949 and is already required by statute, many school districts were not adhering to this law. The proposed changes add necessary provisions to increase accountability and transparency for adoption of social studies standards by school districts. With this at the forefront, LB1069 requires each district administrator...and administer the 100-question civics portion of the naturalization examination administered by the United States Citizenship and Immigration Services with aggregate scores reported to the Department of Education, and includes a provision requiring the State Board of Education adopt and promulgate rules and regulations to carry out the new changes to the law. I'm also introducing an amendment to add Columbus Day as a day that continues to be recognized. Today I'm perplexed as to why and where some concerns have been raised with my introducing LB1069. The claims are that this bill may be harmful are truly baffling to me. Do people think it's too much work for our school boards, our educators, or even the Department of Education? Please do not tell that to the members and the families of our military when they have sacrificed so much giving their all for generations and do so to this very day in the name of Americanism. Leaders in education can and should be the front line in advocating for the causes of freedom, liberty, patriotism, duty, and justice, while condemning forms of government that restrict individual freedoms and governments that wish us harm as a free nation and supporting what generations of Americans have held dear. Our U.S. Constitution is 229 years strong. On September 17, 1787, our founding fathers signed the constitution at Independence Hall in Philadelphia, forging a new government for the United States, and today remains the envy of many who have waited and wait now in line

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to immigrate here. I firmly believe that America is the greatest nation in the world and I firmly believe that we are exceptional and I firmly believe that the idea of American exceptionalism is being slowly and surely diluted and corrupted in many of today's schools. Some may say that America has faults. Indeed, we are a work in progress due to human nature, not due to the amazing and faultless foundation upon which America is built on. Fellow colleagues and Americans, we stand on the shoulders of such great men and such great women who should never be forgotten in the freest society on the planet. We are the only country in the world to assert that everyone, everywhere is created in the image of God and, therefore, endowed with unalienable rights such as life, liberty, and the pursuit of happiness. This is the only country in the world that grants power to the government rather than government constraining the power of its people. We have a high bar to set for those who want to become American citizens. The administration of the civics portion of the naturalization examination ensures that we are holding our natural-born American citizens to at least the same standard of citizenship that we hold those who immigrate to our country. The reporting of the scores informs us just how far we have to go to do so. I am going to have the page pass out a copy of this exam. It's not a cumbersome exam and it should not be a cumbersome exam. Sincerely, I never envisioned myself running for this elected office, but the reason I became a senator is to, perhaps, in some very small way pay my way forward for this great country and to perhaps leave this world a better place than I found it, than my parents found it. Last week, when one senator said terrible things about our flag and country, I spoke up about my family origins and the horrors that my parents faced to struggle to come to America from the Ukraine. The Ukraine is a country that was not free then and still struggles and fights for freedom today. The people of the Ukraine fight for the ability to enjoy prosperity and privileges many here in America take for granted. Perhaps we are a country that are many generations away from not understanding the price of freedom and that freedom was fought for and paid on the backs of our patriots, our widows, and our orphans. We do not fight to make war but we fight to keep peace and our freedom. Let's not keep this a secret from our children, from our youth, from our students who are learning to make a life and someday make a living. It is the responsibility of citizens in a free society to do what it takes to maintain that freedom, crucial in that struggle because it is a struggle. It is still a struggle to instill a love of country as dearly as those who founded it. It is every American's responsibility to develop a sense of pride and self-sacrifice in our children as evident as those who laid down their lives for our country, and to maintain a culture of justice, civility, and competence that stewarded our great nation for over 200 years. This bill is needed now more than ever. America faces a crisis of identity in a postmodern world and it is only through discipline, determination, and courage that we can slow the degradation of the American spirit, the degradation of the American spirit. It is important that we put aside rhetoric and move towards a sound dialogue. The significance of the committee on Americanism is that it ensures this dialogue will take place, and that our youth will be properly prepared to sustain and improve the American way of life. The committee on Americanism is about restoring the conditions that drove my parents and so many, many others from many other lands through every kind of strife, imaginable and unimaginable, every kind of

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adversity, to come to America and to live out the American dream. Americans have been given everything they need to succeed. Lessons learned are written on the pages of American history. It seems, though, our knowledge of them is increasingly fading. Our youth must understand the trials and tribulations that America has preserved (sic) through and the human conditions that allowed great Americans to do so. We must acknowledge that to be an American is a way of life that should never be taken for granted. Built upon pillars of truth, knowledge, self-control, perseverance, and virtue, flow the American spirit of gratitude, generosity, and compassion. a commitment to Americanism is not the return of good old days, nor is it an antiquated idea or harmful in any way. A commitment to Americanism is an investment in our future, our youth, and the freedom that is the American way of life. Thank you for your time and consideration this afternoon, and I do welcome any questions that you may have. [LB1069]

SENATOR GROENE: Questions from the committee? Senator Kolowski. [LB1069]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. Senator, thank you for bringing this forward. I wanted to ask a very direct question. How do you know this isn't being done in our schools? [LB1069]

SENATOR BRASCH: We have a testifier coming forward. They came here before from a school. And they had done an informal survey. They found many haven't. If you turn on some late-night TV shows, a very typical comedy piece is where you stop people on Main Street and you ask them current events, current individuals in all forms of government. And several individuals that brought me this bill have expressed similar concerns, so it's from the grassroots that I'm hearing that this is not being done. And it was acknowledged by a conversation I had with a lobbyist from the Nebraska Association of School Boards that it was, at one point, not being enforced very much, or people weren't even aware it existed, and I do believe they have a commitment to make sure that it is heard forward. But people have said it hasn't been done. [LB1069]

SENATOR KOLOWSKI: Within the entire K-12 curriculum of any particular district of the 244 districts we have in our state, you think it's not being done overall? [LB1069]

SENATOR BRASCH: I believe what I have heard was through reviewing 1,700 school boards that perhaps some of them were not doing it. I do not have a number of exactly how many, but regardless of that number, we should be sure that everyone is doing it. It is critical and important in our country, especially when Homeland Security is a threat because of inspired terrorism that we are seeing. And Nebraska is the heart of the country, and in Nebraska I believe this is very achievable and very sustainable and not asking too much to understand American history and the commitment that our country has for Americanism. [LB1069]

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SENATOR KOLOWSKI: Tell us about the reporting out that you'd like to see done as far as the committee and the meetings of those committees within that bill, please. [LB1069]

SENATOR BRASCH: Well, within the bill we believe that at least three meetings should be held; that one should have the ability to have public testimony; and that minutes should be kept at the meeting that... [LB1069]

SENATOR KOLOWSKI: Who would hold that meeting, please? [LB1069]

SENATOR BRASCH: The school boards. And it's already in statute if you would see the statute. We're just asking that we have accountability, transparency, that minutes are kept, and that they be submitted to the Department of Education; also the test results, the same test that new immigrants take, that those scores be kept with the Department of Education and have an issue...or be issued a report. [LB1069]

SENATOR KOLOWSKI: So the compilation of data on students' scores would only be done in one way? There wouldn't be a combination of ways that could be done? [LB1069]

SENATOR BRASCH: I believe that could be...we did not write that into statute, specifically, but I believe the Department of Education is very capable, as are our school boards are capable, and our educators, to find a method to move this forward. [LB1069]

SENATOR KOLOWSKI: Okay, thank you very much. [LB1069]

SENATOR GROENE: Any other questions? Senator Erdman. [LB1069]

SENATOR ERDMAN: Thank you, Chairman Groene. Senator Brasch, thank you for bringing this bill. I was reading through your statement of intent, and on the bottom of it, it talked about whoever "violates this law is guilty of a Class III misdemeanor." And then I look in the bill and there's a line stricken through that provision. Can you tell me why that's been removed? [LB1069]

SENATOR BRASCH: We did remove the...I believe the statement of intent was done this morning. It should have been removed. And the reason it is, is it's unconstitutional to have any type of punishment for this. [LB1069]

SENATOR ERDMAN: Okay. That was the reason? Okay, thank you. [LB1069]

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SENATOR GROENE: Senator Walz, I think you were first, weren't you? [LB1069]

SENATOR WALZ: Okay. I just...thank you. Thank you. And thank you for bringing this bill. I just had a quick question. I was reading the bill this morning and one of the things that I found was that you added on the first page, (line) 27, 28, 29, the youth of our state becoming competent..."become competent, responsible, patriotic, and civil" American citizens. And then crossed out was "love of liberty, justice, democracy, and America will be instilled in the hearts and minds..." So I'm just wondering why those things were crossed out and the others were added, just because I would think that the things that were crossed are very important, as well, so. [LB1069]

SENATOR PANSING BROOKS: Where is that? [LB1069]

SENATOR BRASCH: And we could add them back in, but we worked with several individuals, education groups, and thought that the way it is written would best fit everyone's needs because that is a part of the curriculum that should be, I guess, a product that would result through learning American history and learning civics and the exams. I don't have a bill in front of me to see exactly what you were... [LB1069]

SENATOR WALZ: It's on the first page...oh, sorry, page 2, yeah. [LB1069]

SENATOR BRASCH: And looking at it now, it could remain in there. I...but when we worked with individuals and conversations and meetings with different...with the school, State Board, those were things that we agreed to take out. This bill was not an easy bill to bring forward. We had a lot of input from different individuals, some push back, some push forward, and it's good dialogue, you know, it's...and I would welcome amendments to add it back in. And they can e-mail you when...no, it's a good....it's a good comment, appreciate the suggestion. [LB1069]

SENATOR GROENE: Senator Pansing Brooks. [LB1069]

SENATOR PANSING BROOKS: Thank you. Thanks for bringing this for discussion, Senator Brasch. I guess I have some concerns that I had when Senator Krist brought this before. Some of the concerns include just the test itself. I have concerns about the fact that, you know, there's one woman mentioned in the whole bill that's ever had anything to do with anything in the United States, our history. There's...half the Americans are spoken about generally. They say: What group was taken to America and sold as slaves? "Africans" or "people from Africa" is the answer. You know, nothing to teach about the history and what's really happened. There is a question on the Emancipation Proclamation, but it doesn't talk about Martin Luther King or...and

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that doesn't...Martin Luther King didn't have to do with the Emancipation Proclamation, but I don't see a question in here regarding him and his service through his advocacy of civil rights. Susan B. Anthony is the only woman that's mentioned in here. Of course, there are many others. The other thing that I think is really shocking is that of the Native American tribes in the United States, the four that are in Nebraska are not listed here, they are not among the correct choices, so I think that is pretty shocking. So just as a reminder, for the record, Otoe, Omaha, Pawnee, and Ponca, I checked to make sure, are not among those listed among the correct answers. So that's sort of not good, so. [LB1069]

SENATOR BRASCH: And I believe that to change that would be going through the Department of Naturalization and Immigration and not legislatively here. That is the citizenship... [LB1069]

SENATOR PANSING BROOKS: I understand that. But isn't this an example of what you would have them... [LB1069]

SENATOR BRASCH: And the classroom is not limited to teaching that curriculum. [LB1069]

SENATOR PANSING BROOKS: Okay. [LB1069]

SENATOR BRASCH: But that is an example of the test that immigrants are required to take and that that's... [LB1069]

SENATOR PANSING BROOKS: But if you bring it forward to this hearing, isn't that an indication that you expect it to be similar to this test? [LB1069]

SENATOR BRASCH: It would need to be similar to that... [LB1069]

SENATOR PANSING BROOKS: Okay. [LB1069]

SENATOR BRASCH: ...because that's the same test. But the instructors can have other tests that do include more local Nebraska and new, I guess, literature and discoveries of our great American history, and women and others who contributed to the nation's success. But that can be done in a classroom as well. [LB1069]

SENATOR PANSING BROOKS: Okay. [LB1069]

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SENATOR BRASCH: But the test itself was written federally and I imagine you could do a resolution to... [LB1069]

SENATOR PANSING BROOKS: I get it. [LB1069]

SENATOR BRASCH: ...of some sort. [LB1069]

SENATOR PANSING BROOKS: Okay, I'm happy to that. But I guess my concern is if you bring this and it becomes part of the record, then that's...we've all heard of teaching to the test, so that is my concern that we're...if we pass this, we will be teaching to this test and it's nowhere nearly broad enough. The fact that the four tribes in Nebraska aren't even listed, to me, is highly suspect on this. And I understand that's what somebody has decided at U.S. citizenship and immigration to be the appropriate thing to ask, but it's so limited in what it asks. And, you know, I think that questions regarding why was World War II fought, you know, to fight against fascism and to make sure that our democracies stay strong, nothing like that is really in here. So those are the kinds of things that concern me when we specifically bring tests forward. I understand that...because I do believe that we have people who have fought valiantly for our rights and for our constitution. I'm a big proponent of the constitution and think we need to be protecting it more carefully. So I think all of that is really important. I appreciate your bringing this for discussion. My concern is with this specific test. And I told Senator Krist that when he brought it before too. Thank you. [LB1069]

SENATOR BRASCH: I appreciate your comments. Thank you. [LB1069]

SENATOR GROENE: Anybody else? As to the striking of "the love of liberty, justice, democracy...will be instilled," I believe that was struck because, what I understood, because our State Constitution says we have to do...provide free instruction. When you start putting "shalls" and "wills" that means, that infers that we have an outcome and we can't do that in statutes. I think that's why it was removed. [LB1069]

SENATOR BRASCH: Thank you. All right. I believe...yes. [LB1069]

SENATOR GROENE: And as far as the Americanism committee, that's been in statute since the 1950s. Every school district has to have an... [LB1069]

SENATOR BRASCH: Yep, 1949, yes. [LB1069]

SENATOR GROENE: ...Americanism committee, so that's nothing new. [LB1069]

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SENATOR BRASCH: No. [LB1069]

SENATOR GROENE: You are just putting in statute that they need to meet. [LB1069]

SENATOR BRASCH: They need to meet. [LB1069]

SENATOR GROENE: Is that not right? [LB1069]

SENATOR BRASCH: The need to have minutes and also public... [LB1069]

SENATOR GROENE: I've had school board members tell me they didn't even know what that meant till this issue came up. They were told that they were on the Americanism committee and never met, but in the minutes of the meeting they had Americanism committee. [LB1069]

SENATOR BRASCH: And I've heard that too. [LB1069]

SENATOR GROENE: Is that...you've heard that too. [LB1069]

SENATOR BRASCH: That is correct and I have heard that, and I've heard that from constituents and other nonconstituents, private citizens. [LB1069]

SENATOR GROENE: And when you...I'm looking at the language here. When you say...when the language of the legislation says fallacies of..."and the dangers and fallacies of forms of government that restrict individual freedoms or possess antidemocratic ideals such as, but not limited to, Nazism and communism," that pretty much covers a fascist regime, doesn't it,... [LB1069]

SENATOR BRASCH: It does. [LB1069]

SENATOR GROENE: ...or a regime or a religious-based government that restricts women's rights? [LB1069]

SENATOR BRASCH: I would agree that...absolutely. [LB1069]

SENATOR GROENE: All right, so... [LB1069]

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SENATOR BRASCH: That was the intent. [LB1069]

SENATOR GROENE: And you added Martin Luther King, and you added American Indian Day. [LB1069]

SENATOR BRASCH: Yes, um-hum, American Indian. [LB1069]

SENATOR GROENE: And a lot of this, was it not taken from Senator Krist's bill? So a lot of it coincides with Senator Krist when he worked with the work group from... [LB1069]

SENATOR BRASCH: Yes. [LB1069]

SENATOR GROENE: ...social studies. [LB1069]

SENATOR BRASCH: We attempted to try to collaborate the three bills together. We met with private citizens. We met with education groups that had input in this, and this was...there were a lot of thoughts there and...but we believe that this would be a good structure to post all the thoughts in one place and not constrain schools from doing more if they choose to. [LB1069]

SENATOR GROENE: And the Americanism test, the way I read this, not the Americanism test, the naturalization test is not a standard. It will not be included in a grade unless the teacher wants to incorporate it into their curriculum and use it as a quiz in the 8th grade and 11th grade and wants to use it as part of the total grade, but it is not mandated that it just...the grade is reported to the parents, correct? [LB1069]

SENATOR BRASCH: Exactly. [LB1069]

SENATOR GROENE: And the aggregate to the Department of Education? [LB1069]

SENATOR BRASCH: Yes. [LB1069]

SENATOR GROENE: It is not a requirement for graduation, is it? [LB1069]

SENATOR BRASCH: No, it is not. There is not a penalty. There is not...it's something, a standard that we would like to see between grades eight and graduation that this be done and it would enrich and... [LB1069]

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SENATOR GROENE: It does not have to be in the school, the student's record? [LB1069]

SENATOR BRASCH: No. [LB1069]

SENATOR GROENE: It can...it's given to the parents,... [LB1069]

SENATOR BRASCH: Yes. [LB1069]

SENATOR GROENE: ...given to the student, given as an aggregate to the Department of Education so citizens in a school district can find out how their kids are doing. [LB1069]

SENATOR BRASCH: Correct, yes. [LB1069]

SENATOR GROENE: Pretty simple. [LB1069]

SENATOR BRASCH: It's very simple. It's... [LB1069]

SENATOR GROENE: All right, thank you. [LB1069]

SENATOR BRASCH: And most of all, that these meetings are held on a regular...at least three times be recorded and enabled the public to testify. [LB1069]

SENATOR GROENE: Thank you. Any other questions? [LB1069]

SENATOR EBKE: Yeah, I have a question. [LB1069]

SENATOR GROENE: Senator Ebke. [LB1069]

SENATOR EBKE: How often do most school districts get new textbooks and things like that, because it seems to me like some of this would require every...a review of textbooks. [LB1069]

SENATOR BRASCH: The...with the Internet and on-line, there's a lot of on-line books, there's a lot of resources, there's supplemental materials. I believe that schools may vary. You know, that has not been an objection that I've heard to this. But as far as...because I work with an educational software company or two, Follett, Pearson, I know that there's a lot of curriculum

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available electronically, as well as on paper. And today we have a lot of resources available.
[LB1069]

SENATOR EBKE: For free? [LB1069]

SENATOR BRASCH: Some for free, some they're already subscribing to items as far as...and maybe we'll have testimony behind us that...from an educator that... [LB1069]

SENATOR EBKE: I mean I guess having been on a school board for 12 years and having sat on the curriculum and Americanism committee, I guess I question a little bit some of your premises that the committees aren't meeting. I mean there may be some that aren't, but I think that most committees are meeting, think that they're trying to put together curriculum that kind of fits together throughout the school system. I know in Crete that, you know, when we bought social studies curriculum, we had specific grade levels that did specific, you know, that studied specific things, and you try to get curriculum that matches so that you have some continuity. And so, you know, I also will say that over the last, I don't know, probably everybody else has gotten these, too, but over the last month I've probably answered 50 e-mails from students in not only my district but other places in the state where people are asking questions about the political process, about the process...you know, what I think about different things related to politics and government. So I guess I wonder whether we're really not teaching these things or whether, you know, whether this is...I certainly don't object to teaching these things. I'm just not sure where we teach them and how we assess, so. [LB1069]

SENATOR BRASCH: Thank you. And we will have a student coming forward to testify about this bill, as well, and sharing their thoughts. And it was acknowledged to me by the Association of School Boards that, you know, they have a 1,700 school district...school boards, 1,700 across-the-state members, and that those members, apparently, that some may not be holding it. Some are, some aren't, but they want to do a better job moving forward and ensuring these meetings are held, and I commend the...Crete schools, did you say? [LB1069]

SENATOR EBKE: Yeah. [LB1069]

SENATOR BRASCH: ...and your role for...in this. But many are saying it's not being done.
[LB1069]

SENATOR EBKE: Okay. Thank you. [LB1069]

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SENATOR GROENE: One last question from me, I hope, but you are tying this back to the state school board and the assessments that...standards that they come up with. I think in 2020 is when them social studies standards are due from the state school board. [LB1069]

SENATOR BRASCH: Yes, they are. [LB1069]

SENATOR GROENE: And we are trying to update our statute to help them with the standards. [LB1069]

SENATOR BRASCH: And I have been made aware of that and that is why we have put so much time and effort into getting input so those standards... [LB1069]

SENATOR GROENE: We're working on a timetable here. [LB1069]

SENATOR BRASCH: Yes, we are working on a timetable. [LB1069]

SENATOR GROENE: All right, thank you. Any other questions? Thank you, Senator Brasch. [LB1069]

SENATOR BRASCH: Thank you. [LB1069]

SENATOR GROENE: Proponents? [LB1069]

MATT BLOMSTEDT: Good afternoon, Senator Groene, members of the committee. My name is Matt Blomstedt. I'm the Commissioner of Education in the State of Nebraska. I better spell "Blomstedt" for you just in case: B-l-o-m-s-t-e-d-t. I am here. The State Board actually met last week and discussed their support of various bills and on this particular bill, with LB1069, the board voted to support it. I'm actually quite pleased that's the position that we're at. The State Board, as Senator Groene mentioned, is working quite diligently on the development of how we actually measure and prepare students for success and careers and college and civic life as well. And so it's really important that we do this particular work. I wanted to read this to you, a couple different little things. First of all, this is a quote from 1952 and my predecessor from back then: It is the feeling of the Department of Public Instruction and of Nebraska educators generally that democracy is not merely a privilege to be enjoyed. It is a trust to keep and maintain. Citizenship education is based upon the conviction that there are extraordinary possibilities for self-government in ordinary people, all people, and progress has flourished in our country because Americans have been free to exercise their ingenuity, incentive, competition, and thrift. Education for more effective citizenship is more than ever before an opportunity and obligation

of the public school. If ever a nation needed the intelligent and determined support of an appreciative and understanding younger generation, this country needs it now. Education for citizenship makes a people easy to lead but difficult to drive, easy to govern but impossible to enslave. I found that quite powerful, quite powerful to look through the history in the state of Nebraska and to understand the importance of this particular work and this particular conversation at any moment in time. I do thank Senator Groene for his testimony at the State Board here recently as we talked about the preparation of kind of a civic readiness definition, and we've continued to work on that but really, as Senator Groene mentioned, really waiting for any additional guidance that this bill might provide for us. Also wanted to thank Senator Krist, as well, for his work on this, and certainly Senator Brasch for introducing this particular bill. There are some concerns that the board had relative to how you would go about the process of really doing assessment. I want to warn us just a little bit we don't want a statewide assessment, and I think I heard in the testimony from Senator Brasch and/or the introduction from Senator Brasch and the exchange with Senator Groene the importance of really looking at a way that would be appropriate to report this. But most important, I think, is reporting to parents, always, when you're talking about assessment; perhaps second most important is reporting to that local administration and that local board, and so that's, I think, contained within this bill, or at least the concept is contained within the bill; third most, and probably lastly, reporting somehow in an appropriate fashion to the state level. I would caution that we don't get into a situation where we're taking individual student results and trying to...and bring those up, for a couple different reasons. One I think has...kind of was already alluded to, but I think, second, because it's really terribly important that we can do this in an economical way, right, that the importance of reporting up to a state level individual student scores suddenly has a very different type of meaning. State assessment is expensive for a lot of different reasons we could get into later, and I think some of those you already kind of heard: just knowing what things should be in it and other things that shouldn't. I was going to read one last little piece. This comes actually from the front page of our standards last adopted, I believe, in 2012. It's actually a quote from President Reagan. "Since the founding of this Nation, education and democracy have gone hand in hand...the Founders believed a nation that governs itself, like ours, must rely upon an informed and engaged electorate. Their purpose was not only to teach all Americans how to read and write but to instill the self-evident truths that are the anchors of our political system..." I read both those things, the history at the department as well as a little bit of what's currently in our standards, just to give you a set of the context that the State Board has actually talked about in this particular work. So with that, I'll end, as the red light is appearing. [LB1069]

SENATOR GROENE: Questions? Senator Pansing Brooks. [LB1069]

SENATOR PANSING BROOKS: Okay. Thank you for coming, Mr. Blomstedt. So did...you heard some of my questions and concerns. How do you foresee this going forward? Is this a class? [LB1069]

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MATT BLOMSTEDT: Actually we would say we looked at all the different standards and the types of expectations in that particular test could be assessed in a lot of different ways across a school. Generally when you look at it--I think the bill said something about 8th and 11th grade--you would have to have some type of "summative" experience with students, but I would not also recommend necessarily that the 100-question test would be the only way that you would accomplish that. I think all those 100 questions could be used and we've identified them in our standards. I think it would be appropriate to talk about grade-level appropriateness with standards. I throw out there, for example, I think about a year ago I went up to South Sioux City and watched a fifth-grade class do something that was...it was at Louis and Clark Elementary. It was Mr. Kleve there, who is a great social studies teacher. But he had their students, students from all...by the way, all sorts of backgrounds, all sorts of possibilities in their backgrounds, and they actually did assessment by having what they called the Great Americans Wax Museum. They actually portrayed folks and you went up to the student. You could tell those students were truly engaged. So we would want, in addition to summative tests, assessments that would really engage students in their learning so they actually had that love of country. I think I heard earlier this notion of how you instill love of country and instilling is not something that we can measure through an assessment, right? You can assess certain things about knowledge, but it's hard to know someone's heart. And so the reality is those types of things have been found unconstitutional or, at least as it was portrayed here, those are things that are hard to do just from a practical matter, so. [LB1069]

SENATOR PANSING BROOKS: Okay. I think you know I have concerns about this specific test being used and whether or not it's used nationally for immigrants. To me, it makes little difference. I'm concerned about the breadth of our history and I've seen incredible work in Lincoln Public Schools in education of social studies and what our kids came home and learned. But I am concerned about the continued discussion of teaching to the test, and if this is our test that we're going to teach, it's not adequate, it's not sufficient, and I want to get it on the record. And do you think this speech is sufficient or adequate...test, sorry. [LB1069]

MATT BLOMSTEDT: No, I don't believe that the assessment itself should define all learning. Actually our state standards that actually define the types of social study, probably also don't define all learning, right? The higher you get up in government, I'll just say, the kind of more generalized that we get about the type of assessment. So the larger the scale assessment, the harder it is to actually get those things accomplished. I think you'll hear, and maybe you'll hear today even, but definitely with students, when they're really engaged, it's not about the assessment, per se. It's actually about the types of learning that they're able to do. If an assessment helps complement that, then it becomes valuable. I don't know if the language, and I forget in the specific language, if it absolutely says it has to be the...I know it has to be included in the curriculum and content. The expectation around that assessment is something that I think

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we could continue to talk about, and how that would be implemented would be important to me as well. [LB1069]

SENATOR PANSING BROOKS: Okay. I understand Senator Brasch isn't necessarily saying this test, but having it put into the record gives a lot of credence to this test. [LB1069]

MATT BLOMSTEDT: Sometimes we look at record when we're trying to figure out what past legislators wanted to do, so, yes. [LB1069]

SENATOR PANSING BROOKS: Exactly. Thank you. [LB1069]

SENATOR GROENE: Senator Linehan. [LB1069]

SENATOR LINEHAN: Thank you, Chairman Groene. Thank you, Commissioner, for being here today. [LB1069]

MATT BLOMSTEDT: Sure. [LB1069]

SENATOR LINEHAN: I just want to make sure I understand. So you, you're in favor or supportive of the legislation but you're not supportive of statewide assessment that we do for English and math and science. [LB1069]

MATT BLOMSTEDT: Well, in this particular case, not doing the exact same type of assessment, right. I think the concept here is that there would be some type of local assessment, some type of assessment that we could generally feel could be reported up. I think that when you say aggregate results, the way I look at that, the number of students either or some way to aggregate results, it's not about individual student, that we're not reporting that individual student level... [LB1069]

SENATOR LINEHAN: Right. [LB1069]

MATT BLOMSTEDT: ...like we do with other state assessment, right. [LB1069]

SENATOR LINEHAN: We do, but we don't ever see the individual student. What's reported is the aggregate. [LB1069]

MATT BLOMSTEDT: Not from the schools to the department. [LB1069]

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SENATOR LINEHAN: No,... [LB1069]

MATT BLOMSTEDT: Yeah. [LB1069]

SENATOR LINEHAN: ...to the schools, to the department. [LB1069]

MATT BLOMSTEDT: Right. [LB1069]

SENATOR LINEHAN: You know--every kid has a number--but I don't,... [LB1069]

MATT BLOMSTEDT: Right. [LB1069]

SENATOR LINEHAN: ...nor can anybody else go look up a particular child. You protect them; federal law, you have to protect them. [LB1069]

MATT BLOMSTEDT: Right. [LB1069]

SENATOR LINEHAN: So again I'm...so how would we...and I don't have an opinion. I'm just trying to figure out what we're saying. How will we know that schools are actually doing this and what they're doing? [LB1069]

MATT BLOMSTEDT: I think if we had a reporting requirement that looked like that all their students took it, right, that, hey, look, we, number one, know that, and the number that actually were successful in taking it, I think that type of reporting...I don't want to put words into what Senator Brasch has introduced, so I...but that's how I would look at the language that's in there right now. [LB1069]

SENATOR LINEHAN: So for a high school student today in Nebraska at an accredited high school, whether, whatever, as long as it's accredited by your department, how much history and civics do they have to take to graduate from high school? What's the... [LB1069]

MATT BLOMSTEDT: Well, see, that's an interesting...they have to offer civics but graduation requirements are actually left up to local boards around how much, what they actually have to take to graduate, if that's what you're asking. [LB1069]

SENATOR LINEHAN: So we don't...you could go to high school and graduate in Nebraska and not have any history or civics? [LB1069]

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MATT BLOMSTEDT: I think it's unlikely because I think all the graduation requirements wouldn't do that, but we don't have it as a statewide requirement. It's not the same statewide requirement. [LB1069]

SENATOR LINEHAN: Not history or civics? [LB1069]

MATT BLOMSTEDT: No, just that they're offered from a perspective of a school, right? They have to be offered. [LB1069]

SENATOR LINEHAN: But a kid could graduate without taking history or civics? [LB1069]

MATT BLOMSTEDT: It's possible. I doubt it in any of our schools. I mean I just...I think they all require it from a graduation perspective. [LB1069]

SENATOR LINEHAN: Okay. I'd be interested in more kind of details on what those are. Thank you very much, Commissioner. [LB1069]

SENATOR GROENE: Senator Kolowski. [LB1069]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. Mr. Commissioner, thank you for being here. It's good to see you. [LB1069]

MATT BLOMSTEDT: Good to see you. [LB1069]

SENATOR KOLOWSKI: Thank you for your testimony today. I think it's important that we understand this test from a number of different perspectives, and one of them for me would be I would like to see the students pass this test, no matter how many times they might have to take it, so there's at least a foundation of understanding at a 75 or 80 percent level or whatever else it might be. Other important aspects of looking at this, I believe, would be we've got a lot of disconnected facts that are hopefully interwoven into a fabric of a bigger picture by the teacher. As they look at each of those 100 questions, they could be sufficiently placed in the picture of what the teacher wants to do with that class as far as the big picture of what they're all about as far as Americans or/and American history or American government, whatever else it might be. I think we get lost in the 100 questions because they're just factoids. But we have to aim toward that bigger picture, would you agree, of the message of the story of the glory of our country as it gets across in a bigger picture with that teacher? [LB1069]

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MATT BLOMSTEDT: Yeah. We would certainly hope that throughout the educational process that that love of country is developed. It's hard to assess all of that. When you look at it from an assessment kind of perspective, they use something they call depth of knowledge. Most of the questions there are depth of knowledge "1" that it's meaning the lowest kind of depth of knowledge,... [LB1069]

SENATOR KOLOWSKI: Absolutely. [LB1069]

MATT BLOMSTEDT: ...like just reciting facts or something along those lines. We're also interested in a broader depth of knowledge, like how to participate in governmental functions, how to do that. I have always appreciated things like county government day and I told the story of how went I went to county government day I ended up as the county weed supervisor. I learned a lot around how government functions and works from that experience. I hope all of our students in the state of Nebraska are able to participate in such experiences that give them even a deeper level of understanding of how our system really works. [LB1069]

SENATOR KOLOWSKI: The minimalist aspect of this 100-question test is, in my mind, is sort of like an eighth-grade test that most kids would be able to, most students would be able pass without much difficulty over time, you would hope. The rest just gets built on with the social studies classes that are required by every district in the state as they finish their requirements for their particular degree within that particular district. Now I hope we can see it as building blocks and keep the vision always at the forefront of where we're going and what we want. [LB1069]

MATT BLOMSTEDT: Yeah. And I will say I think it's important. You mentioned eighth grade and I think some of the language around how assessment would work, it'd be very, I think, advantageous if this language would describe something that would be that type of developmental assessment. I used driver's license as an example. So criterion-referenced assessment, we expect folks to be at a certain level of proficiency before we offer them a driver's license. I think in the setting here it's like it would be nice that by eighth grade there's a pretty good sense of what students know and are able to do at eighth grade so they can actually build on that experience by the time they hit high school. I also am a real believer in motivation of students around their own data, right, that if we actually were...had something designed where students were able to somewhat assess themselves relative to their abilities on-line, other ways to do that. Kids are motivated by getting better and better and I think that's part of...this could be a unique opportunity, I think, in that light. [LB1069]

SENATOR KOLOWSKI: Thank you. [LB1069]

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SENATOR GROENE: A couple questions. When you do assessments and they report to you on math and English, they do ethnic breakdown, male, female, because I read these studies where it's income levels. You don't interpret that, this language, to force the department to do that. An aggregate score is an average to me. Fifty students took it. Their average score was 35. Somebody is thinking of moving into a district or enroll in their school, they can go on your Web site, look what...look at the standards, look at the test, and say, do they teach social studies and history well? That's basically what I think the language asks for, isn't it? [LB1069]

MATT BLOMSTEDT: Yeah, I think...I mean, and I don't...I want to make that clear, too,... [LB1069]

SENATOR GROENE: Yeah, that's fine (inaudible). [LB1069]

MATT BLOMSTEDT: ...so if we work to do in that language, but that would be...I think the intent would be that there would be that type of aggregated score that would not be about individual students. That would take a very different type of assessment and a very different type of work that would be quite difficult to administer in that same way. This is basically asking schools to be able to report to us X number of students took the assessment, X passed, and if there's a score, so you have... [LB1069]

SENATOR GROENE: I don't think the intent is for you to know it. [LB1069]

MATT BLOMSTEDT: Yeah. [LB1069]

SENATOR GROENE: It's for somebody thinking of moving to a community and can check out a school district on your Web site. That's the way I under...I see this. 79-760.01 says you shall...the standards shall cover the subject of reading, writing, mathematics, science, and social studies. Your seven-year rotation is coming up, and when? [LB1069]

MATT BLOMSTEDT: I think you're right on the date, although it might be one year off. It's either '19 or '20 or the year '19-20. Sometimes when it's a fixed year, it's like I don't know if it's the school year off the top of my head, and so... [LB1069]

