

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

Education Committee
February 20, 2018

[LR285CA LR291 CONFIRMATION]

The Committee on Education met at 1:30 p.m. on Tuesday, February 20, 2018, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LR291, LR285CA, and gubernatorial appointments. Senators present: Mike Groene, Chairperson; Rick Kolowski, Vice Chairperson; Laura Ebke; Steve Erdman; Lou Ann Linehan; Adam Morfeld; and Patty Pansing Brooks. Senators absent: Lynne Walz.

SENATOR GROENE: (Recorder malfunction)...the appointments first, and then we'll have two hearings after that. Our hearing today is your public part of the legislative process. This is your opportunity to express your position on the proposed legislation before us today. To better facilitate today's proceedings I ask that you abide by the following procedures. Please turn off cell phones and other electronic devices. Move to the chairs...we'd really like that if you're in the front row and you're going to testify, when you're done go back and let somebody else move up so we got some idea how many testifiers there are. And it's a quicker transition that way, when people are...and we'll go left to right. If there's people on the right side and left side, try to alternate as we get testifiers into the seat. The order of testimony is introducer, proponent, opponents, neutral, and closing remarks by the introducer. If you will be testifying please complete the green testifier sheet and hand it to committee check...clerk, page...or page when you come up to testify. If you have written materials that you would like distributed to the committee please hand them to the page to distribute. If you are not going to publicly testify or need to leave early, you can turn in written testimony with a completed green testifier sheet. We need 12 copies for all committee members and staff. If you need additional copies please ask the page to make copies for you now. When you begin to testify, please state and spell your name for the record. Please, be concise. It is my request that testimony limit to four minutes; three green, one yellow. We will be using the light system. If you would like your position to be known but do not wish to testify, please sign the white form in the back of the room and it will be included in the official record. If you are not testifying in person on a bill and would like to submit a written position letter to be included in the official hearing record as an exhibit, the letter must be delivered to our office by 5:00 yesterday. So, if you send any correspondence in to us by e-mail it had to ask that it be put into the record. It had to state a position of for, against, or neutral. And it had to be by 5:00. And you had to have an address on it. If you just sent an email that said please vote against it or for it; that is not a...a request to be put into the record. Additionally the letter must...anyway, I just said all that. Committee members with us today will introduce themselves beginning at my far right. [CONFIRMATION]

SENATOR LINEHAN: Good afternoon. Lou Ann Linehan; District 39, which is Elkhorn, Waterloo, and Valley. [CONFIRMATION]

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

Education Committee
February 20, 2018

SENATOR KOLOWSKI: Good afternoon. Rick Kolowski; District 31; southwest Omaha. [CONFIRMATION]

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

SENATOR MORFELD: Adam Morfeld, District 46; northeast Lincoln. [CONFIRMATION]

SENATOR ERDMAN: Steve Erdman, District 47. [CONFIRMATION]

SENATOR GROENE: And as far as I know, Senator Pansing Brooks and Senator Walz will be joining us. They did not indicate otherwise. Just probably running a little late or they might be introducing a bill in another committee. Our pages today are Heather Bentley, student at the university, and Sam Baird, also a student at the university. You might, as I said earlier, you might see senators come and go because they might be testifying or dropping a bill in another committee. You might see us on the phone...not on the phone, but texting or on a computer. Normally, we're doing a little research so we can ask you pertinent questions or corresponding with our office. Let's begin. We will start by appointments. And that is Lisa May. Lisa, are you there? [CONFIRMATION]

LISA MAY: Yes, I am. [CONFIRMATION]

SENATOR GROENE: And you're being appointed to the Nebraska Educational Telecommunications Commission, is that correct? [CONFIRMATION]

LISA MAY: That is correct. [CONFIRMATION]

SENATOR GROENE: This is your first time on the committee... [CONFIRMATION]

LISA MAY: This is a reappointment, I... [CONFIRMATION]

SENATOR GROENE: ...the commission? [CONFIRMATION]

LISA MAY: ...finished out a term for someone who resigned and then now I have been reappointed by the Governor for January of this year 'til 2022. [CONFIRMATION]

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

Education Committee
February 20, 2018

SENATOR GROENE: So, would you like to tell us a little bit about yourself and why you want to be on this commission? [CONFIRMATION]

LISA MAY: (Exhibit 1) Well, I have enjoyed fulfilling the other term when I was on the commission. And I do an in-home day care, have for 20 years. And I enjoy bringing a kind of common-sense, everyday, what's lacking, what's working, not working viewpoint to the committee. And I am certainly not afraid to stand up and ask why or how come or what if or how about to projects that are in the development stage or are...have been working or something, maybe, that's not working. I don't have a problem with that. And I've just enjoyed it that last 2.5 years, kind of seeing what all goes on behind the scenes. It's quite interesting.
[CONFIRMATION]

SENATOR GROENE: Thank you, and where are you from? [CONFIRMATION]

LISA MAY: I'm in Kearney. [CONFIRMATION]

SENATOR GROENE: Kearney. And your background is? [CONFIRMATION]

LISA MAY: Is...well, I have my own home...in-home day care for the last 20 years. And then, I am a graduate of University of Nebraska-Lincoln with a speech communications degree, an emphasis in English and psychology. [CONFIRMATION]

SENATOR GROENE: Well, thank you. You have anything else to say? Any questions from the committee? Is there anybody here to testify as a proponent for this appointment? Opponent? Neutral? I think you're safe, Lisa. (Laughter) [CONFIRMATION]

LISA MAY: Thank you, very much. [CONFIRMATION]

SENATOR GROENE: Thank you. That ends the hearing on the appointment of Lisa May to the Nebraska Educational Telecommunications Commission. The next will be Robert Kobza for the Board of Educational Lands and Funds. Robert, this is your first appointment?
[CONFIRMATION]

ROBERT KOBZA: Yes, it is. [CONFIRMATION]

SENATOR GROENE: So, do you want to tell us a little bit about yourself and why you want to do this? [CONFIRMATION]

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

Education Committee
February 20, 2018

ROBERT KOBZA: (Exhibit 1) Well, my name is Robert Kobza. I live at Bellwood, Nebraska. And I'm a licensed real estate agent in Nebraska. And my expertise...area of expertise is modern-day agriculture and land. That's my passion, so. [CONFIRMATION]

SENATOR GROENE: And you're interested in how we handle the leases and the rents and the... [CONFIRMATION]

ROBERT KOBZA: Yes... [CONFIRMATION]

SENATOR GROENE: ...and the funds... [CONFIRMATION]

ROBERT KOBZA: ...very interesting, the amount of land that the trust holds. And what's gone down there. Actually, really surprised at the rents that were paid this year, a lot higher. [CONFIRMATION]

SENATOR GROENE: Good. Did you have anything else? [CONFIRMATION]

ROBERT KOBZA: No, that's it. [CONFIRMATION]

SENATOR GROENE: Any questions from the committee? [CONFIRMATION]

SENATOR KOLOWSKI: Down here. [CONFIRMATION]

SENATOR GROENE: Senator Kolowski. [CONFIRMATION]

SENATOR KOLOWSKI: Thank you, sir. Mr. Kobza, what do you think you'd bring to the board, knowing the people on the board that you might have met earlier times? What slot do you kind of fill or special area you bring? [CONFIRMATION]

ROBERT KOBZA: I would guess the special area that I bring would be we manage properties that are residential acreages and farms. And what actually happens in modern agriculture and what we take to the board in some of the issues and problems that we deal with doing to DEQ regulations and stuff like that. I have a long, good past with that, so. [CONFIRMATION]

SENATOR KOLOWSKI: Thank you. [CONFIRMATION]

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

Education Committee
February 20, 2018

ROBERT KOBZA: Thank you. [CONFIRMATION]

SENATOR GROENE: Any other questions from the committee? Thank you, sir.
[CONFIRMATION]

ROBERT KOBZA: Thanks. [CONFIRMATION]

SENATOR GROENE: Is there any proponents? Opponents? Neutral? You look safe, too.
[CONFIRMATION]

ROBERT KOBZA: Thank you. [CONFIRMATION]

SENATOR GROENE: Best not to have your wife testify for you. (Laughter)
[CONFIRMATION]

ROBERT KOBZA: That might be different. (Laughter) [CONFIRMATION]

SENATOR GROENE: That ends the hearing on the appointment of Robert Kobza to the
lands...Now we have Dr. Joyce Simmons, Coordinating Commission for Postsecondary
Education. It's a reappointment. Go ahead, Joyce. [CONFIRMATION]

JOYCE SIMMONS: (Exhibit 1) Thank you, Senators. [CONFIRMATION]

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

JOYCE SIMMONS: I am ready. These terms are six years. This will be my third appointment, so
I've served 12 and I'm looking forward to continuing that. I've served as chairman for two years,
also chairman of subcommittees. Have enjoyed this a great deal. After questions, I have a couple
of issues I'd like to bring to you, too. But I'll defer those until the end of my testimony.
[CONFIRMATION]

SENATOR GROENE: And you're from? [CONFIRMATION]

JOYCE SIMMONS: I'm originally from Cherry County, from Valentine. Two years ago I retired
and moved to Lincoln. I hold an at-large appointment, so... [CONFIRMATION]

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

Education Committee
February 20, 2018

SENATOR GROENE: So you can live anywhere? [CONFIRMATION]

JOYCE SIMMONS: ...that's why I was able to move and keep this appointment.
[CONFIRMATION]

SENATOR GROENE: And your doctorate is in? [CONFIRMATION]

JOYCE SIMMONS: I'm an orthodontist, so...graduate of UNMC. [CONFIRMATION]

SENATOR GROENE: Is there any questions? And you wanted to speak on a couple of issues?
[CONFIRMATION]

JOYCE SIMMONS: I would like to. I've really come to value the Coordinating Commission and all the different ways that we help Nebraska have an educated work force and affordable education and a coordinated education system without duplication. We try to find efficiencies where we can and supervise a lot of things that are really not known by the general public or, perhaps, by the Legislature. One of the things we do--we...I am commissioner and so I give credit to the executive director and the staff for this work--is review programs on a rotating basis so that all educational programs that are offered at the postsecondary level, that are supported by tax dollars, are reviewed every seven years, if not more often. I've been very interested in the publicity that has been in the Omaha/Lincoln papers lately, concerning programs that the university is planning to cut. That has made a big splash on our newspaper front pages for a couple of weeks now. And I'd like to help you understand, a little bit, how the Coordinating Commission functions in that regard. This one is from February 14, in the Lincoln Journal Star on the front page: Like a punch to the gut, UNL students respond to budget cut proposals. In it, Chancellor Green, it says, has been forced to eliminate geography and art history programs as part of its cuts as lawmakers weigh competing interests within a shrinking state budget. Goes on to quote a student who is a member of the geography program; "would be a great disservice to Nebraska if the University doesn't have this program," said this student, etcetera. The geography program at the University of Nebraska has been under review by the Coordinating Commission. And I've done a little research to just make sure that my background is correct here. Starting...this is a report that the University sent to the Coordinating Commission last year. It's dated April 24 of 2017 and signed by...I believe it's Donde Plowman from University of Nebraska. Asking...because we need to have a report on programs that are under-producing. We have certain thresholds; we need to have a certain enrollment, we need to have a certain number of graduates. And they were not meeting these thresholds in the masters or doctorate program and so we ask for an explanation. And it started, then, last year when they said the geography program is undergoing an administrative shift to the College of Arts and Sciences. A search for a new director is currently underway and plans are in place to strengthen and rebuild the graduate