SENATOR GROENE: The very last sentence of this says, the state school board..."state board plan shall include a review of commonly accepted standards adopted by school districts." And correct me if I'm wrong. We had a conversation one day and you said this is the only standards that you can't enforce or look at because the present statute makes it a Class III misdemeanor and it puts the sheriff in charge, not Matt Blomstedt. Is that correct? [LB1069]

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MATT BLOMSTEDT: (Laugh) Yeah. You and I did talk about that. So one of the realities of the Americanism statutes actually predates much of the kind of modern approach to how you handle state government and how you go in that fact. If you looked at some of that language, it actually said it was a criminal offense for board members and administrators not to follow those laws. And so the way that we would have to enforce it from the Department of Education is to keep calling county attorneys, and that's not necessarily, I don't think, what would be appropriate, nor do I think I'd find a county attorney who thought that was appropriate, either, by the way, yeah. [LB1069]

SENATOR GROENE: And is not that the main reason why a lot of school boards and the state school board said hands off because we have a misdemeanor here and it's a legal issue not a policy issue. [LB1069]

MATT BLOMSTEDT: Yeah, and we put still within accreditation the expectation that they're checking off and saying that they're doing those particular things, so that's how we check it. But if we found that they somehow were not, yeah, it seems odd that that's kind of the one element of education law that hangs there that's about being enforced by a county attorney. [LB1069]

SENATOR GROENE: So it's a good thing to remove that,... [LB1069]

MATT BLOMSTEDT: Yeah, I believe so. [LB1069]

SENATOR GROENE: ...because the ACLU and others who make the claims is based on that, that you can, the way I understand it, you can...free speech is...you can't arrest somebody for free speech, what they said. School board can fire you, though, and I think that straightens that out. The other thing was the naturalization test it's not limited to. Senator Pansing Brooks, the way I read it, it says minimum, not limited to. So all of the rest could be there and... [LB1069]

MATT BLOMSTEDT: And I will add, just on that very point, this notion of...that our ability to promulgate rules and regulations to interpret the law in order to carry out the law would be also quite important, so I want to make sure that the language that finally gets adopted in this would be consistent with an approach that we could carry that out right, that we'd want to make sure to do. [LB1069]

SENATOR GROENE: Not limited to, it could be what you... [LB1069]

MATT BLOMSTEDT: Yeah, we could be able to describe it, yeah. [LB1069]

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SENATOR GROENE: ...the State Board does their duty. [LB1069]

MATT BLOMSTEDT: And the process same on reporting, I would think. We would want to describe that as well as possible so there wasn't confusion with what school districts. [LB1069]

SENATOR GROENE: And as far as memorizing the test, I think you memorize facts which apply to the test but...two senators,... [LB1069]

MATT BLOMSTEDT: Yeah, and I would highlight that around the... [LB1069]

SENATOR GROENE: ...representatives, two years. [LB1069]

MATT BLOMSTEDT: ...around assessment is generally, and I think was Senator Kolowski that said the...you know, students should actually be able to take this type of test until they're able to demonstrate that they've acquired the knowledge necessary to pass such a test, right? So those types of things, I think, would be important as well. [LB1069]

SENATOR GROENE: And wouldn't it give a guide to the instructor, the teacher, too, when they... [LB1069]

MATT BLOMSTEDT: Yeah. [LB1069]

SENATOR GROENE: ...when she administers that test that maybe her methods, she's not teaching them how many Supreme Court justices there are,... [LB1069]

MATT BLOMSTEDT: And that's... [LB1069]

SENATOR GROENE: ...how many senators there are, what the name of your senator is? It could be used within their curriculum, could it not, as a quiz or anything, as long as they did it in eighth grade and reported it to the parents at a... [LB1069]

MATT BLOMSTEDT: Yeah. I certainly believe it could be carried out that way and the intention of adding language, and appreciate again Senator Brasch for including this, the formative and interim and summative assessment portion, so a formative test is like a quiz. Are you being assessed on something in the classroom? So a teacher can go ahead and reteach material that's not necessarily been understood, so. [LB1069]

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SENATOR GROENE: Thank you. Any other questions? Thank you. [LB1069]

MATT BLOMSTEDT: Thank you. [LB1069]

SENATOR GROENE: Go ahead anytime you're ready. [LB1069]

TOM NEBELSICK: (Exhibit 3) Good afternoon. My name is Tom Nebelsick, N-e-b-e-l-s-i-c-k. That good? I am here in support of LB1069. I have been an employer for the last 40 years in this community, hiring many young people, including high school graduates from Lincoln. I have observed a steady decline in the general knowledge of some of these people bring to the workplace, namely lower math and reading skills. In addition, there has been a decreasing awareness of our country's history and its unique political nature. Oddly, some seem more inclined to demagogue our country and its freedoms, unaware of the tremendous freedoms we enjoy. Simultaneously, character traits needed to succeed in the workplace have been disappearing. This is not to imply we have a failing education system. However, in consideration of the amount of dollars that are devoted to public education, we should expect better results. We desperately need to devote more time and effort teaching Americanism to begin to remedy things. Senator Brasch's bill will contribute to a more thoroughly informed populace by accomplishing the proper teaching of American history and patriotism. That's my statement. [LB1069]

SENATOR GROENE: Thank you, sir. Any questions from the committee? Thank you for your testimony. When you come up to testify, just start. You don't need a nod of my head or anything. When you're ready, go, for the sake of time. [LB1069]

S. WAYNE SMITH: (Exhibit 4) Good afternoon. My name is S. Wayne Smith, S. Wayne, W-a-y-n-e, Smith, S-m-i-t-h. I recommend that you support LB1069. The added details to the committee's job description are excellent in the bill. The requirement for the civics portion of the naturalization examination and publication of the results is a good addition. Hopefully, they will have to pass this test to graduate. I recommend that Constitution Day be added as one of the holidays during which patriotic exercises are to be held. The committee on Americanism is very important in ensuring that schools are teaching social studies that reflect the truth about America's founding values and principles including individual liberty, property rights, limited government, virtue, the role of religion, separation of powers, strength of family, our free enterprise system, and avoidance of debt. In order to detect the lies you have to know the truth. Thank you. [LB1069]

SENATOR GROENE: Questions from the committee? Senator Pansing Brooks. [LB1069]

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SENATOR PANSING BROOKS: Thank you for coming, Mr. Smith. I'm happy to see this. What...do you know what day Constitution Day is? I'm sorry not to know. [LB1069]

S. WAYNE SMITH: I don't know. [LB1069]

SENATOR EBKE: Usually in September. [LB1069]

SENATOR PANSING BROOKS: Okay, I...it's a good idea. I just didn't know. [LB1069]

SENATOR EBKE: September 17. [LB1069]

SENATOR PANSING BROOKS: It's interesting because I also had to look up what Native American...or Indian American Day, or whatever was written into this bill. For the record, it's November 23, which also aligns most often with Thanksgiving, but I thought, I wonder how many of us in this room actually knew what that date was, so. [LB1069]

S. WAYNE SMITH: Well, the reason I added that is my seventh grade granddaughter. They did have a little exercise that they had to do. My freshman grandson, there was no mention of the constitution during the day or the week of Constitution Day. [LB1069]

SENATOR PANSING BROOKS: Well, I appreciate that and think that that's really important. Thank you very much. [LB1069]

SENATOR GROENE: Any other questions? Thank you, sir. [LB1069]

LEE TODD: Good afternoon. My name is Lee Todd; first name is Lee, L-e-e; last name, Todd, T-o-d-d. I want to thank the good Senator Brasch for bringing and drafting some of the changes to some of the law, and I am in wholeheartedly (sic) support of LB1069. And I'll begin to tell you why, but among those would be a devout reverence in this country that I have for the constitution. I'll be very brief with my comments, but they are insofar as I think that we are the nation that we are because of that founding document. It is the bedrock on which we exist. The Declaration of Independence that preceded our constitution, again, a very founding, momentous change in how we viewed inalienable rights that we are guaranteed these rights, not given to us by some government but endowed upon us. And the fact that we have the constitution and it guarantees these rights in, and it's codified in law, it gives us, if you will, a bedrock, a foundation on which to continue generation after generation to pass wealth on from what I've able to accumulate onto my children. It gives us continuity and I think it is very important. I am sad to say that I have a daughter who has graduated college and she's not aware of many of the

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founding principles in that document, and I would like to see that rectified to the extent that it could be in legislation such as this. I think we need to draw attention to the fact that this is important information. And I'd also like to point out that I have seen, on occasion, certain instances here in the Legislature where you commonly hear the term bandied about that, well, federal law trumps state law. Well, unfortunately, it doesn't always trump state law. Article 1, Section 8, lists 17 areas where federal law does trump state law. Those are the enumerated powers that our government is given and I would like to see that understand, and I begin to wonder if we really truly understand that and if our young people are understanding that, if our adults don't quite grasp the significance of that as well. So again I want to thank the Senator Brasch for an excellent bill. I would heartily support it and I would hope that the committee would as well. Thank you for your time. [LB1069]

SENATOR GROENE: Any questions? Senator Erdman. [LB1069]

SENATOR ERDMAN: Thank you, Senator Groene. Mr. Todd, thank you for coming. [LB1069]

LEE TODD: You're welcome. [LB1069]

SENATOR ERDMAN: It sounds like wherever you attended school they taught you those things. Is that correct? [LB1069]

LEE TODD: I still remember my history/civics teacher. He had a very difficult name to pronounce. His name was Mr. Kerlacek (phonetic). But, yes, I remember a lot of those things. [LB1069]

SENATOR ERDMAN: So then you got a basic understanding of that at school and then you began to understand what those significant things were in your life and you applied those as you went? Is that... [LB1069]

LEE TODD: I actually majored in chemistry and biology in high school...or in college, and I wish sometimes that I hadn't. Really my passion has become, and this is it, the value of the constitution, what it means, and it really was a founding...it was a game-changing document in the history of the world. I don't think there's been anything like it. You take it in tandem with the Declaration of Independence, what it means to expound upon that principle that we have these rights, we don't need government to give us these rights, that, to me, is phenomenal. That is a game-changing event in history. It's never happened before. It's terribly exciting to me and I would like to convey that to anybody, not just young people but everybody. So I hope I answered your question. [LB1069]

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SENATOR ERDMAN: This may not come as a surprise to you, but I think this is your passion. [LB1069]

LEE TODD: Thank you. [LB1069]

SENATOR ERDMAN: Thank you for coming. [LB1069]

LEE TODD: You're welcome. [LB1069]

SENATOR GROENE: Senator Pansing Brooks. [LB1069]

SENATOR PANSING BROOKS: Thank you. Thank you so much for coming, Mr. Todd. [LB1069]

LEE TODD: You're welcome. [LB1069]

SENATOR PANSING BROOKS: I feel as passionate as you about our constitution. I feel that it's something that we ought to protect at all cost, pretty much, and that rights that are given through that document are remarkable and, you know, not found in other countries except post the creation of our document. So I thank you for coming. And I did just find out that September 17 is Constitution Day in the United States. [LB1069]

LEE TODD: Yeah. I probably could have told you that because that is also my wife's birthday and our anniversary date, and those two coincide for a clever reason. That way, I'd only have to remember one date. [LB1069]

SENATOR GROENE: So wait a minute. [LB1069]

LEE TODD: Yes, sir. [LB1069]

SENATOR GROENE: Is there anybody else? I have a question. You mentioned, you gave two examples. Mr. Kerlacek (phonetic), or whatever,... [LB1069]

LEE TODD: Yes, sir. [LB1069]

SENATOR GROENE: ...was a great social studies teacher. [LB1069]

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LEE TODD: Yes, sir. [LB1069]

SENATOR GROENE: And then your daughter, was it your daughter went through, all the way through college and...you gave an example. [LB1069]

LEE TODD: That is correct. That is correct. [LB1069]

SENATOR GROENE: So we don't pass laws for Mr. Kerlacek, do we? We don't pass speed limits for the person who obeys the speed limits. Who do we pass them for? People who do not, is that not correct? What I'm saying, the teacher who is not teaching is why we pass laws, not for the good ones. [LB1069]

LEE TODD: Okay. [LB1069]

SENATOR GROENE: I'm agreeing with you. [LB1069]

LEE TODD: Okay. [LB1069]

SENATOR GROENE: I want you to agree with me. [LB1069]

LEE TODD: Okay. [LB1069]

SENATOR GROENE: Thank you. [LB1069]

LEE TODD: I may be a little slow with all the snow today, but I need to go pick some kids up also from school today. But I know that, you know, our government is principled and founded on the concept that it...these are things that government cannot do to us. These are our rights. You know, and you take the First Amendment, for example. Very few Americans understand that there are five freedoms articulated in the First Amendment. And I don't know that too many people would be able to articulate what those are. But we have these freedoms and these are things that government cannot do to us. They cannot take...those are given to us. And again, it builds on the whole...this building-block concept of what is our great constitution. [LB1069]

SENATOR GROENE: Thank you. [LB1069]

LEE TODD: Thank you. Okay. [LB1069]

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SENATOR GROENE: Any other questions? Next proponent. [LB1069]

AUDREY WORTHING: Good afternoon. My name is Audrey Worthing, A-u-d-r-e-y W-o-r-t-h-i-n-g, and I am a student in Elm Creek, Nebraska. At the close of the constitutional convention on September 17, 1787, as Dr. Benjamin Franklin exit...left the hall in Philadelphia, he was asked, what kind of government have you given us? He replied: A republic, if you can keep it. For the past three years my classmates Anna (phonetic), Sidney (phonetic), and I have visited you all at these winter hearings in support of increased civics education. That first year we were just freshmen and this experience was super scary. We are now hearing the end of our junior year and I have to say it is still a little scary. But it's also fun to see some familiar faces. We know that you all have worked hard on behalf of education in Nebraska. I'm sure it feels like a slow process and dealing with the day-to-day politics and pressures is exhausting. But we as students are so thankful that you care so much, that you worry so much, and that you are fighting so much for us and our futures. There is no question that anyone here places an enormous amount of value on Americanism and civics. We have heard lively discussions, participated in social studies summits, and talked to senators, educators, students, and community members across the state, and we are all in agreement about that. However, despite our love for this country, we also agree that the lack of basic civics knowledge and the focus in our schools needs to change if we are to keep the republic that Benjamin Franklin and our country's founding fathers created for us. Today we urge you, again, to move past the politics and emotions behind this issue and try to come together to move forward. To that end, we wanted to share some information about what has happened in our school and community that might put to rest some of those worries about additional high-stakes testing and state-required testing of civics and Americanism requirements and accountability. Three years ago, Elm Creek schools passed a requirement that all students must be able to pass the U.S. citizenship test in order to graduate. At that time, our school's ACT score was a 17.9, one of the lower in the state. We are a small school on Interstate 80 and we have a challenging demographic of students. And according to the state, we are considered to be an impoverished district. We were exactly that school you are worried about when it comes to accountability and high-stakes testing. And initially, there...we...and initially there was some parental kickback on social media about test requirements and, of course, lots of student grumbling. But three years later I can say on behalf of our school that we have had no student unable to graduate because of this civics requirement. There are no more grumbings. In fact, this mandate has helped change the entire environment of our school and community. For example, this year our community has come together to sponsor a student history bus tour of Washington, D.C., for our eighth grade class. In our high school we have added a mock trial team and successfully completed our first season. We have also used this test as a springboard to now requiring community service hours from our high school students. And it is having an impact on our community. We are more engaged, more involved, more knowledgeable. In fact, some students came together this past fall and built civics education carnival games for the elementary students to play and learn from. Each spring these elementary students actually have the

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opportunity to take the 100-question civics exam. And for those who pass, they are awarded a citizenship medal that is very coveted. We have had students as young as second grade pass this test and that dismal ACT score is even improving to a now 20 average, and we only see that getting higher. When our school... [LB1069]

SENATOR GROENE: First question is, do you have anything more to say? (Laughter) [LB1069]

AUDREY WORTHING: When our school decided to make Americanism and civics a priority, our students really listened and it sparked a movement. If this hadn't been mandated through our school board, I don't think this would have happened in the same way. I know that you all have a lot of education issues to worry about and to work through, but we want to assure you that civics and Americanism requirements should not be included in them. This is year three of discussion. Please consider moving past your worries, politics, emotions, and pass a bill that will speak loudly to all Nebraskans that we intend to preserve our republic and that we intend to spark a transformative movement that could impact our state like it has my community, and we are ready to do that now. Thank you again on your work on behalf of education. And now do you have any questions for me? [LB1069]

SENATOR GROENE: Any questions? Senator Pansing Brooks. [LB1069]

SENATOR PANSING BROOKS: Thank you so much for coming for three years...or four years now, is it? Three? [LB1069]

AUDREY WORTHING: Three,... [LB1069]

SENATOR PANSING BROOKS: Three, yeah. [LB1069]

AUDREY WORTHING: ...three years. [LB1069]

SENATOR PANSING BROOKS: You've done a great job and it's wonderful to watch you maturing on all of it, but you've been very articulate from the beginning, so I appreciate your doing this. Have you been able to expand it from what...I presume you've heard me discussing some of the things that are clearly missing, like the four tribes from Nebraska. It is very limited in some of the questions that it asks and it is certainly not Nebraska-centric, while it may have some...you know, it also is very aligned to a certain type of thinking, in my opinion. But what have you done to expand your knowledge of other parts of our history that are important too? [LB1069]

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AUDREY WORTHING: Our school has really taken the U.S. citizenship test and we've used it as a springboard to really spark all these very intricate and very deep discussions on American history and our government. We have celebrated Constitution Day for two years now. It has been very interesting to learn. We try to do lots of things about learning about heroes from all different types of races and ethnic groups. When it comes to things like Native Americans, it's really a point of politics at some level with some people. But our school, in particular, has done a great job on expanding on these issues that the test asks us to answer, and our teachers do try to correct some of the mistakes that they think are written in the test. [LB1069]

SENATOR PANSING BROOKS: Okay, so I'm confused how knowing the four tribes in Nebraska is politics. [LB1069]

AUDREY WORTHING: It really depends on the person. Everything has its, in its own way, some sort of politics, some types of disagreements that teachers don't always believe in, or when it comes to teaching they just don't think they have time for. So really it depends on the teacher. But our teachers have done an excellent job on expanding on all points of the test and I think that our students are more knowledgeable now since we passed this requirement. [LB1069]

SENATOR PANSING BROOKS: And has your education been broader than just saying that African-Americans were brought over as slaves, I hope? [LB1069]

AUDREY WORTHING: Yes, um-hum. We have looked at multiple sides of the stories. We have done several projects where we have to look up primary sources from people back in those times, not only from slave owners but from slaves. We've done all sorts of things that have really helped to give us a better knowledge of what happened back then and to help us formulate our own opinions on what needs to be done now to prevent that from happening in the future. [LB1069]

SENATOR PANSING BROOKS: And what about any women's history? [LB1069]

AUDREY WORTHING: We have expanded on women's history. We think that is very important to not just mention the men who helped found our country but also the women who helped to change our country for the better. So we have learned about Susan B. Anthony, about women who served in the Civil War as nurses, about the horrors that they faced not only going onto the battlefield to collect injured soldiers but also for the care that they gave those soldiers once they were in the camps. We've really expanded that type of stuff and it's been really inspirational to hear all their stories. [LB1069]

SENATOR PANSING BROOKS: Thank you very much for coming today again. [LB1069]

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AUDREY WORTHING: Absolutely. [LB1069]

SENATOR GROENE: Other questions? Do you understand the legislative process? [LB1069]

AUDREY WORTHING: To a point, yes. [LB1069]

SENATOR GROENE: Do you think if Senator Brasch added those four tribes as the correct answer for that test when used in the state of Nebraska, that would solve that problem? [LB1069]

AUDREY WORTHING: I think so, yes, and... [LB1069]

SENATOR GROENE: Yeah. [LB1069]

AUDREY WORTHING: And like I said, having teachers expand on those issues, talk about those tribes, about certain celebrations they do now to honor their ancestral heritage, I think that would be a great way to help inform our students. [LB1069]

SENATOR GROENE: So how many graduating classes have had to take that test so far, three or four? [LB1069]

AUDREY WORTHING: It's only been two so far. We passed it my freshman year. It was to go into effect my sophomore year, so that senior class had to take and pass the U.S. citizenship test, which they did. When they heard that it was for requirement, they got a little nervous because they knew they hadn't taken it yet, so it was very eyeopening to see them all really start to get down and start remembering all the stuff they've learned throughout the past years. [LB1069]

SENATOR GROENE: I just wondered if...I think the first year you were here you did an FFA or something? [LB1069]

AUDREY WORTHING: It was an FCCLA project that first year. [LB1069]

SENATOR GROENE: And you did with your conference and you had people in the conference schools taking and the test scores were dismal. [LB1069]

AUDREY WORTHING: Very. [LB1069]

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SENATOR GROENE: Have you thought about following up in your local school district. The voting, after they learn their history, did the naturalization test, are we having...are you having a better voter turnout of the youth in your...I was just curious. I mean you don't know but it was... [LB1069]

AUDREY WORTHING: We haven't done a follow-up survey yet. That is something that we are planning to do after another year, probably within our senior year once this has had time to really take root within our younger students. [LB1069]

SENATOR GROENE: It would be interesting if you came back here next year and you did a survey of your graduates of your school and then find out how many of them voted in the 2018 election,... [LB1069]

AUDREY WORTHING: Absolutely. [LB1069]

SENATOR GROENE: ...kind of compare that to national averages. [LB1069]

AUDREY WORTHING: Absolutely. I know that this year's senior class has really been excited about voting in the upcoming elections, which is something that you didn't hear very often before this was passed and before they actually really started learning about the government system. [LB1069]

SENATOR GROENE: So it's contagious,... [LB1069]

AUDREY WORTHING: It is contagious, very. [LB1069]

SENATOR GROENE: ...a love of country. Thank you. [LB1069]

AUDREY WORTHING: It is. [LB1069]

SENATOR GROENE: Senator Erdman. [LB1069]

SENATOR ERDMAN: Thank you, Senator Groene. Thank you for coming, Ms. Worthington (sic). [LB1069]

AUDREY WORTHING: Absolutely. [LB1069]

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SENATOR ERDMAN: You did an adequate job, an outstanding job answering the questions. [LB1069]

AUDREY WORTHING: Thank you. [LB1069]

SENATOR ERDMAN: So as you're visiting with other students from other schools, do you know of any other school that's doing what you're doing? [LB1069]

AUDREY WORTHING: No. No other schools have done what we have done, which is why I think it's very crucial that this is passed at a state level. Really what it comes down to is that on the local level there's a lot of emotions behind civics and civics education, and we don't want to offend certain people. But if it's passed at the state level, it does empower those local school districts to take what the state has passed and improve upon it in their own way or expand upon it. [LB1069]

SENATOR ERDMAN: Thank you for your answer. Tremendous job. [LB1069]

AUDREY WORTHING: Absolutely. [LB1069]

SENATOR GROENE: Thank you. [LB1069]

AUDREY WORTHING: Thank you so much for your time. [LB1069]

SENATOR GROENE: When do you turn 18? [LB1069]

AUDREY WORTHING: I turn 18 in August. [LB1069]

SENATOR GROENE: I might support the bill that 18-year-olds can run for the Legislature. Thank you. [LB1069]

AUDREY WORTHING: We will certainly try. (Laugh) [LB1069]

SENATOR GROENE: Thank you. [LB1069]

AUDREY WORTHING: Thank you so much for your time. [LB1069]

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SENATOR GROENE: Next proponent. [LB1069]

AMBER PARKER: Hello, Education Committee. Good afternoon. My name is Amber, A-m-b-e-r, last name Parker. I'm here today to testify as a proponent to LB1069, Senator Brasch's bill. It's interesting to me that, as understanding that if this is existing law and we're looking at ways that we can enforce it and bring about accountability within the state of Nebraska, I see a really important point here in doing so. And I just...I'm glad that Commissioner Blomstedt was here to talk. But I got to tell you, I've been to so many Nebraska State Board Education meetings and it is lip service. I've proposed to...a policy in freedom of speech between the teachers and the students so that they know that anything that they say is safe, that their grades aren't going to be affected. And so I just would like to read to you the Nebraska Department's definition, proposed definition, in 2017 defining civic readiness. And I want to make sure I'm reading the right one. Here we go. "Civic readiness is demonstrated when individuals acquire and demonstrate knowledge, skills, actions, and dispositions that citizens in a republic need to fulfill obligatory civic rights and responsibilities within local communities, states, the nation, and the world. Civic readiness includes: Civic Knowledge. Civic knowledge includes a fundamental understanding of the structure and function of government, civic rights, civic responsibilities, and the processes by which laws and policies are made. Civic knowledge includes an understanding of the history that shapes the present, and...geography, demography, and economics that impact the policies of local, state, national and international governments. Civic Skills. Civic skills are the skills necessary to participate as informed, thoughtful, and engaged citizens in a republic. These skills encompass thoughtfully speaking, listening, collaborating, community organizing, and public advocacy. Civic skills are necessary for critical thinking, rational thinking, and collective action. Additionally, civic skills require the ability to gather and process information, including opposing viewpoints, in order to demonstrate a substantial understanding of why that view is held. Civic Actions. Civic actions include voting, volunteering, participating, collaborating, deliberating, speaking, and other activities designed to assist others and influence opinions. By gathering, analyzing, and communicating information, civic-ready individuals can be advocates while respecting and understanding differing opinions and processes, therefore being able to share information, make persuasive arguments, and impact policy. The duties of citizenship include active participation in the improvement of a citizen's community, state, country, and world and the value and practice of civil discourse between opposing interests. Civic dispositions are personal commitments to ideals important in a democracy that include concern for the constitutional rights and freedoms of others; a recognition of the need for public welfare, safety, and fairness; and a respect for the processes and laws that regulate our republic. This is part of a citizen's broader service to society." I have to tell you, did you hear once mention a military branch is the importance in the Constitution of the United States of America? LB1069 shows proof. I am fearful our Nebraska Department of Education is lip service to us. Out of their own words, these are their goals and their proposed definition of what would be defined as civic readiness. I'm greatly concerned. If a generation and generations coming do not understand the

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constitution, do not understand the Declaration of Independence, do not understand what their freedoms are, then very clearly we can see global elitists and communists coming in and taking over. We have communist teachers in the state of Nebraska. We have legislation across this land that has been proven to take away protection from keeping teachers being communist. And California passed it so teachers could...communism and there's certain things in the state of Nebraska that was proposed and attached. But I see my red light. And I just think the Nebraska Department of Education has given us a bunch of lip service. And I'm glad because Senator Brasch came forward and brought LB1069 again and it's really the true color showing. [LB1069]

SENATOR GROENE: Thank you. Yeah, thank you. Any questions? In defense of Department of Education, the elected board, they did not pass it. That was one employee that brought that and the people spoke up and the elected officials listened. [LB1069]

AMBER PARKER: Well... [LB1069]

SENATOR GROENE: But I was upset myself that the word America was never mentioned in there. [LB1069]

AMBER PARKER: Or our military branches,... [LB1069]

SENATOR GROENE: I understand that. [LB1069]

AMBER PARKER: ...as well. And I mean this with great respect, but I have had personal experience with the department and in our education and I have seen them disrespect a parent's request, transparency in areas like this, and that's why it's just important and it's now came to the state level that we need it, because if they were doing their jobs it wouldn't come to this. But even if they were, I would say it's that important. [LB1069]

SENATOR GROENE: Thank you. Very passionate. Senator Kolowski. [LB1069]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. I just wanted to double check and make sure I understand. You're not supporting the civic readiness as that's defined? [LB1069]

AMBER PARKER: Not as that's defined, absolutely not. To me it sounded like the Democratic Blue Bench Project. It sounded like a recruitment of community organizing, and that is not the job of the Department of Education. [LB1069]

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SENATOR KOLOWSKI: Okay. Thank you. [LB1069]

SENATOR GROENE: You do support Senator Brasch's... [LB1069]

AMBER PARKER: I support Senator...and I testified as a proponent. I apologize. Yeah, to clarify, yes, I am a proponent to LB1069, Senator Brasch's bill. [LB1069]

SENATOR GROENE: Just to clarify Senator Kolowski's question. Thank you. Any other questions? Thank you. Proponent? [LB1069]

ANDREW SHELBURN: Thank you for having me here today. My name is Andrew Shelburn, A-n-d-r-e-w S-h-e-l-b-u-r-n. I would like to preface this by saying I did not come here with the intent to testify. I am here with the Governor's Youth Advisory Council to kind of just learn, observe our government's process. But seeing this bill, I feel as though it's our obligation...or my obligation to testify as a proponent for it just from my experience in public high school. I went to Lincoln Southwest and I felt as though that our current education was not adequate in the sense that it doesn't really educate students how to be properly civic, how to properly engage in civics. And personally I'm very patriotic. And through my three and a half years at high school, all I saw was history classes that in the curriculum focus really on the negatives that the U.S. has done, not real...like it would skim over the positives, like it would be mentioned, but I felt that we focused way more time on the negatives that the United States has done. And also, then within the civics classes I've taken, so the study of our government and how it works, I see students who are passing the classes but they don't really understand what makes like Nebraska's Legislature unique in the sense that we're a Unicameral; they don't know how many Supreme Court justices there are; they don't know how many senators there are at the federal level or how many representatives there are at the federal level or how many representatives there are at the federal level, and just so many issues like that. And I feel that to be a successful country, you need to educate the youth on how to be civically engaged, whether it be voting, protesting, and kids just are not learning that. I believe that through this bill and the proper activity of the committee on Americanism, you can alleviate these problems by looking at what's in the actual books and really focusing on what America has done well, rather than what we have done negatively, because I've seen so many students that come in to high school and they're patriotic and they love America, but then all they hear is we've done these horrible things and they just start saying...like they start to...I wouldn't say hate America, but they dislike and regret what our ancestors have done. And I yield the rest of my time to... [LB1069]

SENATOR GROENE: Thank you. Any questions? Senator Walz. [LB1069]

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SENATOR WALZ: Thank you. Thanks for coming. And thanks for coming up and speaking today. I appreciate that. I'm a teacher and before this I was a teacher, so what you're saying is really...it's just really interesting. What does it mean for you to be patriotic? [LB1069]

ANDREW SHELBURN: Just to have a love of our country and our system. I've seen kids who just want to like overthrow the system and just restart and I don't think that's patriotic. I think patriotic is recognizing that we have made mistakes but seeing that us, as Americans, we can make this country better and we don't need to just focus on what we've done wrong but we need to focus on what we have done correctly and what we have done that is right. [LB1069]

SENATOR WALZ: And going back to that negative talk that you...I know you say there's a lot of negative talk among your peers. Can you just give me a couple examples? [LB1069]

ANDREW SHELBURN: Well, for example, we would...in our...I took AP U.S. history as a junior in high school and the book itself would...it wouldn't even be organized like by time period. It would be organized on like different issues like women's rights in the 1890s and it would be focused on slavery prior to the Civil War and it wouldn't...like I felt as though the book itself was written to focus on negatives. For example, we would go through World War II but we really wouldn't even look at the war itself, and that the U.S. entered due to us being attacked and then we fought to destroy fascism across the world. It was more of what did African-Americans do during the war, what did women do, and like what would they gain from the war, and then also some of the bad things we did, like I remember it talked about the firebombing of Dresden, but it didn't talk about the atrocities committed against Americans other than really just the simple...oh yeah, Pearl Harbor was bombed. And that's what I was getting at, was it focused on the negatives that the U.S. did and not, for the most part, the positives that we... [LB1069]

SENATOR GROENE: Any other questions? Kind of a general question, you were taught about your rights? [LB1069]

ANDREW SHELBURN: Yes. [LB1069]

SENATOR GROENE: Were you taught about the duty as a citizen to protect those rights, the duty of a citizen to others, and that it's not free, that you have duties,... [LB1069]

ANDREW SHELBURN: To some extent, yes. [LB1069]

SENATOR GROENE: ...like you need to vote, you need to run for office, you need to, what you did, volunteer for the Governor's...to some extent, they do, do that? [LB1069]

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ANDREW SHELBURN: Yes, like I took... [LB1069]

SENATOR GROENE: Or in your school they did? [LB1069]

ANDREW SHELBURN: Yeah, like I took AP government and politics and a lot of what we talked about in that class was like you need to vote. But some students just didn't like...don't know how to fill out voter registration, like it would be like you need to vote but we like...or at least I don't remember talking about like this is how you fill out voter registration, or at least that's my experience. [LB1069]

SENATOR GROENE: They didn't teach you the evolution, the history tied to the constitution, that when women were treated badly and couldn't vote because of that document, in future generations, that was changed? [LB1069]

ANDREW SHELBURN: We went over the history of it. My problem with it was...is...or was that students really weren't retaining it and they didn't really like...how do I say this? They...I felt as though they weren't proficient in the sense of like I know how to vote, I know that I can protest, I...like, yeah, it says in the First Amendment that I have the freedom of assembly, but they didn't really understand like that means I can go march in the streets for something. [LB1069]

SENATOR GROENE: All right. Thank you. Any other questions? Senator Kolowski. [LB1069]

SENATOR KOLOWSKI: Yes, thank you, Mr. Chairman. Andrew, can I ask you the high school you attended? [LB1069]

ANDREW SHELBURN: Lincoln Southwest. [LB1069]

SENATOR KOLOWSKI: When did you graduate? [LB1069]

ANDREW SHELBURN: I haven't graduated yet. [LB1069]

SENATOR KOLOWSKI: You're a senior this year? [LB1069]

ANDREW SHELBURN: Yes. Yes, sir. [LB1069]

SENATOR KOLOWSKI: How many AP courses have you taken? [LB1069]

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ANDREW SHELBURN: I don't remember all of them off the top of my head. I've taken AP U.S. history, AP government and politics, AP macroeconomics, AP human geography. That's just some of them. [LB1069]

SENATOR KOLOWSKI: Are you glad you've taken AP courses, advanced-placement courses? [LB1069]

ANDREW SHELBURN: Yes. [LB1069]

SENATOR KOLOWSKI: So those, everyone in the audience will know. [LB1069]

ANDREW SHELBURN: I feel as though the AP courses educated me better than when I didn't take AP or differentiated courses, and I also felt as though the students in the AP courses had a better understanding than the kids who were not in the AP courses. [LB1069]

SENATOR KOLOWSKI: Okay. The teachers were better prepared, your materials were more inclusive, and all those kinds of things? [LB1069]

ANDREW SHELBURN: I wouldn't say the teaching was better. I would say that the...it was almost like the curriculum was better, like the... [LB1069]

SENATOR KOLOWSKI: Sure. [LB1069]

ANDREW SHELBURN: ...in some cases. It was just I noticed that the students in AP courses had better understandings than the non-AP, and that's why I chose to take AP courses. [LB1069]

SENATOR KOLOWSKI: Did your school have International Baccalaureate also or just AP? [LB1069]

ANDREW SHELBURN: No, that's just Lincoln High has IB program. [LB1069]

SENATOR KOLOWSKI: IB, okay, thank you very much. [LB1069]

SENATOR GROENE: Any other questions? Senator Erdman. [LB1069]

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SENATOR ERDMAN: Thank you, Chairman Groene. Mr. Shelburn, thank you for coming. So as you proceed on down with your career, what is your plans for your future? [LB1069]

ANDREW SHELBURN: I want to be an officer in the army, the United States Army, so I've applied for the ROTC scholarship and plan to do that. [LB1069]

SENATOR ERDMAN: Well, I tell you, not for being prepared to come and testify, you did an outstanding job. [LB1069]

ANDREW SHELBURN: Thank you. [LB1069]

SENATOR ERDMAN: Thank you. [LB1069]

SENATOR GROENE: Thank you. Any other questions? Any more proponents? Are you a proponent, sir? [LB1069]

JOHN ROSS: Yes, sir. [LB1069]

SENATOR GROENE: All right. [LB1069]

JOHN ROSS: Good afternoon, Senator Groene and fellow committee members. My name is John Ross, J-o-h-n R-o-s-s. I support the bill in its theory that we need more civic duty and Americanism. I don't think the test should be that hard to administer and report back to the state that you administered it and enough passed it with a certain grade level. I know there's a lot of contention about what's in the test, but I think that is a starting point. And then I do think you need other things to grade whether they actually understand what they passed on that test. And one thing that is big in my county is county government day, which is the 11th graders. We bring them in and we have all offices of the county present. Supervisors, treasurer, sheriff, everybody is there. The students are broke into groups from all three schools in the county and they are given a problem to solve: I want to build a new house; what are the zoning laws; where can I build it; where can I not; how do I get a marriage license, etcetera. Then the teachers from the three schools will grade...the students have to research it out and then present to the entire body what they found out and what they think is the answer to their problem. And they are graded by the teachers of their respective schools. And I don't know how you could enter this back into the reporting to the state of Nebraska that these students achieve something or do understand how county government works. But I do think that is as important as taking the test and passing it. I don't know if all counties run county government day but I think there's...it should be reinforced.

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It starts at the local level and then you can build on it to the state and national level. And that concludes my testimony. [LB1069]

SENATOR GROENE: Any...Senator Erdman. [LB1069]

SENATOR ERDMAN: Thank you, Senator Groene. Mr. Ross, did you mention, or did I miss, what county are you from? [LB1069]

JOHN ROSS: Cuming County. [LB1069]

SENATOR ERDMAN: Cuming County, okay. And in Cuming County, what is your position there? [LB1069]

JOHN ROSS: I am a county supervisor. [LB1069]

SENATOR ERDMAN: So you're involved...you know firsthand about this government day? [LB1069]

JOHN ROSS: Yes, I do. [LB1069]

SENATOR ERDMAN: And who puts that government day on? Who sponsors that? [LB1069]

JOHN ROSS: It's a combination between the schools and the veterans organizations. County government day is actually part of the veterans programs, VFW, American Legion, and so on and so forth, so then I'm there wearing two hats because I am a veteran also. [LB1069]

SENATOR ERDMAN: Well attended? [LB1069]

JOHN ROSS: Yes. Since we've went to this new format, the students love it. They just love county government day. Before when we brought in speakers, you know what, they were...half of them were asleep before they even got started. But now when we give them these problems and now go solve them, do you go to the treasurer, do you go to the assessor, do you have to go to the attorney? Some of them, one of them might be I just got a speeding ticket and I don't think I'm guilty, how do you go about appealing that? You know, if it's a bigger crime, does the county have to appoint a lawyer for you? These are the things that they learn in that county government day in our county. [LB1069]

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SENATOR ERDMAN: I appreciate those suggestions. We have a difficult time in our county getting young people to participate, so maybe that's an idea that we can use in our county as well. Thank you for that. [LB1069]

JOHN ROSS: Well, yeah. If you need information on it, get ahold of me, Senator Erdman. [LB1069]

SENATOR ERDMAN: Okay, thank you. Thank you. [LB1069]

SENATOR GROENE: So in Cuming County, the three school districts make that decision separately and is it only...I mean you can't dictate it as county commissioners. And is it the government class? I believe that in my county it's just the kids who are taking the government class. [LB1069]

JOHN ROSS: No, we're small enough in Cuming County we only have about 1,400 students and I would say, you know, 150 seniors. All of the seniors...or all of the juniors come to the county government day from all three schools. [LB1069]

SENATOR GROENE: You have a pretty large parochial school there, too, that they... [LB1069]

JOHN ROSS: Those parochial schools are included, all, so I kind of forgot about them, so there would be actually four schools with juniors. [LB1069]

SENATOR GROENE: Yes. [LB1069]

JOHN ROSS: And to get the students to work together, we don't let each school compete. We break...just at random break them into groups of six or seven, go to that table, and there's your problem, now solve it--which, do you go to the commissioners, do you go to the assessor, do you go to the treasurer--to learn about how your government works. [LB1069]

SENATOR GROENE: And you did see that, LB1069, Senator Brasch and all those that have been working on this bill added "and the structure and function of local government in this state." It is added. At least the state school board, when they do standards, can read that and maybe come up with some type of standard on local government. But it is finally in the new language for the Americanism bill. [LB1069]

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JOHN ROSS: Okay. I didn't really read the bill that close but I understand, being as I am a supervisor involved in government. I didn't learn half of this stuff when I was in high school. I wish I would have. Maybe I'd be sitting over there today. [LB1069]

SENATOR GROENE: You don't want to. You get paid more as a county commissioner. [LB1069]

JOHN ROSS: Yes, I do. (Laugh) I am very well aware of that. [LB1069]

SENATOR GROENE: Thank you. Any other... [LB1069]

JOHN ROSS: Thank you for letting me testify, appreciate it. [LB1069]

SENATOR GROENE: Well, thank you. I really respect an elected official coming and testifying in front of us. It means a lot. [LB1069]

JOHN ROSS: All right. Thank you. [LB1069]

SENATOR GROENE: Any other proponents? No more proponents? We received three correspondence in support: John (sic--Tom) Nebelsick--I think he was able to make it--from Lincoln; Max Smith from Lincoln; and Nancy Carr from Lincoln. Now we will switch to opponents. [LB1069]

JOHN BONAIUTO: Senator Groene, members of the committee, John, J-o-h-n, Bonaiuto, B-o-n-a-i-u-t-o, representing the Nebraska Association of School Boards. And I would start my testimony by saying the School Boards Association and the school board members that have asked me to testify are not opposed to Americanism but are opposed to this bill. And I had spent some time with Senator Brasch trying to make some suggestions. We could not come to an agreement on how to improve this bill, so our position is clearly opposition. And let me start by saying the current law says that school boards will name three members to be on an Americanism committee, period, and they have a host of duties in statute but does not say that they have to meet. So some boards have Americanism committees that do meet. Other times, boards do it as a committee of the whole. And again, boards operate in different ways. This is an old law but school boards are...do not have subcommittees that hold open meetings and take minutes and receive public testimony. That's what school boards are for. So if a subcommittee works on social studies standards or textbook adoptions, the subcommittee could ask for input or the subcommittee will make a recommendation to the board. That would be on an agenda, published, and at an open meeting where people could give testimony. This is all aboveboard, it's

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transparent, it's the way that school boards operate. So the sections...we would ask that the lines 4-8 be stricken from the bill and that that serves no purpose really, other than it's punitive to try to force boards to do things that they would be able to do if they needed to do without having it in law. The other piece that is real concerning to us, the school boards, is taking this 100-question immigration test and giving it the prominence that you do here in this bill. Really, you've got this 100-question test that was never designed to be part of middle school or high school curriculum. It's a nice study guide. It's something that could be used. But to have students take it and tell them they have to take it in 8th grade, 11th grade, and then have an entire reporting system, it's giving it way more prominence than it should have, especially if you name it in statute, because you would not name a social studies textbook in statute. At some point this 100-question thing is going to be revised, but you've got it in statute, and it may not be something you like, you have no control over it. So I would say leave this to the state board, leave reporting. Let the state board tell school districts and school boards what they need to do to comply with this law based on the fact that the boards will create rules and that the school boards will follow those rules. So my testimony is this bill really does not contribute to furthering civics and we would ask that you hold it in committee. With that, I'll conclude my testimony, be happy to answer any questions. [LB1069]

SENATOR GROENE: Questions? Senator Linehan. [LB1069]

SENATOR LINEHAN: Thank you, Chairman Groene. Thank you very much for being here. I'm looking at something published by the Education Commission and it lays out pretty clearly what each state does for civics and history in high school and what the state says, courses the kids should take. And this is the only state I've looked at so maybe it's wrong, but this seems to say that Nebraska is like one of only two states that doesn't have in state law that kids will take civics or world history or American history. Some of them are very detailed into what courses they'll take for civics or history. Have you looked at any other states, how they do this? [LB1069]

JOHN BONAIUTO: It is different in each state. And, Senator, I would say that in Nebraska this has been left, you know, pretty much to the local level. But I would venture to say that it's going to be pretty tough for a student to get out of high school without taking a number of courses. American history would be one, American government would be another, and I would venture to say geography. Many districts have civics that's a separate course, could be a semester course, and it just depends on how these questions are asked on these statewide surveys and how they were responded to. But there is not a state mandate for what the number of units that students have to take to graduate, and then the department, its parameters are broader, but I really believe that if you did any kind of a survey that you would find that students have to take probably at least three to five different courses that would meet that criteria. [LB1069]

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SENATOR LINEHAN: So this is what the survey says, so tell me... [LB1069]

JOHN BONAIUTO: Please. [LB1069]

SENATOR LINEHAN: ...if they're right on Nebraska: "All graduation requirements set at a local level," which you just said. [LB1069]

JOHN BONAIUTO: Right, that is correct. [LB1069]

SENATOR LINEHAN: "However, at least 80 percent of the 200 hours must be core curriculum courses as defined by the state board. 'One instructional unit equals 15 clock hours," and it goes and explains, but it doesn't say anywhere in this law here that any of it has to be history or civics or government or the state or federal government or world history. And if you compare it to almost all the other states, there's very few maybe--I counted here, quickly, three--but very few that don't require a civics course in high school. [LB1069]

JOHN BONAIUTO: That...you know, what you're saying about Nebraska, we've had discussions about math, about reading, about civics, so a lot of this comes from the state board level as far as what districts need. [LB1069]

SENATOR LINEHAN: But you would agree that kid...graduates from high school should understand civics and the constitution... [LB1069]

JOHN BONAIUTO: Absolutely. [LB1069]

SENATOR LINEHAN: ...and Nebraska government and some history. [LB1069]

JOHN BONAIUTO: Yes, yes. There's no question about that, and I believe that the standards--and now I'm going to kind of go over... [LB1069]

SENATOR LINEHAN: Well, I don't...I...I just... [LB1069]

JOHN BONAIUTO: The standards do cover that. [LB1069]

SENATOR LINEHAN: The standards do cover it... [LB1069]

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JOHN BONAIUTO: Well... [LB1069]

SENATOR LINEHAN: ...but we don't have anywhere in law. [LB1069]

JOHN BONAIUTO: No. [LB1069]

SENATOR LINEHAN: I mean it's...this is...actually I will share a copy with you. [LB1069]

JOHN BONAIUTO: Please. [LB1069]

SENATOR LINEHAN: It's kind of startling. [LB1069]

JOHN BONAIUTO: I would appreciate that and... [LB1069]

SENATOR LINEHAN: Okay, thank you. [LB1069]

JOHN BONAIUTO: But the state standards, I would just say that the state standards and then the assessment really cover those things, and so districts are going to make sure the students are exposed and are taking that course work. [LB1069]

SENATOR LINEHAN: But...okay, thank you very much. [LB1069]

JOHN BONAIUTO: Thank you. [LB1069]

SENATOR GROENE: Senator Erdman. [LB1069]

SENATOR ERDMAN: Thank you, Senator Groene. Thank you for coming today. Were you here when Mr. Shelburn testified about his experience in high school, Andrew? [LB1069]

JOHN BONAIUTO: I was. [LB1069]

SENATOR ERDMAN: Okay. And he said that it appeared that he's not getting the kind of civics education that he thought was necessary. How do you answer that kid? How do you say that? [LB1069]

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JOHN BONAIUTO: My answer is that I know for a fact that in Lincoln Public Schools students are, at the high school level, are required to take American government, American history, world history, geography, and civics, all semester courses. I don't know how you get out of those semester courses and not learn anything. I mean it's possible, I guess, but those, I know for a fact those five courses are taught in the Lincoln Public Schools. [LB1069]

SENATOR ERDMAN: There seems to be a disconnect there somewhere. [LB1069]

JOHN BONAIUTO: There could be, but it, you know, the material is there and the requirement is there. [LB1069]

SENATOR GROENE: Senator Pansing Brooks. [LB1069]

SENATOR PANSING BROOKS: Thank you. Thank you for coming today. I know for a fact that civics, geography, American history, world history, those are all taught within LPS and they are requirements to graduate from LPS. I can't speak to the other schools, but I just had three children go through LPS and the requirements are quite strict about what can and can't be done for graduation even down to the point that my...one of my kids had to take summer school for PE because they had to have some sort of physical education, as well. So there are a lot of requirements. My response to 80 percent of the courses have to come from core curriculum, that core curriculum as I understand it, at LPS at least, is math, social studies, English, and science. That... [LB1069]

JOHN BONAIUTO: Yes. [LB1069]

SENATOR PANSING BROOKS: ...constitutes core curriculum. So if 80 percent of the 200 hours is coming from that, it is quite clear that those courses are being taught and, in my opinion, that is one of the areas that LPS has excelled is in social studies and what's going on. So I didn't...I decided not to ask more questions of that young man from Lincoln Southwest because we've had a totally different experience. And I know that others at other schools in Lincoln have also had a very different experience. I, too, as you said, have questions with the 100 questions that are asked and, again, if we put these things into statute, they change with time and with history and with knowledge of history and they're too limiting. So I think that it's really important to be able to promote an understanding of our constitution, which I care about more than just about anything in our laws, and it's really important to move forward in a way that doesn't limit or precipitously question people and our history. And I would take strong umbrage to the fact that teaching about the four tribes in Nebraska is a political decision. It is clearly not a political decision. And if a teacher has that belief that teaching about those tribes is a political

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decision or something negative--that's another thing that was discussed--then we're not teaching history, we're teaching platitudes of somebody's imagination, I guess. Thank you. [LB1069]

JOHN BONAIUTO: Couldn't agree more, Senator. [LB1069]

SENATOR GROENE: Senator Kolowski. [LB1069]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. I just...I'm not sure where Andrew was coming from with Mr. Erdman's comment, and/or what he might have experienced in his AP classes, but as a high school principal--and we had over 25 AP classes, hundreds of kids taking the courses--I know how good those were for those students and for those families as far as the credit earned by those students. And they continue to be one of the leaders in the state as far as that's concerned. I hope we can see a bigger picture here. And again, we have to tie this into the larger picture of the full courses, course and courses, that students will be taking across the board in their high school requirements, in their district, and that also is very strongly linked to what we require as far as what students should be taking in preparation for college, wherever they're going, and what the State Department (of Education) does for us. [LB1069]

JOHN BONAIUTO: Absolutely. And working with the state board and looking at the standards, figuring out some way to assess a student's civic knowledge and then having that as part of the bigger picture, I think, is important. But that doesn't say that that individual...that teachers can't do this using different kinds of worksheets and what have you. But again, I am very concerned about the prominence of giving this 100-question test in statute. [LB1069]

SENATOR GROENE: Senator Erdman. [LB1069]

SENATOR ERDMAN: Thank you, Senator Groene. You know, I've been here about a year and a half and I've drawn this conclusion. Whenever somebody doesn't like a test or something or their scores aren't right, it's always because of the test, it's the test's fault. And it seems like that continues to be shared with everybody who comes who don't like the test, or we're doing that wrong and our kids aren't doing right because the test is poorly written and you're forcing these kids to take a test. There's no other way to evaluate whether someone has that information unless you test them and find out what it is. [LB1069]

JOHN BONAIUTO: I agree. [LB1069]

SENATOR ERDMAN: So we attack the test and we attack this bill and that bill instead of saying, hey, you know, we need to teach civics, we need to make sure these kids are trained. And

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I would assume that Senator Brasch brought this bill because there is an issue somewhere about this civics problem, and that would be my conclusion, and so it's peculiar to me to see how people in education would be against teaching civics. [LB1069]

JOHN BONAIUTO: Not...Senator, if I may answer? Definitely not against teaching civics. This 100-question thing, there was a group called the Joe Foss Institute that picked this up a few years ago, maybe four or five years ago, and they did a national call to action and said we want to see how many states we could get to adopt this 100-question immigration test. And a number of states did it. Nebraska was smart enough not to. But it...that's...I totally agree with you that the tests are important. This may not be the test. There may be other ways to measure. This was never written for high school and middle school students. I would hate to have us land on the fact that this is going to measure how much students know for civics in Nebraska because if this is it, I think we're going to be disappointed. [LB1069]

SENATOR GROENE: How many...1,700 school board members, did you survey them on this? How was this decision made by the school board? [LB1069]

JOHN BONAIUTO: You know--and I appreciate you asking--the school boards elect a legislation committee. The legislation committee meets after... [LB1069]

SENATOR GROENE: So the legislation committee is separate from your board? [LB1069]

JOHN BONAIUTO: It's part of the School Boards Association and these legislative committee members represent different portions of the state. [LB1069]

SENATOR GROENE: Could you get me a list of who is on that and what schools they represent? [LB1069]

JOHN BONAIUTO: I will give you a list, names, and pictures. They're in my briefcase. [LB1069]

SENATOR GROENE: Thank you. [LB1069]

JOHN BONAIUTO: And we met in January, in Lincoln, reviewing the bills. They meet after bill introduction. And so, yeah, Senator, this is not me sitting here, this is not my position. [LB1069]

SENATOR GROENE: I know you represent an organization. [LB1069]

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JOHN BONAIUTO: It's what I'm told to come and... [LB1069]

SENATOR GROENE: Did... [LB1069]

JOHN BONAIUTO: So I want... [LB1069]

SENATOR GROENE: About two years ago, my first year on the board, we passed a bill that mandated a test for every student. Do you know what test that was? [LB1069]

JOHN BONAIUTO: Refresh my memory. [LB1069]

SENATOR GROENE: The ACT test. [LB1069]

JOHN BONAIUTO: Oh, absolutely, yeah, the ACT, yes. [LB1069]

SENATOR GROENE: Did you testify against that mandatory test that might change but depending on who makes up the test? [LB1069]

JOHN BONAIUTO: We did not testify against that. You... [LB1069]

SENATOR GROENE: So that one, that test was okay. [LB1069]

JOHN BONAIUTO: Because it's designed to do what it is supposed to do. It is designed for high school students, and the state then has input and can work with ACT to make sure that it continues to be a test that the state wants to use or the state would not use it. This is not designed like that. [LB1069]

SENATOR GROENE: Where did you come up, reading this language, that this is the assessment for "civils," that is designed that this test will be the final test and assessment and standard if a student is proficient in social studies? [LB1069]

JOHN BONAIUTO: What I read here is that on page 3 it says, yes, "including at a minimum, but not limited to, the one-hundred-question civics portion of the naturalization examination..." [LB1069]

SENATOR GROENE: What is the definition of minimum? [LB1069]

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JOHN BONAIUTO: Well, what...let me continue here, "...to determine student mastery of the social studies standards...pursuant to," and then it gives the sections, "administered no..." Now we're going from the standards to "administered no later than" the 8th and 11th grade. I'm assuming that we're still administering this 100-question test if we're doing that in the 8th and 11th grade, and then the individual scores need to be reported. So although it's not the test,... [LB1069]

SENATOR GROENE: It's a very... [LB1069]

JOHN BONAIUTO: ...I don't know what we're reporting if it's not the test. [LB1069]

SENATOR GROENE: Do you see anywhere in this statute, proposed statute, where you have to pass the test... [LB1069]

JOHN BONAIUTO: No. [LB1069]

SENATOR GROENE: ...or it is part of the assessment of the school? [LB1069]

JOHN BONAIUTO: No, it's not. I'm just saying it's been...it's given a lot of prominence here. You have to give it twice, you have to do it, and then report the scores. I mean... [LB1069]

SENATOR GROENE: I guess I don't understand why any social studies teacher or history teacher would quiver about giving that test and not be proud of the results their students got. Can you tell me why they wouldn't? [LB1069]

JOHN BONAIUTO: If it were used as a study guide, used as a pretest and then students could do... [LB1069]

SENATOR GROENE: It can be used as a quiz. [LB1069]

JOHN BONAIUTO: Could be a quiz. [LB1069]

SENATOR GROENE: It is. [LB1069]

JOHN BONAIUTO: But... [LB1069]

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SENATOR GROENE: It just has to be reported to the parents at the parent-teacher conference or whenever. [LB1069]

JOHN BONAIUTO: Yes, but, you know, we don't put all of that in statute for every subject. I... [LB1069]

SENATOR GROENE: Have you seen the voter turnout, generation that follows generation, in Nebraska? Maybe we ought to,... [LB1069]

JOHN BONAIUTO: Well... [LB1069]

SENATOR GROENE: ...because that right now, to this Chairman of the Education Committee, is the test I look at is voter turnout of our youth. [LB1069]

JOHN BONAIUTO: Um-hum. You know... [LB1069]

SENATOR GROENE: And the public schools are teaching them that, the importance of voting. [LB1069]

JOHN BONAIUTO: We like students to vote and we want them to be participating in government. But again, I don't think that this bill, as it is written, is necessarily going to be good for civics and... [LB1069]

SENATOR GROENE: Do you know...you mentioned Lincoln Public Schools. [LB1069]

JOHN BONAIUTO: Yes. [LB1069]

SENATOR GROENE: You know what their strategic plan is for civics? [LB1069]

JOHN BONAIUTO: I don't. [LB1069]

SENATOR GROENE: Global citizenship, it's not American citizenship. So if sat...as your plan, global citizenship, wouldn't your textbooks be picked to reflect that? [LB1069]

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JOHN BONAIUTO: Can't answer that, Senator, I mean, but I do know that it looks to me like American history...this is Lincoln's curriculum: American government, American history, geography, civics, world history. [LB1069]

SENATOR GROENE: That can be defined in a lot of ways, can it not? [LB1069]

JOHN BONAIUTO: Well, it follows the state's standards by the State Board of Education. [LB1069]

SENATOR GROENE: And we give, this body gives direction to the state... [LB1069]

JOHN BONAIUTO: Absolutely. [LB1069]

SENATOR GROENE: ...and defines them. [LB1069]

JOHN BONAIUTO: Um-hum. [LB1069]

SENATOR GROENE: This isn't the university. [LB1069]

JOHN BONAIUTO: No. [LB1069]

SENATOR GROENE: This has a statute, a constitutional right to free instruction, and if you read the statutes and the constitution, this body can give direction. [LB1069]

JOHN BONAIUTO: Without question, and I think that having this law and allowing the state board to then take it from there is... [LB1069]

SENATOR GROENE: State board didn't object. [LB1069]

JOHN BONAIUTO: Well... [LB1069]

SENATOR GROENE: Your group of nine, or whatever, did. [LB1069]

JOHN BONAIUTO: Well, or 23 or...it's a bigger group than a group of nine. But I listened to the state board's testimony. They support the bill but they were hedging a little bit on the part that dealt with... [LB1069]

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SENATOR GROENE: On the reporting part, not the test itself. [LB1069]

JOHN BONAIUTO: Well, yeah, they weren't all that...this testing stuff was a little bit concerning, so that...and it's concerning to us. [LB1069]

SENATOR GROENE: Thank you, sir. [LB1069]

JOHN BONAIUTO: You bet. [LB1069]

SENATOR GROENE: Senator Erdman. [LB1069]

SENATOR ERDMAN: Thank you, Chairman Groene. John, while you're there, turn to page 3, line 28. [LB1069]

JOHN BONAIUTO: Um-hum. [LB1069]

SENATOR ERDMAN: At the end of that line 28, explain what those four words mean at the very end. [LB1069]

JOHN BONAIUTO: It says, "at a minimum, but not limited to..." [LB1069]

SENATOR ERDMAN: So what does that mean? [LB1069]

JOHN BONAIUTO: Well, I don't know, because--now I'm going back here--we're testing something. If we're not using this, then what are we using as the test to report to parents? I'm just trying to make... [LB1069]

SENATOR ERDMAN: You said that the test was required and this says "not limited to." Isn't that what it says? It says the assessment, "including at a minimum, but not limited to, the one-hundred-question civics portion..." [LB1069]

JOHN BONAIUTO: Right, and... [LB1069]

SENATOR ERDMAN: That means you can test them on other things. You can come up with your own test, right? Isn't that what that means? [LB1069]

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JOHN BONAIUTO: Well, maybe it does. And then do that in grades 8 and 11 and report that and not...you know, we could use that and...I'm just trying to figure out where this fits and what we're reporting. I mean it's in law, so we want to follow law. [LB1069]

SENATOR ERDMAN: I'm trying to figure out what you're doing, too, so we're both on the same page. [LB1069]

JOHN BONAIUTO: Yeah, I...Senator, I agree, and it's... [LB1069]

SENATOR ERDMAN: This is crazy. [LB1069]

JOHN BONAIUTO: It's really not as clear, but I'm assuming it has to be something that we can measure and then report twice. [LB1069]

SENATOR GROENE: Senator Linehan. [LB1069]

SENATOR LINEHAN: Thank you, Mr. Chairman. I just want to clarify something, Mr. Bonaiuto. You...I think maybe the question was confusing. When Chairman Groene asked you about whether you supported the ACT test, if you go back early on, back in 2007, 2008, whenever we implemented statewide testing, your association was against it, right? [LB1069]

JOHN BONAIUTO: I'd have to go...I...Senator, I'd...I don't know that that is accurate. [LB1069]

SENATOR LINEHAN: Okay, well,... [LB1069]

JOHN BONAIUTO: I would go back and look. [LB1069]

SENATOR LINEHAN: ...I would appreciate it if you'd go back and look. My...I think I recall, but I could be wrong, but it would be interesting. [LB1069]

JOHN BONAIUTO: We have historically tried to align ourselves with the state board and what the state board is doing. We may... [LB1069]

SENATOR LINEHAN: Well, the state board was against it at the time. [LB1069]

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JOHN BONAIUTO: Then very likely we could have been in that position. We've also been against some of the assessment. We had discussions where the state was trying to do some different things with assessment, and so... [LB1069]

SENATOR LINEHAN: It's just not one of your favorite things. [LB1069]

JOHN BONAIUTO: Well, (laugh)... [LB1069]

SENATOR LINEHAN: Right? Thank you. [LB1069]

SENATOR GROENE: Any other questions? Thank you, sir. [LB1069]

JOHN BONAIUTO: Thank you. [LB1069]

SENATOR GROENE: Next opponent. [LB1069]

JAY SEARS: (Exhibit 5) I'm hoping you gave all the tough questions to John. Good afternoon, Senator Groene and members of the Education Committee. For the record, I'm Jay Sears, J-a-y S-e-a-r-s, representing the 28,000 educator members of the Nebraska State Education Association. I'm here to express NSEA's opposition to LB1069. Take a breath. Our opposition is limited to two specific issues in the bill. On page 3, beginning with line 4 through line 5, NSEA recommends that--in the bold type that's on your testimony, I'll just quote those lines--"Hold no fewer than three public meetings annually, at least one where public testimony is accepted," we believe you should delete that. At a time when government regulations for private enterprise are being cut, abandoned, and discarded, seems that mandating a minimum number of meetings for local school board committees is an extreme overreach, a state imposition of an unneeded regulation on a locally elected and volunteer governmental board. The second area of our opposition is also on page 3, beginning with line 28 and concluding on page 4 with line 1 through line 5, and I'll quote those statements, "including at a minimum, but not limited to, the one-hundred-question civics portion of the naturalization examination administered by the United States Citizenship and Immigration Services," and I should double bold the next few words, "to determine student mastery of the social studies standards adopted pursuant to Section 79-760.01 administered no later than eighth grade and eleventh grade," with the individual score from the examination for each student reported to the parents or guardians of such student and the aggregate scores for each school district reported annually to the department. The NSEA recommends the above statement be deleted from this bill. The naturalization exam is not a reliable and valid test to measure high-stakes decisions about students' civic knowledge. If we want students to become civically engaged and knowledgeable, schools must provide well-

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developed curriculum that engages students in learning and does not hinge on a culminating test. Students will memorize the 100 questions and answers, take the test, and ignore the learning and engaging piece of instruction. LB1069 does improve the Americanism statute in all other aspects. NSEA can support LB1069 with the deletions that I have presented in bold above. Please amend LB1069 to move it to General File. Thank you for the opportunity to testify. [LB1069]

SENATOR GROENE: Senator Erdman. [LB1069]

SENATOR ERDMAN: Thank you, Senator Groene. Thank you for coming. [LB1069]

JAY SEARS: Sure. [LB1069]

SENATOR ERDMAN: So I would assume you were here when Ms. Worthington (sic) testified about her school in Elm Creek? [LB1069]

JAY SEARS: Yes. [LB1069]

SENATOR ERDMAN: Okay. It would be difficult, and I would like you to explain it to her, that taking this test at her school has been detrimental to that school and it's something that can't determine whether they've learned about civics and government. [LB1069]

JAY SEARS: Yeah. [LB1069]

SENATOR ERDMAN: That would be a difficult thing for you to do. [LB1069]

JAY SEARS: Well, and I wouldn't try to do that because their local school board has decided that the test is important. But what I heard her talk about was much of the same things that I taught when I was in Seward 34 years ago in civics and government and American history. You engage students in something that's interesting to them. I was excited to hear the gentleman also talk about county government day. When I taught in Seward 34 years ago, we went to county government day. In fact, I think one of Senator Groene's administrative aides was in my government class. You can ask Tim how much he learned about civics and education from there. But, no, I would not argue with the young lady because I think she's really enjoying what they developed and they were civically engaged in their local school district and that's what the school board decided they wanted to do. [LB1069]

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SENATOR ERDMAN: I would assume, if you listen to what she said, it's been a very good thing for their school at Elm Creek... [LB1069]

JAY SEARS: Yes. [LB1069]

SENATOR ERDMAN: ...and it worked there. [LB1069]

JAY SEARS: Yeah. [LB1069]

SENATOR ERDMAN: But getting back to your deletion on line 5,... [LB1069]

JAY SEARS: Yes. [LB1069]

SENATOR ERDMAN: ...on page 28, lines 4 through 5, including at the minimum, "but not limited to," okay,... [LB1069]

JAY SEARS: Yep. [LB1069]

SENATOR ERDMAN: ...so the school can do whatever they want to try to understand where those students have learned or are capable of doing what that civic test would prevent them or provide them to do. I don't understand why you're so worried about having to take this test when, in fact, they can do whatever they want to test those students just to make sure they know the information. "Not limited to" is what it says. [LB1069]

JAY SEARS: I understand, and I'm pretty good in English also, and the commas that are in there. I think I also in my testimony said in the line below that says that that test specifically enumerated in there determines the student mastery of the social studies standards adopted in 79...so that test would measure all of the student standards that are in your statute and also in the social studies standards. That's why it's confusing. I think that's why John was also advocating for...we aren't quite sure what that statement means. We understand minimum and in this state minimum usually means maximum. [LB1069]

SENATOR ERDMAN: So what test would you recommend? [LB1069]

JAY SEARS: I don't have specific tests. As a social studies teacher, I'd do all kinds of different projects. I like what Elm Creek is doing in the process of getting kids engaged. And it isn't always the culminating test in which students learn. My concern, and our concern, is when you

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hold up a test that's not reliable and valid for the purpose that you're using it, it's not a good test to use. [LB1069]

SENATOR ERDMAN: Generally what happens here is people come and testify and they say, we don't like your idea at all but we don't have one either, and that's basically what happens. Elm Creek... [LB1069]

JAY SEARS: Well, my idea is delete the confusing pieces in the statement. [LB1069]

SENATOR ERDMAN: But Elm Creek is doing it and it's working. [LB1069]

JAY SEARS: That's great, and their school board decided and they're elected officers of their community. [LB1069]

SENATOR ERDMAN: Be a crazy thing to figure out what they're doing and copy that, wouldn't it? [LB1069]

JAY SEARS: I don't know. [LB1069]

SENATOR ERDMAN: Yeah. [LB1069]

JAY SEARS: It might be. But I don't see their specific language in this statute either. [LB1069]

SENATOR ERDMAN: You think Elm Creek is going to oppose this if we pass this? What do you think Elm Creek... [LB1069]

JAY SEARS: I doubt they will. [LB1069]

SENATOR ERDMAN: Okay. [LB1069]

JAY SEARS: But they've had the opportunity as a local board to determine that. [LB1069]

SENATOR GROENE: Senator Morfeld. [LB1069]

SENATOR MORFELD: Thank you for coming today. [LB1069]

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JAY SEARS: Yes. [LB1069]

SENATOR MORFELD: You were a social studies teacher though? [LB1069]

JAY SEARS: I was a social studies teacher. [LB1069]

SENATOR MORFELD: Great. So what were some of the things that you did to get young people engaged in their community and their democracy? What are some of the different things other than a citizenship test? [LB1069]

JAY SEARS: Okay, well, one I... [LB1069]

SENATOR MORFELD: And then give us like... [LB1069]

JAY SEARS: Yeah. [LB1069]

SENATOR MORFELD: ...one-minute rundown, not the... [LB1069]

JAY SEARS: A one-minute rundown of what I did? [LB1069]

SENATOR MORFELD: Yeah, not the 20-minute rundown. [LB1069]

JAY SEARS: I'll pull out what I did in American government,... [LB1069]

SENATOR MORFELD: Yeah. [LB1069]

JAY SEARS: ...because at that time when I was teaching American government, we were involved in the Vietnam Conflict, and so there were all kinds of things going on that you could use on an everyday piece to draw students in to talk about and have discussions about our nation and its founding and the constitution and why and what government was doing and what the Pentagon was doing and what the media was doing at that time. So I enjoyed teaching social studies, American government, in particular, at that time because kids were engaged. They were going to leave high school and have to go through a lottery and a draft to go over to Vietnam and fight. [LB1069]

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SENATOR MORFELD: So you'd pick current event topics that would impact their lives.
[LB1069]

JAY SEARS: I did a lot in government about current-event topics because it got kids excited. They didn't get too excited about the people that wore gray wigs and founded our country, but when you could tie them together, they got it. [LB1069]

SENATOR MORFELD: Um-hum. And so I guess what I'm hearing is that, you know, in I think it's Elm Creek and some other places, there's some interactive and engaging ways of getting young people involved, more than just taking a 100-question test created by a federal bureaucrat... [LB1069]