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

Education Committee
February 20, 2018

program. So, that was in April. It came officially to us in our seven-year review to my committee...I'm on Academic Programs Committee, a subcommittee of the Coordinating Commission. It came to us on November 20 of last year. And, still, the numbers were low in their graduate programs. The threshold for graduates in the undergraduate, or bachelors, level is an average of ten graduates per year for the last five years. They had 12.6, so they met that threshold. However, the threshold in the masters program is an average of five per year for the last five years. Their average was 2.4. And in the doctorate program our threshold is three graduates at the doctorate level for the last five years on average. And their average was 1.8. So, obviously, they were not meeting these goals. We voted in the subcommittee, the Academic Programs Subcommittee, that this should go without a recommendation for continuation. Should go to the full commission at the next meeting, which was in December. A member of our Coordinating Commission staff notified the university that we would be taking a closer look at this program. And they got back to the staff member and said we would like to pull this off the agenda because we also want to look at it. And so, we did not take it up. Then it showed up again in January; they asked for it to be resubmitted. The last...well, there's a letter from Dr. David Jackson here stating that: we recognize that the two University of Nebraska programs--because there was another one that wasn't meeting threshold, Bachelor of Arts in Philosophy also wasn't meeting thresholds--we recognize that these two university programs do not appear to meet stated CCPE thresholds. We would like to initiate--meaning the university would like to initiate--an in-depth review of both programs. And we will take that report to the Board of Regents this summer and then we would get back to the Coordinating Commission in the fall. That was dated January 4. At the January Coordinating Commission meeting, January 25, Dr. Jackson was there in person; stated the Board of Regents would examine an in-depth review later this year and take it back to the Commission at our September 30, 2018 meeting. So, as late as January 25, the university was still saying that they didn't know about this program. But within two weeks they had cut it and they made a big splash. I'm just saying that sometimes things are done to create more publicity than is really warranted. [CONFIRMATION]

SENATOR GROENE: Thank you. Question; can the university cut a program without your permission? [CONFIRMATION]

JOYCE SIMMONS: Absolutely. [CONFIRMATION]

SENATOR GROENE: It can? Any program or... [CONFIRMATION]

JOYCE SIMMONS: We expect them to do due diligence and to realize when programs are not doing a service to the taxpayer of the state. [CONFIRMATION]

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

Education Committee
February 20, 2018

SENATOR GROENE: But I'm talking about a major program, like agriculture. Could they cut a major program without...that the Coordinating Commission believes necessary for the state of Nebraska? [CONFIRMATION]

JOYCE SIMMONS: We do not...no...yes, they can. That's the short... [CONFIRMATION]

SENATOR GROENE: They can? [CONFIRMATION]

JOYCE SIMMONS: Of course they can, they are in charge. And if they want to initiate a new program they come to us, give us reasons why they think it will be a successful program and we examine all kinds of issues. Not just the university, we're talking about all levels of state-supported postsecondary education. [CONFIRMATION]

SENATOR GROENE: Do you approve all new programs? I'll give you an example; in the same one of the stories they were talking about how they had to cut their budget. In the same Regents' meeting they approved two new programs at the University of Kearney...Nebraska at Kearney, on women's studies and ethnic studies. Brand new programs... [CONFIRMATION]

JOYCE SIMMONS: Oh, I'm sorry, what were they? [CONFIRMATION]

SENATOR GROENE: Women's studies and ethnic studies. Do you approve those when they...? [CONFIRMATION]

JOYCE SIMMONS: They will come before us. I...we have our executive director here, can I turn to him and ask if we... [CONFIRMATION]

SENATOR GROENE: No, that's fine. That isn't why we're here. That isn't why we're here. So, do you have anything else to say? [CONFIRMATION]

JOYCE SIMMONS: All programs come before us if it's tax supported, state tax supported. [CONFIRMATION]

SENATOR GROENE: I just wanted to... [CONFIRMATION]

JOYCE SIMMONS: So not private, not for-profit colleges. But all community colleges, all state colleges, University of Nebraska and all that just, yes... [CONFIRMATION]

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

Education Committee
February 20, 2018

SENATOR GROENE: Thanks. [CONFIRMATION]

JOYCE SIMMONS: The other item in this story was about the Art History program, and so I ask our Coordinating Commission to look at that. The Art History program is up for a review this year, and we have not seen it in seven years. The last time we reviewed it, they were having 10.8 bachelors degrees per year, on average. And our threshold is ten, so they were barely making... [CONFIRMATION]

SENATOR GROENE: And that was seven years ago? [CONFIRMATION]

JOYCE SIMMONS: That was seven years ago. [CONFIRMATION]

SENATOR GROENE: All right, thank you. Thank you. Thank you for your...that insight; appreciate it. [CONFIRMATION]

JOYCE SIMMONS: This second item, I'm sorry to take your time, but these...I only get to talk to you once every six years. And I believe the other two I was living in Valentine and did a phone-in, so we didn't do this in-depth. The other one is a duty of the Coordinating Commission to review capital construction projects. It's in state law; it states that the Board of Regents will submit to the Coordinating Commission capital construction projects that are proposed for the next year. And I want to note that the university, in particular, has found a way around that so they do not have to go through the Coordinating Commission. The Coordinating Commission has on staff very capable members of the staff to review all capital construction. Need, size, appropriateness of materials, cost, operating and maintenance requests, all of these things are reviewed. Also they...we review the use of all classrooms in the state. All college classrooms are rated for the percent of hours of use each week. All of these things go into a project for capital construction. The university, however, in recent history, has decided to bypass the Coordinating Commission despite that fact that it's in state statute that they should come to us. They go directly to the Legislature. They come directly to you and ask for money for a project. And then they come to the Coordinating Commission as a completed act; okay, we have \$19 million or \$25 million or \$50 million--I'm looking at projects in particular here--will you approve this? Well, after the fact it's very difficult to say we recommend that you modify this project in some way. So I would like to make you aware of that. [CONFIRMATION]

SENATOR GROENE: So you would like to see a report by Coordinating Commission? [CONFIRMATION]

JOYCE SIMMONS: I would like them to follow state statute, yes. [CONFIRMATION]

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

Education Committee
February 20, 2018

SENATOR GROENE: Thank you. We'll talk to the director about what the statute is.
[CONFIRMATION]

JOYCE SIMMONS: Well...the...yes. [CONFIRMATION]

SENATOR GROENE: Thank you for bringing that information to us. That's why you're there,
that's why have the Coordinating Commission... [CONFIRMATION]

JOYCE SIMMONS: We try our best... [CONFIRMATION]

SENATOR GROENE: ...thank you... [CONFIRMATION]

JOYCE SIMMONS: ...very capable. A couple of my colleagues are going to be following right
behind for reappointment. Thank you. [CONFIRMATION]

SENATOR GROENE: Thank you. Any proponents? Any opponents? Any neutral? Thank you,
Doctor. [CONFIRMATION]

JOYCE SIMMONS: Thank you. [CONFIRMATION]

SENATOR GROENE: That ends the hearing on Dr. Joyce Simmons for the Coordinating
Commission for Postsecondary Education. Now we go to Dr. Deborah Frison, Coordinating
Commission for Postsecondary Education. It's a reappointment. [CONFIRMATION]

DEBORAH FRISON: (Exhibit 1) Good afternoon, Committee. I'm Deborah Frison, D-e-b-o-r-a-
h F-r-i-s-o-n. And I'm seeking reappointment to the Coordinating Commission.
[CONFIRMATION]

SENATOR GROENE: Go ahead; tell us about yourself and why you want to do this to yourself
again for another six years. (Laughter) [CONFIRMATION]

DEBORAH FRISON: Yes, this is my...this would be my second term. I was appointed January
2012, I started there. I was honored to take the position of Dick Davis , who had served on the
Coordinating Commission for, probably, over 20 years. At that time, I was a secondary principal
with the Omaha Public Schools. I was in my third principalship and it was, so to speak, a
wonderful fit in terms of it was about education and it was about postsecondary education and it
was about trying to keep our Nebraska graduates within our state. It was about everything that

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

Education Committee
February 20, 2018

was positive, as far as I was concerned. And while I did not know much about the Coordinating Commission, it seemed that I would have an opportunity to learn much and contribute in a very positive way as an extension of what I was already doing with the Omaha Public Schools. And as a result, now, I graciously accept reappointment, if conferred, for another six years. Since then, I have retired from the Omaha Public Schools. I'm now Deputy Commissioner of Education with the Department of Education in that position and the work oftentimes aligns, again, from public education to postsecondary oversight and programs. And I'm serving as vice chair right now. [CONFIRMATION]

SENATOR GROENE: Thank you. Is there any questions from the committee? Thank you, Dr. Frison. Any proponents? Opponents? Neutral? Looks like you're safe, too, so.
[CONFIRMATION]

DEBORAH FRISON: Thank you. Commissioner didn't say anything? Okay. (Laughter)
[CONFIRMATION]

SENATOR GROENE: Now we go to the John Bernthal, Ph.D., Coordinating Commission for Postsecondary Education. I, hopefully, pronounced your name right. [CONFIRMATION]

JOHN BERNTHAL: (Exhibit 1) You have, sir. [CONFIRMATION]

SENATOR GROENE: Go ahead. [CONFIRMATION]

JOHN BERNTHAL: I'm John Bernthal. I represent District 1, which is Lincoln. I'm seeking reappointment; I finished up an unfinished term. This will be my first full term as...on the commission. I guess if I had to single out one single thing it would be I'm most concerned about accessibility, especially with low-income and first-generation students. And I think one program that was not mentioned that we also do, we administer a program where we initiate dual-programs that a student can get college credit as well as high school credit and it gets them kind of into the notion of college work. And many...our record of those students going on to postsecondary education--whether it be on the university level, whether it be state college level or even at the community college level--is very high. And those...even first-generation and low-income students that go through that program and get small stipends tend to have a high graduation rate. Almost as high, or higher, than those students without those kinds of supports and needs. So, that's one area that I think the commission has done a very good job. And, of course, the funding is critical for that and that funding primarily has come from either the college and universities or the lottery money provided by the Legislature. As I...I was a university professor at UNL; was there for 30 years and have since retired and hold emeritus status. I'm the only academic on the council and I do think I bring that perspective to the council. And I'd like

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

Education Committee
February 20, 2018

to believe I've provided some insights from the other end of the thing. I also had to go through the process of getting approval of programs as we initiated them in my other capacity as a university professor. [CONFIRMATION]

SENATOR GROENE: Any questions from the committee? Senator Erdman.
[CONFIRMATION]

SENATOR ERDMAN: Thanks, Senator Groene. Thank you for coming today, Doctor. How many people are on the Coordinating Commission? [CONFIRMATION]

JOHN BERNTHAL: There are 12 of us, I think. [CONFIRMATION]

SENATOR ERDMAN: Twelve? [CONFIRMATION]

JOHN BERNTHAL: Eleven, excuse me. [CONFIRMATION]

SENATOR ERDMAN: All right, thank you. [CONFIRMATION]

JOHN BERNTHAL: Sorry about that. I should know that, shouldn't I? [CONFIRMATION]