JAY SEARS: Yes, Senator, and I can pass that test. [LB1069]

SENATOR MORFELD: ...1,000 or 2,000 miles away. I don't even know how far away D.C. is, but... [LB1069]

JAY SEARS: (Inaudible.) [LB1069]

SENATOR MORFELD: Okay. [LB1069]

JAY SEARS: Yeah. [LB1069]

SENATOR MORFELD: I guess I just, you know, I like the idea that different school boards can come up with different types of exams and tests and ways of doing things that fit their community. [LB1069]

JAY SEARS: Yes. [LB1069]

SENATOR MORFELD: And I appreciate your testimony and, quite frankly, I'm...well, what Elm Creek might be very happy with this, the way that they're doing it, I'm glad that Lincoln Public Schools can do it their own way. Thank you, sir. [LB1069]

JAY SEARS: Yes. Thank you. [LB1069]

SENATOR GROENE: Senator Linehan. [LB1069]

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SENATOR LINEHAN: Thank you, Mr. Chairman. Thank you for being here. [LB1069]

JAY SEARS: Sure. [LB1069]

SENATOR LINEHAN: Since this is written testimony, I'm just going to... [LB1069]

JAY SEARS: Yeah, sure. [LB1069]

SENATOR LINEHAN: ...bring it to your attention, because I know people do this in a hurry, so... [LB1069]

JAY SEARS: Sure. What did I do wrong? [LB1069]

SENATOR LINEHAN: Well, I don't know. I'm just...it says toward the end here of the paragraph...would be one, two, third paragraph, the...let's go to the last two sentences. [LB1069]

JAY SEARS: Sure. [LB1069]

SENATOR LINEHAN: "If we want students to become civically engaged and knowledgeable, schools must provide well-developed curriculum that engages students in learning and that does not hinge" on a "cumulating" (sic) test. [LB1069]

JAY SEARS: "A culminating test," yeah. [LB1069]

SENATOR LINEHAN: Okay. So I agree 100 percent. [LB1069]

JAY SEARS: Sure. [LB1069]

SENATOR LINEHAN: And I think the following...preceding couple senators said the same thing, want people to be engaged. What I don't understand is the next line. [LB1069]

JAY SEARS: Um-hum. [LB1069]

SENATOR LINEHAN: Are you suggesting that if students had to memorize 100 facts, that, therefore, they would ignore the rest of it? [LB1069]

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JAY SEARS: Here's my experience sitting at this table, then also up in Seward teaching, is if you set a minimum standard for whether it's graduation or a standard or a test that you have to take, some students will learn to the test. [LB1069]

SENATOR LINEHAN: But we've been... [LB1069]

JAY SEARS: Some people will even teach to the test, and that's my fear is when you put in statute the test that you're talking about here, students will focus on I passed the test that the Legislature pointed out for me to take. [LB1069]

SENATOR LINEHAN: Okay. [LB1069]

JAY SEARS: And that's what I don't want, as a social studies teacher, to happen. [LB1069]

SENATOR LINEHAN: I think they've tried to make it clear that it's not a minimum. [LB1069]

JAY SEARS: I know. But if you read... [LB1069]

SENATOR LINEHAN: And...and... [LB1069]

JAY SEARS: ...the whole sentence piece in there, I'm confused. [LB1069]

SENATOR LINEHAN: And I think...I find it disturbing that the NSEA would say this, "Students will memorize the one hundred questions and answers" and "take the test and ignore the learning and engaging piece of instruction." That's a...it doesn't say some students. It says students will. I just think it's a sentence you might want to rethink. [LB1069]

JAY SEARS: Thank you very much. [LB1069]

SENATOR LINEHAN: Thank you. [LB1069]

JAY SEARS: I'll put that in red and correct that for you. [LB1069]

SENATOR LINEHAN: Thanks. [LB1069]

JAY SEARS: Didn't mean to make the statement as all students. Yes, Senator. [LB1069]

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SENATOR GROENE: In teaching, do you not have to know facts? [LB1069]

JAY SEARS: It helps. [LB1069]

SENATOR GROENE: In math you have to know multiplication tables. [LB1069]

JAY SEARS: It helps to know the content that you're teaching, yes. [LB1069]

SENATOR GROENE: You have to have memorization as a base to what you learn later.
[LB1069]

JAY SEARS: I would...you need to understand the content and the context to be able to do any critical thinking, yes. [LB1069]

SENATOR GROENE: So if I ask the question of a young person, President Obama served two terms? Meaningless unless he knows it's four years. That's a fact. That's a memorization.
[LB1069]

JAY SEARS: And the outcome? Where are we going? [LB1069]

SENATOR GROENE: Now the conversation goes from there. The country was governed by Senator...by President Obama for eight years. Without knowing the fact it was four years for a term, which is a rote memorization, that student can't get in the debate what happened in history for eight years of our history, can they? [LB1069]

JAY SEARS: Well, if...I'm not sure what your question is. [LB1069]

SENATOR GROENE: You have to know some basic facts... [LB1069]

JAY SEARS: Correct, and if I... [LB1069]

SENATOR GROENE: ...to determine any curriculum. [LB1069]

JAY SEARS: Yeah. And if I as a... [LB1069]

SENATOR GROENE: Any discussion on any topic, you have to know some special... [LB1069]

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JAY SEARS: Right. And if I as a teacher just put that piece out there without any context and getting students to understand that a term of office for a President is four years unless other things happen... [LB1069]

SENATOR GROENE: So when they take the naturalization test they'll have the answer for that, wouldn't they? [LB1069]

JAY SEARS: Oh, that test doesn't measure that piece. [LB1069]

SENATOR GROENE: Yes, it does. It has how many years is a President's term? [LB1069]

JAY SEARS: And in fact, I...if I...I know it's in there, but it's not a fact that you would learn just because you took the test. A test does not teach. A test assesses whether or not you know a fact. In my social studies classes... [LB1069]

SENATOR GROENE: It assesses that that teacher... [LB1069]

JAY SEARS: ...we didn't necessarily assess all of the facts because teaching the dates and facts of history is really boring... [LB1069]

SENATOR GROENE: I enjoyed it. [LB1069]

JAY SEARS: ...until you link it to the concepts and what's going on in the world. [LB1069]

SENATOR GROENE: Question for you. [LB1069]

JAY SEARS: Sure. [LB1069]

SENATOR GROENE: If it read, "but not limited...including at a minimum, but not limited to, the one-hundred-question civics portion of the naturalization examination administered by the United States Citizenship and Immigration Services, no later than the eighth grade and eleventh grade," would that be okay with you? [LB1069]

JAY SEARS: That's much better. [LB1069]

SENATOR GROENE: Because now... [LB1069]

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JAY SEARS: It's much better. [LB1069]

SENATOR GROENE: It can be misconstrued, I agree with you, no matter what the state department does on 79-760.01... [LB1069]

JAY SEARS: Okay. As... [LB1069]

SENATOR GROENE: ...which standards that is the ultimate measure. [LB1069]

JAY SEARS: With my training and master's degree in ed psych and measurement, I still have a problem with that test measuring much of anything other than memorizing dates and events. [LB1069]

SENATOR GROENE: I disagree with my commonsense ed... [LB1069]

JAY SEARS: That's fine. [LB1069]

SENATOR GROENE: ...but agree in common sense. [LB1069]

JAY SEARS: Yeah, yeah. You and I wouldn't have had a very good relationship in my government class... [LB1069]

SENATOR GROENE: My government (inaudible). [LB1069]

JAY SEARS: ...because you'd have known all the dates and times and everything but you wouldn't have known about government. [LB1069]

SENATOR GROENE: My government teacher used to make me stand up and explain things to the class. [LB1069]

JAY SEARS: Well, good. [LB1069]

SENATOR GROENE: He was a good...he was a draft dodger, but he still liked me,... [LB1069]

JAY SEARS: Uh-huh. [LB1069]

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SENATOR GROENE: ...while my brother was in Vietnam. So thank you. [LB1069]

JAY SEARS: Thank you. I served 28 years in the Army National Guard. [LB1069]

SENATOR GROENE: I know. I didn't say you didn't. I appreciate that. [LB1069]

JAY SEARS: And I don't appreciate the "draft dodger" terminology. [LB1069]

SENATOR GROENE: Some deserve it. [LB1069]

JAY SEARS: In fact, I think in...it might be one of our constitutional rights to protest. [LB1069]

SENATOR GROENE: To do that? Free speech is mine. [LB1069]

JAY SEARS: That's correct, sir. [LB1069]

SENATOR GROENE: Thank you, sir. Next opponent. [LB1069]

JULIA SCHLECK: My name is Julia Schleck. I'm an associate professor in the Department of English at the University of Nebraska-Lincoln. However, I am not here to speak on behalf of the university or the department. I say this only because I am a Shakespeare professor and there's been considerable anxiety about our existence publicly expressed by a number of senators of late, so I'm here to personally reassure the committee the reports of our death have been greatly exaggerated. In fact, I'm teaching a Shakespeare class right now and I'm also part of the medieval and renaissance studies program which offers a lot of programming for students, faculty, and the general public. In fact, we'll holding our biannual fund-raiser For the Love of Books this Thursday at 5:30 at Love Library. So if you're concerned about us and wish to support our work, I'd invite you to join us and adopt one of the beautiful renaissance books at our library. But I'm here today to testify against LB1069. My question for the committee today is fairly straightforward. Was there a study demonstrating that Nebraska students leave our schools incompetent, irresponsible, uncivil, and insufficiently patriotic? As a teacher who regularly receives the products of Nebraska schooling by the hundreds into her classroom, I see no evidence of this. Indeed, I think most of my students would probably find that suggestion to be pretty offensive. So I ask again, was there a study demonstrating such serious shortfalls in these areas that we need to establish an elaborate regular reporting structure? Do we need more committee meetings? Was there even a poll that indicated that the majority of Nebraskans feel this is a pressing issue in our schools? Because I suspect, if you polled all the parents and teachers in the schools, most would not identify insufficient time dedicated to the singing of

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patriotic songs in elementary school to be one of the biggest challenges facing our students and teachers right now. The ones I talk to speak of a desperate shortage of school psychologists and guidance counselors, the lack of support for early childhood education, high-stakes testing pressure, and inequalities across schools, so that the children of the wealthy are given more opportunities than children from families that are struggling. I think this bill is responding to a sense of social crisis that's shared by people on all sides of the political spectrum. We're witnessing extraordinary levels of divisiveness and what can often feel like the complete unraveling of all that we'd ever valued in our communities. There are a lot of different ideas out there about how to address this. But given the history of this bill in McCarthy-era red-scare tactics, reviving it here will not move us in the direction of healing but sow further division. In the absence of a formal, nonpartisan study on whether we need this, the school board to the proper body to identify our most pressing educational priorities, and given their opposition, I would urge this committee to table the bill or at least to adopt the amendments that were just provided by my colleague in the NSEA, or risk creating further division while wasting the legislators' time and our taxpayer dollars on a proposal not supported by any actual evidence of either need or efficacy. Thank you. [LB1069]

SENATOR GROENE: Any questions? You do understand that the Americanism law now exists in our statutes? [LB1069]

JULIA SCHLECK: I do, and that this is revising parts of it, and actually I appreciated some of the revisions in there. [LB1069]

SENATOR GROENE: And also that we...it's not a law...against the law anymore, a misdemeanor to not profess a teacher, that's a good part of the bill, isn't it,... [LB1069]

JULIA SCHLECK: Yes, indeed. [LB1069]

SENATOR GROENE: ...to take that out of it? Thank you. [LB1069]

JULIA SCHLECK: I presume that would be accomplished, actually, by simply kind of repealing the bill and, instead, kind of making one that would provide statewide civics and history training, which also seems to me be an excellent thing. You know, if we are lacking that, as one of the only states that have that, would it not be better to approach it in that direction rather... [LB1069]

SENATOR GROENE: Isn't that what this is? [LB1069]

JULIA SCHLECK: Well, it's building on a prior bill. [LB1069]

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SENATOR GROENE: It's defining statewide history and civics standards or expectations. [LB1069]

JULIA SCHLECK: Well, it's building on a bill that's already there and that's problematic in a number of senses, in a way that some of our previous testifiers have pointed out. [LB1069]

SENATOR GROENE: Individual opinions from people in the industry, in the education industry. [LB1069]

JULIA SCHLECK: Aren't these all individual opinions from people in various industries? [LB1069]

SENATOR GROENE: Yes, they are, so individuals opinions, yes, thank you. [LB1069]

JULIA SCHLECK: Thank you. [LB1069]

SENATOR GROENE: Any other pro...opponents? Come up, miss. [LB1069]

JUDY KING: I didn't plan on being here today and found out about it at the last minute when I was over in the hearing next-door, so I just scribbled some notes together to talk about. And my name is Judy King... [LB1069]

SENATOR GROENE: Yeah, name and spell it. [LB1069]

JUDY KING: J-u-d-y K-i-n-g. To me, this bill will seek to update a 1949 "Red Scare" statute for the agenda of the current single party in political control of the state. Now schools will not only be required to teach Americanism but they will also need to push supply-side economics and will replace the ideals of liberty and democracy with civility and responsibility. I also came from the Vietnam era and a lot of my friends were going off to war. My brother and my spouse both fought in the war, and so I'm kind of on the activist side of civics. And I have a problem with someone pushing their patriotism on me because we've been to several meetings together, several events, and you handle your civics in one way and I handle my civics in another. Anyway, we handle our civics differently, along with Sasse. I talked to Senator Sasse, and he also handles his civics differently than I handle my civics. I kind of feel like if you want to test the kids in their civics, then you'll need to...you all will need to be tested for your history of the U.S., your climate science information that you have, your black history, because I've had conversations with some of you that didn't quite understand black history, and it would help you to write more intelligent bills on civics. Some of our kids, some of our children said that they have the right to

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learn without someone like the single party shoving their ideas on their...shoving their idea of patriotism down their throats, and I believe that compulsory patriotism is like tyranny. After the last presidential election, though, I would have to agree that people should be more involved in politics, civics and politics. And that's all I have to say. Thank you. [LB1069]

SENATOR GROENE: I have a question, just a question. Appreciate you coming in all the time. I do. You understand, when I was in high school, we were all worried about my brother over in southeast Asia and I was given a lecture about how bad the war was. [LB1069]

JUDY KING: Yeah. [LB1069]

SENATOR GROENE: But anyway, as a 17-year-old, I didn't take that kindly, but I got along great and I learned a lot from that individual. But anyway, you understand that a lot of this came from a work group with the Department of Education, of social study teachers that they've put together, and it was not by some radical right-winger, that most of the language here that's in this bill came out of Senator Krist's bill which was written in cooperation with a work group of teachers? And Senator Krist was on it, government officials, and private individuals. That's where most of this language came from. I just wanted to clarify that. [LB1069]

JUDY KING: Can I ask you a question? When did we start having a problem with this, with civics, with children and civics? [LB1069]

SENATOR GROENE: For me personally? [LB1069]

JUDY KING: I guess anywhere. [LB1069]

SENATOR GROENE: When I looked at...for me personally, when I look at voter turnout, that's the test I look right now for civics and the value of being an American citizen. [LB1069]

JUDY KING: And the Pledge of Allegiance, that...is that... [LB1069]

SENATOR GROENE: This bill came prior to that and it's all...it's being updated through cooperation with this body and this Department of Education, because of the new standards that are expected in 2020...or 2019. That's where the emphasis of this bill came from that it needed to be updated for guidance to the Department of Education, had nothing to do with Donald Trump. [LB1069]

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JUDY KING: It kind of feels like it. [LB1069]

SENATOR GROENE: Otherwise, be factual. [LB1069]

JUDY KING: I was serious... [LB1069]

SENATOR GROENE: Thank you. [LB1069]

JUDY KING: ...that a lot of the bills that I'm testifying on seem like they're coming straight from Trump, so... [LB1069]

SENATOR GROENE: Thank you. [LB1069]

JUDY KING: ...I have a problem with that. [LB1069]

SENATOR GROENE: Thanks for doing it. [LB1069]

JUDY KING: Thank you. [LB1069]

SENATOR GROENE: Next opponent. No more opponents? Opposition: ACLU, Stand for Schools, and Rob McEntarffer, ESU 18, Lincoln Public Schools. Any neutral testimony? Do you wish to close, Senator Brasch? [LB1069]

SENATOR BRASCH: First I'd like to thank everyone that came forward to testify today, the proponents and the opponents both. That is what this process is for. And I do want to thank the members of this committee. I will be brief in closing because we have been here awhile. But I did want to address some of the questions and comments. And I think this bill is important to be introduced, especially when we have a fellow educator that has come forward in saying that...the comment was made, and we'll have the transcript, about history not being as important or special because it was talking about the guys wearing gray wigs. Those were our founding fathers wearing our gray wigs. They are the first generation removed from leaving Great Britain and becoming independent, becoming America, what we are. And the purpose of this bill basically is we are more and more generations away from those gentlemen wearing the gray wigs. Current events are important. I don't take away from them at all. But our being here today as a free nation has purpose and has meaning, as does this bill. And thank you, Senator Chambers...Chairman Groene, for saying that this word is not by my pen alone, but it is the collaboration of many social studies, many great educators, many organizations coming forward. And to take, I guess,

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take away by saying that we don't want to be accountable for having at least three meetings, we don't want to take the time, that's regulatory to take minutes and notes at a meeting--heaven forbid--we can't or won't or don't, that's their prerogative. But from everyone, all of the individuals, the stakeholders who put this bill together, that was a consensus and that will be up to this committee to determine the importance and validation. And, yes, we are seeing lower and lower voter turnout. We are seeing less and less people wanting to run for a public office or to be on jury duty or to perform their responsibilities as a citizen. You know, I...that's the purpose. It's not to turn minds and turn heads but to have our youth understand the greatness and the magnitude of why we're here today and the great gift of a republic, of a democracy we've been given. It is a treasure and I know that firsthand and I don't want to keep reiterating stories that not just my parents shared with me from birth to the day they died of how great America is and why they were here and what they did not have in a socialist country, what they could not have. They could not have an education unless you were chosen to have an education. You could not have a short-wave radio in your dorm room or they'd shoot you, like they did my uncle. We have something wonderful and Americanism is part of preserving something wonderful. Being fearful of a test, of being tested, that's ridiculous. I'm sorry. Improving the test, that's what we do with Americanism. We could improve that test. We have more than four Native American Indian tribes in America that aren't on that. That test can be improved, but please look through this bill. "Not limited to" is stated multiple times. We can do better than that test, and we can and we shall, or we may, whatever language we decide to put through. We are giving a responsibility and leverage to the Department of Education, who testified positive on this bill. But we are on a short time frame because they will be making their standards here within months, I believe. And that's why it's important. And again, naturalization test, it doesn't limit school curriculum. It establishes that baseline for teachers to use in the classroom. And the test is only one of many that I imagine students will take, all to show learning. It's all about the learning and there's no reason that that cannot be measured but instilled in our students. You can't...and I believe it was said before, you know, the sense and depth and breadth of patriotism for a country can be learned by students if we teach it. How much depth and breadth they will take with them when they walk away out of that classroom will be shown and measured at the voting polls in the quality of leaders that we elect moving forward, in the strength and fabric of our country, for us to protect not only our shores but to protect the information on the World Wide Web that comes at us. I did say I'd keep this short. This is to be a tool for our country moving forward, and I ask for your support. And if you have any questions, then I'm happy to try to answer them. [LB1069]

SENATOR GROENE: Senator Pansing Brooks. [LB1069]

SENATOR PANSING BROOKS: Thank you again for bringing it forward. I would bristle a lot less if that...if this weren't the test. I feel that this test is quite Euro-centric and male-centric and there is so much more than this test that can be, that needs to be taught. Senator Linehan and I went across the state to look at education and reading and we learned a lot about what's going on

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out there. And I think that we probably should do a similar tour now to look at what is happening in social studies, because I think we'd be blown away by how much more. The things that my children brought home are far beyond anything that that test even attempts to address. So I don't know where. Maybe some kids aren't learning it or are choosing not to assimilate it. I don't know what it is. But there is no question that major school districts across this state are teaching it, and they should. I agree with you. Our country is strong and proud and sets ideals that really have never been equaled until recently and I'm very concerned about people understanding our constitution. I'm very concerned about people in our Legislature understanding our constitution and the right to counsel for children and all of those issues that are actual constitutional rights that people are not understanding. So I'm with you. I want our citizens, our adults, our children, everyone to understand the importance of our constitution. Is this test the way? No way! It's not broad enough. It's not deep enough. It's not...doesn't even begin to give us what we would expect. And that's what I would hope that more of that is being done. I think we need to go see what are the standards being required by the Department of Ed right now among their core curriculum, of which 80 percent has to...of the 200 hours has to be out of those four curricula. We've got to figure out what are...what is happening in this state. I'd rather go way farther than that. That is not sufficient, that test. That's what I'm saying. I totally believe in teaching people our history and that we cannot progress well without that background and knowledge. But this test? I think it's a pathetic, limiting test, and I do believe that there are people that would teach to that test and say, oh, well, if our kids know that we can go on with whatever else it is that we have to do. That's my fear. That's my worry. So I'm not...I'm really not against you on this. I do not care for that test at all. Thank you, Senator Brash (phonetically), for bringing it. It's a great discussion. [LB1069]

SENATOR BRASCH: Okay. Thank you. [LB1069]

SENATOR GROENE: Senator Brasch. [LB1069]

SENATOR BRASCH: Yes. [LB1069]

SENATOR PANSING BROOKS: Brasch, sorry. Did I say it wrong again? My dearest friend is Brash (phonetic), just... [LB1069]

SENATOR BRASCH: We can be friends too. [LB1069]

SENATOR GROENE: Similar to assessments,... [LB1069]

SENATOR PANSING BROOKS: Good. [LB1069]

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SENATOR GROENE: ...we're giving direction here to the state board also about their standards,... [LB1069]

SENATOR BRASCH: Yes. [LB1069]

SENATOR GROENE: ..."including at a minimum..." [LB1069]

SENATOR BRASCH: At a minimum. [LB1069]

SENATOR GROENE: Do...a little clarification. I looked it up. We looked it up. "To determine student mastery of the social studies standards adopted pursuant to section," it's not your language. That came out of LB14. That was Senator Krist's bill that was written by a core group of educators, input from the State Board of Education. You really never meant for that to be the defining test if a student is proficient in civics, do you? [LB1069]

SENATOR BRASCH: No. [LB1069]

SENATOR GROENE: So would you work with the committee to massage that language? [LB1069]

SENATOR BRASCH: Yes. [LB1069]

SENATOR GROENE: I think the Department of Education also had a concern that that test would define their standards, because it sort of does when it says, "adopted pursuant to section 79..." So after Department of Education sets standards with 79-760.01,... [LB1069]

SENATOR BRASCH: I will work with the committee. [LB1069]

SENATOR GROENE: ...you never define...you never... [LB1069]

SENATOR BRASCH: No. [LB1069]

SENATOR GROENE: ...you never intended for the test to be the defining test to see if they've mastered the standards that the Department of Education...is that true? [LB1069]

SENATOR BRASCH: That is correct. As I said,... [LB1069]

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SENATOR GROENE: Yeah, and that language was just... [LB1069]

SENATOR BRASCH: ...many collaborated on this. [LB1069]

SENATOR GROENE: ...cut and pasted from LB14 because that's what the educators had in there and that's what Department of Ed and that work group had in there, is that not correct? [LB1069]

SENATOR BRASCH: Exactly. I did rely on a group of educators. [LB1069]

SENATOR GROENE: So you'll work with the committee to massage that language. [LB1069]

SENATOR BRASCH: Yes. [LB1069]

SENATOR GROENE: And that may take Senator Pansing Brooks's...she has a legitimate concern if this...I agree with you once. But I do not agree with you a right is a right unless you have the ability not to exercise it, then it becomes a mandate. Anyway, thank you. [LB1069]

SENATOR BRASCH: Thank you. [LB1069]

SENATOR GROENE: That's an inside joke. Any other questions? [LB1069]

SENATOR PANSING BROOKS: I never said that, for the record. [LB1069]

SENATOR BRASCH: Thank you very much. [LB1069]

SENATOR GROENE: We're going to take a five-minute break. [LB1069]

BREAK

SENATOR GROENE: We will start now on LB1070. Senator Brewer, start anytime you feel you're ready. [LB1070]

SENATOR BREWER: (Exhibit 1) Thank you, Chairman Groene. And good afternoon, fellow Senators of the Education Committee. I am Senator Tom Brewer. For the record, that is T-o-m B-r-e-w-e-r. And I am representing the 44th...43rd Legislative District in western Nebraska. I am

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here to introduce LB1070. This is a very simple bill. Right now, the law requires small schools with fewer than 25 students in grades 9 through 12 to have an biannual election every two years. The question that must be put on the ballot is whether or not the voters in the school districts want the school to remain open or to close and consolidate. My bill... the bill changes this requirement. If the voters approve the question of keeping the schools open, then instead of the biannual ballot question the question will be left up to the school board. After four years have passed and enrollment of the school hasn't reached an average of 35 students in grades 9 through 12, then the question must go back onto the ballot. I like the bill because it makes life easier for small schools and even the county commissioners. The idea was brought to me by one of these small schools in my district. Subject to your questions, that concludes my testimony. Thank you. [LB1070]

SENATOR GROENE: Senator Erdman. [LB1070]

SENATOR ERDMAN: Thank you, Senator Brewer. Thank you, Senator Groene. Senator, do you know how many schools in your district this would affect besides the one that brought it to you? [LB1070]

SENATOR BREWER: Five. [LB1070]

SENATOR ERDMAN: Five? I think... I think this would affect two in my district. And they're both in a situation where they...just nearly impossible to consolidate, 60 miles from anybody else. [LB1070]

SENATOR BREWER: That is now...that is the issue. There are schools that need to consolidate. I mean, financially it's putting them in a situation where the cost per student is astronomical. But, it becomes the physical challenge of over 2.5 hours one way... [LB1070]

SENATOR ERDMAN: Right. [LB1070]

SENATOR BREWER: ...for a trip to the school. So, that's the constant challenge we have. [LB1070]

SENATOR ERDMAN: So those...those elections that they had, was that a special election or did they have that when they had another vote like... [LB1070]

SENATOR BREWER: It would be in that two-year cycle. [LB1070]

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SENATOR ERDMAN: But I mean when they voted before, was it during the primary election? How did they vote on that? It wasn't a special election, was it? [LB1070]

SENATOR BREWER: No, it would have been in the...there's a two-year cycle. [LB1070]

SENATOR ERDMAN: Right, thank you for bringing this. [LB1070]

SENATOR BREWER: Any other questions? [LB1070]

SENATOR GROENE: Senator Kolowski. [LB1070]

SENATOR BREWER: Yes, sir. [LB1070]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. Senator Brewer, thank you. And sounds like you're really on-target to try to do something about helping the schools. And what role could or should technology play, working on distance learning to combine some of the things that we talked about 2.5 hours just to get to schools, you're not going to do that daily. That's just absurd to even think about trying to do that. But you could do some things with technology that hasn't been done in our state, perhaps, but it's been done in other states. Thoughts on that? [LB1070]

SENATOR BREWER: Well, I think that's a great point. Our challenge comes, many of the areas we're talking about are so remote that having the ability to do some of those areas that are in the new technologies is a challenge. You know, if we had fiber optic lines that would allow the speed and even reach some of the areas that we're talking about, that would be huge. But unfortunately, it's kind of part of the other part that we're trying to work through now. But, no, I think if that could be made available, it's a great idea. [LB1070]

SENATOR KOLOWSKI: Borrow satellites? Could they drop down... [LB1070]

SENATOR BREWER: It could. [LB1070]

SENATOR KOLOWSKI: ...easier than putting static lines in the ground or on poles? [LB1070]

SENATOR BREWER: I know that in some of the remote places that would probably be the logical way to go simply because of the cost to move it to some of the remote ranches. [LB1070]

SENATOR KOLOWSKI: Appreciate it, thank you; just ideas. [LB1070]

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SENATOR GROENE: This...this is the bill that we just changed two years...legislation we just changed two years ago, I believe. Right before they were forced to...just, they were forced to and then Senator Davis, I believe your predecessor, in the same instance gave them the ability to have the vote. I mean, Senator, we improved the situation two years ago. [LB1070]

SENATOR BREWER: I'm not sure how many years ago you were here. [LB1070]

SENATOR GROENE: My first year, I think. [LB1070]

SENATOR BREWER: Okay. [LB1070]

SENATOR GROENE: Or second year. I used to have to sit over there. But anyway, so what you're wanting to do is every four years? [LB1070]

SENATOR BREWER: Correct. [LB1070]

SENATOR GROENE: And then the people, if the situation gets to the point... [LB1070]

SENATOR BREWER: Yeah, just so it doesn't have to be that constant cycle of it having to be an issue for both the county to put on as far as the election process and... [LB1070]

SENATOR GROENE: Well, it's hard for the community to make improvements at the school or higher. I don't know if I'd take a job there if the next year you could be gone. But anyway, so you're just going every four years? [LB1070]

SENATOR BREWER: Correct. [LB1070]

SENATOR GROENE: But reality sets in after awhile and sometimes you just got a chemistry teacher for one person. So that that it still gives it that option. Now the one, Taylor, that's...is that Loup County? [LB1070]

SENATOR BREWER: Taylor is Loup County. [LB1070]

SENATOR GROENE: But they're not that far from other...two other towns, are they? [LB1070]

SENATOR BREWER: No, they wouldn't...well, the closest... [LB1070]

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SENATOR GROENE: I mean, they could consolidate... [LB1070]

SENATOR BREWER: ...because you have that whole sequence of towns along there, you know, your Thedford, your Dunning, you got Taylor, and then north of there you have Brewster. So you kind of have a network on the pretty small towns that don't have very much right in there. [LB1070]

SENATOR GROENE: So it's a long-distance radius between all of them? Thank you. [LB1070]

SENATOR BREWER: You bet. [LB1070]

SENATOR GROENE: Senator Linehan. [LB1070]

SENATOR LINEHAN: Thank you, Chairman Groene. There's nothing...thank you, Senator Brewer for bringing this. There's nothing that would preclude them if they decided that it was time to consolidate or if, some miracle, they had access to online schools that they could help...this just says they don't have to do every four years... [LB1070]

SENATOR BREWER: They don't have to do it. [LB1070]

SENATOR LINEHAN: ...they could. [LB1070]

SENATOR BREWER: They could, sure. [LB1070]

SENATOR LINEHAN: Okay. [LB1070]

SENATOR BREWER: And if the numbers became so low then they wouldn't have choice, I wouldn't think. [LB1070]

SENATOR LINEHAN: Okay. So it...okay. Thank you. For clarification. [LB1070]

SENATOR GROENE: Thank you. Proponents. [LB1070]

BRIAN HALSTEAD: Good afternoon. For the record, my name is Brian, B-r-i-a-n, last name is Halstead, H-a-l-s-t-e-a-d, here on behalf of the Department of Education and the state board to support LB1070. Senator Groene, I'm glad you remember that two years ago this very committee

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actually created the current process that allowed Loup County, which is the only school district currently in the very situation this statute applies to. They are located within 15 miles of another high school, which is the key. We have a lot of school districts that have small numbers, but there is no other school district within 15 miles of those high schools; Banner County, there are going to be several others, Wheeler Central, but there's no other school district within 15 miles of that school. So this provision doesn't apply to them. In this case, what you did two years ago was you said they had to have an election, which they did last November, November of 2017, they can tell you the vote count, but it was more than a landslide. It was almost nobody voted against it, I believe. But the way the statute is currently written, they're required to have another election this November, and then the following November if the voters say yes, every year. And what this bill proposes now is since they've had that initial election, the local school board has the authority every year to decide whether they want an election or not. And if they don't get back to 35 students in the high school, four years they would have to have another election. It would relieve this annual cycle of the voters voting every year on the issue and the department and the state board are supportive of that. We've been working very hard to help Loup County provide a quality education to the kids they have. They're doing great work today. So, I'll stop there and see if you have any questions. [LB1070]

SENATOR GROENE: Senator Kolowski. [LB1070]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. Brian, the repetition of the voting on a four-year cycle, do you wait four years to have the second vote? [LB1070]

BRIAN HALSTEAD: What the statute...what this bill proposes is now every year that school board is going to decide whether they feel there's a need for another election or not. Those locally... [LB1070]

SENATOR KOLOWSKI: Or consolidation or whatever else. [LB1070]

BRIAN HALSTEAD: That's a separate subject. They could decide themselves today that they want to reorganize and merge with a neighboring school district. That's a whole separate... [LB1070]

SENATOR KOLOWSKI: It doesn't exclude them from... [LB1070]

BRIAN HALSTEAD: No, it does not. [LB1070]

SENATOR KOLOWSKI: ...from making that decision anytime they wanted? [LB1070]

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BRIAN HALSTEAD: It does not. That's up to them, though, to make that decision. [LB1070]

SENATOR KOLOWSKI: Thank you. Making sure. [LB1070]

SENATOR GROENE: Senator Erdman. [LB1070]

SENATOR ERDMAN: Thank you for coming. Thank you, Senator Groene. So, do you know the numbers in Arthur and Harrington? Do you know what those numbers are? [LB1070]

BRIAN HALSTEAD: The enrollment numbers? [LB1070]

SENATOR ERDMAN: In high school. [LB1070]

BRIAN HALSTEAD: No...right off the...we would know them at the department... [LB1070]

SENATOR ERDMAN: Yeah. [LB1070]

BRIAN HALSTEAD: Yes. [LB1070]

SENATOR ERDMAN: So, in Banner County, they have quite a few kids of choice in there. [LB1070]

BRIAN HALSTEAD: Right. [LB1070]

SENATOR ERDMAN: So, when they...when you talk about numbers in the high school, would those choice kids get counted? Are they counted? [LB1070]

BRIAN HALSTEAD: Yes. [LB1070]

BRIAN HALSTEAD: According to the statute, if the child is optioning into the school district... [LB1070]

SENATOR ERDMAN: Right, right. [LB1070]

BRIAN HALSTEAD: ...you can count them. You can't continue to count a child who's optioned out, though. [LB1070]

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SENATOR ERDMAN: Okay. [LB1070]

BRIAN HALSTEAD: So in that regard, if you have students optioning in you may count that student for purposes of the 25 in 9 through 12. [LB1070]

SENATOR ERDMAN: Okay, because I think Banner County draws a few kids out of Gering. [LB1070]

BRIAN HALSTEAD: Right, but Banner County doesn't have to worry about the statute because they're more than 15 miles from any other school district. That's why Arthur County, McPherson County... [LB1070]

SENATOR ERDMAN: Yeah. [LB1070]

BRIAN HALSTEAD: ...Mullen, Hyannis; there's not another school within 15 miles so they don't have to... [LB1070]

SENATOR ERDMAN: Yeah. [LB1070]