SENATOR ERDMAN: That's all right. [CONFIRMATION]

SENATOR GROENE: I take it you weren't a professor of math, what was your...(laughter) what was your discipline? [CONFIRMATION]

JOHN BERNTHAL: I think you're right. (Laughter) My background is speech and language pathology. I was director of the Barkley Center at UNL and so my specialty areas are children with special needs. [CONFIRMATION]

SENATOR GROENE: Any other questions? I know you haven't been on there...you've been on there for two years? How do you think we're making progress with coordinating the transition using our community colleges more for the first two years to cut costs? How...has the Coordinating Commission really helped with that issue of cooperation between the four-year schools... [CONFIRMATION]

JOHN BERNTHAL: I...there are a couple of the initiatives where the Coordinating Council has been effective here. One is there's a listing of all courses at all the public institutions in the state:

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

Education Committee
February 20, 2018

community college, state college, university. And you can go in as a counselor or as a student and find out what will transfer and where and whether you have...whether it will fulfill...what requirements it will fill at each institution. So that's one area where I think we've made good progress, in terms of doing this. Also, there have been some initiatives, both at the state college level and the university, to make a smooth transition for the students coming from community colleges into the four-year institutions. So, for example, Wayne State has initiated a program where they have a satellite program at Norfolk and those students can then come into Wayne. Likewise, Southeast Community College has an articulation program with the university here in Lincoln. So, there are a number of those kinds of initiatives that have been very helpful, I think. [CONFIRMATION]

SENATOR GROENE: So, that student doesn't lose any credit hours. They all transfer? [CONFIRMATION]

JOHN BERNTHAL: Well, I wouldn't say that. They have to get approved, but at least they know what will and will not transfer, so... [CONFIRMATION]

SENATOR GROENE: Prior to taking the class? [CONFIRMATION]

JOHN BERNTHAL: Prior to taking the class, if they choose to find out. [CONFIRMATION]

SENATOR GROENE: Thank you. Any other questions? Thank you, sir. Any proponents? Opponents? Neutral? Well, that ends the hearing on... [CONFIRMATION]

JOHN BERNTHAL: Am I safe, sir? [CONFIRMATION]

SENATOR GROENE: Yes, you are. (Laughter) I think you're safe, Dr. John Bernthal. That closes the hearings on appointments. And we will be acting on those pretty quick, folks. And now we go to LB...LR291 by Senator Kolowski; recommend that school administrators, teachers, parents, and students be educated about the potential health impact of heavy backpacks. [CONFIRMATION LR291]

SENATOR KOLOWSKI: (Exhibit 1) Good afternoon, Chairman Groene and members of the Education Committee. My name is Senator Rick Kolowski, R-i-c-k K-o-l-o-w-s-k-i. I have a letter to pass out. We were in session yesterday when this was sent, so. I'm here today to introduce LR291 to help educate school administrators, teachers, parents, and students about the health impact of overly-heavy backpacks. This is a health issue that can often get overlooked. Students are growing and developing at different rates. And often the size and number of books

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

Education Committee
February 20, 2018

and materials that they carry can be a significant weight on their bodies. This issue was brought to me by a chiropractor who has been advocating on the dangers of overweight backpacks nationwide. You have a letter that shows the facts and figures on the dangers on overly-heavy backpacks. This is not something that needs to be a law, but I think that this resolution will help increase awareness and provide a tool for schools and parents to be cognizant of this concern. I'd be happy to answer any questions that you might have. [LR291]

SENATOR GROENE: Any questions from the committee? Senator Erdman. [LR291]

SENATOR ERDMAN: Thank you, Senator Kolowski... [LR291]

SENATOR KOLOWSKI: Yes, sir. [LR291]

SENATOR ERDMAN: ...thank you, Senator Groene. I read in your bill...it said...or maybe it was in the statement of intent. It said that all people shall be educated--and that would be parents, teachers, administrators. How in the world are you going to educate all those people? What's your plan? How are you going to get this implemented? [LR291]

SENATOR KOLOWSKI: That has not been worked on yet, we're just bringing the resolution forward in order to see what your reactions would be and then we would...not having a fiscal note on this at all. There would be different ways to bring about assistance with materials produced; handouts to send home, items that can be put into school letters...school newsletters that principals can share with parents, very easily distributed, just to help people to remind them of the awareness of what this might do as far as a developing body. [LR291]

SENATOR ERDMAN: We don't necessarily need a resolution to send out a warning letter to the parents, do we? (Inaudible). [LR291]

SENATOR KOLOWSKI: No, this just kind of heightens it. Gives it a little more oomph, you know, as far as the punch involved to have parents be aware of what's going on. I saw this for a 41-year career; different-sized backpacks by different-sized kids being carried. It has an impact on a growing body, if they do it all the time. And it's consistent with their walk home or busing or whatever they're doing. As far as total impact: awareness. I have a son who's a chiropractor, he and his wife are both chiropractors. I know from their background and from my own experience either in...with different things I've done in my own life as far as loads carried at different times. With a growing body, makes a difference with things. [LR291]

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Transcriber's Office

Education Committee
February 20, 2018

SENATOR ERDMAN: Now, it just seems to make sense; you just...if you need to make people aware of it send them a note and do a public-relations thing and let it run. [LR291]

SENATOR KOLOWSKI: That's part of the goal but you sometimes have to repeat it on a yearly basis because of growth. And where kids are coming from, as far as number of inches they might grow in one year, for example. [LR291]

SENATOR ERDMAN: Thank you. [LR291]

SENATOR KOLOWSKI: Thank you. [LR291]

SENATOR GROENE: I guess I shouldn't have put a bushel basket of corn on my shoulder when I was 14 and hauled it through the snowbanks, huh? But... [LR291]

SENATOR KOLOWSKI: You should put it on both shoulders and haul it. (Laughter) [LR291]

SENATOR GROENE: Not...my grandkids have a computer. They don't have the books we did when we were a kid. So what do these kids have in these backpacks? They're not books. [LR291]

SENATOR KOLOWSKI: Well, you start with the aspect of what they might be carrying home from a library--checking things out. Textbooks from the classroom that might be used on a project by students. High school students, it could be the number of periods they have in a day. It could be all the way up to eight or nine periods...four, I had a high school where we had four-period days, ninety-minute sections. And that makes a difference as far as how many books they might be given in any one semester and how much they're carrying at any one time... [LR291]

SENATOR GROENE: I just thought the trend was that books were disappearing, but... [LR291]

SENATOR KOLOWSKI: No, not totally, at all... [LR291]

SENATOR GROENE: Just a comment, (inaudible)... [LR291]

SENATOR KOLOWSKI: ...there's lots of different supplemental things that are being used. [LR291]

SENATOR GROENE: Thank you. Any other questions? [LR291]

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

Education Committee
February 20, 2018

SENATOR EBKE: I would just note, Senator Groene; my son has a backpack and his computer (laughter) he carries every day. And he doesn't have room in the backpack for the computer. And I'm not really sure what's in the backpack, but I don't think I want to know, either. (Laughter) [LR291]

SENATOR GROENE: Thank you, Senator Kolowski. Any other questions? Thank you. [LR291]

SENATOR KOLOWSKI: Thank you. [LR291]

SENATOR GROENE: Proponents? [LR291]

DOUGLAS VANDER BROEK: (Exhibits 2-5) My name is Douglas Vander Broek, V-a-n-d-e-r B-r-o-e-k. I'm a doctor of chiropractic. I've been in practice since 1983 in Lincoln. So next month I will have been in practice for 35 years. I've previously served as a board member for Nebraska Chiropractic Physicians Association, and for the Nebraska Board of Chiropractic in Nebraska DHHS. Although currently I am not a member of either of those boards. Currently, I serve as the chiropractic member on the Nebraska State Board of Health, although my testimony today is not on behalf of the Board of Health at all. My testimony is at the request of the Nebraska Chiropractic Physicians Association, of which I am a member. And although the Nebraska Chiropractic Physicians Association is not the sponsor or the author of LR291, the NCPA is in support of LR291 and any efforts that are aimed at prevention of musculoskeletal problems in either children or adults. For a variety of reasons over the past several years, it seems that the size and weight of school backpacks for students in elementary, middle, and high school continues to increase. Excessive weight carried by students, especially younger students, can result in a variety of musculoskeletal problems. That includes back pain, poor posture, scoliosis, or muscle spasms. Education on appropriate weight limitations and proper fitting of backpacks needs to be disseminated among administrators, educators, parents, guardians, and students. Educational resources are available from a variety of reliable organizations. One such organization is the American Chiropractic Association, which has done a lot of work on this issue. And the ACA focuses on education and prevention of back problems for all ages. I have had the staff disseminate just a few of the educational materials that are readily available from the ACA for your review and consideration. And as I said, there's a number of other organizations that also have good materials that would be easy to distribute. I appreciate your consideration of this important health issue. I'd be happy to answer any questions or direct any comments that you can. That I can, I should say. [LR291]

SENATOR GROENE: Any questions from the committee? Sir... [LR291]

DOUGLAS VANDER BROEK: Yes, sir. [LR291]

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

Education Committee
February 20, 2018

SENATOR GROENE: ...does the ACA and the Chiropractic Association have any public outreach? Do they go to the schools so they can stick this in every packet... [LR291]

DOUGLAS VANDER BROEK: I think the way that they make those materials available...they make them available to ACA members and probably also available to the general public through their Web site. I think you can just go there and print that right off. But I think they direct them mainly to their members. The ACA has the largest membership of any chiropractic association in the U.S. And then it's up to the members to distribute that to their patients or even talk with their schools... [LR291]

SENATOR GROENE: To the school board... [LR291]

DOUGLAS VANDER BROEK: ...but those materials are available to the public, also. [LR291]

SENATOR GROENE: So, they could do it now? [LR291]

DOUGLAS VANDER BROEK: Yes. [LR291]

SENATOR GROENE: Senator Pansing Brooks. [LR291]

SENATOR PANSING BROOKS: So, how...thank you for coming, Mr. Vander Broek. I was wondering if there have been any attempts to try to get to PTOs because this seems like something particularly suited to the PTOs, at least the ones that I'm familiar with, in having led them at different points. There are Friday packets that go home with the kids... [LR291]

DOUGLAS VANDER BROEK: Uh-huh. [LR291]

SENATOR PANSING BROOKS: ...and it seems like that's something that's pretty easy to get placed into the Friday packet if we can get some PTOs organized... [LR291]

DOUGLAS VANDER BROEK: I think that would be a great idea with the parent-teacher organizations. Senator, it's been about 15 years since my last kids were in Lincoln East High School so I'm not in the PTO thing anymore, but I think that's a great idea. I don't know whether that's currently being done or not. [LR291]

SENATOR PANSING BROOKS: Okay. Thank you. [LR291]

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

Education Committee
February 20, 2018

SENATOR GROENE: (Exhibit 6) Any other questions? Any other proponents? Thank you, sir. Any other proponents? Opponents? No backpack manufacturer in the room? (Laughter) Any neutral? We have a...excuse me, we have a letter of support from Dr. Winn Sams, Columbus, North Carolina. No opposition, no neutral. And so there's no neutral. Do you want to close, Senator Kolowski? [LR291]

SENATOR KOLOWSKI: No, sir. [LR291]