BRIAN HALSTEAD: ...deal...they're exempted from the...what the Legislature's written. [LB1070]

SENATOR ERDMAN: Arthur is 30 and Harrison is probably 50, 60. [LB1070]

BRIAN HALSTEAD: You drive those roads... [LB1070]

SENATOR ERDMAN: Yeah. [LB1070]

BRIAN HALSTEAD: ...more often than I do but it's a good distance, Senator, yes. [LB1070]

SENATOR GROENE: Senator Linehan. [LB1070]

SENATOR LINEHAN: Thank you, Chairman Groene. Is this Loup County the priority school, that we're talking about? [LB1070]

BRIAN HALSTEAD: Yes. [LB1070]

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SENATOR LINEHAN: Okay. Okay, thank you. [LB1070]

SENATOR GROENE: It's...are you done, Senator Linehan? [LB1070]

SENATOR LINEHAN: Yeah. [LB1070]

SENATOR GROENE: It's one of the three schools that need improvement? [LB1070]

BRIAN HALSTEAD: According to the current accountability system, there are over 80 schools... [LB1070]

SENATOR GROENE: Yes. [LB1070]

BRIAN HALSTEAD: ...that fall in the needs improvement classification. But Loup County is one of the three priority schools selected by the state board. [LB1070]

SENATOR GROENE: This bill we passed might have been called...might as well have been called the Loup County School District bill, right? I mean, there's nobody else that plays...rolls into that? [LB1070]

BRIAN HALSTEAD: The way the statute is written, it's possible there could be others in the future. So it's not a closed class... [LB1070]

SENATOR GROENE: Yes. [LB1070]

BRIAN HALSTEAD: ...but the situation Senator Davis brought you a couple years ago, this is the only current school district in Nebraska who's impacted by this very provision. [LB1070]

SENATOR GROENE: And the other school districts, like Banner County, aren't affected; they could get down to two students and still have a school? [LB1070]

BRIAN HALSTEAD: That's a possibility, sure. [LB1070]

SENATOR GROENE: Without being forced. And Loup County...none of those counties cost the state taxpayers anything by staying open because they're not equalized and the locals, when they vote, at least in Loup County, I believe, they're the ones willing to pay for it. [LB1070]

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BRIAN HALSTEAD: I think you're going to have some officials from Loup County. They can speak to how they're financing it. But I'm not aware they get any equalization aid. [LB1070]

SENATOR GROENE: Senator Kolowski brought up the point, but earlier, but, I keep hearing about the University of Nebraska's virtual school or school...they have a high school. Has the Department of Education used that as the focus when schools are looking for AP classes or looking for help with a chemistry teacher? [LB1070]

BRIAN HALSTEAD: There are a lot of resources. The university's on-line high school is an available resource. The only caveat is the university doesn't provide that free of charge. There's a cost for students to enroll and take the on-line high school course. [LB1070]

SENATOR GROENE: Is the requirement that a school district has a chemistry teacher hired, or can they...or can they say, no, we're going to use the Nebraska...University of Nebraska on-line high school... [LB1070]

BRIAN HALSTEAD: They... [LB1070]

SENATOR GROENE: ...as our chemistry department? [LB1070]

BRIAN HALSTEAD: They could use that curriculum for their students for chemistry if they chose to do that. I'm sure Loup County, if they're coming up next, can explain how they're addressing the delivery of the instruction at the high school grades and all of that. [LB1070]

SENATOR GROENE: Rule 10, or whatever rule, does not dictate that you have to have certain...certain areas of study, instructors on your staff then? [LB1070]

BRIAN HALSTEAD: There is requirements in Rule 10 about the instruction and the courses that should be offered. And there is a provision that you may use asynchronous courses to count toward your minimum number of hours. I believe it's 200 of the 400 credit...credit hours can be used using asynchronous video, internet, whatever... [LB1070]

SENATOR GROENE: I mean, we're getting off track here a little bit, but could a school exist and not have one certified staff and every classroom has a big screen TV and...and...in high school and the kids go in there and they might have an aide for discipline reasons and then the instruction is done by the on-line class? [LB1070]

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BRIAN HALSTEAD: For all of the courses? No, that isn't currently permitted, both under the statutes and Rule 10. You may offer up to 200 by asynchronous, the other 200 you actually have teachers and classes and classrooms... [LB1070]

SENATOR GROENE: What do you mean by 200? [LB1070]

BRIAN HALSTEAD: Hours... [LB1070]

SENATOR GROENE: Hours of instruction? [LB1070]

BRIAN HALSTEAD: ...of the...of the 400, yes. [LB1070]

SENATOR GROENE: Of a student's...of each student's 400 hours? All right. [LB1070]

BRIAN HALSTEAD: The district in that regard may count up to 200 hours of instruction they're offering to students using asynchronous learning in order to meet the minimum accreditation requirements. [LB1070]

SENATOR GROENE: In a subject matter? [LB1070]

BRIAN HALSTEAD: In the...in the high school area, in that regard. So we're talking bigger level, not to students in that regard. And this...this is a totally different...if you want to get into Rule 10... [LB1070]

SENATOR GROENE: No, I'm sorry... [LB1070]

BRIAN HALSTEAD: ...and accreditation and Rule 10... [LB1070]

SENATOR GROENE: ...I'm sorry, I'm stretching the hearing too long. [LB1070]

BRIAN HALSTEAD: Sure, I didn't bring that with me, but. [LB1070]

SENATOR GROENE: Someday we'd like to sit down with you. [LB1070]

BRIAN HALSTEAD: Sure. [LB1070]

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SENATOR GROENE: Senator Linehan. [LB1070]

SENATOR LINEHAN: Thank you, Chairman Groene. I've been looking for an opportunity to shout this out all day. Justin Timberlake graduated from the University of Nebraska High School. (Laughter) [LB1070]

BRIAN HALSTEAD: Absolutely. [LB1070]

SENATOR LINEHAN: Since he's very famous...or more people know him today than anything... [LB1070]

BRIAN HALSTEAD: There's a lot of students who've graduated from the online high school, absolutely. [LB1070]

SENATOR LINEHAN: So my understanding from visiting the online high school, and this is what I'm...I don't quite follow what you're saying, and very good questions from Chairman Groene. I can go to the University of Nebraska Online High School all four years and they're accredited. I get a...I would have a diploma from them and I could attend the University of Nebraska. [LB1070]

BRIAN HALSTEAD: As an individual student and your parents could pay the university the tuition cost, yes, absolutely. [LB1070]

SENATOR LINEHAN: And since we brought up the cost, it's, like, \$200 a course, which is extremely reasonable, I mean, compared...seems reasonable to me. So are you saying you couldn't, as a high school...there's only a minimum number courses the kids could take online? [LB1070]

BRIAN HALSTEAD: If you want to be an accredited school district... [LB1070]

SENATOR LINEHAN: Okay. [LB1070]

BRIAN HALSTEAD: You may count, I believe, it's 200 of the 400 hours required for accreditation purposes using asynchronous learning. [LB1070]

SENATOR LINEHAN: So they could get half their classes through... [LB1070]

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BRIAN HALSTEAD: Half their classes they could, but they would still be required as a school district in Nebraska to have courses there at the school district offering that. [LB1070]

SENATOR LINEHAN: But since they could have half their classes, they could have all the science classes? [LB1070]

BRIAN HALSTEAD: It's up to the school district if they're utilizing... [LB1070]

SENATOR LINEHAN: But where it's harder to get... [LB1070]

BRIAN HALSTEAD: Right. [LB1070]

SENATOR LINEHAN: ...because there's fewer harder-to-get instructors, excuse me, teachers: science, math, foreign language. But they'd still have to have the building and they'd have teachers in the building, maybe, that would do English and history? Okay. [LB1070]

BRIAN HALSTEAD: That's one of the flexible things we've had in Rule 10 for a number of years, dealing with rural Nebraska and a lot of other areas as to the availability and the ability to offer the courses, yes. [LB1070]

SENATOR LINEHAN: Okay. Thank you, very much. [LB1070]

BRIAN HALSTEAD: Sure. [LB1070]

SENATOR GROENE: Any other questions? Thank you for that information. [LB1070]

BRIAN HALSTEAD: Sure. [LB1070]

SENATOR GROENE: Any other proponents? [LB1070]

SARAH SORTUM: Good afternoon, my name is Sarah Sortum, S-a-r-a-h S-o-r-t-u-m. I'm here representing the Board of Education of Loup County Public Schools in support of LB1070. Loup County is located in the eastern Sandhills region. Our school district is a countywide district, encompassing over 570 square miles. We have one school located in Taylor, the only town in our county. Unfortunately, of the 10 sparsely populated counties that run from the eastern Sandhills out to the Panhandle, our county is the only one in which our sole town is located in the corner of the county. Therefore, because of the 15-mile provision found in Nebraska Statute 79-499, our

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district has been singled out under this special vote requirement even though we still serve children 30 miles to the north, 30 miles to the west. Although our board questions the soundness of this 15-mile provision in a county our size with only one school, in compliance with this statute our district did complete a special vote this past November to determine if our district should remain open. The outcome of the vote was a resounding yes. We still have very strong voter turnout and the yes votes took the poll by 94.5 percent. However, according to the current statute, a special vote will need to take place every year to determine if the district will operate for the subsequent year. Our citizens have voiced their overwhelming support of our school district. Having to repeat this vote on an annual basis undermines the clear message they have expressed at the polls. It also creates uncertainty for our school. Being forced to operate from year to year creates apprehension for our existing staff and hampers future staff recruitment while threatening the confidence of our students and their families. It also makes it very difficult to make progressive long-range plans, such as capital improvements or academic investments. Also, an annual vote is an unnecessary added cost. This past special vote cost our district in excess of \$2,300. They...may not seem like a large amount, however, this amount would cover our school's electricity cost for a month or it could pay our internet provider fee for a year. As a board, we have been able to keep our tax levy lower than any surrounding school district and we are financially secure. To spend our taxpayer's money on a redundant vote instead of using those funds for the direct benefit of our students is inefficient and counterproductive. I have served on the school board for three years now and I can tell you that whenever our board is faced with a decision or an issue, our first and most important question we ask ourselves is what is best for our students. And that's why we're here today, respectfully asking your support on LB1070. Thank you, very much. [LB1070]

SENATOR GROENE: Questions? Senator Erdman. [LB1070]

SENATOR ERDMAN: Thank you, Senator Groene. Thank you for coming. It's great when elected officials come and talk to us. What's your levy...do you know what your mill levy is on your school? [LB1070]

SARAH SORTUM: Fifty-two...52 cents. [LB1070]

SENATOR ERDMAN: Fifty-two. And how many students do you have? [LB1070]

SARAH SORTUM: Pre-K through 12, we have just over 60. [LB1070]

SENATOR ERDMAN: Sixty total? [LB1070]

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SARAH SORTUM: ...we had...yes. [LB1070]

SENATOR ERDMAN: So in the high school you have...20, 23? [LB1070]

SARAH SORTUM: Twenty-one, twenty-two. [LB1070]

SENATOR ERDMAN: Is that steady? [LB1070]

SARAH SORTUM: It's pretty steady. And looking at our projected numbers, we're just staying right in that range, you know, between 21 and 24. We are very excited, we have started a preschool program that has been very, very well received by our community. But we have to wait a lot of years to count those kids. We've had great support with that. And we have also been working with the village. We've...we had a family move in to some housing that became available. But again, usually it's young families that move with young kids, not high school kids. So even though we have some new kids in elementary, we can't count them for a long time. [LB1070]

SENATOR ERDMAN: Do you have any option students? [LB1070]

SARAH SORTUM: Yes, we do. A few, not a lot, but we do have a few. [LB1070]

SENATOR ERDMAN: So some of the 21 or 22 might be an option student? [LB1070]

SARAH SORTUM: The ones I'm thinking of are actually in elementary. [LB1070]

SENATOR ERDMAN: Okay. [LB1070]

SARAH SORTUM: Um-hum. [LB1070]

SENATOR ERDMAN: Thank you for coming. [LB1070]

SARAH SORTUM: Um-hum. [LB1070]

SENATOR GROENE: Any questions? Senator Kolowski. [LB1070]

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SENATOR KOLOWSKI: Thank you, Mr. Chairman. Thank you for coming. I just had a question on your election. [LB1070]

SARAH SORTUM: Um-hum. [LB1070]

SENATOR KOLOWSKI: Was that a typical come vote here kind of election, or have you ever used a mail...a postcard mail-out ballot way of doing things? [LB1070]

SARAH SORTUM: We ran it like a typical election, so absentee votes were acceptable as well as early votes... [LB1070]

SENATOR KOLOWSKI: Sure. [LB1070]

SARAH SORTUM: ...were acceptable. And, I mean...and quite honestly, we wanted to make sure that our patrons were very educated on what they were voting for. It can be kind of a confusing topic if you're not, you know, dealing with it... [LB1070]

SENATOR KOLOWSKI: So you handed out materials? [LB1070]

SARAH SORTUM: ...and so we did try and send out a lot of information to our patrons ahead of time just so they understood what are they really voting for. And probably the most misunderstood topic was according to the statute now, if the vote would fail we don't consolidate, we dissolve. It's dissolution. Consolidation is not even an option for us at that point. And I just believe, as a board member, that all those options should be on the table for us so we can make the right decision at the right time for our kids because every district is different. And so that's one of the things that has really made us nervous is we feel like this takes away some of our options that maybe we need to exercise in the future. But at this point, we feel very proud of our school district and we are very well supported by our community. And we're financially secure. So we feel very proud of our school and we certainly think that our county needs to remain with our school. [LB1070]

SENATOR KOLOWSKI: And this bill has all those items missing, so you don't have to worry about those. [LB1070]

SARAH SORTUM: Yeah, yes. [LB1070]

SENATOR KOLOWSKI: Perfect. [LB1070]

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SENATOR GROENE: Senator Linehan. [LB1070]

SENATOR LINEHAN: Thank you, Chairman Groene. Is Taylor the county seat? [LB1070]

SARAH SORTUM: Yes, ma'am. [LB1070]

SENATOR LINEHAN: So there's a courthouse there... [LB1070]

SARAH SORTUM: Yes. [LB1070]

SENATOR LINEHAN: ...and you have all that? Do you...earlier we discussed the availability of doing online things. Do you use... [LB1070]

SARAH SORTUM: Absolutely, in fact, we were one of the first schools in the state to implement the technology to use courses. And our...we have...right now I know that our foreign language is through technology. We share a teacher with another district. And I can...my children are currently in elementary, but they...when they come home they use technology because that's what they're using in the classroom. So they jump on the technology at home as a continuation of that. So, we have technology. We're not backwoods. [LB1070]

SENATOR LINEHAN: Well, I was concerned...I wondered because...in this, you know, we hear that schools aren't connected and then others say the schools are all connected. So is your...is your service decent, or is it slow, is it frustrating? [LB1070]

SARAH SORTUM: I guess I have not, as a board member, I have not heard any complaints about trouble... [LB1070]

SENATOR LINEHAN: Okay. [LB1070]

SARAH SORTUM: ...as far as the, you know...technically, I really couldn't say is it super fast or, you know, I don't know. But I am not aware of any problems. I know it gets utilized on a daily basis. [LB1070]

SENATOR LINEHAN: Okay. [LB1070]

SARAH SORTUM: Yeah. [LB1070]

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SENATOR LINEHAN: Thank you, very much, for being here. [LB1070]

SARAH SORTUM: Sure. [LB1070]

SENATOR LINEHAN: It's a long ways. [LB1070]

SENATOR GROENE: The closest town to you is Burwell, or? [LB1070]

SARAH SORTUM: The closest town would probably be Sargent, actually. There... [LB1070]

SENATOR GROENE: How far is that? [LB1070]

SARAH SORTUM: It's nine long miles. [LB1070]

SENATOR GROENE: Nine miles? And then Burwell, isn't that far away... [LB1070]

SARAH SORTUM: It's about 13. [LB1070]

SENATOR GROENE: Thirteen? [LB1070]

SARAH SORTUM: Yeah. [LB1070]

SENATOR GROENE: So it's not the town...how many of your students live in Taylor? [LB1070]

SARAH SORTUM: In the town itself? [LB1070]

SENATOR GROENE: Yeah. Just a guess. [LB1070]

SARAH SORTUM: Golly, I...maybe Mr. Ruppert, our superintendent's following me, maybe he can give you a better number. I really couldn't say. [LB1070]

SENATOR GROENE: That's fine. [LB1070]

SARAH SORTUM: There...we have...we have bus service. [LB1070]

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SENATOR GROENE: So students on the western edge, do some of them go over to Brewster, or somewhere else? Do you have option enrollment? Do you lose students or gain students? [LB1070]

SARAH SORTUM: There are some option out students. I'm trying to think of specific examples and I... [LB1070]

SENATOR GROENE: That's fine. [LB1070]

SARAH SORTUM: ...I don't think... I'm not sure if they're going to Brewster or not. [LB1070]

SENATOR GROENE: But the families...the families are probably optioning out because they are closer on the other end of the county to another... [LB1070]

SARAH SORTUM: There are a few that are closer to Burwell that have just always optioned out. It's kind of just, you know. Since I was in school (inaudible) in that direction... [LB1070]

SENATOR GROENE: So this is more about the community pride about having a school than as far as access to another school and the distance? [LB1070]

SARAH SORTUM: Well, distance definitely factors in because our town is at the lower end of our county and so all the northwest...the northwest, the northeast, there's nothing up there... [LB1070]

SENATOR GROENE: There's nothing north of you. [LB1070]

SARAH SORTUM: ...we have a one-way school route right now that's over 30 miles. That's not counting going in to pick up other kids. That is from point A to point B to go get a kindergartener is 31 miles. So if you add another 10 miles, that's over 40 miles that this kindergartener is having to ride one way to school... [LB1070]

SENATOR GROENE: Right now. [LB1070]

SARAH SORTUM: ...that's a long ways. Yeah. [LB1070]

SENATOR GROENE: And if the school didn't exist, I'm just playing the facts here. [LB1070]

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SARAH SORTUM: Sure. [LB1070]

SENATOR GROENE: And if the school didn't exist, that kindergartener, how far would they have to bus ride to the next-closest school? Probably about the same amount? [LB1070]

SARAH SORTUM: Yeah, it'd be over 40 miles. [LB1070]

SENATOR GROENE: So really, there's no difference. [LB1070]

SARAH SORTUM: Yeah. [LB1070]

SENATOR GROENE: But you understand why...why dissolution is better...dissolving the district is better if it has to be done than merger because then every landowner has an opportunity then to take his land to the school district he wishes. If you merge, he's forced. He might be 40 miles away and he'd be forced to go to Burwell. So there is a rationale behind that. [LB1070]

SARAH SORTUM: Sure. [LB1070]

SENATOR GROENE: But you guys are willing to pay whatever you want because you don't get any state aid, so it's your decision. And I don't see any... [LB1070]

SARAH SORTUM: Right, and I respect that. You know, and that's one thing that, quite honestly, I was...through this past election we got to talk to our patrons a lot, our taxpayers. And they are very, very happy with where our mill levy is and where our level of education is. They're very happy with... [LB1070]

SENATOR GROENE: They're just not happy with their valuations which allows you to have a very low levy. [LB1070]

SARAH SORTUM: Well, depends who you talk to. [LB1070]

SENATOR GROENE: If you're living in town and your house didn't go up, if you're a rancher it did... [LB1070]

SARAH SORTUM: I mean, I can only speak, you know, from my family, we ranch. We have a lot of taxes. But I was...my family has always had the...if you're going to pay taxes, we would much rather pay taxes that we know are staying right here. What better thing to pay taxes for

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than our kids' education? That's kind of our mantra in our little community is, no one likes to pay taxes but if you have to pay taxes we for sure like to be able to see those taxes and have local control. [LB1070]

SENATOR GROENE: Right. [LB1070]

SARAH SORTUM: And the other thing about it is in these rural areas, if we lose our school, we lose 30 jobs. And that does play into it. Our school is the biggest employer in the county. So if we lose our school, it's also going to deflate our economy. [LB1070]

SENATOR GROENE: I understand. When these consolidation rules came into play, I believe it was partially because of the cost of state aid. But none of you small schools get any state aid anymore, so wherever your kids going, you're willing to pay the property taxes; there's nobody, a state senator can say you guys shouldn't be spending \$30,000 a student. It's your choice, it's not state aid. That correct? [LB1070]

SARAH SORTUM: Yes. [LB1070]

SENATOR GROENE: Thank you. Any other questions? [LB1070]

SARAH SORTUM: Thank you for your time. [LB1070]

WAYNE RUPPERT: Good afternoon, Senator Groene, other members of the Education Committee. My name is Wayne, W-a-y-n-e, Ruppert, R-u-p-p-e-r-t. This is my 47th year in public education, working with schools. It has been my pleasure for the last 22 years to serve Loup County School District as an administrator. The first 25 years of my career were split between two districts, one a Class A district, the other Class B. It is my opinion that these larger districts pale in comparison to Loup County in the total educational environment they offer their students, from a well-prepared and dedicated teaching staff to the community that supports and embraces every student. During my time at Loup County, we have enjoyed graduation rates well over 95 percent. They've been doctors, lawyers, graduates at West Point Military Academy, and on down the line, as well as local ranchers and workers and laborers. This is a great school system. Last November, the Loup County district was required by LB79-499 (sic--statute 79-499) to hold a special election to determine if the district could continue to operate as an independent school district serving pre-K through 12th grade students. As Sarah stated, the election result was 94.5 percent of the votes cast for a yes. The turnout of the election was better than 65 percent. Local control has spoken, the people in the district have spoken. They overwhelmingly support the district and its continuation. The issue before you today is that

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according to the present language LB79499 (sic--statute 79-499), there has to be an election every year as long as the number of students is below an arbitrary number picked of 25 students in grades 9 to 12 as well as the arbitrary number of 15 miles to the nearest school district. I feel that this requirement, the annual election to see if the school will operate as an independent school district, is an unnecessary burden on the district and its patrons both financially and emotionally. The teaching staff of Loup County School District are dedicated and loyal, and the turnover rate has been very, very small. But from time to time you do need to replace staff. This annual election could have a negative influence on the replacement process. As an administrator, hiring the best staff available when openings occur is my highest priority. In closing, I request that you consider supporting LB1070. Although I do not believe it to be the best solution, it certainly is a step in the right direction in allowing small, rural school districts to remain in control of their schools. Thank you. [LB1070]

SENATOR GROENE: Thank you. No questions. Any other proponents? Oh, Senator you going to ask a question, then? [LB1070]

SENATOR ERDMAN: Thank you, Senator Groene. Thank you for coming. So how many votes did you have in your election? [LB1070]

WAYNE RUPPERT: We had 311 for, 18 opposed. [LB1070]

SENATOR ERDMAN: Three hundred eleven? [LB1070]

WAYNE RUPPERT: Three hundred eleven in favor of the school continuing to operate, 18 against. [LB1070]

SENATOR ERDMAN: So in your testimony, you said this is not the best solution. What is the best solution? [LB1070]

WAYNE RUPPERT: I believe total self-control...local control of districts. I mean, I guess if you can tell me where in your educational standards that 15 miles to the nearest school makes you a better school district than another one, I guess I'd be willing to listen to that and look at that. Or if when you get to 25 students instead of 24 students or 27 students that that's a better education. Then I...then again, I could come up with a better idea. But I guess I fail to see that, where those arbitrary numbers came from, educationally and...so if it was just based off just finance, we already stated, or Sarah stated, financially that is not the case of this school district. [LB1070]

SENATOR ERDMAN: Okay. Thank you. [LB1070]

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WAYNE RUPPERT: The school district itself, if we talk about consolidation and so forth, long, when they're still title...when they were still Class I school districts in the 1960s, the people in this district had the foresight to do away with those and they brought them all into one school because there were Class I around...scattered throughout that district, that 570 square miles. When they saw or had the foresight to bring them into one school, it just happened to be that was in the corner of the district, as it turns out. Distance education, I would address that. Again, we were a member of the Sandhills pod, as they called it at that time. It was the first one in the whole state of Nebraska to introduce distance learning. And we still do that. We still have available, that. We have high-speed internet, we do have fiber optics coming in, with a 100 ping rate. So...and we do use that for both our foreign language, we also do it for also expanding curriculum to those students that wish to do more than what is offered. Yes, sir? [LB1070]

SENATOR GROENE: Extracurricular activities, are you co-oping? [LB1070]

WAYNE RUPPERT: We are co-oping. We co-op extracurriculars, we co-op all our athletics. [LB1070]

SENATOR GROENE: With who? [LB1070]

WAYNE RUPPERT: With Sargent, plus with music. We share a music teacher...we shared a music teacher, so we put the programs together. And again, that allows for more... [LB1070]

SENATOR GROENE: Now, the point was, somebody said you're a school in needs, is it because you have a low...do you have a few students bringing you down, or what? Why are you rated a school with needs? [LB1070]

WAYNE RUPPERT: Well, I guess that's a philosophy thing. But if it's all based on percentage... [LB1070]

SENATOR GROENE: Yes. [LB1070]

WAYNE RUPPERT: ...and your sample size is small; one student, one student if you have a class of, let's say, four students. Okay, you have one student who has a bad day, or maybe has some other options, you bring it down to 75 percent and that's below the line that you want for the state's... [LB1070]

SENATOR GROENE: Small sample size? [LB1070]

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WAYNE RUPPERT: Correct, small sample size and percentages never go together. Percentages only (inaudible) of, you know, what percentage you're taking it of, so. [LB1070]

SENATOR GROENE: Well, I wanted you to have an opportunity to clarify... [LB1070]

WAYNE RUPPERT: No, I appreciate that. Yes, yes, small sample sizes. [LB1070]

SENATOR GROENE: Thank you. Any other questions? Thank you, sir. Any other testifiers, proponents? [LB1070]

JAY SEARS: (Exhibit 2) Good afternoon, Chairman Groene and members of the Education Committee. For the record, I'm still Jay Sears, J-a-y S-e-a-r-s, and I still represent the 28,000 educators of the Nebraska State Education Association. And we're here to express our full support for LB1070. The testifiers before me did a much better job than I could ever do testifying in front of you. So that concludes my testimony. Thank you, very much, for a great afternoon. [LB1070]

SENATOR GROENE: Thank you, Jay. No questions? Thank you. [LB1070]

JAY SEARS: Thank you. [LB1070]

SENATOR GROENE: Any other proponents? [LB1070]

JON HABBEN: Afternoon, Senator Groene, members of the committee. My name is Jon, J-o-n, Habben, H-a-b-b-e-n, Nebraska Rural Community Schools Association. Probably no surprise that we would be here in support of this bill. There are, over time, potentially a number of schools districts that may fall into this circumstance. I believe there are 11 school districts that represent nearly entire counties themselves. So, when you look at this, you're looking at more than simply Loup County, although Loup County is in the circumstance today. Very simply, we support this. We believe it creates opportunity for the parents and patrons and students of Loup County to do things in an educational way, but yet a locally determined way. And very much appreciate seeing this bill to help them accomplish that. That's all I have. Thank you. [LB1070]

SENATOR GROENE: Senator Linehan. [LB1070]

SENATOR LINEHAN: Thank you, Mr. Chairman. Do you have...thank you for being here, Mr. Habben. [LB1070]

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JON HABBEN: Sure. [LB1070]

SENATOR LINEHAN: Do you have any idea how many...one of the...the very nice woman from Taylor that testified, said it was the largest employer in their area. Do you have any idea how many schools, small...well, or any sized schools would be the largest employers in their area? [LB1070]

JON HABBEN: I don't. I...in all likelihood, that's going to vary across very sparse, sparse, other levels of population. You will have a school that is for...excuse me, a community that's fortunate enough to have that major industry and has had it for years. And the school won't be the largest employer. Or, for example, a school district might have the county hospital there. Hospital may be the largest employer. But, any specific numbers, no. [LB1070]

SENATOR LINEHAN: There's quite a few, probably. [LB1070]

JON HABBEN: I would imagine. [LB1070]

SENATOR LINEHAN: Okay, thank you, very much. [LB1070]

JON HABBEN: You're welcome. [LB1070]

SENATOR GROENE: There's a term, united school district, where they shared administrative, I think...what's the term for that? Unified... [LB1070]

JON HABBEN: Unified. [LB1070]

SENATOR GROENE: Wouldn't this be a perfect example where costs could be shared with administrative costs? [LB1070]

JON HABBEN: That I don't know. It normally takes a study to be able to look into what type of reorganization... [LB1070]

SENATOR GROENE: But they're free to do that, right? [LB1070]

JON HABBEN: They are, and I think... [LB1070]

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SENATOR GROENE: They could take their (inaudible), keep their schools and share administration costs? [LB1070]

JON HABBEN: Yes, and I think you, Senator Linehan, you made the point about this type of a bill doesn't stop them from examining other possibilities if that's what they wish to do in the meantime. And yeah, I think that's the way it should be. It's that locally...local effort to try and figure it out, yes. [LB1070]

SENATOR GROENE: Thank you. Any other questions? Any more proponents? Thank you. [LB1070]

JON HABBEN: Thanks. [LB1070]

SENATOR GROENE: Any more proponents? We received letters of support from Sue Ann and Bruce Switzer from Burwell, J. Deane and Kristi Meeks from Taylor, Luke and Tami Glidden from Taylor, Abby Allen from Taylor, Abigail Lewis from Taylor, Dean Schroder from Taylor, Shelby Keith from Taylor, Trevor Kraus from Taylor, and Donald Brown from Burwell. Any opposition to this bill? No opposition was received. Any neutral testimony on this bill? [LB1070]

WAYNE RUPPERT: It's me again. Wayne, W-a-y-n-e, Ruppert, R-u-p-p-e-r-t. I am presently a shared superintendent. I'm half time at Loup County and half time Sargent. You mentioned that, so again, the district has already taken those steps to do that. And again, fiscal responsible...they're very fiscally responsible. And so, I just wanted to add that. You brought that up and... [LB1070]

SENATOR GROENE: You know, you only have to go to one basketball game a week instead of two. [LB1070]

WAYNE RUPPERT: Well, since we've...yeah, since we've co-oped that's been good, I tell you. Yes. [LB1070]

SENATOR GROENE: Thank you. [LB1070]

WAYNE RUPPERT: Thank you. [LB1070]

SENATOR GROENE: Any other testifiers... [LB1070]

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WAYNE RUPPERT: Unless there are any other questions? Thank you. [LB1070]

SENATOR GROENE: Senator Brewer, is he here? Does he wish to close or waive closing? Uh, you can't... [LB1070]

TONY BAKER: Just waiving. [LB1070]

SENATOR GROENE: Waive closing. That ends LB1070. And we might be able to get a nice vote on that and put it on the consent calendar, but we will see, for you folks. Now we will go to LB1135, Senator Vargas. Time is a-ticking. [LB1070]

SENATOR VARGAS: Thank you very much, Chairman Groene. Time is a-ticking. Okay. Members of the committee, Chairman Groene, thank you very much. My name is Tony Vargas, T-o-n-y V-a-r-g-a-s. I represent District 7 in the communities of downtown and south Omaha. Apologies, I just came from across the way in Appropriations. All right, so, I'm here today to talk about my bill, LB1135, which would establish the Alternative Certification for Quality Teachers Act. So I introduced LB1135 to address the teacher shortage that communities all across Nebraska are experiencing. A recent State Board of Education survey showed hundreds of unfilled teaching positions and long-term vacancies across the state. And I have to think part of that reason for that is that we really aren't doing enough to welcome non-teachers into the profession. And LB1135 attempts to do this by creating two alternative pathways to teaching: 1) It establishes reciprocity by allowing individuals who hold teaching certificates in good standing in other states to teach in Nebraska; and 2), It allows individuals, who hold a bachelor's degree or higher...or higher from an accredited college or university who pass a basic skills in subject area exam and who enroll in an alternative teaching certification program, to obtain a temporary two-year teaching permit. The temporary permit would not be renewable, and to obtain a teaching certificate the individual must complete the alternative certification program within two years. I'd like to also mention that we've been working with the Nebraska State Education Association, NSEA, with support of this bill on an amendment which would require individuals who are...hold out-of-state teacher certifications to maintain the same standards that Nebraska teachers are held to, rather than those of their certificate issuance state. I should have an amendment to show you in the committee later this week. Now, I'm particularly passionate about creating this opportunity in education because of my own experience as a teacher. I'm not sure if any of you really knew that. After graduating college with a degree in psychology and biology, I decided I wanted to teach kids. But, unfortunately, I didn't have a teaching degree or certificate. I also did not go to school for that. I was able to enter a two-year program like the one proposed in LB1135 and get into a classroom right away. I ultimately taught middle school science in a public school in Brooklyn. And I just wanted to teach so bad, when I got in I loved it so, so much. And my wife also did the same route as well. And I loved working with my students,

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working with them to establish a welcoming classroom environment and a supportive and enriching culture that ended up with huge improvements in both of my years teaching, not only in what they learn in critical thinking, but also in assessment scores. I was named teacher of the year in my first year because of that from my peers in my public school in Brooklyn. But I wouldn't have had that opportunity to impact kids and do something I really ended up loving without this two-year alternative certification program that enabled me to be in the classroom. I really feel that this is one small thing we can do to easily help improve schools and educational experiences for kids. It's incumbent on us as legislators to do everything we can to ensure all students have a learning environment in which they can excel. Now, a huge part of this is having motivated, high-quality teachers in every classroom. And LB1135 attempts to do this by continuing to streamline the alternative certification process and getting teachers in classrooms more quickly. With that, I'll be happy to answer any questions the committee may have. [LB1135]

SENATOR GROENE: Any questions? Senator Kolowski. [LB1135]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. Senator Vargas, on your own certification process for teaching in New York, were you teaching in public...regular public schools or was it a charter school or a combination of something? [LB1135]

SENATOR VARGAS: As I stated earlier, I taught in a public school in Brooklyn, New York City. [LB1135]

SENATOR KOLOWSKI: Okay. And how many hours of background classes did you have to take in order to be eligible to do that? [LB1135]

SENATOR VARGAS: I can't tell you the exact number of classes, but I can tell you is that, immediately upon being both hired and enrolled in an alternative certification pathway, I was in grad school. I was taking night courses two times a week, I was also taking a weekend course once every month, I was doing online courses and was fulfilling what was the equivalent of a full-time master's program in a more consolidated span of time over the course of two years. And having to only maintain not only hours of writing and reflection and also my courses, I also had to maintain a GPA of 3.0 across all of my classes while also, obviously, being fully employed and being in a classroom. [LB1135]

SENATOR KOLOWSKI: Would most of those same type requirements be in your bill? Are you asking for the same kind of reflection, almost? [LB1135]