SENATOR GROENE: Waive closing. That ends the hearing on LR291. Now we will go to Senator Murante and LR285CA, a constitutional amendment to eliminate the State Board of Education. And you win the prize for the most e-mails I received on any bill this year. [LR291]

SENATOR MORFELD: I just told him the same thing (laughter)... [LR285CA]

SENATOR MURANTE: All positive, right? Somebody had to break your record, Senator Groene. So...members of the Education Committee, for the record, my name is John Murante, J-o-h-n M-u-r-a-n-t-e. I represent District 49, which includes Gretna and western Sarpy County. And I'm here today to introduce LR285CA. And what this matter before you proposes is to put before the people of Nebraska the question of how to properly administer a state agency. It's my belief that the state agencies are certainly very different. And the method of administration of those agencies ought to be reflected in, I believe, the nature of the agency itself. And this is something that--over in the Government, Military and Veterans Affairs Committee--we spend a great deal of time talking about. In particular, the question of district elections; when district elections are most appropriate and when they are either inappropriate or doesn't matter at all. And I can tell you, in our studies what we have examined is district-based elections--like what we have right now for the State Board of Education--are incredibly important for agencies or political subdivisions where the primary role is the appropriation of resources. That is why our...that same logic applies into this Legislature, where the Appropriations Committee has nine members so we make certain that all three Congressional districts have equal representation. Many people have felt that that same logic ought to apply to this committee, that the Education Committee ought to have nine members because you do so much with TEEOSA and the state aid formula. And it's...the logic flows with the Appropriations Committee, you know, to apply to the Education Committee, as well. I certainly agree with that assessment. And if TEEOSA was determined by the Department of Education...if the purpose of the Department of Education was to appropriate money to local school districts, I wouldn't be introducing this. But what we see is for most state agencies where its primary purpose is technical in nature, where you're looking for technical experts, we don't usually see those agencies with a district-based election, numerous constitutional officers, like we have right now for the Department of Education, which means...which, to me, it seems inconsistent. Now the only alternative that I can think of is

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

Education Committee
February 20, 2018

very...the Department of Education and the State Board of Education is very different from the Board of Regents, right? The Board of Regents hires a president of the university. The president hires the chancellors of the university. They administer campuses, they teach students. This is...it all falls under that umbrella, and it certainly seems appropriate that, in the case of the Board of Regents, that it remain a district-based election because we have so many different resources being allocated. But there are no school districts under the jurisdiction of the Commissioner of Education. This...the school districts of the state of Nebraska are run by their local school boards. Their superintendents are hired at the local level. The connection between the student and the relationship between the state and the students is totally different between the university system and the K-12 system. There's just no comparison there. So, to me, it is far more like the state agencies which are coagencies, although I will say that I gave serious consideration to simply abolishing the State Board of Education rather than making it a coagency. Making the Commissioner of Education an elected position; a statewide-elected officer because, to me, that's as...it is a position and it is an agency that is predominantly focused on technical expertise. And I think that's much more consistent. There are numerous ways that states across the country administer their state departments of education. And it is about evenly split between states which have what we would call a coagency--a state that has a commissioner of education appointed by the governor between states which have the commissioner on education is simply directly elected--and states which use the Nebraska model of having a state board of education which hires the commissioner of education. So, it's done across the board, across the country. But I think that this really helps streamline and make more efficient, the Department of Education. And I do also believe, and I'm a humble person who understands that state senators, and I go back to my home in Gretna, and we're not the most well-known figures in state government. But in order to hold individuals accountable, we really have to know who they are. And whether you look at it from the perspective of the conduct of elections where, on average, 25 percent of people who show up to the polls on election day don't fill in the circle for the department...for the State Board of Education. They don't make it that far down the ballot. And I took a completely anecdotal survey of the people with whom I had lunch, and I asked them; can you name your member of the State Board of Education? And it was a zero percent name recognition rate. So, I think in order to hold someone accountable, we have to know who they are. And everyone knows who the Governor of the state of Nebraska is. You may like him, you may hate him, but you know who he is. And if there's something...if you adopt this resolution and it goes before the people of Nebraska, and the people of Nebraska vote for it; if there is something that happens within the Department of Education with which the people of this state take exception, they will know exactly who to go to to hold accountable, because everyone knows who the Governor of the state of Nebraska is. And that is my concern about where we're at right now is we have a constitutional office where--of the people who even bother to show up to the polls, these are your most avid and active citizens in the state--25 percent don't even make it that far down the ballot. And I think that's concerning. I do want to address one...two of the issues, because I have received, I'm sure, many of the same e-mails that you have and I'd like to address them, two of

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

Education Committee
February 20, 2018

the issues, if I might. First, the issue of local control, I heard that several times in e-mails. And now...the members of my committee have heard me give this rant, so I'm going to have to give it to you as well. Local control, the term itself, is a nuanced discussion about the relationship between state government and local government. It is about the inherent power between the two. And we all know that we're a Dillon's law state, and that local government gets...derives all of its power from the state; from the state statutes and from the state Legislature. Local control is a nuanced discussion because there is a fine line, and it's an ambiguous line about what's too far, in terms of the state Legislature. At what point are we micromanaging, but at what point are we being irresponsible to not provide oversight of local political subdivisions? That is what local control means, and it's a complex conversation. And I fear in an era of term limits--where most of the representatives of local governments were here before we all got here and they'll be here after we're all gone--have...the balance of power has shifted. And we're no longer having a reasonable policy discussion about what local control means. And when it's brought in this context, where you're talking about the proper administration of a state agency. Friends, there is no local control to be had here. This is a state issue in its entirety. This doesn't seek...this doesn't change the relationship between the state and local governments. This doesn't impact the power of any local school district or any local superintendent. This is simply a question of who is best served to administer a state agency. And if that is a local control issue, then everything that we deal with is a local control issue and the term is rendered functionally meaningless. And I also don't believe that this is taking any power away from the people of Nebraska. I think that, first of all, this provision will not be enacted into the constitution without the people's consent. So there's nothing that we, as a legislature, can do to enact this policy unilaterally. But, again, this allows, I believe, the Department of Education to be run in a way where the people know who to hold accountable. And I think that's the right thing to do. So as you all know, we are past the priority bill deadline; this proposal was not prioritized so it is largely a conversation point at this point. But I'd be happy to answer any questions that you may have. And probably won't belabour the point too much more than that. But, thank you, Mr. President...Mr. President Chairman (laughter), Right Honorable Senator from North Platte. [LR285CA]

SENATOR GROENE: How do you know what my future plans are? (Laughter) Any questions from the committee? Senator Morfeld. [LR285CA]

SENATOR MORFELD: Senator Murante, thanks for bringing this today. What do you think about the argument that, you know, so...one could argue whether or not having the elected board...whether having the elected board creates the accountability necessary, given that it's kind of a regionally elected board. There's probably a lot of people that...well, there's a lot of people, as we know, in our state legislative districts that don't know who we are in many cases. Some do, some don't. I would make the argument that it's probably less likely that they know who their Regent is or their State Board of Education member is, in many cases, unless they really care about a certain issue, particularly education or the university. But, at the same time, I mean, isn't

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

Education Committee
February 20, 2018

there an argument to be made to politically insulate some of these from these institutions from the day-to-day politics that we see down at the Capitol on a broad array of issues so they can focus specifically on the university system and specifically on the Board of...on K-12 education issues in particular. And that's not to say that they shouldn't be accountable or transparent, but rather by allowing these elected officials and these elected board to focus specifically on those issues, it politically insulates them from some of the other controversial issues that we talk about on a broad array of issues. Does that make sense? I feel like I'm... [LR285CA]

SENATOR MURANTE: It does, I think. So, for me...and it gets to a point that I probably should have addressed, is that the concept that if you adopt this that somehow the Department of Education will be more politicized because a politician...we shouldn't...actually I heard that several times over; a politician should not be appointing the Commissioner on Education. My problem with that is politicians already appoint the Commissioner on Education. I mean, to call the members of the State Board of Education politicians is not, in my view, an insult. I simply mean it from the perspective of: these are people, they run for office, they're elected officials, they...many of them raise money, they do things that politicians normally do. Of the eight members of the State Board of Education, I know three of them and consider them to be personal friends and the other five I've never met before. So, this is not a personal issue, I like them very much personally. To me, it is...the question is not whether or not...at least with this proposal the question is not whether or not politicians ought to be appointing the Commissioner of Education. They already are. The question is who ought to be doing it. Now, I suppose, like I said, we could make the argument that we should just take the politicians out of it and directly elect the Commissioner on Education. And then there's not that...there's no accountability system in that. You're just taking out a layer of elected office. I'm willing to consider that. I actually...I kind of like the idea. I've been 55/45 as to which one I prefer. But I just don't see that as being...we're already there, right? We're already in a system where politicians appoint the Commissioner of Education, we're now having a discussion about which...who should be the politician making that decision. [LR285CA]

SENATOR MORFELD: Okay, thank you. [LR285CA]

SENATOR GROENE: Senator Kolowski. [LR285CA]

SENATOR KOLOWSKI: Senator Murante, thank you for being here and doing this today. I wanted to, kind of, put it within the context of the use of the resources of the State Department of Education. In a 41-year career in education, whatever the job title was--department head of social studies, as a teacher, as a secondary director or a high school principal--I found resources that I constantly used at the State Department of Education. I'm trying to put together the logic of what you were talking about in your introduction for about the first five minutes, and it doesn't

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

Education Committee
February 20, 2018

match very well for me because I had different experiences. And different opportunities to use that resource that was available at the State Department of Education in multiple ways over many, many years that really served me well. And I disagree with you on the separation and division of this compared to where we are at the current time. [LR285CA]

SENATOR MURANTE: Sure. So I think, fundamentally, the question is not do they provide resources that are available to everybody. I'm assuming if they were available to you, Senator Kolowski, they were available to... [LR285CA]

SENATOR KOLOWSKI: Everybody. [LR285CA]

SENATOR MURANTE: ...every school district in the state. That is not...when we talk about allocation of resources and why you need districts it's when there's disparity and how the resources are being allocated and where they're being allocated. If you're talking about city government; where is the police station being opened up? That's why you need district elections, to make sure that every one from every part of the city has...has a seat at the table, an equal representation. From the school district level; where are the schools being built, which schools are getting how much money? Those sorts of...if they're simply creating a basket of resources for everyone to use, that's not allocation of resources in that you're determining where the dollars are being spent, such that there's a give-and-take. That is, I think, the fundamental difference. [LR285CA]

SENATOR KOLOWSKI: Well, knowing that that resource is there is half the problem. They have to know...you have to know what the State Department of Education does and can do for you. And then call upon that resource when needed in your district. It's just not...it's not matching for me, as far as where you're coming from and what your argument is. It doesn't match the reality of what I had in a career very easily. I just wanted to get that on the record to make sure that was a part of what we're talking about here today. [LR285CA]

SENATOR GROENE: Senator Linehan. [LR285CA]

SENATOR LINEHAN: Thank you, Chairman Groene. I'm very interested in your proposal. Could you...I know you said it split up, like; a third, a third, a third. But could you provide for the committee how many states actually, not right now, but how many states actually elect the Commissioner of Education, how many have an elected board by district as we do here, and how many are appointed by the Governor? [LR285CA]

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

Education Committee
February 20, 2018

SENATOR MURANTE: Sure, I have the Web site pulled up on my phone actually. I can just text it to you if you'd like. [LR285CA]