SENATOR VARGAS: Yes, I'm asking for...we, we have written a bill that creates the same conditions. I think there's two different things that we do here. The first is there's reciprocity within this, that's separate. But you're talking about alternative certification. For alternative certification, what we're doing is stating that there needs to be a two-year pathway for alternative certification for teachers, right? So, similar to, let's say, New York and many other states across the country that have some alternative certification pathway, it's creating a streamlined pathway for teachers to get in the classroom. So that part is the same in terms of the intent. In terms of the design, we're not explicitly stating what that program would look like. I would like to empower our Board of Education to create the program or list of programs insofar as it creates a two-year pathway. So at the end of the two years, this consolidated nature of what we require for certification in Nebraska, in terms of the developmental psychology courses, the, you know, behavioral support courses, you know, early childhood, special education; all the requirements that you would have in coursework that are consolidated, that would be left up to the Board of Education. However, this does need to be a two-year program, it needs to accommodate somebody being full-time teaching in the classroom. And so there could be a myriad of different examples of that, but it would be created by the Board of Education. [LB1135]

SENATOR KOLOWSKI: Would they be able to complete all that work within the two calendar years? Is that how it's generally set up then? [LB1135]

SENATOR VARGAS: Yeah, I did. [LB1135]

SENATOR KOLOWSKI: And would...our schools, UNO, UNL, Doane college...Doane University, all be able to take on students in that particular category, or would you want it to only be at certain schools or certain locations so they weren't duplicated all over? How would you look at that? [LB1135]

SENATOR VARGAS: Yeah. We have not dictated the...we haven't created any stipulations or barriers to who can be an alternative certification provider. But we have stated that there will be a standard for certification pathways created by the Board of Education. And that would mean, to your point, there could be a Doane or University of Nebraska model that can create an alternative certification pathway that would be condensed into two years that somebody can do while also teaching in a classroom right away and complete it. And if they don't complete it and meet the standards, then they would not get a permanent certification in Nebraska. [LB1135]

SENATOR KOLOWSKI: Most of us would have worked for our master's or doctorate in the same way, without the time limit of two years, depending on finances and time and family and all those kind of things. Your two years sound pretty rugged in some ways, depending on energy

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and doing the things you need to do. But if they don't get done in two years, what happens?
[LB1135]

SENATOR VARGAS: Their transitional permit or license would be null and void, yeah. So, I'll tell you, I had the option of whether or not, in New York State, and many other states have different hybrids...programs. In New York State, they gave you a pathway to then just get your certification or you can actually get a master's degree fully. I chose the master's degree route. So, again, we haven't confined that. But the Board of Education can absolutely do that as long as the program is consolidated into two years and still has the standards that we're really looking for in a Nebraska teacher. But it has to be consolidated to then be an alternative pathway for somebody to get into the teaching profession...again, I carried a 3.8 GPA and was teaching full time and was traveling, you know, an hour commute every day and then was also going to night school. And I had colleagues of mine that had families and were doing the exact same thing. And again, this is not confined to, let's say, somebody that was young, right out of college like me. You could see a career changer that might be looking to get into the teaching profession and is looking for a more accelerated pathway to do that. This is the pathway for them. It's going to make sure we can get the right talent in the right needed areas and then address issues of brain drain that we're having in our state. I think this is a good step forward to then streamlining this.
[LB1135]

SENATOR KOLOWSKI: We'd have ex-military and others also... [LB1135]

SENATOR VARGAS: Yeah, um-hum. [LB1135]

SENATOR GROENE: Senator Pansing Brooks. [LB1135]

SENATOR KOLOWSKI: Thank you. [LB1135]

SENATOR PANSING BROOKS: Thank you for bringing this, Senator Vargas. [LB1135]

SENATOR VARGAS: You're welcome. [LB1135]

SENATOR PANSING BROOKS: It sounds really interesting and good. So, I'm interested, what are the current requirements for reciprocity? How does it change the current requirements?
[LB1135]

SENATOR VARGAS: So there are a lot, and I'm holding it in Title 92. There are many different requirements for if you have an...if you have a certification in another state, there are some

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pathways to apply. What this does is create...I think, creates an efficiency, quite honestly. There is an exception in here that if you, you know, solicit...if you apply to the...the state...the Commissioner of Education, then you can then, if you have certification in another state and it meets those requirements and they've deemed it necessary that you can get it. But there's no guarantee. And we make it sort of case-by-case. And then there are others in here where there are some where if you have a certain number of credits or if you have a certain number of teaching experiences, there are some permits that have special qualifications. However, we're talking about creating an efficiency. I think we're trying...we have a teacher shortage and that is not confined to just our state, which means we're competing for really great talent. And when individuals are looking for ways that they can then go and teach and then enter the work force in a new state and they're looking at Nebraska, if it's not as streamlined as it potentially could be and we're also maintaining a very high bar for what we expect, then I think we're going to lose out on those people. And so this is...what this would do would say, yes, there's a level of reciprocity, yes you are also going to be held to the standards at a certain point to meet the rules and regulations, but if you're in good standing and you have certification in another state, then we could use your talent. [LB1135]

SENATOR PANSING BROOKS: Okay, so basically, you said to Senator Kolowski that this was a way for somebody who was maybe transitioning from one job to another or something like that... [LB1135]

SENATOR VARGAS: Um-hum, yeah. [LB1135]

SENATOR PANSING BROOKS: ...which I think is good, so, I'm concerned about the two-year period that, like, if something happens or somebody gets sick and they miss a semester, and all of a sudden they've gone a year and a half and we haven't created a safety valve whereby the board might make an exception. I don't know... [LB1135]

SENATOR VARGAS: Yeah. [LB1135]

SENATOR PANSING BROOKS: ...just a thought. Did you discuss it, or... [LB1135]

SENATOR VARGAS: Yeah, we haven't discussed that... [LB1135]

SENATOR PANSING BROOKS: ...because that is fast. And if somebody...if something happens... [LB1135]

SENATOR VARGAS: Yeah. [LB1135]

SENATOR PANSING BROOKS: ...and all of a sudden they've wasted the year and a half and we're losing out on a teacher... [LB1135]

SENATOR VARGAS: Um-hum. [LB1135]

SENATOR PANSING BROOKS: ...potential. [LB1135]

SENATOR VARGAS: Yeah. [LB1135]

SENATOR PANSING BROOKS: And it just seems like there may be a safety valve to allow the Department of Education to wait for them. [LB1135]

SENATOR VARGAS: Yeah, and you bring up a really good point. And I would say that this lives more in the program. I mean, right now we have safety valves in higher education. You know, if something happens in a year or certain...if the student isn't doing well for some instance, I think schools work with them to make sure they meet requirements. It's not just confined to a four-year degree. It also exists for certification for different programs. I'd say that's a good corollary to this, right? If something were to happen, that program, I'm assuming...the assumption we're making is that they're going to work to then support them. It's in the best interest of the program to ensure people finish it. What we want to make sure is hold the high standard and then also provide a level of empowerment and autonomy to the Board of Education to create the program. Again, it has to be done in two years though. Okay, go ahead. [LB1135]

SENATOR PANSING BROOKS: I'm also wondering, how many colleges have this alternative teacher certification degree? [LB1135]

SENATOR VARGAS: So there are...well, there are no universities that have a two-year alternative certification pathway like this. There are universities...I know the University of Nebraska-Kearney has a relationship in a alternative program that helps fulfill credit requirements so that if somebody is trying to complete credit requirements, maybe they don't have all of the credit requirements for, I don't know, let's say biology, like me, and they have to fulfill some of those, or early childhood. They can then go and do that and it would be a tailored program. However, for individuals that are coming as career changers, there is really...there isn't a...as succinct, or clear and consolidated, of a pathway as we...we're proposing here. [LB1135]

SENATOR PANSING BROOKS: And you believe that the university and the colleges will come up with a plan, hopefully, huh? [LB1135]

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SENATOR VARGAS: The good thing that we have here, is the good graciousness of other states. Other states' public universities have created these programs to then be more nimble and make sure that we are being responsive to the needs of statute and also being responsive to our talent needs. I went through Pace University, and that's my alternative certification program. But there are other friends of mine that did alternative certification programs in New York through some of the public colleges that had programs. [LB1135]

SENATOR PANSING BROOKS: And congratulations on being teacher of the year. [LB1135]

SENATOR VARGAS: Thank you very much. [LB1135]

SENATOR GROENE: When you say basic skills...oh, did you have a question? [LB1135]

SENATOR WALZ: Go ahead, didn't have my hand up. [LB1135]

SENATOR GROENE: Okay, ask him after I'm done. Remind me, sorry. You didn't have your hand up. [LB1135]

SENATOR WALZ: Okay. [LB1135]

SENATOR GROENE: Is that the Praxis? [LB1135]

SENATOR VARGAS: Yeah. [LB1135]

SENATOR GROENE: You'd be...if they have to take the Praxis just like every other teacher does... [LB1135]

SENATOR VARGAS: Correct. [LB1135]

SENATOR GROENE: ...and if they pass that then they could teach. How many credit hours were you talking? Two years, if it's 40 credit hours, that's a lot. Is it 25 credit hours... [LB1135]

SENATOR VARGAS: No. [LB1135]

SENATOR GROENE: ...20, how many were it? [LB1135]

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SENATOR VARGAS: I took the equivalent credit hours of a master's program but... [LB1135]

SENATOR GROENE: But that was a choice... [LB1135]

SENATOR VARGAS: ...the content coursework... [LB1135]

SENATOR GROENE: ...you didn't have to. [LB1135]

SENATOR VARGAS: Yes. No, no, no, that was a choice. I wanted to be an alternative... [LB1135]

SENATOR GROENE: You wanted to be... [LB1135]

SENATOR VARGAS: ...I wanted to be a teacher and I wanted to get my certification. And... [LB1135]

SENATOR GROENE: But in the state of Nebraska you only have to have a bachelor's degree to be a teacher. But in New York you had to have a bachelor's degree and then to get a certificate you had to have a master's? [LB1135]

SENATOR VARGAS: No, there's a certain number of credit hours you need. And so there's a certification that you can get, and getting a master's would easily also comply with the certification. So I got a master's in education in secondary science, is what I got. [LB1135]

SENATOR GROENE: But an individual with a four-year degree could, in New York, take certain classes. It had nothing to do with a master's... [LB1135]

SENATOR VARGAS: Yeah, they could have taken...they could have taken the other pathway. And I'll tell you, the amount of credit hours wasn't that different. It was maybe like 26 more credit hours for getting the master's versus...and we're talking about, you know, a full-time graduate course consolidated into two years. So...or a full-time certification course consolidated into two years. So it was not radically different in terms of the hours...yeah. [LB1135]

SENATOR GROENE: So your...in two years, a regular student can take 12 credit hours in a semester and be a full-time student. So in two years, you're talking 48 credit hours and those students are full-time students. So you're expecting somebody to teach full time and take 48 credit hours? Or how many... [LB1135]

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SENATOR VARGAS: Twelve credit hours, let's say, of graduate requirements over the course of the, let's say the fall...let's say the spring semester and then obviously there's summer and we take full-time courses during the summer... [LB1135]

SENATOR GROENE: So it was like 12 a year? [LB1135]

SENATOR VARGAS: Oh no, more than 12 a year. I couldn't tell you the exact credit numbers that I had to do, but it is the equivalent of what you would have if you were taking a master's program. The only difference...and then think about the school year, you're taking, let's say...let's say you take two full-time courses to three full-time courses in the spring while you're teaching. The summer you take, you know, full-time courses, a full load. And then in the fall you again take three, let's say four...three full-time courses at three credit...four credit hours each. So you're getting the equivalency of a master's program, pretty close to it. But the coursework and the flexibility in how it's delivered is what enables individuals to then complete this program. And we wouldn't be the first to do programs like this. Our neighbor...many of our neighbors do it. [LB1135]

SENATOR GROENE: I'm not an expert on the Department of Education and how when a regular student...my daughter went through it, three and a half years in school, one semester student teaching. You are student teaching the minute you walked into that school in New York. So you're telling me that you need another 48 or 60 credit hours when you already took...got a bachelor's degree in biology? Sounds a little strenuous to me. [LB1135]

SENATOR VARGAS: Well, I might disagree with you on that. I think it's strenuous to then not consider a more flexible pathway for people to enter the classroom; that's what we're doing, letting them into the classroom. But I also want to maintain a level of education and a standard for being a teacher... [LB1135]

SENATOR GROENE: I understand that... [LB1135]

SENATOR VARGAS: ...that we're going to get from getting the pedagogy and development... [LB1135]

SENATOR GROENE: I got respect for teachers... [LB1135]

SENATOR VARGAS: Oh yeah, of course. [LB1135]

SENATOR GROENE: ...they're learning. A new teacher has to start lesson plans... [LB1135]

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SENATOR VARGAS: Of course. [LB1135]

SENATOR GROENE: ...works into the evening, late into the night. So if you're going to have all of these requirements, you're going to take away from the classroom. You're going to take away from the kids. If you're expecting them to get those many credit hours in two years when they don't even have...haven't taught for a year or semester or ever been in a classroom and don't have any lesson plans or doing homework. I'm trying to figure out how you can be a good teacher and do that. I mean, I'm for you, I want more people involved, but I think you're pushing it. I want to see the standards you're asking for (inaudible)... [LB1135]

SENATOR VARGAS: Yeah, and this is...this is a very different way of approaching it because the standards on what the requirements are, are going to be set by the Board of Education, as I believe they're going to understand which standards and how we're going to approach making the coursework work. Now, the piece...how do I respond to this? There are thousands upon thousands of individuals that are in alternate certification programs right now across our country that are in our classrooms that are effective teachers and are held to a very high standard. I want to make sure that our program is making sure we're empowering our Board of Education while we're also holding a very high standard. And I do believe, not only from my own personal experience or from my wife or many of my friends who have done it this way, that it's possible to be an effective teacher and have an accelerated time line for coursework. And then make sure that we're addressing some of our talent gaps that we're seeing across the state in our teacher shortages. [LB1135]

SENATOR GROENE: Thank you. Any other questions? Senator Linehan. [LB1135]

SENATOR LINEHAN: Thank you, Mr. Chairman, I'm not... [LB1135]

SENATOR GROENE: Oh, I'm sorry. [LB1135]

SENATOR LINEHAN: Oh, I'm sorry. [LB1135]

SENATOR VARGAS: Senator Walz. [LB1135]

SENATOR LINEHAN: You can go first. Go first. [LB1135]

SENATOR WALZ: Okay (laughing). So, thank you, Senator Vargas. [LB1135]

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SENATOR VARGAS: Thank you. [LB1135]

SENATOR WALZ: So, prior to going into the teaching position you had no classroom experience, no teaching strategies, experience before you were hired to go into the... [LB1135]

SENATOR VARGAS: No. No, I did not. [LB1135]

SENATOR WALZ: And I don't doubt that you were a good teacher, just because that's who you are. You would be a good teacher, but I was just wondering if you had any type of classroom experience or teaching strategies prior to that (inaudible). [LB1135]

SENATOR VARGAS: Yes, so here's the creative part that I think the Department of Education can get. There are certain states that approach this in a different way, asked the same question that you do, where they state, man, I really want people...I want somebody to have some...a little bit of a precursor. Now...and so some states require an alternate certification pathway that, you know, the cycle of when you can apply will be in January of the school year, or January of a calendar year. This way you're really trying to enter the classroom in the fall, right? And then hiring really happens sometime around February to May, and so somebody might say they want to hire you. And then when you enter the program, the program requires some level of summer school training because they create a summer school experience that will then allow you to then do some of the lesson planning, allow you to then get exposure in the classroom. So that when you enter in the fall, and again you're taking courses over the summer as well, you would have some experience to that. Now, I did go through that. So the state that I did required me to do that as a part of being in the program. So I logged a certain number of hours during the summer as a teacher and also completed coursework, grad coursework and did that under a supervising instructor. It depends on the state...or the program, the alternative certification program that's created, how they would go about making that stipulation. So they can require that, let's say, right now of all the programs that apply have to include some sort of summer school experience or some other type of shadowing that happens. But again, if you think about the hiring time line, people are really making the hiring decision sometime between February to May and you can require the cycle of these programs to happen so that those experiences happen. Or they can not, so the Board of Education will be empowered to then create the best program that maintains that standard. [LB1135]

SENATOR WALZ: And when you were going through your certification process, were there a lot of teaching strategy type of classes through that? [LB1135]

SENATOR VARGAS: Yeah, so summer school...during the summer preceding entering the classroom, right, when I was about to go full time and also do full-time educate...during that

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summer I was student teaching in a summer school and I was also taking classes in behavioral management, in basic pedagogy strategies, lesson planning, unit planning. Those were some of the precursor courses that they said, well, you really need this now. And I did them and did well. [LB1135]

SENATOR WALZ: All right. And then I have one more question. So when you started teaching, what kind of probationary or job performance follow-up did you have? There's just a...so you were an employee of the school, but you weren't certified, so how did that work? [LB1135]

SENATOR VARGAS: I was certified. So I was certified as an alternative certified teacher and I was an employee of the school. So the way that it would work, and again, many states do it pretty similarly...well, it's not different than it happens right now. If I'm a principal, if I'm Principal Kolowski and I choose to hire Senator Vargas and he's an alternative certification pathway...he's got an alternative certification, but I like his resume, I need a biology teacher, he looks great on paper, he's in this program and I need a biology teacher, this is a really high-need area for STEM, I'm going to hire him on. And he's held to the same standards as a probationary teacher. I'm still going to review...go into his classroom, do a couple of walk-ins and then also do a formal pre- and post-observation cycle, whatever is required by that school district. And I'm still going to get that level of feedback. That is going to happen regardless because that's what a normal teacher...a teacher that's normally certified would follow. Alternative certified teachers are going to follow the same pathway until they're certified. And then again, that doesn't change anything about their probationary period, it just changes whether or not they have a full-time certification...or a normal certification at that point. [LB1135]

SENATOR WALZ: So that probationary period or that...would not change... [LB1135]

SENATOR VARGAS: No. [LB1135]

SENATOR WALZ: ...even if the student/teacher had not been trained in that area that maybe they were disciplined in? [LB1135]

SENATOR VARGAS: Ask that question one more time? [LB1135]

SENATOR WALZ: So...now I don't remember how I asked that question. So if you had not been trained, let's say you're on probation... [LB1135]

SENATOR VARGAS: Yeah, yeah, yeah. [LB1135]

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SENATOR WALZ: ...and, you know, you are brought in for a disciplinary action, but you claim it's something that you hadn't been trained in yet, how would that, you know... [LB1135]

SENATOR VARGAS: I'm still a probationary teacher, if a principal chooses that they no longer want me at their school because...and I'm probationary and let's say in this instance there is maybe not...I don't know what the due process would be, but if I'm not...no longer a teacher and I've been deemed unqualified... [LB1135]

SENATOR WALZ: Okay. [LB1135]

SENATOR VARGAS: ...that still holds true. [LB1135]

SENATOR WALZ: Okay. [LB1135]

SENATOR VARGAS: So for the purpose of this, they're still held to the same standard as a normal...as a teacher that is... [LB1135]

SENATOR WALZ: Regardless of whether or not they're on probation. [LB1135]

SENATOR VARGAS: ...regularly certified until they're off probationary and then they're tenured, right? That changes things, and that's not being touched here. [LB1135]

SENATOR GROENE: Senator Linehan. [LB1135]

SENATOR LINEHAN: Thank you, Chairman Groene. So, I'm just trying to...wouldn't this be a...so you have people leaving the Air Force at Offutt or StratCom and they're clearly...because the military does a great job of...they educate them...educating them, and they're educated in all the things we're short on: math, engineering, science. So you're saying with this program they could retire out of the military at 40 or 45 and then they could go...they could...because they could afford to because they have their retirement, they could go and start...they could get in alternative teaching so it might help fill those gaps where we...the STEM gaps. [LB1135]

SENATOR VARGAS: Yes, so I actually...that's a great example as I had a couple of colleagues of mine that were career changers and that were 55, 60 and that were entering the profession after military service. And did the summer, you know, summer school and took classes preceding and were doing were full-time, you know, classes and teaching at the same time. And the reason why I know is because they were also in science programs and they had that background as I did.

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So, yes. It's really one of the intents is we need to create new pathways for people to get into the right sectors. And if there are career changers, we need to figure out the best way to match them...if they want to be teachers, getting them into the classroom. And again, if a principal believes that they're meeting the requirements, they want to hire them and, you know, why would we say anything different if they're still meeting requirements? [LB1135]

SENATOR LINEHAN: Thank you. Thank you. [LB1135]

SENATOR GROENE: Senator Erdman. [LB1135]

SENATOR ERDMAN: Thank you, Senator Groene. Senator Vargas, thank you for bringing this. I guess I have one question, why aren't you teaching now, if you love it so much? [LB1135]

SENATOR VARGAS: That's a good question. So, you know, the nature of this is...well, two things. One is I really love teaching. I also realized what I love to do is coaching. So I found my way doing coaching in development of teachers in New York City and really loved it. Well, couldn't really keep teaching in New York, I'm here in Nebraska now. But, what I will tell you is a large number of the individuals that are in...that were also with me and in New York State, there is many different alternative certification programs. And you know, New York City Teaching Fellows is a great example. Chicago has it similarly. They have an extremely high rate of individuals that are staying in the profession because it's a big career change for them. And so...yeah. [LB1135]

SENATOR ERDMAN: Okay. Second question then, do we not already have an alternative teaching certificate...certification program now? [LB1135]

SENATOR VARGAS: We have an alternative...we do have transitional teaching permit. We do have a couple different other alternative permits to meet different needs. So, for example, if somebody...I think I mentioned this earlier, if somebody has some of the requirements, maybe they didn't complete all their requirements to then be certified to teach in an area, right? They shouldn't...they would apply to a specific permit to then take care of those course requirements and then they'll actually be a Nebraska-certified teacher. That necessarily really wouldn't apply to them...this program. This is for people who have no background whatsoever, or core competencies or coursework in education for what they're trying to teach. There is a transitional teaching permit, but the way that this is every single year you have to apply for this transitional teaching permit. And it expires every year, you have to reapply and you have to...you have to...there's a lot of stipulations for what you have to do and it's a little less, I would say, consumer-friendly for somebody coming in and choosing this pathway and requires a lot more for that individual to do. They have to go and talk to the principal. The principal has to create a

plan with them and sign off on that. They have to submit a written agreement with an educational preparation program. And then this permit can be renewed for four years. So if it takes four years to complete all that coursework that's required, that person's going full-time teaching and full-time graduate school to maintain all those for up to four years. It doesn't seem as streamlined as this. So we're trying to consolidate and make it easier rather than making it a little more difficult under this. Not saying that people don't do this, but we still have a teacher shortage. So it's not doing enough yet. [LB1135]

SENATOR GROENE: Any other questions? Thank you. [LB1135]

SENATOR VARGAS: Thank you, very much. [LB1135]

SENATOR GROENE: Proponents. [LB1135]

MADDIE FENNEL: (Exhibit 1) 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 LB1135. I want to thank Senator Vargas for introducing LB1135. We know that we have a need for educators across our state, but those must be qualified educators in each and every classroom. LB1135 offers an opportunity for reciprocity by allowing someone with a valid teaching certificate from another state to begin teaching in Nebraska. We spoke with Senator Vargas last week and we support his amendment, which would have those teachers eventually transition to meeting the same certification standards as their colleagues here in Nebraska. We believe this is important as some states offer lifetime certificates and we believe that educators must confirm ongoing professional development for certification renewal. The bill also provides an avenue for teaching for those who don't have a teaching degree. A graduate with a valid bachelor's degree who has passed the basic skills assessment, as well as the subject area assessment, will have two years to teach while enrolling in an alternative certification program in order to gain the necessary pedagogical skills required to complement the educator's subject knowledge. In a time when we have students entering the classroom with significant needs, and special education students are mainstreamed into many of these classrooms, every educator must enter their classroom with a comprehensive skill set on which they can draw. That deep and broad skill set helps a teacher create a positive educational environment where students are successful at learning. At the end of the day, that is what quality teaching is about: successful learning. I do want to go off my testimony a minute and just answer some of the things that I've heard already discussed. We do have several alternative programs already here in the state. I have a cousin who's just finished up her alternative certification program. She had a bachelor's degree, decided, you know what, what I really want to do is teach. And so she has gone back and she has gotten a master's degree in teaching. She had the luxury of being able to do that full time. Not

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everyone has that luxury. We do support it being two years. I understand the concerns, in fact, I raised the same concerns with Senator Vargas about two years versus four years. But really what concerns me and why we agreed to the two years is the kids in that classroom deserve a teacher who has learned everything they can to be ready for them. I think of my own son and I can't imagine a teacher not having had significant work in special education. I think I should get an extra master's degree just for being his mom. And so I know his teachers need special training in how to deal with him. And so we feel that, for the good of the students in that classroom, these people who want to enter our profession, we want to allow them the reciprocity to do that if they've come to another state, if they've exhibited they've met that state's requirements, let's get them in here, let's get them started, make sure as they renew that they meet our state requirements. As I understand, two of the stumbling blocks often are the Nebraska requirements on multicultural education and some on SPED, special education. So let's make sure we give them the time to meet those but let's get them in our classrooms teaching. [LB1135]

SENATOR GROENE: Questions? We have a management level; we have a superintendent, a principal. If that...if Senator Vargas is in that classroom that principal is giving him guidance, is giving him evaluations. And if he's not doing that job, he wouldn't be there. I mean, they wouldn't allow him to stay there, I would think. I mean... [LB1135]

MADDIE FENNELL: Well, yes, a superintendent or a principal is in there. But when you consider the tremendous amount of work...I mean, the superintendent who was up here before has two separate districts and two separate places. And, you know, principals are called to go to many other places. It's very difficult for a principal to be in offering guidance to someone. They do as much as they can, but the intensive work of helping a new teacher is not something they can always do. In a program like the one Senator Vargas is talking about...like, you brought up lesson plans. I can see a really easy way to not overload them; have them write their lesson plans and then have them turn them in as one of their assignments in school and get feedback. So you're actually doing action-based research... [LB1135]

SENATOR GROENE: I understand. [LB1135]

MADDIE FENNELL: ...you're gaining your own knowledge while you do that. So, yes, principals should be able to help, but a principal can't convey everything somebody needs to know to be successful in the classroom--working with those SPED kids, working with all other kids--in just the limited amount of time that they have. [LB1135]

SENATOR GROENE: But...I understand why you would take your master's test right away. I mean, you'd take your master's like your cousin, because right away you step up in the pay grade. But the question is, what about the individual who just wants to teach, came out of

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military, maybe taught at a junior college, and wants to go into the high school and needs a certification. Couldn't we make it simpler to just expand on their bachelor's degree by picking up some courses? [LB1135]

MADDIE FENNELL: Sure, and while Senator Vargas went that route... [LB1135]

SENATOR GROENE: Instead of the vigor of a master's degree? [LB1135]

MADDIE FENNELL: Right, Senator Vargas went that route and got a master's degree, but this bill does not require a master's degree. It requires an alternative certification pathway and the state could set it up so that it was, you know, X hours to make sure they covering the things, but it doesn't... [LB1135]

SENATOR GROENE: Going to interrupt you... [LB1135]

MADDIE FENNELL: ...have to be a master's degree. I got an endorsement in assessment that was 18 hours. So it could be...it could be an alternative certification endorsement that's not a full master's degree. Many people like that, though, for exactly the reason you stated, Senator. It increases their overall maximum lifetime earnings. [LB1135]

SENATOR GROENE: So, it isn't necessary. Three and a half years of classes, one semester is student teaching. If you're in biology, teaching science, versus Senator Vargas who took the biology degree, how many of those credit hours were specific to teach classroom teaching skills? [LB1135]

MADDIE FENNELL: I don't know because I got an elementary education degree. And that's... [LB1135]

SENATOR GROENE: What's that? [LB1135]

MADDIE FENNELL: I got an elementary education degree... [LB1135]

SENATOR GROENE: That's what I meant. Well, that's what... [LB1135]

MADDIE FENNELL: ...and that's much different than a secondary education degree. So I had two full years that were centered around pedagogy and education classes. That's different, I believe than someone in secondary, so I don't have the expertise to testify on that. [LB1135]

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SENATOR GROENE: I'm just wanted to know how many classes are specific to handling students and behavior and conveying knowledge to a student, not just subject matter. [LB1135]

MADDIE FENNELL: I don't...I can only speak with expertise on elementary. [LB1135]

SENATOR GROENE: Well, I can't. So, anyway, that's why I asked you. Thank you. [LB1135]

MADDIE FENNELL: Yeah. [LB1135]

SENATOR GROENE: Thank you, that was good testimony. Appreciate it. Anybody else? Thank you. [LB1135]

MADDIE FENNELL: And I apologize for leaving right away, but my ride is waiting. [LB1135]

SENATOR GROENE: Can I go with you? (Laughter) Next proponent. [LB1135]

NICOLE FOX: Good afternoon, or I guess you could say evening, member...Chairman Groene and members of the Education Committee. My name is Nicole Fox, N-i-c-o-l-e F-o-x, and I am director of government relations for the Platte Institute. I'd like to take this opportunity to thank Senator Vargas for introducing this bill. And I'm here today to testify as a proponent. A priority area for the Platte Institute is to make Nebraska economically competitive and lessen barriers that make it harder for workers to enter the profession of their choosing. LB1135 addresses a problem of teacher shortages which, unfortunately, is nothing new. Most states, including Nebraska, have reported shortages since data started being kept over 25 years ago. The problem has grown even more severe in recent years. In their 2017 edition of License to Work, the Institute for Justice cites a July 2015 White House report highlighting the fact that occupational licensing impacts employment by limit...by limiting geographic mobility. There is variability among states in regards to the requirements set forth for licensed occupations. To meet requirements to work in a new state, workers may need to acquire additional education, take additional exams, or obtain more work experience even if they lead successful careers before moving. These types of licensing barriers make little sense. Workers do not become unqualified by moving from one state to another. We need to keep this in mind as Nebraska is trying to attract individuals to move to our state and also due to the presence of Offutt Air Force Base. According to a 2016 report by the nonprofit Learning Policy Institute, teacher education enrollment dropped from 691,000 to 451,000, a 35 percent reduction, between 2009 and 2014. In addition, there are high levels of attrition with nearly 8 percent of the teaching work force leaving every year, the majority before retirement age. An October 2017 Associated Press article highlighted that Nebraska is facing a shortage of substitute teachers, particularly in rural areas. It

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indicated that the shortage is driven by a combination of trends:, including mandatory teacher training during the school week and family leave policies that allow regular teachers to take off as much as 12 weeks at a time. A teacher vacancy survey conducted in the fall of 2016, by the Nebraska Department of Education revealed that of the 450 Nebraska districts and systems, including the 245 pre-K through 12 public schools districts, 17 ESUs, and 18 nonpublic school systems in the state, 112 of them reported a total of 232 unfilled positions. A lack of qualified applicants was the top reason for the inability to fill a position. The survey offered potential solutions to choose from when identifying how to solve the issue of unfilled positions. The top three solutions chosen were: hire a person who holds a transitional certificate; hire a person who holds a provisional endorsement in the content area; and hire a person who holds a provisional or temporary certificate. LB1135 takes these possible solutions into consideration. For these reasons, the Platte Institute views LB1135 as a win for teachers and students. And I ask committee members to advance LB1135 out of committee. And with that, I'm happy to take questions. [LB1135]

SENATOR GROENE: Any questions? Thank you for your testimony. [LB1135]

NICOLE FOX: That was easy. [LB1135]

BEN BAUMFALK: (Exhibit 2) Hello. Chairman Groene and Members of the Education Committee, thank you for the opportunity to testify today. My name is Ben Baumfalk, that's B-e-n B-a-u-m-f-a-l-k, and I am here to represent First Five Nebraska as a proponent of LB1135. First Five Nebraska endorses policies that promote quality early learning environments for children most at risk of failing in school. First Five Nebraska strongly believes that children, especially those most at risk, require quality early experiences in their natural and inclusive environments if they are to reach their full potential. We commend Senator Vargas and his staff for offering solutions to address teacher shortages in schools and ESU-based early learning programs. Although certification is not the only means to a quality learning environment, it's the current best proxy we have for these programs at the time. Evidence is mounting that higher-quality early childhood environments result in better developmental outcomes, especially for children of low-income families and those who speak a language other than English at home. Quality early learning environments can play an important role in reducing grade retention rates, special education placements and improving children's overall educational attainment. Although many factors contribute to quality interactions between children and their caregivers, the qualifications of staff are among the most important. In a recent study...report released by the National Conference of State Legislatures, titled [A Fair Start: Ensuring All Students Are Ready to Learn](#), a bipartisan commission made up of state legislators and early learning researchers identified professionalizing the preschool to grade 3 workforce as a core strategy in producing world-class early care and education programs. Ideally, all early learning environments in Nebraska would be staffed by highly-skilled professionals who are qualified to nurture the

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cognitive and socio-emotional development of the children they serve. Realistically, we recognize that many school districts and ESUs face challenges in finding these certified professionals to staff their programs. You've heard about the teacher shortage survey from the Nebraska Department of Education. Early childhood endorsements are...have been identified as a shortage for last five years also. So we need to seek out solutions that address the early childhood teacher shortages without compromising the quality of the profession, and thus, the experiences of the children served by these programs. We feel LB1135 does this by offering appropriate, yet flexible, solutions and recommend you vote to advance the bill. Thank you. [LB1135]

SENATOR GROENE: Thank you. Questions? Thank you for your testimony. Any other proponents? None received. We didn't receive any correspondence, in...for proponents, opponents, or neutral so I'll announce that right now for all three. Any opponents? [LB1135]

BRIAN HALSTEAD: Good evening, Senator Groene and members of the Education Committee. For the record my name is Brian, B-r-i-a-n, last name is Halstead, H-a-l-s-t-e-a-d. I'm with the Nebraska Department of Education. The State Board of Education is opposed to LB1135. I have sat here today listening to all of the great things, and I will tell you they can all be done right now under Rule 21. So I'm not quite sure I understand the need. Now, Section 3 of this bill says if I come from another state, Nebraska has to give me a certificate based on what the other state required, which basically means all of the rest of the statutes, Legislature, you wrote on certification, are meaningless. It's whatever the lowest standard is in another state for you to enter into our teaching profession. Now, I did hear there's going to be an amendment, but I haven't seen that yet. So, that, to the board, was troubling as to what are the minimum standards of the state if this Legislature says you just have to have a valid certificate from another state. All of the others are possible right now under Rule 21. Obviously, maybe I and the others at the department need to be working with everybody about what all those possibilities are. If you have a bachelor's degree and you want to get into teaching, you can get a permit right now and you can be employed if a school district wants to hire you. And you can be in the classroom tomorrow. You're also going to be signing up to take coursework from a postsecondary institution to meet whatever it is you don't have at this point. The time line that Senator Vargas gave about employment happens all the time. School district finds an applicant in March, has a bachelor's degree nothing else. They offer them the job. They apply to the department. They get enrolled at UNK, they're taking courses throughout the summer. They're in the classroom in the fall. It already exists. So from the state board's perspective, we're not quite sure how a two-year program when the board's giving up to four-years to complete that is better, if you're going to reduce that to two years time period. You could complete it in two years right now if you want to complete it...you can do it in six months if you got the time and effort to do it. So again, that's why the state board opposed LB1135. I'd be happy to answer any questions that you might have. [LB1135]

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SENATOR GROENE: Senator Linehan. [LB1135]

SENATOR LINEHAN: Thank you, Chairman Groene. Okay, there's mass confusion then, Mr. Halstead... [LB1135]

BRIAN HALSTEAD: Yeah. [LB1135]

SENATOR LINEHAN: ...because I had the chancellor at UNO, John Christensen, who's retired now, tell me that if you wanted to teach you had to go back to school for two years. He had to when he got into teaching after he graduated from K-State and he came back to Nebraska, this has been 30 years ago. When my son left the Marines four, five years ago, he went and talked to UNO and he talked to Creighton and they both told him that he'd have to go to school for two years before he could enter the classroom even though he already had a bachelor's degree and he was a captain in the Marines and he'd had considerable additional schooling while in the Marines. And then...these are just things that pop right in my head... [LB1135]

BRIAN HALSTEAD: Right, sure. [LB1135]

SENATOR LINEHAN: ...then last year we had legislation to make it easier so spouses of the military at Offutt or StratCom could become teachers. And she testified, I think, in front of this committee or Health and Human Services Committee, that it was next to impossible to get an alternative certificate. And I remember, I think, there were comments about where she got her degree. And then this year, since we've been here in January, we had the new wing commander's spouse come and say that when you go to the Web page to try and figure out how to be certified, it would make you cry. So that sounds a lot different than what you just said. [LB1135]

BRIAN HALSTEAD: Okay. So, for the last one, I assume we're talking about the same individual who showed up at the State Board's hearing the end of January to support the change to Rule 21 that allows you to get a military teaching permit? And that's now gone to the Attorney General's... [LB1135]

SENATOR LINEHAN: But why would we have to do that... [LB1135]

BRIAN HALSTEAD: You don't. [LB1135]

SENATOR LINEHAN: ...if it's all so easy like you just said? [LB1135]

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BRIAN HALSTEAD: That's what we just created in Rule 21 to make that work for the military spouses. And yes, she was absolutely correct. The Web site the department utilized and communicated with was not a very good Web site in its communication, absolutely truthful. We have revised that. She was very helpful. Working with her, Senator Blood, and Senator Crawford...working through that with us to see how we thought we were being helpful on a Web page was actually the wrong message. We changed the Web page. [LB1135]

SENATOR LINEHAN: So we had two wing commander's wife and three senators working with you to just so we could get certified spouses of military... [LB1135]

BRIAN HALSTEAD: Absolutely, and that's not... [LB1135]

SENATOR LINEHAN: ...which we all know is a high, high priority. [LB1135]

BRIAN HALSTEAD: And absolutely, and it's... [LB1135]

SENATOR LINEHAN: So that's why I find it... [LB1135]

BRIAN HALSTEAD: ...sitting at the Attorney General's Office for that version of the rule to be approved, yes. And they were supportive. [LB1135]

SENATOR LINEHAN: So we had to go to the Attorney General's Office to get it approved? [LB1135]

BRIAN HALSTEAD: Because that's the way the Legislature has enacted the law for us to change a regulation. We've already done that part. The board approved that last Friday. It now goes on to the Attorney General to ensure that we have the legal authority for what we proposed in the rule, which we certainly think we do based on the statute. Once the Attorney General's Office signs it, then the Governor has to decide whether he's going to approve it or not. That's the regulation process that this Legislature has established. [LB1135]

SENATOR LINEHAN: Well, I think maybe the Legislature looks...needs to look at a different regulation process if it takes the Governor, the Attorney General, three senators... [LB1135]

SENATOR EBKE: I think it's the APA. [LB1135]

LAMONT RAINEY: It's the APA. [LB1135]

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BRIAN HALSTEAD: Senator Linehan, I can get you a number of agencies that would jump on board with that because of the administrative procedure. [LB1135]

SENATOR LINEHAN: So wouldn't Senator Vargas's bill help get by some of that? [LB1135]

BRIAN HALSTEAD: No, because that rule in reg we're going to run through the same regulatory process of a hearing draft... [LB1135]

SENATOR LINEHAN: So could you work with Senator Vargas to see how we could streamline that so we could get...we could help with the teacher shortage? [LB1135]

BRIAN HALSTEAD: The Administrative Procedures Act? Because that's what we're talking about, the Legislature's process for agencies... [LB1135]

SENATOR LINEHAN: I appreciate that you know about this than I do... [LB1135]

BRIAN HALSTEAD: Right, I understand that. [LB1135]

SENATOR LINEHAN: ...you've been at your job for 20 years, so I appreciate that. But my question is, could you help Senator...is there a way to get around that so it can be as easy as you implied it was when you just told us you would do all this already? There's something wrong if two wing commanders' wives had difficult time. A chancellor at the university is telling me that it's difficult. My son went...there's a missing here. We're missing something. It's not as easy if all these people who are educated can't figure out how to do it. [LB1135]

BRIAN HALSTEAD: So I was trying to respond to what we heard from the military spouses and it was absolutely accurate; we needed to create flexibility in Rule 21, and the state board has done that and it's on its way down the road. That very same woman, I believe, Shannon (phonetic), is probably who you're talking about, actually contacted us and she actually was at the hearing the end of January in full support of what the rule is doing. So, they worked with us. Now, Chancellor Christensen at UNO and 30 years ago, I can't speak to what the laws were and the... [LB1135]

SENATOR LINEHAN: I'm talking about four years ago, when he explained to me why it would take two years to become a teacher if you have a bachelor's degree... [LB1135]

BRIAN HALSTEAD: At UNO. [LB1135]

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SENATOR LINEHAN: At UNO. [LB1135]

BRIAN HALSTEAD: At UNK, they had the transition program where you can start right then. But UNO does not offer the transition program, only UNK in Nebraska has decided to offer that. [LB1135]

SENATOR LINEHAN: Okay. [LB1135]

BRIAN HALSTEAD: Now, if you, as a Legislature, want to dictate to the postsecondary institutions, you have to offer the program the State Board is going to come up here with under his bill. But that's not the current law in the state of Nebraska. We only have the authority at the department to approve the teacher colleges. So it's up to the postsecondary institutions in Nebraska to decide what they want to offer. We cannot compel UNO or UNK or UNL; that's their decisions. We have the authority to approve the programs they decide they want to offer. [LB1135]

SENATOR LINEHAN: Lately we've been told we can't tell UN anything either, so (laughter). And I'm sure you don't want to go down that road. Senator Groene... [LB1135]

BRIAN HALSTEAD: I have not... [LB1135]

SENATOR LINEHAN: I'm going to hand it back to the Chairman. [LB1135]

BRIAN HALSTEAD: All right. [LB1135]

SENATOR GROENE: Could you explain to us what changes you did make for the military wives? [LB1135]

BRIAN HALSTEAD: What we did was say... [LB1135]

SENATOR GROENE: Spouses. [LB1135]

BRIAN HALSTEAD: ...if you come to Nebraska and you have a certificate or permit from another state and you taught in that state under that certificate or permit, we will give you a...it's going to be a military teaching permit that is good for three years. [LB1135]

SENATOR LINEHAN: So just for the military then? [LB1135]

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BRIAN HALSTEAD: If you're in...if you're the spouse of someone active, or retired. So they're... [LB1135]

SENATOR LINEHAN: So that's a pretty skinny window... [LB1135]

BRIAN HALSTEAD: Right. [LB1135]

SENATOR LINEHAN: ...so if you're not a spouse of somebody in the military, or retired, then it's still hard. [LB1135]

BRIAN HALSTEAD: You're available...if you're coming to Nebraska, I mean, yes. So what else? I mean, that's... [LB1135]

SENATOR LINEHAN: So we had to make special legislation...just so we're clear, we had to do...change legislation, talk to three senators, talk to the Attorney General, talk to the Governor to enable a military spouse to get a teacher certificate in the state of Nebraska? [LB1135]

BRIAN HALSTEAD: For the State Board to amend its regulation, yes, that's what it took. [LB1135]

SENATOR LINEHAN: Okay. Thank you. [LB1135]

SENATOR GROENE: So, say the military spouse comes from a state, let's call it Maryland. [LB1135]

BRIAN HALSTEAD: Sure. [LB1135]

SENATOR GROENE: And the plumber's spouse comes and moves here and has a certificate, they can't teach in the state? We don't automatically accept other certificates from other states when those individuals were teaching in the classroom? [LB1135]

BRIAN HALSTEAD: Okay, so what we do recognize in Nebraska based on the statutes this Legislature has enacted, if you graduated in another state from a standard institution of higher education that had an approved teacher ed program you get one here in Nebraska. [LB1135]

SENATOR GROENE: Approved in that state? [LB1135]

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BRIAN HALSTEAD: In that state. So, Senator Vargas... [LB1135]

SENATOR GROENE: What was the difference with the military spouse? [LB1135]

BRIAN HALSTEAD: Because many of... [LB1135]

SENATOR GROENE: It was that lady said she was teaching in another state and she came here and it wouldn't transfer. [LB1135]

BRIAN HALSTEAD: Right. What we have learned over the years is with the mobility of our society, individuals don't attend the same standard institution of higher education to get their degrees. They are transferring and moving all the time. So they have hours at one institution, they move to another state, another institution. So that is the flexibility our society provides today of you can ultimately earn enough college credit hours through various different institutions. So... [LB1135]

SENATOR GROENE: I understand that; thanks for your time. Another question. [LB1135]

BRIAN HALSTEAD: Sure. [LB1135]

SENATOR GROENE: You said that Mike Groene could walk into a school with a bachelor's degree in economics and teach tomorrow? [LB1135]

BRIAN HALSTEAD: You would...well, yeah, if they want to, first, hire you. And number two, you would have to apply to get one of the permits if you don't meet the current requirements for a... [LB1135]

SENATOR GROENE: What do you mean by permit? [LB1135]

BRIAN HALSTEAD: A permit authorizes you to be in the classroom teaching tomorrow. So in the sense of, right now, you have to file an application with the department. You can do that online. By statute it costs \$55, we can't waive that. You'd have to file your transcript to show your degree, but that we'll accept when it gets there. And we need something from the school district saying they've hired you and they want you in the classroom tomorrow. [LB1135]

SENATOR GROENE: With absolutely no classes in education as a background... [LB1135]

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BRIAN HALSTEAD: So, if you don't have any... [LB1135]

SENATOR GROENE: So then you have how long to get the degree? Or how do you get your degree to teach...stay there...what Senator Vargas is trying to do? [LB1135]

BRIAN HALSTEAD: Depending on your background, if you had nothing and all you had was your bachelor's degree, then the transition...transitional permit is available to you. UNK is the only postsecondary institution in Nebraska who offers the education program for that, so you'd have to sign up to... [LB1135]

SENATOR GROENE: So they look at your old transcripts from, I hate to say when, the 1970s for me, and they say these classes will transfer towards this and these are the ones you have to take? [LB1135]

BRIAN HALSTEAD: What you don't have, Senator, I'm presuming in your hypothetical, you took none of the courses that Senator Walz was asking about, about how to do the instruction, how to develop the lesson plans, the strategies you would use. That's what you don't have. You have the content knowledge in economics. That isn't a barrier in Rule 21. You're going to meet what we call the endorsement, that area of specialization to have the economics endorsement on that permit. [LB1135]

SENATOR GROENE: But you don't get to define that...Department of Ed. The university or the college gets to define what is involved in the degree they grant. We don't get to do it. [LB1135]

BRIAN HALSTEAD: You mean as in to the coursework one has to take at UNK in order to get a certificate for us? Yes, we have defined that in Rule 20, that approves their program. [LB1135]

SENATOR GROENE: You do? You tell the university what classes have to... [LB1135]

BRIAN HALSTEAD: We say X amount of hours in these areas have to be offered. They decide what the class... [LB1135]

SENATOR GROENE: But it wasn't what you said earlier. What you said... [LB1135]

BRIAN HALSTEAD: I'm sorry. [LB1135]

SENATOR GROENE: ...earlier they define it, the universities define it. [LB1135]

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BRIAN HALSTEAD: So but what's missing for you is the hours on how to teach possible... [LB1135]

SENATOR GROENE: And you give them four years (inaudible)? [LB1135]

BRIAN HALSTEAD: We give them four years for that transition to teaching. You can do it in a year. You can do it in as short of time as you want to take. But we found from working with people, you make it two years... [LB1135]

SENATOR GROENE: I guess you have a communication problem because... [LB1135]

BRIAN HALSTEAD: Right. [LB1135]

SENATOR GROENE: ...I've been around a lot and I've heard people say they could wish they could teach, they retired, and they say I can't do it because it takes too much work and I'm going to have to go to school for two to three years before I can do it. You're not good communicators with the public on these issues. I'm just going to tell you that. So anyway... [LB1135]

BRIAN HALSTEAD: Well, I will be real honest, Senator. I was surprised NSEA was here supporting like there's something we're not doing because they are always letting us know when they think we need something. So I'll certainly have a conversation with... [LB1135]

SENATOR GROENE: And if anybody would know the present regulations, it would be them; and they were in the dark. [LB1135]

BRIAN HALSTEAD: NSEA? [LB1135]

SENATOR GROENE: Well, NSA (sic--NSEA) says no, so. Anyway... [LB1135]

BRIAN HALSTEAD: Yeah, so I... [LB1135]

SENATOR GROENE: All right, Senator Kolowski. We've been at this too long. [LB1135]

SENATOR KOLOWSKI: One last question, if I may. [LB1135]

BRIAN HALSTEAD: Yeah. [LB1135]

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SENATOR KOLOWSKI: Brian, do we have a basic reciprocity with any teacher in any other state that wants to come here, or do they always have to do a catch-up with other courses they have to take or some other class they have to take? Does the reciprocity exist in almost all states? [LB1135]

BRIAN HALSTEAD: If you graduated from a standard institution of higher ed in another state from a program they approved, that's pure reciprocity. You're going to get it either in an initial, a standard, or a professional teaching certificate... [LB1135]

SENATOR KOLOWSKI: Right. [LB1135]

BRIAN HALSTEAD: ...in Nebraska. That's pure reciprocity as it exists. [LB1135]

SENATOR KOLOWSKI: Thank you. I think that needs to be said. We're all over the place today. [LB1135]

BRIAN HALSTEAD: Right. [LB1135]

SENATOR LINEHAN: I'm getting tired, I'm sorry. Thank you, Mr. Chairman. Did you just say, when you were answering one of Chairman Groene's questions, that before you can move any paperwork you'd have to have...somebody would have to hire you? [LB1135]

BRIAN HALSTEAD: What we have put into Rule 21 is if you want some of those permits right away, we want to know someone has hired you... [LB1135]

SENATOR LINEHAN: So I can't... [LB1135]

BRIAN HALSTEAD: ...in order to be in the classroom for that. [LB1135]

SENATOR LINEHAN: I can't get a permit until I get a job. [LB1135]

BRIAN HALSTEAD: No. Actually you can get one...you can work on one... [LB1135]

SENATOR LINEHAN: No, but if I...if I come to get one immediately, I have to have a job before I can apply to get a permit immediately. Senator Walz is going like this. [LB1135]

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BRIAN HALSTEAD: Maybe I'm not understanding the question. [LB1135]

SENATOR LINEHAN: Okay, you said if I... [LB1135]

BRIAN HALSTEAD: No, no, and that's... [LB1135]

SENATOR LINEHAN: You said it. You said it. [LB1135]

BRIAN HALSTEAD: I know, I... [LB1135]

SENATOR LINEHAN: So just repeat what you said then. If you do...and you said four things and one of them was getting...you had to be able to prove you have a job... [LB1135]

BRIAN HALSTEAD: No, you want to be in the classroom tomorrow and I said all we need from you then is something from the school that's hired you, saying they have hired you. That's all we need. [LB1135]

SENATOR LINEHAN: That would be the same as having a job. [LB1135]

BRIAN HALSTEAD: Yeah, I guess that would be. [LB1135]

SENATOR LINEHAN: Okay. Thank you. [LB1135]

BRIAN HALSTEAD: We just need some documentation to show you have the job. [LB1135]

SENATOR LINEHAN: Okay. [LB1135]

BRIAN HALSTEAD: That's it, it's a simple. [LB1135]

SENATOR GROENE: Well, in your defense, then the school has done their duty and said this person has the character... [LB1135]

BRIAN HALSTEAD: Yes. [LB1135]

SENATOR GROENE: ...and things we want. I understand where you're coming from. [LB1135]

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BRIAN HALSTEAD: Absolutely. [LB1135]

SENATOR GROENE: So we need this person to teach, we did a...you don't a walk...somebody walking in off the street that said, I want a permit to teach, I've got a bachelor's degree. I agree with you on that point...and this point. [LB1135]

BRIAN HALSTEAD: Right, right. [LB1135]

SENATOR GROENE: I do. [LB1135]

BRIAN HALSTEAD: Right. [LB1135]

SENATOR GROENE: It's an emergency situation. Somebody needs to teach biology, Senator Vargas has the ability and the school district says we want this person to teach, will you give him an... [LB1135]

BRIAN HALSTEAD: Absolutely. [LB1135]

SENATOR GROENE: ...emergency permit and then they will work on a degree. That makes perfect sense to me. [LB1135]

BRIAN HALSTEAD: I'd certainly like to have Senator Vargas working in our classrooms in Nebraska. [LB1135]

SENATOR GROENE: Thank you. [LB1135]

BRIAN HALSTEAD: Okay. [LB1135]

SENATOR GROENE: Okay...common sense. Any other opponents? Any other opponents? Any neutral? Do you want to close, Senator Vargas? [LB1135]

SENATOR VARGAS: Thank you very much. Chairman Groene, members of the committee, clearly there's a communication problem. And just to reflect back on what we talked about earlier, I never said that there wasn't all certification pathways or permits that don't exist. But the example that you were...you stated, you asked if I just don't have any background whatsoever, and maybe I have the content, and there really is only one pathway at UNK right now. We want to make sure that, we set a standard to any programs to say you can create a program this way,

consolidate it and provide a career pathway alternative for somebody that doesn't have any background in education whatsoever but does have some of the content--obviously the content needed to then teach that specific area--and get them in the classroom as quickly as you possibly can and streamline it. And it'd be standardized. If there's an issue with it not being standardized, obviously it's in the rule but, like I said, the permits...there's different permits for different reasons. And the...you know, the temporary teacher certification...transitional teacher permit that would allow what you were stating would still require...take me a very long time to then do all their coursework under UNK's guidelines while I'm also working full-time. I want to create a streamlined process and I believe it's one of the reasons we've heard support for it, because there clearly something missing in communication. And as legislators and senators, we're empowered to then figure out the best way to streamline those while also then giving, I would say, some deference to the Board of Education to then set the regulations for what that looks like. Otherwise we're creating some redundancies. I want to create efficiencies in this. And part of the issue we have--and we'll have to talk about language, and I'll be more than happy to talk with the department--is if you have reciprocity with another state and you are currently certified and from a state-approved...let's say somebody in another state got a transition...transitional certification like I did. Whether or not that would be considered a state-issued certification is obviously still not defined. I run into people that have transitional certifications from other states that come here, and it is more difficult to get certified. There's a process to it and we want it to be easier for people rather than more difficult, right? For both reciprocity and for this transitional license. I'm more than happy to work with the department on figuring out some of the solutions for individuals that have some of the early childhood or developmental psychology or some of the credits already so there's a tailored program, because it does exist in this rule. But for a streamlined two-year program for somebody coming in to be a career changer, that is easier to understand and setting a standard for other programs beyond UNK, because I don't know the current programmatic requirements for UNK, but if there is some in-person or online. We need more, obviously. What we're doing is clearly not enough yet, and we need it to be more streamlined. So I'm happy to work with more individuals on this. I think what you're hearing is there is a problem. And we have the ability to solve it by creating a more streamlined career pathway for people with reciprocity and for people that don't have a bachelor's degree in content knowledge but are not going to go back for a full-time, two-years education school and want that advancement quicker rather than later. I want to thank you for this great discussion. [LB1135]

SENATOR GROENE: Senator Kolowski. [LB1135]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. Senator, I just wanted to clarify something about your master's and certification program, because you had your bachelor's degree... [LB1135]

SENATOR VARGAS: Correct. [LB1135]

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SENATOR KOLOWSKI: And you were going into that program. Did that equal about 36 hours?
[LB1135]

SENATOR VARGAS: My master's program? [LB1135]

SENATOR KOLOWSKI: Your master's and certification. [LB1135]

SENATOR VARGAS: So the certification requirements were... [LB1135]

SENATOR KOLOWSKI: It was all one blend, wasn't it? [LB1135]

SENATOR VARGAS: Yes, it was all in one blend; yes. So there was a...I did beyond the certification requirements...were inherent in the master's program that I did. And the master's program that we did was tailored to meet the requirements that they set for alternative certification pathways. [LB1135]

SENATOR KOLOWSKI: How many hours? [LB1135]

SENATOR GROENE: How many hours? [LB1135]

SENATOR VARGAS: Yes, and I'll get you the number of hours. It's the same equivalent of hours that you would take for being in a master's program. [LB1135]

SENATOR KOLOWSKI: Thirty-six. [LB1135]

SENATOR VARGAS: Yes, so if it's 36, then it is. I just don't want to tell you the wrong number. But I know that it's the same number of hours required for a master's in another school. It was just condensed, this coursework, no different than a...I talked with a friend of mine that is getting her LLM online while she is working full-time right now for...to get a higher degree for law... [LB1135]

SENATOR KOLOWSKI: Sure. [LB1135]

SENATOR VARGAS: ...in the next year and a half, online. [LB1135]

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SENATOR KOLOWSKI: We had 40 and 50 hours mentioned, but I want to make sure... [LB1135]

SENATOR VARGAS: Yeah, yeah. [LB1135]

SENATOR KOLOWSKI: ...we understand this is... [LB1135]

SENATOR VARGAS: Absolutely. [LB1135]

SENATOR KOLOWSKI: ...this is a 36-hour program. [LB1135]

SENATOR VARGAS: Yeah, we're talking about, yes. [LB1135]

SENATOR KOLOWSKI: Thank you...which was mine. Thank you. [LB1135]

SENATOR VARGAS: Yeah, yeah. [LB1135]

SENATOR GROENE: Thank you. Senator Erdman. [LB1135]

SENATOR ERDMAN: Senator Groene, let's end on this note. Senator Vargas, when you came in, were you clean-shaven (laughter)? [LB1135]

SENATOR VARGAS: Came in today, or in the Legislature? [LB1135]

SENATOR ERDMAN: Today. [LB1135]

SENATOR VARGAS: Today? No. [LB1135]

SENATOR GROENE: Thank you, thank you. [LB1135]

SENATOR ERDMAN: We've been here long enough. [LB1135]

SENATOR VARGAS: We're done, we're done. [LB1135]

SENATOR GROENE: Thank you, one more bill to go. [LB1135]

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SENATOR VARGAS: Okay, done for me. Sorry. [LB1135]

SENATOR GROENE: Thank you. [LB1135]

SENATOR VARGAS: Thank you very much, members. [LB1135]

SENATOR GROENE: LB1001 by Senator Briese. Start any time (laughter). [LB1001]

SENATOR BRIESE: Well, okay, sounds good. Thank you, Chairman Groene. [LB1001]

SENATOR GROENE: If you want to stay later at night, go ahead and set that up. [LB1001]

SENATOR BRIESE: You bet. And good evening, members of the Education Committee. I'm Tom Briese, T-o-m B-r-i-e-s-e, representing the 41st District. I'm here today to present to you LB1001. LB1001 is a bill calling for a comprehensive study reviewing the financing of public elementary and secondary schools in Nebraska. I believe there's nothing more important than we do in how we educate our children but, with that said, I also believe that we have a property tax crisis in Nebraska, and it impacts all ZIP codes of our state. Young farmers are choking on red ink and, with the third highest agriculture property taxes in the country, they're a huge factor. Young urban families are being kept out of the housing market or unable to afford their house payments because of the sixth to seventh highest residential property taxes in the country. And why are we talking about property taxes and education in the same breath? Because 60 percent of property taxes go towards funding education in Nebraska; in some areas that's 80 percent. And secondly, because Census Bureau data suggests that we are first in the--essentially first in the country--in our reliance on property taxes to fund K-12, nearly last in the percentage of K-12 funding derived from the state. Time and again, we hear calls for a revamp of our 25-year-old-plus school funding formula. That reminds me of an e-mail I receive periodically from a constituent out in Sherman County, in response to the property tax proposals that I float. He continues to suggest that you can't fix property taxes until you fix TEEOSA. Right or wrong, that is a perception. With that said, I believe it's time we look at school funding in Nebraska. The current TEEOSA formula, as I mentioned earlier, is over 25 years old. LB1059 was passed in response to concerns over taxpayer equity and educational equity. It's been tweaked and retweaked, and today we continue to face some of those same concerns. I think it's time to revisit the issue of school funding with the study proposed in LB1001. This study envisioned by LB1001 will examine the use of other revenue sources to fund K-12 education. It will examine the relationship of financing issues with the quality of our schools. It will examine education costs and resources necessary to meet our needs. It will examine methods used by other states. And it will examine any other issues deemed relevant. The bill requires preliminary findings to be reported back to us by the end of the year, with a final product the following year. Members

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of the committee, I believe the time is right for this study. I believe Nebraskans would support our efforts in this direction and I'd ask for your support. Thank you. Be happy to answer any questions, or... [LB1001]

SENATOR GROENE: Any questions? [LB1001]

SENATOR ERDMAN: Thank you, Senator Groene. [LB1001]

SENATOR GROENE: Senator Erdman. [LB1001]

SENATOR ERDMAN: Senator Briese, thank you for bringing this. Have you seen the fiscal note on this? [LB1001]

SENATOR BRIESE: I did see the fiscal note on that. I was a little bit surprised. [LB1001]

SENATOR ERDMAN: So you're going to...this is going to be completed by December 31. [LB1001]

SENATOR BRIESE: A preliminary report... [LB1001]

SENATOR ERDMAN: Yeah. [LB1001]

SENATOR BRIESE: ...due by then, yes. [LB1001]

SENATOR ERDMAN: So they're saying \$100,000 to hire some expert consultant to figure this out. We don't have people in the Department of Revenue that can figure that out? [LB1001]

SENATOR BRIESE: Department of Education...yeah, there might be. They indicated that they...their desire to hire a consultant. I'm not positive that's necessary myself. I'd like to hear from them to understand their rationale for that. But an expert consultant can lend credibility to something like this, I believe. And credibility, I believe, is important when you're trying to establish buy-in. So I...I guess I don't know the answer as to how badly you need a consultant, an expert. It would seem to me that one would be desirable. [LB1001]

SENATOR ERDMAN: Thank you. [LB1001]

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SENATOR BRIESE: But good question. [LB1001]

SENATOR ERDMAN: Thank you. [LB1001]

SENATOR BRIESE: Yeah. [LB1001]

SENATOR GROENE: Senator Linehan. [LB1001]

SENATOR LINEHAN: Thank you Mr...Chairman Groene. And thank you, Senator Briese, for bringing this. I...wasn't there a study done, like, four years ago, same kind of study? [LB1001]

SENATOR BRIESE: I believe...I wasn't here then. I believe it was some sort of an interim study. [LB1001]

SENATOR LINEHAN: I just...and they tried to figure out...it was...it wasn't as, probably as intense as we are now because...but it was still the same problem; we have high property taxes. How are we funding education? What are we doing? And I think it might have been both the Education Committee and...Revenue? Two committees together. [LB1001]

SENATOR BRIESE: That sounds familiar. [LB1001]

SENATOR LINEHAN: So, maybe...I mean...I agree we need to be looking at this because...especially the dates here. If we do have--address the elephant in the room--if we do have a petition and the petition wins, if it passes, we're going to have to have some guidance. It might be a good idea to have some ideas of what we're going to do before we're here in December of next year having to make...having 30 days instead of whatever we have--11 months--to look at it. [LB1001]

SENATOR BRIESE: And I think I agree with that statement or that thought there, too. It would be important to have those preliminary results by next December. Give us something to work with if we decided to head down that road and try to make some substantial changes to our education funding in Nebraska. [LB1001]

SENATOR LINEHAN: Thank you. [LB1001]

SENATOR BRIESE: So I think it's important to...the fact that we'd have something in front of us this coming December. [LB1001]

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SENATOR LINEHAN: Thank you very much. [LB1001]

SENATOR GROENE: You do...state constitution states that the Legislature shall provide for the free instruction of common schools, not the state school board. [LB1001]

SENATOR BRIESE: Um-hum. [LB1001]

SENATOR GROENE: State school board has no expertise in financing, absolutely none. They have a department...Bryce Wilson is very knowledgeable about the TEEOSA formula. [LB1001]

SENATOR BRIESE: Okay. [LB1001]

SENATOR GROENE: And he knows how to interpret it, and he does work with this committee. [LB1001]

SENATOR BRIESE: Um-hum. [LB1001]

SENATOR GROENE: You are giving authority to the Department of Education which is created by us to come back with a study to tell us how to finance schools. [LB1001]

SENATOR BRIESE: Well, they would accumulate facts, and I believe you can never have too many facts. Decisions we make in this body should be data-driven. And the folks that would do this report with the help of a consultant, would...obviously would arrive at conclusions. And I, for one, welcome other folk's conclusions and opinions on issues like this. You know, we're free to reject or accept their conclusions and recommendations. But again, I welcome anyone's opinion on an issue of this magnitude. But I understand what you're saying. [LB1001]

SENATOR GROENE: And you read that report that Senator Sullivan, the Education Chair, and Senator...from Grand Island cochaired. [LB1001]

SENATOR BRIESE: Senator Gloor. [LB1001]

SENATOR GROENE: It was a very thorough report about the problem with funding and it's over-reliance on public...on property taxes. It's out there. I don't believe...I've read it, I don't believe there's any factors that have changed from that date, so why would we be redundant and do the same study? Why wouldn't this body react to a study that was already done? [LB1001]

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SENATOR BRIESE: Well, I wonder the same thing; why haven't we reacted to that? Another report, another study could help move the needle on this issue. You know, the original study in, what, '89 or '88, in response to that we passed LB1089... [LB1001]

SENATOR GROENE: But you're broadening their mission here by "examination of the costs and resources necessary to meet the diverse and growing needs of students across the state." You're letting them make a judgment call if we are spending enough and if we need more. [LB1001]

SENATOR BRIESE: Yeah, that would be a judgment call to some extent. But I'd welcome anyone's opinion on what we need to do different, how we can improve, what we can do. You know, again, we're free to accept or reject what they come up with. You know, we're the ultimate decision makers here... [LB1001]

SENATOR GROENE: Why don't we do an LR and do it ourselves? [LB1001]

SENATOR BRIESE: Well, that would be an option also. I think going to the department... [LB1001]

SENATOR GROENE: And we can get input from them. [LB1001]

SENATOR BRIESE: Yes. I think the Department of Education would present a slightly different aspect to it. Some would argue it would be free of partisanship or political...political persuasions. I don't know if I agree with that statement necessarily, but that argument would be made that some would suggest the Department of Education would be something more of an independent body, an objective body. [LB1001]

SENATOR GROENE: Senator Linehan. [LB1001]

SENATOR LINEHAN: Thank you, Chairman Groene. They have an elected board. They're as political as we are. [LB1001]

SENATOR BRIESE: Yes... [LB1001]

SENATOR LINEHAN: The Department of Ed is...got a board that's elected... [LB1001]

SENATOR BRIESE: Yeah. [LB1001]

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SENATOR LINEHAN: ...district... [LB1001]

SENATOR BRIESE: Find the right consultant and you would tend to alleviate some of those concerns, I believe. [LB1001]

SENATOR LINEHAN: But, they're paying...I mean, I don't...first of all, you can't take politics out of politics (laughter). I just...that's probably not something we're going to be able to do. [LB1001]

SENATOR BRIESE: Sure. [LB1001]

SENATOR LINEHAN: And everywhere we're going, there's going to be a political influence there. And I just pointed out the State Board of Education is...they're all elected, too, and the people up there work for that elected board. [LB1001]

SENATOR BRIESE: Yeah, yeah. [LB1001]

SENATOR LINEHAN: So...but I understand where you're...you're trying to look for a neutral body. I'm just not sure we're going to find one that works for an elected board and then, therefore, we can call them neutral. [LB1001]

SENATOR BRIESE: And if they aren't a neutral body, I'll still welcome their...welcome their conclusions. [LB1001]

SENATOR LINEHAN: Right...so, right. [LB1001]

SENATOR BRIESE: I don't care who gives me the conclusions, we've got a problem in this state, we've got a crisis in this state, give us some ideas. No matter who you are, whether you're the NDE, whether you're Education Committee, whether you're Revenue Committee, I don't care who gives it to us. We need ideas. We need to find a solution to the problem we're facing. [LB1001]

SENATOR GROENE: Senator Kolowski. [LB1001]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. This is deja vu all over again. This is my priority bill from last year, which got nowhere, and needs to be one of the first things done if

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we're going to address TEEOSA and the funding of education in this state. Thank you for putting this forward. [LB1001]

SENATOR GROENE: You're introducing a bill in Revenue, right? Correct? [LB1001]

SENATOR BRIESE: Yes. [LB1001]

SENATOR GROENE: Then you have the answers already. [LB1001]

SENATOR BRIESE: What's that? [LB1001]

SENATOR GROENE: You have the answers already, otherwise you wouldn't have put your bill together in Revenue. [LB1001]

SENATOR BRIESE: Well, I'd like to think it's the answer, but others might disagree is the problem. [LB1001]

SENATOR GROENE: See, that's the point. You already have the answers, a lot of people already have the answers, but we don't have the funding or the will to take money from A and give it to B. I mean, I'm just playing devil's advocate, Senator; you know me. [LB1001]

SENATOR BRIESE: Oh, and I appreciate that; that's what we're here for. You bet. [LB1001]

SENATOR GROENE: We have the same ends. [LB1001]

SENATOR BRIESE: You bet. But again, I welcome anyone's opinion on this. And I think an NDE study is a good thing. And if we can afford to hire a consultant to buttress that study, I want to hear what an outside expert tells us about school funding in Nebraska: how we can improve, how we can do better, how we can make it more fair, more efficient. [LB1001]

SENATOR GROENE: One individual who's hired isn't going to set policy for the state of Nebraska because he... [LB1001]

SENATOR BRIESE: No. [LB1001]

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SENATOR GROENE: ...because if he's 50 miles away and he becomes in here and tells us... [LB1001]