SENATOR LINEHAN: It would just be interesting. And also, in your research on this...I think we've had a Commissioner of Education since...I don't know, 1888? I was reading today, it's been a long time we've had a Commissioner of Education. But, I assume, back when we had thousands of school districts, it was a much different situation than it is today. So, did you do any studying of how we got from, like, 1950...what it looked like in 1950, what it looked in 1980, to what it looks like... I assume it grew with the growth in federal government grants since that's a lot of what they do. But, just kind of any history as to how we got from this one to.. [LR285CA]

SENATOR MURANTE: No. Candidly, I think...I spent most of my time, when I was looking at this, looking at two comparative analyses. One was the comparison of other states and how their departments of education were administered. And the other was...let's take a look at what the State Board...not the State Board, excuse me, the Department of Education does and compare it with other state agencies and how are those agencies run. And that's sort of how we got to where we are today with this proposal. [LR285CA]

SENATOR LINEHAN: Okay. Thank you, very much, for bringing it. Appreciate it. [LR285CA]

SENATOR KOLOWSKI: Senator, please. [LR285CA]

SENATOR ERDMAN: Thank you, Senator Kolowski. Thank you, Senator Murante. On the amendment you've dropped was LB285, the white copy, 2918 (sic--LR285CA, 2018)on...do you have a copy of it there? [LR285CA]

SENATOR MURANTE: I don't have a copy with me. [LR285CA]

SENATOR ERDMAN: Well, it's the same one, the green one. Give this to him, Sam. I think this gets to the question that Senator Kolowski had. Starting up on line 8, on that page; you've stricken a line through "the State Department of Education shall be comprised of a State Board of Education and a Commissioner of Education." You're not eliminating the Department of Education, you're eliminating the State Board, is that correct? [LR285CA]

SENATOR MURANTE: That's correct. [LR285CA]

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

Education Committee
February 20, 2018

SENATOR ERDMAN: So, the information that Senator Kolowski got earlier when he was a principal will still be available to those people if we eliminate the Board of Education. Would you say that'd be true? [LR285CA]

SENATOR MURANTE: Yes. I would say...I mean to the extent there was a disagreement between Senator Kolowski and I, I would say...to me, the concern with district-based elections and why to have district-based elections is allocation of resources where they're, and I'll use the term again, give-and-take. Where there are going to be winners and losers. If a state agency is simply providing resources for any and all takers to utilize, that's not a give-and-take. That's just resources which are there. Nobody...there are no winners, there are no losers. There doesn't need to be equal seats at the table because everyone is on an equal playing field. So that's, I think, where the conclusion maybe led to a different answer. [LR285CA]

SENATOR ERDMAN: Well, the point I was trying to make...I didn't want it to be on the record that we were eliminating that opportunity for people to have that information... [LR285CA]

SENATOR MURANTE: No, we are not eliminating the Department of Education... [LR285CA]

SENATOR ERDMAN: ...from the Board of Education. It'll still be the Board of Education, it's just going to be supervised differently. Instead of from the Board, it'll be an appointed person. [LR285CA]

SENATOR MURANTE: Yes. [LR285CA]

SENATOR ERDMAN: Okay, thank you. [LR285CA]

SENATOR KOLOWSKI: Other questions, Senators? John, my other concern or question would be the elections. Our two districts butt up against each other, the southern edge of mine and northern edge of yours. And I know from a historical perspective the number of years I lived in the area really helped with my election. I worked with kids throughout those generations and decades, that made a difference in my situation. And, you know, you are in a very fast-growing area that people move in from all over. They have no idea who their representative is or even the city counsel, or the mayor, let alone anything else. And there's a...you know, we went through that growth in Millard as well. But that changes over time as we move on with those things. But I think it differs greatly depending on where you are and what kind of growth you have going on. Senator. [LR285CA]

SENATOR GROENE: Thank you. Do you have any other questions? Senator Ebke. [LR285CA]

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

Education Committee
February 20, 2018

SENATOR EBKE: Yes, Senator Murante, thanks for bringing this. I, too, got a lot of e-mail. What do you say to those who express a great deal of concern about the increased centralization of power on all things? You know, the argument that the State Board and it, by virtue of being separately elected, disperses power. And that by putting this in the hand...by putting the election or the selection of the Commissioner in the hands of Governor, that it just further centralized power in the hands of the executive branch. [LR285CA]

SENATOR MURANTE: So, what I would say...when I talk with folks who are concerned about centralized power of government it's usually not a concern about an individual or even a specific branch of government, but rather the relationship that government has with individuals on a...Libertarian argument, quite frankly. And so, whether the Commissioner of Education is appointed by the Governor or appointed by a State Board of Education, to me, it doesn't fundamentally...it doesn't alter, at all, the mission of the Department of Education. It doesn't impact the relationship between the state and the individual. It doesn't impact the relationship between even local governments and the state. It's an administrative process, but I don't see how we're really fundamentally altering relationships in terms of empowering the state to inject itself into people's lives, which is a concern I hear about a lot. But I don't think this bill does...or I don't think this proposal does that. It's more an administrative question, in my mind. [LR285CA]

SENATOR EBKE: Okay. [LR285CA]

SENATOR GROENE: Any other questions? Senator Murante, looking at the state constitution; did you know that was set up originally in 1875, with the very first State Board of Education, the very first Constitutional Convention? Whatever state did... [LR285CA]

SENATOR MURANTE: You know, I didn't know it went all the way back to the original Constitutional Convention. But that's good to know. [LR285CA]

SENATOR GROENE: I just...but we do have a lot of control. This isn't the University of Nebraska, because our constitution says their duties and powers shall be prescribed by the Legislature and they shall receive no compensation. That eliminates a lot of people running right now. And who...then in Section 4; and who shall--as far as the State Board of Education and the Commissioner--"and who shall have such powers and duties as Legislature may direct." I mean, we have a lot of power over what they do. They do what we tell them, this isn't the university, so. Wouldn't we be turning what the Legislature has the power over to the Executive branch if we...? [LR285CA]

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

Education Committee
February 20, 2018

SENATOR MURANTE: I don't see how whether the Commissioner of Education is selected by an eight-member board elected by the people, or elected...or one governor who's elected by the people impacts... [LR285CA]

SENATOR GROENE: It still would be separation of power, wouldn't there? We'd tell them what to do and he would appoint them...yeah, I guess you're correct. Any other questions? [LR285CA]

SENATOR MURANTE: I'm going to stick around for as long as possible, we have an executive session over in Transportation, so I have to be there to vote... [LR285CA]

SENATOR GROENE: Proponents? Proponents? You're a proponent or an opponent? [LR285CA]

ROBERT HALLER: I...I think you said opponent. [LR285CA]

SENATOR GROENE: Sorry, I don't pronounce well. [LR285CA]

ROBERT HALLER: Well, I mean, if you've been trying to make it very clear the difference between "pro" and "o." [LR285CA]

SENATOR GROENE: Yeah, I just repeat myself to make sure everybody heard me. Where's the list of letters? Do we have any? We have no letters of support for LR285CA. Opposition; any opposition? [LR285CA]

ROBERT HALLER: Yes, sir. [LR285CA]

SENATOR GROENE: Okay, move to the front row and then you'll be next in line. [LR285CA]

ROBERT HALLER: Thank you, sir. [LR285CA]

SENATOR GROENE: Somebody get up there. You're an elected official, you get to jump to the front... [LR285CA]

JOHN WITZEL: Thank you, Senator. I appreciate it. [LR285CA]

SENATOR GROENE: ...especially one that isn't paid. [LR285CA]

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Transcriber's Office

Education Committee
February 20, 2018

JOHN WITZEL: Thank you, very much, sir. Ladies and gentlemen it's an honor to be here. Senators, thank you very much for having me. I'm John Witzel, I'm currently the president of the State Board of Education for Nebraska. I also currently serve District 4 of our great state of Nebraska, which includes Sarpy, Douglas, and most of south and north Omaha. So, thank you very much for having me, thank you. [LR285CA]

SENATOR GROENE: Can you spell your name? [LR285CA]

JOHN WITZEL: Yes, sir. John Witzel, W-i-t-z-e-l. [LR285CA]

SENATOR GROENE: Thanks, John. [LR285CA]

JOHN WITZEL: The people of Nebraska have spoken by creating the State Board of Education as a Constitutional authority. Nebraskans value the importance of elected representation and general supervision and administration of school systems of the state and such activities as the Legislature, as the Legislature, may direct. The elected representation of the way of the State Board of Education allows for the people to have a responsive voice in matters of statewide education system. You as state senators each represent approximately 35,000 people. I am, as board member, and my colleagues, we each represent approximately 240,000 people in our districts. Like you, we provide a voice to the people across the state in matters relevant to our constitutional authorities and responsibilities. Imagine for a moment if there is no State Legislature. All the matters of this state authority came under one elected official: the Governor. This resolution opens the door to taking away the people's vote and representation for matters entrusted to the Legislature and the State Board of Education. The State Board of Education, like the Legislature, is a nonpartisan body. While each of us have our own views, when it comes to matters of representation party politics are put aside. Often, very often, the state votes on matters unanimously. And when we do not, we continue to act and operate as one body. And may I say of the eight balanced members that we have for the State Board of Education from all quadrants, all corners of our great state, we vote unanimously more than 90 percent of the time on action items and issues that affect education. And we're very, very proud of that. We pride ourselves on consensus. What happens when political views do not align with a given Governor? Currently the statewide education system of Nebraska is in the hands of two nonpartisan bodies: the Legislature and the State Board. LR285CA shifts the focus of education in Nebraska to partisan politics by placing the Department of Education under the control of one partisan-elected official. The State Board has never, never adopted Common Core Standards. I like to say that again, because I've been hearing it so much from Senator Murante in regards to that we are implementing Common Core. We are not. You can hold me accountable for that statement, and other statements I'm going to make further on. Instead, the staff of the Department of Education have engaged Nebraskans to develop standards for Nebraska. Recently, the State Board has taken

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

Education Committee
February 20, 2018

on major educational topics. When ACT cut scores came across the committee, our board, this fall the committee was not satisfied with the recommendation and directed the commissioner and his staff to revisit this recommendation. After continued work, a more appropriate recommendation was brought forward that my colleagues and I knew were better and reflected the desires of our constituents--because we heard from our constituents. When we proposed a civics-readiness definition came across the Board, we listened to you and others and we have postponed further action on that effort based on pending work of this body. What would these processes look like under one control, one person calling the shots? While the Board and the Commissioner have good working relationships with the current Governor, in this state we cannot predict how future Governors will operate and what the other person's views will be in respect to education policy. The Nebraska State Board of Education is visionary and long-term in our approach to statewide education system. We adopted a strategic vision and direction that is leading the state for the next ten years, with goals and outcomes that were informed by the people of Nebraska, the people that you and I represent. We, the Board, as an elected body appoint the Commissioner of Education. In cases where the administration of the Department of Education needs changed, the Board--the Board, an elected body of citizens representing the people--have the authority to make that decision about the future of the agency. Senator Groene, sir, you have mentioned one of the best measures of a person's civic readiness is voter turnout. And the State Board of Education were to be eliminated, you would have stripped one less voting opportunity for each of our person's ballot at this state. Please continue to be committed to the ideas and values of our country and state democracy and constitutional republic established by the people. Let's continue to work together between this Legislature and State Board to move forward with the important work of providing for the free instruction in the common schools of this state. My colleagues and I look forward to continue to work with you in advancing educational opportunities and promoting students' learning for all Nebraskans. That concludes my briefing. One other point I'd like to point out, I'm not sure if you're all are aware or not; the Gallup Poll did a survey two years ago in regards to public schools. And they found the state of Nebraska was number two in regards to the citizens being most satisfied with their public schools. It was, like, 85 percent and I think we tied with Iowa. So, we were very, very proud of that measure. But the one thing I can say personally about the State Board of Education; we will move forward regards to if it's a political costs, whatever the case may be, we have the guts to try. We will work to...it's all about student achievement when it comes to the State Board of Education. Regardless of what anybody else says, that's what it comes down to. [LR285CA]

SENATOR GROENE: Thank you. Any questions? Senator Linehan. [LR285CA]

SENATOR LINEHAN: Thank you... [LR285CA]

JOHN WITZEL: Yes, ma'am. [LR285CA]

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

Education Committee
February 20, 2018

SENATOR LINEHAN: ...Chairman Groene. Thank you, Mr. Witzel, for being here. Is it doctor? [LR285CA]

JOHN WITZEL: No, ma'am (laughing). [LR285CA]

SENATOR LINEHAN: I just didn't want to offend you. [LR285CA]

SENATOR GROENE: Colonel, isn't it? [LR285CA]

JOHN WITZEL: Yes, sir, it is colonel. [LR285CA]

SENATOR LINEHAN: Okay, Colonel, can you go back? You mentioned that you had a disagreement with the Commissioner on the ACT cut scores. [LR285CA]

JOHN WITZEL: The test scores, yes. We went back and forth with the test scores in regards to we didn't like the test scores due to the fact that we thought the test scores should be a lot more robust and rigorous. We wanted more of our children, if you will, to be more college and career ready by adjusting scores maybe a little bit upward. We wanted to let them, our students, know exactly where they stood. [LR285CA]

SENATOR LINEHAN: I don't think...I hope I'm not following you. Are you saying that the scores...you wanted the scores to look better than they were? [LR285CA]

JOHN WITZEL: Absolutely not, no, absolutely not, ma'am. That was...we'll take the hit for not having the scores as high as we probably could have, but on that... [LR285CA]

SENATOR LINEHAN: So, how did that work? It's always confused me; what does that mean, a cut score? [LR285CA]

JOHN WITZEL: In regards to we go to committee and find out what schools, what scores will be accepted by the board in regards to college and career ready, in regards to remediation. [LR285CA]

SENATOR LINEHAN: So, what was...there were three steps, right? [LR285CA]

JOHN WITZEL: That I cannot... [LR285CA]

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

Education Committee
February 20, 2018

SENATOR LINEHAN: Ready, not, almost...they were ready, they had time to get ready, or they were behind...right? I can't remember. [LR285CA]

JOHN WITZEL: That I cannot answer, I cannot remember them either. [LR285CA]

SENATOR LINEHAN: So you didn't...so, the scores...because it was confusing, because there's... [LR285CA]

JOHN WITZEL: Yes, ma'am. [LR285CA]

SENATOR LINEHAN: ...the ACT has scores that they say this is 21... [LR285CA]

JOHN WITZEL: You are absolutely correct. Yes, ma'am. [LR285CA]

SENATOR LINEHAN: ...right, and the cut scores didn't match those scores. [LR285CA]

JOHN WITZEL: No, ma'am, they did not. [LR285CA]

SENATOR LINEHAN: Okay, so...it's still clear as mud to me, I'm sorry. [LR285CA]

JOHN WITZEL: I don't think I could probably give you a better explanation right now, Senator, but I'll go back and I'll give you a better answer. [LR285CA]

SENATOR LINEHAN: Okay. [LR285CA]

JOHN WITZEL: Thank you, ma'am. [LR285CA]

SENATOR LINEHAN: All right. [LR285CA]

SENATOR GROENE: Any other questions? John... [LR285CA]

JOHN WITZEL: Sir. [LR285CA]

SENATOR GROENE: ...there's eight board members, right? [LR285CA]

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

Education Committee
February 20, 2018

JOHN WITZEL: That's correct, sir. [LR285CA]

SENATOR GROENE: Eight districts. What's the average term that people been on the board? Do you know who's been on there how many years, the longest has been on there, and how many... [LR285CA]

JOHN WITZEL: Senator, if you'll allow me just to give you a ballpark from what I'm thinking of... [LR285CA]

SENATOR GROENE: Yes. [LR285CA]

JOHN WITZEL: ...it appears that most of our, if you will, senior or tenured board members probably is about a good two terms, eight years, if they've not resigned. It's six to eight, I'd say. [LR285CA]

SENATOR GROENE: Six to eight is the average? [LR285CA]

JOHN WITZEL: Yes, sir, that is correct. [LR285CA]

SENATOR GROENE: So we do have turnover? [LR285CA]

JOHN WITZEL: Yes, sir, we do. Absolutely. [LR285CA]

SENATOR GROENE: Nobody entrenched in place... [LR285CA]

JOHN WITZEL: Yes, sir. [LR285CA]

SENATOR GROENE: ...so we don't need term limits. [LR285CA]

JOHN WITZEL: No. [LR285CA]

SENATOR GROENE: So, all right. That's what I was wondering, if we get different outlooks rotating through the board. [LR285CA]

JOHN WITZEL: Yes, sir. [LR285CA]

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

Education Committee
February 20, 2018

SENATOR GROENE: And I do appreciate you guys working with this committee. You have done a lot better. [LR285CA]

JOHN WITZEL: We are blessed to work with such fine senators (laughter) and I must say we have a wonderful Commissioner that really is leading us into the future. We're very, very proud of it, for sure. [LR285CA]

SENATOR GROENE: Cooperation is a lot better than headlines, isn't it? (Laughter) Thank you. [LR285CA]

JOHN WITZEL: Thank you, sir. [LR285CA]

SENATOR GROENE: Any other questions? Senator Linehan. [LR285CA]

SENATOR LINEHAN: Thank you... [LR285CA]

JOHN WITZEL: Yes, ma'am. [LR285CA]

SENATOR LINEHAN: ...Chairman Groene. [LR285CA]

SENATOR LINEHAN: I noticed today, when I was reading over the statutes as far as what the Department of Ed's jobs are, it said...I found this: "beginning with the 2016-17 school year through the 2019-20 school year, school districts may apply to the State Department of Education for grant funding for a period of up to two years to implement an evaluation model for effective educators and to obtain the necessary training for administrators and teachers for such a model." And I don't expect you to know this, but could you find out for me if anyone's applied for those grants? [LR285CA]

JOHN WITZEL: Sure, we can do that for you, Senator. Yes, ma'am. [LR285CA]

SENATOR LINEHAN: Okay, thank you, very much. [LR285CA]

JOHN WITZEL: Not a problem. And everything I told you all today, in regards to what I testified, you can hold me accountable for everything. So if you don't get a good answer, you come to me and we'll take care of it, because I'm accountable, you're accountable for all our great young people in this state. [LR285CA]

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

Education Committee
February 20, 2018

SENATOR GROENE: Thank you. [LR285CA]

JOHN WITZEL: Thank you, very much. Thank you. [LR285CA]

SENATOR GROENE: Opponent, next opponent. [LR285CA]

JOHN HANSEN: Mr. Chairman, members of the Education Committee, for the record, my name is John Hansen, J-o-h-n, Hansen H-a-n-s-e-n. And I'm the president of Nebraska Farmers Union. I appear before you today as our organization's president and also as our lobbyist. Our organization has been around since 1913. We've had a lot to do with the creation of the Legislature. We've had a lot to do with the creation of public power. And in all cases, our view is that education is the base of our organization's activities and it's the base of our state, our democracy, and our future. So, we're very much committed to those things and it also is a part of that education that the education forms the basis for how it is that we engage is civil society. And that we get informed and then we become engaged and then we assume responsibility. And we urge our members to be active members of their communities as their local opportunities are available. We encourage them to run for office. I'll tell you that on this issue I can go across the state of Nebraska, as I will in a few weeks for district meetings, and I can ask all of my county and district officers and members at each one of those district meetings whether they think it is a better idea to have the people elect the State Board of Education members or have this, or any, Governor appoint them. And I'll tell you that I really know what the outcome will be. And there won't be anybody who says: I think that we ought to do away with the people's ability to decide who sits on the State Board of Education, for right or wrong. If they're doing a good job, great. If they're doing a bad job then, you know, you recruit somebody else and you run against them or you do it yourself. And so, that's the way that I know that that's going to be viewed. In my case, I've been a public official or the head of a farm organization since 1974. I, as an NRD board member, the Legislature created the NRD system, but it was the local elections that gave it voice, gave it understanding, gave it the range of concerns from the different parts of the basins that help make it work. And it's that elective process. And so, I have also had the opportunity to have worked with and known every Governor in the state of Nebraska since 1960. And probably about four or five of those would be my friends. And every one of them, to the extent possible, would like to have the Governor be pretty much in charge of about pretty much everything. (Laughter) And, even though they're my friends, without hesitation, I would make the argument to them that, you know; I understand why you might think that, Governor, but at the end of the day, you partner with the Legislature and you represent the people. And it's the people's right to be heard and the people's right to vote is still a better idea than you controlling it. And that's where we end up on this issue. We think that this issue would not be well-served to put it before the voters. And with that I'll end my comments and take any questions, if you have any. [LR285CA]

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

Education Committee
February 20, 2018

SENATOR GROENE: Any questions? John, weren't your comments kind of contradictory? You said you'd go across the state and everybody thinks we should elect our state school board members, but then you just finished said you don't think the people should be able to vote if they want to change this. [LR285CA]

JOHN HANSEN: Well, I don't think that the voters are going to think it's a good idea. If you ask the voters; do you want to pick or do you want to have the Governor pick? I think the voters are going to say, no, I think I'll take care of that. [LR285CA]

SENATOR GROENE: You think this would lose? [LR285CA]

JOHN HANSEN: I think it would lose. [LR285CA]

SENATOR GROENE: Okay, thank you. Any other questions? Thank you, sir. [LR285CA]

JOHN HANSEN: Thank you. This was my maiden voyage before the Education Committee this year, so it's good to be before the committee. And my goal, of course, is to be as in front of as many committees as possible. [LR285CA]

SENATOR GROENE: You missed Friesen's bill... [LR285CA]

JOHN HANSEN: Yes--no, I did miss that. [LR285CA]

JOHN SPATZ: Good afternoon, Senator Groene and members of the Education Committee. My name is John Spatz, that's J-o-h-n S-p-a-t-z. I'm the executive director of the Nebraska Association of School Boards, and while we're talking about how old the organizations are; NASB is 100 years old this year. So, we're celebrating our 100-year anniversary. I appreciate having the opportunity to speak to this issue today. And I think...I enjoyed the conversation with Senator Murante about local control and Senator Ebke talking about the centralization, or decentralization. And I think Nebraska has a long history of being a local control state, or a decentralized state. And I think that's served us well. And let me give you an example; the decentralized nature of the State Board of Education. Every fall we do our regional meetings where we travel around the state and present and do board development for school boards. Every year we have representation from the State Board of Education at those meetings. And a lot of times, they're actually doing some of the break-out sessions. Every year they ask us, they reach out to us, to come to those meetings where they sit before school board and the ESU board members from around the state and articulate what the State Board is doing. They get feedback, there's engagement and there's accountability every year. And then, they've been to our state;