SENATOR BRIESE: No, you're setting policy right here, and in the Revenue Committee and then on the floor. He's going to provide suggestions, we're setting policy... [LB1001]

SENATOR GROENE: I've read a lot of opinions of consultants and what needs to be done in funding of schools... [LB1001]

SENATOR BRIESE: Sure. [LB1001]

SENATOR GROENE: ...and every one of them has a different opinion. It depends on which one you pull out of the hat. Is that not correct? And that will influence what the state of Nebraska does. [LB1001]

SENATOR BRIESE: Well, I assume the...I shouldn't say luck of the draw, but depending on which consultant it would be. But, yeah, we set policy. I understand that... [LB1001]

SENATOR GROENE: Thank you. [LB1001]

SENATOR BRIESE: ...but I welcome opinions, thoughts, analysis as to what direction we ought to be going. [LB1001]

SENATOR GROENE: Senator Erdman. [LB1001]

SENATOR ERDMAN: Senator Groene, thank you. Senator Briese, as Senator Groene alluded to, the first part of your bill says the Department of Education shall oversee this. That is a little peculiar because of the fact that they are the ones that are going to be determining what the funding is for schools. And we probably need a little better independent person or body looking at that. And even if you hire a consultant, they've got to report to somebody. And I think it's important that we get input from the department: that's important. But I don't know that they should be the ones that are driving the bus. [LB1001]

SENATOR BRIESE: Yeah. Okay, and I appreciate that. But going back to the very first phrase that you mentioned, they're going to be the ones determining funding. No, no, we're determining funding. In the end, it'll be us. And they're going to draw data, or they're going to establish data, draw conclusions, render an opinion. [LB1001]

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SENATOR ERDMAN: And if they make... [LB1001]

SENATOR BRIESE: And I welcome their thoughts. [LB1001]

SENATOR ERDMAN: If they're writing the report, you know, it's going to be written. [LB1001]

SENATOR BRIESE: Sure, and it'll be up to us to draw our own conclusions. I understand.
[LB1001]

SENATOR ERDMAN: Thank you. [LB1001]

SENATOR BRIESE: You bet. [LB1001]

SENATOR GROENE: Senator Kolowski. [LB1001]

SENATOR KOLOWSKI: Just one last comment. Do we have more than enough talent in this state, of those who have worked in the schools and have worked with the state department and worked with the Legislature, that we could have a solution...solutions brought forward to give us something to work on? I have every faith in the people that are out there, including people I know that have just retired in the last year that did nothing but TEEOSA all their life in districts. We have the ability, we have the people, we need to get this done. [LB1001]

SENATOR BRIESE: I agree. [LB1001]

SENATOR KOLOWSKI: Thank you. [LB1001]

SENATOR GROENE: Senator Linehan. [LB1001]

SENATOR LINEHAN: I know we're all getting tired. Thank you, Chairman Groene. And again, thank you, Senator Briese. I think something that's not getting discussed and I would like to ask you a question; this isn't just about how we pay for the bill, you want to look about what we're spending the money on too, right? Isn't that part of your intent here? [LB1001]

SENATOR BRIESE: Yes, it would be. [LB1001]

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SENATOR LINEHAN: Because if I read section 1(b), "examination of financing issues as they relate to the quality and performance of public elementary and secondary schools." [LB1001]

SENATOR BRIESE: Yes. [LB1001]

SENATOR LINEHAN: And then next, "examination of the costs and resources necessary to meet the diverse and growing needs of students across the state." So it's not just about how we pay the bill that we're given,... [LB1001]

SENATOR BRIESE: Um-hum. [LB1001]

SENATOR LINEHAN: ...but isn't part of your purpose here to make sure that the money we're spending is all being spent well? [LB1001]

SENATOR BRIESE: That would be my intent. [LB1001]

SENATOR LINEHAN: Okay, thank you. I just wanted to get that. [LB1001]

SENATOR BRIESE: For sure. And to the extent the language needs to be tweaked to reflect our intent, I'm open to that, but I think it...I think the way the language is now reflects it fairly well. [LB1001]

SENATOR LINEHAN: Okay. Yes, I just wanted to make sure we talked about it. So thank you very much. [LB1001]

SENATOR BRIESE: Sure, sure. [LB1001]

SENATOR KOLOWSKI: Any other questions? Senator Erdman. [LB1001]

SENATOR ERDMAN: Thank you, Vice Chairman Kolowski. So, following up on Senator Linehan's comments, so then would we review also the extracurricular activities, the sporting events and those kinds of things to see what we're doing in there as far as spending and what it costs? [LB1001]

SENATOR BRIESE: Paragraph (e) says examination of other issues related to, et cetera, et cetera, as determined by the department. One would hope that everything would be on the table. And you know, like I said earlier, there's nothing we do that's more important than how we

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educate our children. And when it comes to educating our children, you know, virtually nothing should be off the table. We should be...we should be taking a hard look at everything, I believe that. [LB1001]

SENATOR ERDMAN: Thank you. [LB1001]

SENATOR KOLOWSKI: Quite a reference. For many districts, they are...the athletics, as an example, are totally self-supported by gate and seats, not by tax dollars...just so you have an idea that that goes on. [LB1001]

SENATOR BRIESE: Okay. [LB1001]

SENATOR KOLOWSKI: Thank you. Anyone else, questions? Thank you, sir. [LB1001]

SENATOR BRIESE: I'll be here... [LB1001]

SENATOR KOLOWSKI: We will now move to proponents. You going to wait for us? [LB1001]

SENATOR BRIESE: You bet. [LB1001]

SENATOR KOLOWSKI: All right. [LB1001]

SENATOR BRIESE: I'll be here. [LB1001]

SENATOR KOLOWSKI: Proponents, please come forward. Yes, sir, welcome again. [LB1001]

JOHN ROSS: (Exhibit 1) Yes, good evening, Senator Kolowski and Education Committee. I want to thank Senator Briese for taking a look at this. We definitely need... [LB1001]

SENATOR KOLOWSKI: Please state your name, spell it, please. [LB1001]

JOHN ROSS: John Ross... [LB1001]

SENATOR KOLOWSKI: Thank you, John. [LB1001]

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JOHN ROSS: ...J-o-h-n R-o-s-s. Thank you, Senator Briese, for bringing this forward. We definitely need to look at better ways to fund our school systems without relying so heavily on property tax. I am a farmer and I pay a lot of taxes on the land that I own. The district that I'm in has probably 85 to 90 percent of the tax base is farm land, which...that's unique. Different parts of the state have different...but I think we need to take a look at the spending aspect of our education system. I've found information that shows that all states but one that surround us spend on an average \$3,000 less per K-12 pupil. So, are we getting \$3,000 worth of a better education in this state because we are spending \$3,000 more per K-12 student? I don't know. I can see...I think efficiency in our school systems needs to be looked at. Maybe the state is going to have to set some goals for some of these districts to achieve. And if you would look at the handout I gave you, the Bancroft-Rosalie school district has 271 students, the superintendent's salary and benefits are \$182,000 and \$70...\$790...\$39 (sic-- \$182,739). That equates to \$674.31 per student for administration. Wisner-Pilger: 422 students, superintendent salary and benefits \$136,220, for a \$322.79 per pupil cost for administration. West Point-Beemer, 783 students, superintendent salary and benefits \$178,456 for a \$227.91 per pupil cost for administration. Look at that. The smallest school has got the highest per-pupil cost. I think there is some efficiency if you have some bigger numbers. And this happens to be three schools in Cuming County. If the total enrollment, which would be 1,468 students in the three schools, and you would hire one superintendent for all of the schools, which is done in OPS, Lincoln, some other bigger schools. They may have support staff, assistant superintendents, I'm not sure. But hire one superintendent for these three schools at a salary and benefits of \$225,000, your per-pupil cost of administration drops to \$153.26. We're not very efficient. And some of this is because these local school districts, there's a lot of emotion involved. You saw some of that with the arts...their school of arts there in Loup County. They don't want to merge, they don't want to consolidate, but some of them don't even want to share teachers or superintendents. I tried to push this through in our community in Cuming County...let's hire one superintendent for the three schools, still maintain the same board, your local school board, they do their own hiring, and their own teachers set their own curriculum. But the overall running of the school would be with the one superintendent. And you may have to have one or two people from each board of these three schools on a...I don't know what you'd call it, super board, to make the decisions of what the superintendent is going to do for the entire district. [LB1001]

SENATOR KOLOWSKI: Mr. Ross, the... [LB1001]

JOHN ROSS: And I guess I'll have to sum it up. I think we need to look at cost savings in educating our students in this state versus other states. [LB1001]

SENATOR KOLOWSKI: Thank you. Questions for Mr. Ross, please. Yes, Senator Erdman. [LB1001]

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SENATOR ERDMAN: Thank you, Senator Kolowski. Mr. Ross, thank you for sticking around all this time. So if I do the quick back-of-the-envelope math, those three superintendents now are getting about \$500,000. [LB1001]

JOHN ROSS: Pretty close. [LB1001]

SENATOR ERDMAN: And so \$225,000, you save \$275,000 just by consolidating those three superintendents? [LB1001]

JOHN ROSS: Yes. [LB1001]

SENATOR ERDMAN: Makes a lot of sense. They're all in the same county, right? [LB1001]

JOHN ROSS: They're all in the same county. [LB1001]

SENATOR ERDMAN: We used to have a county superintendent when we had one-room schools, Class I schools. [LB1001]

JOHN ROSS: I went to those one-room schools. I'm dating myself. And I know it's a different era than those one-room schoolhouses with one superintendent. But I don't know, I look at OPS, Lincoln, some of your bigger schools, they have one superintendent of schools and I know they've got administrative costs, people working for them. Probably some assistant superintendents, but I could not find the information...I wish I could have found it to see what the appropriable cost for administrations with just the superintendents would be in OPS or Lincoln. I tried to find it and I just couldn't. The site was so massive, I couldn't find it. [LB1001]

SENATOR ERDMAN: Okay. Thank you for your testimony. [LB1001]

SENATOR KOLOWSKI: Other questions, please? Yes, Senator. [LB1001]

SENATOR LINEHAN: Thank you, Senator Kolowski. Can I you ask you if you are a farmer or a rancher or... [LB1001]

JOHN ROSS: I am a farmer. [LB1001]

SENATOR LINEHAN: You are. So have...anytime we've...I have talked about putting any mandates...or not mandates, just even...well, mandates maybe. They're called mandates,

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suggesting that since the state spends \$1.5 billion on K-12 education we maybe should have something to say about how they're spending the money. The push back is that it takes away local control. [LB1001]

JOHN ROSS: Yes, I understand that. But maybe it needs some carets there. I know TEEOSA, to my feelings, is a complete wreck. And there's half the school districts in this state get no equalization. Those parents and other people in those districts pay the same sales taxes and income taxes that everybody else in the state pays. What we are basically saying with our state equalization, state aid, that your child is not worth anything. You're not worth any money from the state of Nebraska. [LB1001]

SENATOR LINEHAN: Okay. [LB1001]

JOHN ROSS: I find that very appalling. [LB1001]

SENATOR LINEHAN: Thank you. [LB1001]

JOHN ROSS: I think per student is a basis. Every student in this state should get some state aid from this state. [LB1001]

SENATOR LINEHAN: Thank you very much for being here today--I appreciate it--and for sticking it out. [LB1001]

SENATOR KOLOWSKI: Other questions from any senators for Mr. Ross? Thank you, sir. Appreciate you being here. [LB1001]

JOHN ROSS: Thank you for letting me speak. I've learned a lot here today. [LB1001]

SENATOR KOLOWSKI: Thank you. Back to you. Proponents again. Thank you. [LB1001]

LARRY SCHERER: (Exhibit 2) Senator Groene, members of the Education Committee, for the record, my name is Larry Scherer, L-a-r-r-y S-c-h-e-r-e-r. And I'm here on behalf of the NSEA to support this legislation. And if I wasn't here on behalf of them I'd be here on behalf of myself because I think it's time that the state invested some time and study in school finance. I was a younger person in the 30 years ago when we started this. And it did start as a legislative initiative. And arguably the best model might be to have some combination of agency, legislative leadership, school folks, business folks. But the Attorney General is saying we can't do that

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anymore. So in my opinion, you know, having the first part of this process done by the Department of Education, focusing mainly on data analysis, gathering data and then making some preliminary recommendations to this committee and to the body, is a good way to go. In terms of the consultant, I think it would be better to have a consultant hired. There might be options through ECS, the Education Commission of the States, to get something at a lower cost. But again, you're getting an organization's perspective then as opposed to an independent individual's. The part I think I like about this the most is the issue Senator Briese has put in there, you know, educational opportunities and tax...property tax fairness, equity on the same line. And when...as long as we're funding schools that way, that's a good place to do it. The cost of funding, yeah, we should take a look at that. I think that there are areas where there might be efficiencies. There are areas, probably, where the funding is very insufficient when we get into specific populations and groups and areas of the state. So you're going to find both if you look at that and look at it closely. I always...I mean I look at this, I guess, in terms of a two-phase system. From the Department of Education you'll get, hopefully, a report on...that's data-based from around the state. I know it's an elected body, as well, but I think the focus of this study is gathering information, analyzing it. And then the second part of it, weighing policy options. That's where it comes back to this group and the people that you take advice from as far as changing the law. So it might not be the best structure in the world, but it is so far overdue that, you know, it just needs to happen. Senator Kolowski, you know, the only difference between this year and last year is it's a...it's a different Legislature...I mean, same Legislature, but if you look at the sponsors of the bill, there are different people interested in it this year. And I think that's very, very important. You need rural and urban people supporting this together. And that's the only way it can work. So thank you for your time. I know it's getting late. And just one more thing...these signs always remind me of Vaudeville when they pull the thing off, and so there's probably a guy coming with a hook for me now. So if there are any questions, I'll try to answer those. And if not, I know you got a few folks that want to testify yet. [LB1001]

SENATOR GROENE: Senator Linehan. [LB1001]

SENATOR LINEHAN: I'll be quick, I promise. Thank you, Chairman Groene. So you were here when they wrote TEEOSA originally...or you were involved somehow? [LB1001]

LARRY SCHERER: Yeah, I wrote it, basically. [LB1001]

SENATOR LINEHAN: You did write it, okay. Well, that's brave of you. [LB1001]

LARRY SCHERER: I wrote the study... [LB1001]

SENATOR LINEHAN: Okay, so... [LB1001]

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LARRY SCHERER: ...report as well, with the help of a lot of...well, we had the Legislative Fiscal Office, the Revenue staff. It was a team, you know. When it came down to putting it all together it was me. [LB1001]

SENATOR LINEHAN: But when did TEEOSA go into effect? []

LARRY SCHERER: 1990. [LB1001]

SENATOR LINEHAN: So was it before the ballot initiative? TEEOSA was law before there was a ballot initiative in 1990? [LB1001]

LARRY SCHERER: Well, TEEOSA was adopted, vetoed by the Governor, and then put on a referendum. So there was a ballot vote on LB1059... [LB1001]

SENATOR LINEHAN: Okay, okay. [LB1001]

LARRY SCHERER: ...and it was passed fairly...not overwhelmingly, but sound margin. [LB1001]

SENATOR LINEHAN: Was it...does it seem to you like we're having the same discussions now we did 27 years ago? [LB1001]

LARRY SCHERER: The discussions are the same but I think that the situation with where we've ended up after 30 years is different. At that point in time, there was \$133 million total in state aid and most of that went out as foundation aid, so. The situation with ag is different now. It's almost flip-flopped. In 1989 it was, you know, it was the city folks and the residential valuations that were out of sight. So, you know, that...it just depends. The situation is different... [LB1001]

SENATOR LINEHAN: Okay. [LB1001]

LARRY SCHERER: ...but I think the issues--is there fairness in taxation, is there adequate education, is it equitable to students across the state--those are the foundations of anything that is done. [LB1001]

SENATOR LINEHAN: Thank you. [LB1001]

LARRY SCHERER: Yeah, thank you. [LB1001]

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SENATOR GROENE: Did you ever...do you admit trying to control one variable in a (inaudible) is the wrong thing to do when you only tried to control the levy instead of...and not take into consideration the valuations when you did TEEOSA? [LB1001]

LARRY SCHERER: Yeah, that's a factor,... [LB1001]

SENATOR GROENE: Why do you control the answer and not the funding variables? [LB1001]

LARRY SCHERER: ...you know, and I know people look at the bottom line sort of as property taxes levied as opposed to valuations and levies, which are the teeter-totter they go on. So I...there's different ways to look at it, and yeah, given the ability to look at it a little more broad--that fashion--I think, yeah, it's a good idea. [LB1001]

SENATOR GROENE: Why didn't you look at the answer instead of one of the variables? You looked at levy, you didn't look at the valuation, why didn't you look at the answer of the two variables and lock that answer down to such a percentage of the funding or something that a school could be? [LB1001]

LARRY SCHERER: At the time there was a seven-to-one ratio between the levies across the state. We had Crawford was \$3.50, the levy and then you had some that were 50, you know, cents. So that was, you know...the levy equity was just in front of people. You know, now I think that people are knowledgeable. Yeah, do you look at the bottom line, what's the tax burden? And you not only have to look at the property tax burden, but you have to look at the income and sales tax burden because that's how the equalization is paid for. So yeah, you have a point there. You know, we'd always do something different if we had a chance to do over. [LB1001]

SENATOR GROENE: So do you advise us not to looking at one of the variables in the future and looking at the answer? [LB1001]

LARRY SCHERER: I think you need to look at the whole...the whole shooting match. [LB1001]

SENATOR GROENE: Thank you. You might be that consultant we need. [LB1001]

LARRY SCHERER: Oh, I don't know (laughter). Well, thank you. Any...? [LB1001]

SENATOR GROENE: Any other questions? Thank you. [LB1001]

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JOHN BONAIUTO: Senator Groene, members of the committee, John, J-o-h-n, Bonaiuto, B-o-n-a-i-u-t-o, representing Nebraska Association of School Boards. We have a letter that supports this bill. I'm here to speak to the study. And Senator Groene is an ECS commissioner, Senator Morfeld is an ECS commissioner appointed by the Executive Committee, I am an ECS commissioner...Education Commission of the States, appointed by the Governor. We...Senator Blomstedt--or Senator--Commissioner Blomstedt is a commissioner based on his position. I would strongly encourage, because Nebraska is a member of the Education Commission of the States Compact, that Michael Griffiths (sic--Griffith) be invited back. The study that Senator Linehan referred to was Michael Griffiths (sic) was invited to visit with the Education Committee and the Revenue Committee and he spent a half day here. It wasn't a study. He had a conversation. I can tell you that ECS is a nonpartisan group. You will not get an answer from them. You will be facilitated to have discussions. They will talk to you about what other states are doing that is successful but, in the end, you will have to make the decision. They aren't going to come in here with a silver bullet and say, here's the answer, because they know better than that. But they will give you some solid examples of what other states that have had the same problems have done. And then it will be up to the policymakers to decide what the solution is. With that, I'm going to conclude my testimony. The cost...and the reason that I came up was because of the fiscal note. And Nebraska is a member of ECS. There may be a charge for transportation; they're a Denver-based operation. They may not charge at all because of the membership. But it's not going to be \$100,000. Yeah, I don't want the fiscal note to be a barrier for this bill. I'll conclude my testimony. [LB1001]

SENATOR GROENE: Sir, nowhere in this bill does it say look for efficiencies in education and to maximize the value we get for the education dollar. The county commissioner from Cuming County came up and gave...he gave better advice than I've seen... [LB1001]

JOHN BONAIUTO: Senator... [LB1001]

SENATOR GROENE: ...in facts... [LB1001]

JOHN BONAIUTO: ...I'll guarantee... [LB1001]

SENATOR GROENE: ...about the cost and the waste in public education than I've seen anybody do. [LB1001]

JOHN BONAIUTO: Senator, I... [LB1001]

SENATOR GROENE: \$100,000 consultant or whoever. [LB1001]

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JOHN BONAIUTO: But...I don't want to be disrespectful, but I'll guarantee that's not the solution. And I'm not very smart, so. But I'll guarantee that's not the solution. I mean, finding a few efficiencies is not what got us into this problem. I think you really do need to study it. And it's more than looking at superintendent salaries. [LB1001]

SENATOR GROENE: Do you think it's just more money? [LB1001]

JOHN BONAIUTO: No, but I think the state needs to step up. I mean it's...there's...there is a reason where...where we're at currently. And that is that the state is very comfortable property taxes at allowing local school boards to fund schools using property taxes. That's just the way the system works. [LB1001]

SENATOR GROENE: We will end this with: we both agree on that. [LB1001]

JOHN BONAIUTO: Yeah (laughter). But yeah, it's a two-phase process. The Revenue Committee has a hard job to do and heavy lifting. And then the Education Committee has to figure out how you're going to fund the schools with what you have to work with. That's how it has worked, and that's how it will work again. [LB1001]

SENATOR GROENE: Thank you. Senator Linehan. [LB1001]

SENATOR LINEHAN: Thank you, Chairman Groene. You brought up the superintendents' pay; do you have any...there's another number that jumps off the charts when you look at Nebraska, and maybe you could address this. In the average, nationally, for pupil-to-teacher ratio--I should restate that, pupil-to-certified staff ratio average nationally--and it's in our Nebraska books of facts, is about 15. So 1 certified staff to 15 students. In Nebraska, it's 12 to 1. Do you think that's something we should look at? [LB1001]

JOHN BONAIUTO: You know, it's always good to look at why things are the way they are. And I know that we have... [LB1001]

SENATOR LINEHAN: It's not the small schools. [LB1001]

JOHN BONAIUTO: Well, I...we just... [LB1001]

SENATOR KOLOWSKI: Oh, really? [LB1001]

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JOHN BONAIUTO: I think we have to look at it and find out why. And there is...there is an answer there. I don't have it off the top of my head, but it's...sometimes things aren't what they appear based on just the numbers. There's a reason for that and we should find out. [LB1001]

SENATOR GROENE: No more questions, please? I mean, no more questions for...(laughter)? Next proponent. Including me. [LB1001]

TIFFANY JOEKEL: Senator Groene, members of the committee, my name is Tiffany Joekel, T-i-f-f-a-n-y J-o-e-k-e-l, and I'm policy director at OpenSky Policy Institute. We are here to testify today in support of LB1001, and appreciate Senator Briese for bringing this forward. Because the hour is long, I will just suffice it to say that we believe the path to meaningful and sustainable property tax reform will come through comprehensive and thorough review of the way we fund public education in the state. We believe there is no silver bullet to updating our school funding system, and any real change will require significant expertise brought to bear through an open and transparent process. We believe the Department of Education, if given sufficient resources to do this work, could provide such a process. And for that reason, we are supportive of the bill. Recognize your concerns about the fiscal impact, Senator. You know, I think there probably could be some massaging of the consultant fees, I don't know what that is. But I think it is important that someone is given the resources to do this work. As one who does a lot of data and spreadsheets, this is not easy stuff and requires a significant amount of expertise that does exist within the Department of Ed. But the Department of Ed, as I would imagine, most of the staff already have their own jobs, so to ask them to do some pretty heavy lifting may require some additional resources, either for the department or a consultant. I can't speak for them, but I do think it's important that it's properly resourced so it can be done well with the good data and information you need to make the decisions that you have to make. So, with that, I'm happy to help with any questions. [LB1001]

SENATOR GROENE: Any questions? Thank you. [LB1001]

TIFFANY JOEKEL: Thank you. [LB1001]

JON HABBEN: Chairman Groene, members of the committee, my name is Jon, J-o-n Habben, H-a-b-b-e-n, Nebraska Rural Community Schools Association. I support this study. If you were rural, and you looked across what's happened to about 220 school districts, you might suggest that we need a study because home...holy cow, what's happened over the last eight years. And it is what is. The formula multiplied out according to the definitions and the needs and the proportions in the formula. It did what it did and we have the results and we know why property taxes, particularly ag land taxes, have gone up, up, up, up, up. We know how much state aid, equalization, went out, out, out, out, out. And yes, we support this study, not because we're

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trying to take from somebody, because we don't know if taking or moving or shuffling or shifting or what the conclusions are going to be, but we certainly believe that the circumstances we face now warrant doing a study of this incredibly important statute that we have to finance...fund and finance public schools. I can't emphasize it more than that. We've argued it times in the past and we've shot ourselves in the foot. We've said, oh, here's a bill, and this is a study. Okay, who's listed to be on the study? I don't think we like that. You know, all of us have done that. We've done those kind of things, and somehow we've got to come to grips with the fact that we do have to have a study and it does have to really be focused on not a predetermined conclusion. So, with that, I think it's really important. [LB1001]

SENATOR GROENE: Factors haven't changed that much since Senator Sullivan sat in this chair and Senator Gloor was in the Revenue, and we have a very detailed report that came out about funding on the property...on the funding for the public schools, do we not? [LB1001]

JON HABBEN: Have factors changed? [LB1001]

SENATOR GROENE: Yeah. [LB1001]

JON HABBEN: Oh my gosh, yes. Oh my gosh, yes, they have. [LB1001]

SENATOR GROENE: The trend was for...the trend was in four years that more and more schools would become unequalized, is that not true? [LB1001]

JON HABBEN: Yeah, the trend line of ag valuations is doing this, and once you become wealthy or the TEEOSA you had did this, forcing ag taxes to go up, I mean... [LB1001]

SENATOR GROENE: I mean that... [LB1001]

JON HABBEN: ...it's been a continual trend. [LB1001]

SENATOR GROENE: So we already have a study that told us what to do. [LB1001]

JON HABBEN: Oh, well, okay. I follow you now. Yeah, I follow you now. [LB1001]

SENATOR GROENE: Isn't the big problem...since I've been here to "loggerjam" is this: I agree we need to do a study, but we start with a frozen amount of money. We're spending \$4.4 billion, let's look at that. What can we do to shift taxes, or what we need to do. But there is a segment of

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the public education community that won't even come to the table unless part of it is more money. They will not even come to the table unless part of the study is more money. And the problem is the equitable amount and proportion of where it comes from. So no matter what we do there is a certain group of the individuals involved will not come to the table unless part of the answer, part of what we look at, is more money. [LB1001]

JON HABBEN: But that's assuming. My point is we do the study. We do the study. What happens, for example, if that study comes up and says, you know, you're 49th in the nation and we recommend that you become 30th. And you as a body look at that and say, well, that's great, but we can't get there. You... [LB1001]

SENATOR GROENE: We're 10th, 11th in the nation... [LB1001]

JON HABBEN: ...as a body will decide those things. [LB1001]

SENATOR GROENE: We're 10th and 11th...we were last...it's behind a couple years, spending per student. We're 49th in public aid from the state. So, clarify... [LB1001]

JON HABBEN: Sure. [LB1001]

SENATOR GROENE: ...at 49th. [LB1001]

JON HABBEN: Sure. Yeah, I don't have any difficulty. My point just is, you as a body are still going to decide because anytime we've dealt with TEEOSA...well, including the...well, anytime since 1990, that we've dealt with TEEOSA, you guys have decided, right? [LB1001]

SENATOR GROENE: But we're not talking about TEEOSA. Let's be clear. There are those who want to mess with TEEOSA, I don't want to mess with TEEOSA. I want to mess how we fund with TEEOSA. [LB1001]

JON HABBEN: Oh, gosh. [LB1001]

SENATOR GROENE: There are those who want to go into the needs side and entangle that and complicate the issue by putting that in the study we do. And nobody's going to go anywhere when we do that. [LB1001]

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JON HABBEN: If you don't include the resource side and the needs side--both--in the study, and all you're concerned about is how much money you're choosing to fund TEEOSA, then you're right. We don't need a study, because... [LB1001]

SENATOR GROENE: We know that (inaudible)... [LB1001]

JON HABBEN: ...you're just going to decide that and you're going to leave TEEOSA exactly like it is and it's going to multiply out exactly like it does right now. And next year and next year and next year, and you have not done a thing other than decide how much money you want to put in TEEOSA. Period, that's it, that's the only thing you've decided. You don't care where it goes, you're just saying, ah, this is good enough. [LB1001]

SENATOR GROENE: The needs side is already there. [LB1001]

JON HABBEN: The needs side and the resource side need to be further studied. They are not the only definitions of those elements in TEEOSA, nor do we...nor are they all weighted properly. We can discuss the weighting of different elements on the needs side of the formula and on the resource side of the formula. Those things all have to be included, because... [LB1001]

SENATOR GROENE: Wouldn't you... [LB1001]

JOHN HABBEN: ...if you don't, you miss the point. [LB1001]

SENATOR GROENE: Wouldn't you have everybody on the same team if first you put fairness on how it was going to be paid? [LB1001]

JON HABBEN: Well, that's my point, is to take apart TEEOSA; study this thing. You're going to look at how much money you have every year, right? Every year. That's a requirement that the Legislature has to do that. Of course you're going to look at that. But you're also going to look at how is it distributed. You're going to look at what counts as resources and how those things are weighed against each other. You're going to look at whatever is on the needs side, how those...what's included and how those things weigh against each other. One of the major weaknesses in TEEOSA right now, very simply, very simply, was its complete inadequacy to deal with ag land growth since ARRA was ended. [LB1001]

SENATOR GROENE: That's the funding side...the funding side. [LB1001]

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JON HABBEN: Yeah. [LB1001]

SENATOR GROENE: Anyway, fine. I'm done; I won't ask any more questions. We need to get done. [LB1001]

JON HABBEN: Sorry to get excited. [LB1001]

SENATOR GROENE: Yeah. Any other questions? [LB1001]

JON HABBEN: I think I've done this too long. [LB1001]

SENATOR GROENE: Yeah, I appreciate the debate. I mean I'm... [LB1001]

JON HABBEN: I understand. [LB1001]

SENATOR GROENE: ...dragging...I'm complaining, and I'm the one dragging it out, so (laughter) I admit that; I have a problem. We want to go home. Next...who's next, proponent? [LB1001]

JON HABBEN: Thank you. [LB1001]

LAMONT RAINEY: Opponent. [LB1001]

SENATOR GROENE: Opponent? Are we on opponents? [LB1001]

BRUCE RIEKER: One proponent...I'm a proponent. [LB1001]

SENATOR GROENE: We're proponents. [LB1001]

SENATOR KOLOWSKI: Proponents. [LB1001]

LAMONT RAINEY: Opponents. [LB1001]

SENATOR GROENE: No, proponents; we haven't switched. Are you opponent or proponent? [LB1001]

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BRUCE RIEKER: Pro. [LB1001]

SENATOR GROENE: Yeah, we haven't switched. [LB1001]

BRUCE RIEKER: Hi, my name is Bruce Rieker, B-r-u-c-e R-i-e-k-e-r, vice president of government relations for Farm Bureau. And we've already submitted a letter in support of this particular study. And if we don't talk about it enough today, we can talk about it again in a couple days over in the Revenue Committee because it's a part of Senator Briesse's LB1084. We...I as a representative of the Farm Bureau, have been in meetings for a year as part of a group as part of a group of Nebraskans United. And it has nine or ten ag interests and seven or eight education interests, and a little bit of...I'm giving you a little bit of history about how we came to be with this study. And I guarantee you, I am not the expert to tell you what all needs to be studied. But I defer to our colleagues on the education side of the arena and school board members and many other institutional experts that will be able to help figure this out. But one of the things that...and I am not here for one second to suggest that this is the way you go. And in these meetings that we've had between the ag interests and the education folks, and there's a little bit of commercial property interest at the table once in a while. But we've had some excellent conversations that have definitely broadened my horizons about how we fund education. One of the things, and maybe this will take Senator Lou Ann Linehan back to her days with Senator Hagel, though, too. When I was a congressional staff person, there was a battle on Capitol Hill that had to do with base realignments, military bases, and a concept that was put together called the Base Realignment and Closure Commission. By no stretch of the imagination am I suggesting that we're talking about closures in this study, okay? But the title of it, and I thought that the political wisdom of this, even though I was much younger at the time--this was in the '90s--made political sense. It put teeth...it created a statute that put teeth into a study that said there's going to be an independent commission that says here's how we're going to realign the military bases. And that not everybody is there to just protect their own turf because part of the problem, from Farm Bureau's perspective as we see this going forward, is a study is a study is a study unless there's some teeth in it. The beauty of the Base Realignment and Closure Commission was that Congress couldn't amend it. It was either a thumbs-up or thumbs-down vote. And I don't know whether that has any political merit to you folks in the Legislature. I am not here pushing that right now, but I think that there was wisdom in that concept as to how to approach something like this. And as you look at this, I'd be more than happy to visit with you about these things. And I'm not here saying that the education interests have signed off on this. I've shared it with a few of them. It was enough to, you know, definitely make the water a little bit hotter for all of us because even property owners and other taxpayers in the state as you look at this, depending on what the recommendations are, is that we'd be bound by that. So there's a lot to be worked out there. However, the time is right for figuring this out. And with that, I'll conclude my remarks. [LB1001]

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SENATOR GROENE: Any questions? Thank you, Bruce. [LB1001]

BRUCE RIEKER: You're welcome. [LB1001]

SENATOR GROENE: Any other proponents? If there's no more proponents, we've received letters of support from the NASAB (sic--NASB), Lincoln Public Schools, Norris Public Schools, STANCE, Nebraska State Grange, The Agriculture Leaders Work Group. There was no opposition. Is there any opposition testimony? There's no opposition. How about neutral? [LB1001]

BRIAN HALSTEAD: Good evening, Senator Groene, members of the Education Committee. For the record, my name is Brian Halstead, B-r-i-a-n H-a-l-s-t-e-a-d, with the Nebraska Department of Education. I'm here because the Commissioner of Education wanted it made absolutely clear the department is neutral on this bill. But the entire discussion you've all had--believe it or not--the State Board of Education had that same discussion: support, oppose, whatever. And the reality is, we at the department already have the general supervision and administration of the school system of this state. So we already know, walking into this--you've already heard all the conversations--if this were simple, but it's going to be complex. So I'm just going to stop there. If you want us to do a study, we'll do a study. We're not looking as a proponent nor as an opponent of this, so. The fiscal notes as you've seen, I understand \$100,000, it says up to that. Governor's Budget Office didn't object to that, nor did Legislative Fiscal. I have no idea what it costs to do a study. [LB1001]

SENATOR GROENE: Thank you. Senator Briese, do you want to close? [LB1001]

SENATOR BRIESE: Just very briefly. Thank you. It seems like in this body when we're talking about tax relief, we're talking about TEEOSA reform. The path of least resistance is to do nothing. And nothing is not an option. This study is an effort to move us off-center on this, if you got a better idea, a better idea to move us off-center and get the ball rolling, I'm all ears. But I think this study is a...can help us do that. But anyway, answer any questions if you have any more. [LB1001]

SENATOR GROENE: Thanks. [LB1001]

SENATOR BRIESE: Yeah, thank you. [LB1001]

SENATOR GROENE: For the debate. [LB1001]