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

Education Committee
February 20, 2018

they come to our state conference every year. So that decentralized nature, I think, really has served us well. And it's not perfect, and it's not easy. It would be more efficient to have one person in Lincoln making the decisions out there, but I think that decentralized method has served us well in the state of Nebraska. So, I want to be here today to say we oppose this legislative resolution. [LR285CA]

SENATOR GROENE: Thank you. Senator Linehan. [LR285CA]

SENATOR LINEHAN: Thank you, Chairman Groene. Thank you, Mr. Spatz, for being here. Do you think that decentralization is efficient? [LR285CA]

JOHN SPATZ: No, no. It's a saying Winston Churchill said about democracy; it's the worst system out there, except for all the rest. And... [LR285CA]

SENATOR LINEHAN: So... [LR285CA]

JOHN SPATZ: ...with the decentralized local control, it would be more efficient, probably, have one person in Lincoln making decisions for everybody. So, it's... [LR285CA]

SENATOR LINEHAN: Well, but...not to interrupt, I'm sorry, but the Commissioner is in control. And it's who appoints him we're talking about. So we do have one person in control. [LR285CA]

JOHN SPATZ: Well, the State Board...there's eight people on the State Board of Education. They're all elected. [LR285CA]

SENATOR LINEHAN: Okay, but...so I'm just going to read here from the law. It says...because one of the things that we discovered this year going school to school is we saw several schools working on their curriculum and how they were going to effectively improve. Many of them were doing great jobs, I'm not saying they weren't. But it seemed odd to me that they were all kind of working on a curriculum for best practices how to teach kindergarteners, first-, second-, and third-graders. And we saw different people in different places. So it occurred to me; why isn't this coming from the Department of Education? Here are the best practices, this is what we need to do. That seems to me that would be a lot more efficient instead of having every district trying to come up with their curriculum on their own, kind of struggling. Some of them are quite a bit ahead of others. So, that's why I just don't think this is efficient as it could be. Do you think it is? [LR285CA]

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

Education Committee
February 20, 2018

JOHN SPATZ: Well, a decentralized nature probably isn't as efficient. But I think it has served Nebraska well. You know, it's not a perfect system, but there's not a perfect system out there. And our notion of local control in the state of Nebraska, I think, has served us very well. Well, we do empower the local school district, or the ESU, to make decisions on behalf of the students in that area because there are differences across the state. [LR285CA]

SENATOR LINEHAN: But I think we're all in agreement; we're here looking for inefficiencies, right? Because of the cost, and everybody's trying to figure out how we can do more for kids with less money. So, wouldn't it be better if we had some...I just...I just don't understand why best practices have to be discovered in every school district versus the Department of Ed. How could we...maybe we could do it with the structure we have. [LR285CA]

JOHN SPATZ: Well, and I think we do. One of the things that I'm kind of excited about is the State Board recently went through their strategic planning process. So, one of the things that we're doing is trying to collaborate with school boards out there to do strategic planning and talk about the alignment between a local school district and the State Board of Education's strategic plan and trying to align some of those strategic plans. [LR285CA]

SENATOR LINEHAN: I don't have it in front of me, but I think their strategic plan, if I recall from last week, is that they would have implemented best practices on youngsters' reading throughout the state by 2020. [LR285CA]

JOHN SPATZ: Uh-huh. [LR285CA]

SENATOR LINEHAN: I didn't think that was soon enough. [LR285CA]

JOHN SPATZ: Okay. [LR285CA]

SENATOR LINEHAN: Is that your recollection to what it says? [LR285CA]

JOHN SPATZ: And I want to speak to their strategic plan, but I'll let NDE talk about that. [LR285CA]

SENATOR LINEHAN: Okay. All right, thank you. [LR285CA]

JOHN SPATZ: Thank you. [LR285CA]

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

Education Committee
February 20, 2018

SENATOR GROENE: Do you...Senator Linehan mentioned you have incubators out there like Lexington has done, good program. But if you...but if it's dictated from the top down, Lexington could have never done what they did. [LR285CA]

JOHN SPATZ: Right. [LR285CA]

SENATOR GROENE: ...because they would have had to do what the State Board said every school has to do and rubber stamp it. But do you have a, in your organization, where that person in Lexington can share what they've done with other school boards so it does spread across the state? [LR285CA]

JOHN SPATZ: Absolutely. And that's something that we're trying to do a better job of... [LR285CA]

SENATOR GROENE: So local control... [LR285CA]

JOHN SPATZ: Yes. [LR285CA]

SENATOR GROENE: ...can accept their own... [LR285CA]

JOHN SPATZ: Yes. [LR285CA]

SENATOR GROENE: ...best practices. [LR285CA]

JOHN SPATZ: Yes. Tomorrow I'll be in Kearney for a workshop that we're doing and we're encouraging board members to come talk about what's working in their districts. [LR285CA]

SENATOR GROENE: Do you bring the State Department of Education in to explain new... [LR285CA]

JOHN SPATZ: Yes. [LR285CA]

SENATOR GROENE: ...to your members? [LR285CA]

JOHN SPATZ: Yes, routinely. And they're very active at events all throughout the course of the year that we have, all across the state. [LR285CA]

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

Education Committee
February 20, 2018

SENATOR GROENE: Thank you. Any other questions? [LR285CA]

JOHN SPATZ: Thank you for your time, appreciate it. [LR285CA]

SENATOR GROENE: Next. [LR285CA]

JUDY KING: Hello, I'm Judy King, J-u-d-y K-i-n-g. And I am here on behalf of Donna Roller, who's in another hearing right now. And I oppose LR285CA. Pete Ricketts does not support public schools. Pete Ricketts appeared in this Capitol Rotunda wearing a yellow scarf supporting choice...school choice, or voucher system. Support for school choice and a voucher system violates our state constitution, which states that Nebraska will provide free public education K-12. The key is "free public school." I question why this Legislature would dismantle the elected State Board of Education in favor of a Governor authority over public schools of the state when he clearly does not support the public education. The Federal Department of Education under Betsy DeVos also does not support free public schools. It appears that this bill is to align the state with the federal agenda by the Koch brothers GOP to dismantle our public school system. Pete accepted \$250,000 in campaign money from Rex Sinquefeld, a Missouri billionaire whose passion is dismantling public schools. I question our Governor's support this bill that gives him the power to appoint the Commissioner of Education when he does not support public schools. Electing members of our State Board of Education is our democracy, which is the voice of the people to affect their own children's education. School boards and communities are very important and directly respect their children's education decisions. The Governor can fire and hire, at his discretion, state appointment positions. The Governor can fire his appointee if that person does not agree with the Governor's agenda. This is not democratic. I don't know the intended outcome or reason for this bill, but I do know this bill will begin to dismantle our educational institutions of this state and replace it with an authoritarian takeover of our elected offices. This committee has a choice whether it believes in democratic institutions or it doesn't. The bill is not a part of a democratic government. My vote counts, and I vote for my State Board of Education representative. I can call this person and I can campaign for this person that represents the interest of all children in the state. Educational experience matters. That's all I have to say. Do you have any questions? [LR285CA]

SENATOR GROENE: Any questions? Thank you. [LR285CA]

ROBERT HALLER: (Exhibit 1) Senator Groene and Senators, my name is Robert Haller, H-a-l-l-e-r. I am here on behalf of the Academic Freedom Coalition of Nebraska. I was its founding president thirty years ago when I was a professor of English at UNL and active in the American Association of University Professors, at the state and local level. A lot of what I have written here, I won't give it all, has been covered in certain ways. Like Senator Groene, I looked at the

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

Education Committee
February 20, 2018

way in which Nebraskans set up public education with a Board of Education elected on a non-partisan basis, just like the senators, just like the board of the University of Nebraska. Now, the board is independent of the Legislature and Governor, but possesses the same legitimacy by virtue of its direct accountability to the voters of the state. Its one focus is education in the common schools, schools which themselves are governed by boards elected in their own districts. The state constitution has, from its first writing, made education compulsory and free; recognizing that the residents of the state must be trained to live productive lives, contributing to the economy and civility of the state. Their teachers must, therefore, be people whose mastery of the various scientific, humanistic, and practical disciplines gives them the ability to pass on to students the findings and methods that they will use to achieve the good life we want for our people. The Commissioner hired by the board has the unique task of overseeing the making of policies which enhance the success of the schools and satisfy the communities in which education takes place. Our constitution thus provides for the maximum autonomy for public education possible when the funding is dependent upon the Legislature and the Governor. The board has every reason to support the work of its direct employees, as of the school leaders and the teachers who need assistance and approval. I recognize what Senator Kolowski says about what the commission has supplied teachers, and that's what the members of my organization, as teachers, have always found. The arrangement gives educators in the schools the fruitful academic freedom of those who know they have the backing of a Commissioner and a board sharing in the vision for and focus for schools in this state. It looks like the Department of Education would be, as people have said here, somewhat more politicized by the new way of appointing. And it removes certain dedicated citizens from the policy-making process. The Department of Education acting at the direction of the Legislature and Governor will be less responsive to educators and less able to work with teachers on the unique problems of their assigned teaching. This resolution, in particular, abolishes the insight of Nebraska's founders for whom education was too important to put in the hands of the Governor and Legislature, but rather belonged to the citizens working together with educators so that the intellectual work would not be compromised by politics but would have freedom and autonomy that it required. And that's... [LR285CA]

SENATOR GROENE: Any questions? Sir, you know in the constitution they don't have a lot of autonomy. Everything they do is directed by this body, the State Department of Education. [LR285CA]

ROBERT HALLER: Yes. [LR285CA]

SENATOR GROENE: And the Commission. And all they do is carry out the directives and the powers that this, the Legislature, gives them. [LR285CA]

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

Education Committee
February 20, 2018

ROBERT HALLER: Yes, but the way in which it's set up at least allows for, you know, allows for the...well, when... [LR285CA]

SENATOR GROENE: The Legislature has given them a lot of leeway. [LR285CA]

ROBERT HALLER: Yes. [LR285CA]

SENATOR GROENE: Okay, thanks. Any other questions? Thank you, sir. [LR285CA]

ANN HUNTER-PIRTLE: (Exhibit 2) Good afternoon, Chairman Groene, members of the committee. My name is Ann Hunter-Pirtle, A-n-n H-u-n-t-e-r-P-i-r-t-l-e. I'm the executive director of Stand for Schools, a nonprofit dedicated to advancing public education in Nebraska. We oppose LR285CA because the measure is undemocratic, does fly in the face of local control, and would politicize matters related to instruction and operation of schools. The resolution, of course, would eliminate Nebraska's elected State Board of Education and replace it with a Governor-appointed board, allowing the Governor personal control over the important educational decisions that the State Board of Education, and by extension the Nebraska Department of Education, now make. Stand for Schools believes public schools work best when they have as much input from the public as possible. We believe voters should have direct control over public education at both local and state levels. That's why both elected local school boards and an elected State Board are so important. Removing that direct control is undemocratic and represents government overreach into matters that should be decided by voters. Quite simply, centralizing decision-making in the Governor's office robs Nebraskans of their ability to influence key decisions about their children's education. Finally, this measure would absolutely politicize routine decisions about school instruction and operation that are now made by the State Board. Questions of curriculum, student conduct, and school privatization, just to name a few, would be subject to the Governor's general political calculus rather than a board elected to deal with these issues specifically. If Nebraskans have concerns with the decisions of the State Board of Education, they now have the opportunity to influence its makeup. This proposal would take away Nebraskans' democratic right to control over their public schools. For these reasons, we oppose the resolution and urge you not to advance it to General File. I'm happy to take questions. [LR285CA]

SENATOR GROENE: Any questions? Do you think the Coordinating Commission for Postsecondary Education does a good job and is pretty independent? [LR285CA]

ANN HUNTER-PIRTLE: Stand for Schools general focuses on issues of K-12 education, so I have not followed that Coordinating Commission closely. But sure, I think that they generally do a good job. [LR285CA]

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

Education Committee
February 20, 2018

SENATOR GROENE: They're appointed by the Governor. [LR285CA]

ANN HUNTER-PIRTLE: Yes. [LR285CA]

SENATOR GROENE: It's not here or there, it's....they both seem to work when you involve Nebraskans. [LR285CA]

ANN HUNTER-PIRTLE: I think our general concern is giving Nebraskans as much opportunity for input into their public education as possible. [LR285CA]

SENATOR GROENE: Just wanted to make that point. [LR285CA]

ANN HUNTER-PIRTLE: Fair enough. [LR285CA]

SENATOR GROENE: Thank you. [LR285CA]

ANN HUNTER-PIRTLE: Thank you. [LR285CA]

SENATOR GROENE: Any other opponents? Thanks for your testimony. No more opponents? [LR285CA]

MATT BLOMSTEDT: I was going to come up neutral, but I'll come up. (Laughter) I didn't fill out my sheet yet. [LR285CA]

SENATOR GROENE: I think the Governor would hire you. (Laughter) [LR285CA]

MATT BLOMSTEDT: Maybe Senator Murante would too. (Laughter) Anyway, so, Matt Blomstedt, Commissioner of Education for the state of Nebraska, here to really support the board's testimony in opposition. I think a couple points; number one, just from a history perspective. And I've had this chance to reflect a little bit on the history of this particular job. It's a weighty job to be the Commissioner of Education. It's a weighty job to be a member of that particular committee. It's a weighty job for State Board members to take on that responsibility. One of the things that I look at, the State Board members, and eight of them who show up for significant conversations about education policy in the state of Nebraska. Significant responsibilities; they serve a quasi-judicial role as well. They're the first round of appeals for certain decisions that are made at a school-district level; for option enrollment, for laws that you've carried out, for those types of things as well. Not just the administrative function, but

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

Education Committee
February 20, 2018

actually a quasi-judicial role when you look at professional practices in the education system. The history of the department is actually a little more complex than was described, I think, here today. Certainly, when you go back there was a gentleman by the name of William Egbert Harvey, who was the first territorial Commissioner of Education for the state of Nebraska. He served that role really looking across the state in a pretty complex role before statehood. Basically, he served a function of saying; hey, look, it's my job to make sure that students are equitably educated all across the state of Nebraska. Even before we had the function of all counties. Before this place was actually settled, in that sense. And he had that responsibility, and he actually got into a battle with the territorial Legislature. Got into that particular battle at that point in time and the territorial Legislature decided to eliminate his given position. By the way, from everything that I can tell, he...what he was in a battle over was the distribution of resources to establish school districts in the state of Nebraska. And so, I think it's a fascinating part of that history. But the reality, they eliminated that position and they assigned that particular duty to the territorial auditor, which was an elected position. And William Egbert Harvey ran for the Territorial Auditor position and won. Then William Egbert Harvey actually worked very hard, both in that particular role, as well as the role of serving the state relative to the establishment of a constitution. And he actually helped write the initial constitution of the state of Nebraska and established an elected state superintendent for public instruction, actually. We had that elected state superintendent for public instruction all the way up until the 1950...I think it was 1952, I could be corrected on that. 'Til 1952, when the voters of across the state--including the work with the Legislature, and there's legislative history on this--work with the State Superintendents of the past said it'd be better to have elected representation all across the state to do a better job. To really represent the state of Nebraska. And so, that history can be found. You can find that in the writings of former State Superintendents. You can find that in the writings of folks probably over here in the deliberations around that particular issue. And I know, because Senator Linehan likes history too and she and I find commonality in some of that history. The reality is, I wrote a history of what the duties and responsibilities were for the Commissioner of Education and for the State Board of Education some decades ago, as well. And that report still is on your Web site underneath the Education Committee Report. So take a look at that, at least some of that history is there as well. I think it'd be worth reviewing. Lastly what I'd say is the State Board has worked very, very hard. And they've allowed me to work very hard to provide leadership. I love it when a State Board member comes up here and says; hey look, we disagreed with the Commissioner on a particular issue. I was accused, by the way, of trying to run a rubber-stamp board. I'm not running a rubber-stamp board. I would like you to all work with them and make sure they actually agree with you all the time. It takes some work to actually be in a policy arena where we come to agreement about what's best. But I often say; hey look, isn't it nice to be sitting in rooms, arguing with people about what's really best for students? So, I like that. I like that opportunity in this given role. I know that's what the State Board is dedicated to when you look at their strategic plan. They put a lot of work into that particular plan, but the work is only beginning. The work is beginning because we want to close achievement gaps, we want to

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

Education Committee
February 20, 2018

address reading, we want to address civics and civic readiness, we want to address how we do this efficiently across the state of Nebraska. And that's what our work is, upon us. So, I would just urge you to let this one by the wayside for the moment and give us a chance to actually keep working with you as we have been. Thank you. [LR285CA]

SENATOR GROENE: Any questions? Senator Linehan. [LR285CA]

SENATOR LINEHAN: Thank you for being here. I'm going to throw kind of an oddball at you; where are we with the ESSA? [LR285CA]

MATT BLOMSTEDT: Yes, so we continue to work on ESSA...actually, I just got some questions back today. So, I'm actually going to have to do a phone call tomorrow. We never know where that's going to go. One of the purposes, by the way, of the State Board at the time that they talked about it was actually trying to balance what they call the "federal encroachment on the state's responsibility providing education system." And that's an interesting history. But we're going to keep working on that with ESSA and get those services aligned so we can be as efficient and effective as possible. [LR285CA]

SENATOR LINEHAN: So, if I remember, the ESSA plan is supposed to be kind of a communication between the Governor and the Legislature and the State Board of Education, if I remember reading. So, I would like to know what's going on. [LR285CA]

MATT BLOMSTEDT: Yes, so we'll give you another update on that, and I appreciate your letter. We'll give you some updates on those points as well. So, I, literally, is just in the process of having to continuously work on that, so. [LR285CA]

SENATOR LINEHAN: Okay, thanks. [LR285CA]

MATT BLOMSTEDT: Yes. It wasn't even that far out of left field, Senator, I'll give you credit on that one. [LR285CA]

SENATOR GROENE: How often does the board meet? [LR285CA]

MATT BLOMSTEDT: So, we meet once a month. Usually with the exception of July. On occasion we still meet in July, I don't think they've met in July since I've been there. But once a month. And then we'll have committee phone calls sometimes, in between. They usually meet...it's in fact the first Thursday and Friday of every month. Again, with the exception of July. [LR285CA]

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

Education Committee
February 20, 2018

SENATOR GROENE: So, subcommittees that they're... [LR285CA]

MATT BLOMSTEDT: Yes, so, there's committee work. So they have committees on...in fact, we've actually really invested in the committee structure and work. There's one on policy, and then certainly on, kind of, legislation and government relations, that side of the equation. But, more importantly, what we've done around AQuESTT, we have a committee on teaching and learning and serving for students. We have a committee on really kind of the access and opportunities that students might have. We have the dynamics of our committees relative to really being thoughtful on all sorts of fronts. I guess everything gets aligned underneath the strategic plan as it kind of ties that together, so. [LR285CA]

SENATOR GROENE: So, how many votes do you take? How many times does the committee vote? [LR285CA]

MATT BLOMSTEDT: So, a committee doesn't necessarily vote. It's not like this committee, right. And so, it's basically reviewing materials that would bring forward with the recommendation to the State Board. [LR285CA]

SENATOR GROENE: The committee... [LR285CA]

MATT BLOMSTEDT: So the committee itself doesn't do vote...it's not handing off the...the State Board doesn't hand off the voting power to those particular committees. That kind of stuff. [LR285CA]

SENATOR GROENE: No, I mean the committee; the State Board itself... [LR285CA]

MATT BLOMSTEDT: Oh, how many... [LR285CA]

SENATOR GROENE: ...how many votes do they take on an average month? [LR285CA]

MATT BLOMSTEDT: How many action items, right, in a given...I mean, it really depends; 10 to 15... [LR285CA]

SENATOR GROENE: So they do... [LR285CA]

MATT BLOMSTEDT: Yes. [LR285CA]

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

Education Committee
February 20, 2018

SENATOR GROENE: ...they do... [LR285CA]

MATT BLOMSTEDT: Yes. [LR285CA]

SENATOR GROENE: ...take part in policy. [LR285CA]

MATT BLOMSTEDT: Yes, and then we have hearings... [LR285CA]

SENATOR GROENE: And they approve the policy. [LR285CA]

MATT BLOMSTEDT: ...we might have hearings, for instance, relative to professional practices, as well. And it's an interesting process, because the Attorney General is the attorney for the State Board. And, actually, it's interesting because in terms of ethics violations of professional practices I'm actually separated from the State Board because I'm like the...I'll call it the county attorney, the prosecuting attorney. And the board serves as the judge and jury relative to those particular cases. [LR285CA]

SENATOR GROENE: So you get to dictate from this body, what we pass along? And we say we want this done, testing done, then you and your employees come up with a program. And then the State Board votes on those to see if that's the... [LR285CA]

MATT BLOMSTEDT: So, it kind of depends on how it's constructed within the law. Sometimes the law actually directs the Commissioner of Education to do something, and in that case it's the State Board doesn't have a particular say. Sometimes it directs the State Board to do something and sometimes it directs both of us to do something in particular. So it's kind of the construct of the law, just depends on the circumstance. [LR285CA]

SENATOR GROENE: Okay. Thank you. Just a comment; if you get your Web site up so the rest of us can tell what you're actually doing. [LR285CA]

MATT BLOMSTEDT: Yes, so, actually, and I'll talk...because I know I missed last week's fun, and sorry about that. I would have really actually liked to have been here for that. We'll work on those things. I think our team actually heard certain conversations that I think we can begin addressing. One of the things...I'll say it again; when it comes to data, the expectation on the department around data and data display has been something, since I've started as Commissioner, that I've asked for resources for and we keep trying to just get it done. I understand when there's limited resources; we've used federal funds in the past to try those things accomplished. And

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

Education Committee
February 20, 2018

then we had many masters, right, on that. So if I start taking federal funds, they want something done a particular way and we have to do it a particular way. [LR285CA]

SENATOR GROENE: So, you're saying a lot of your time is focused on all of the... [LR285CA]

MATT BLOMSTEDT: Well, that's... [LR285CA]

SENATOR GROENE: ...data reports... [LR285CA]

MATT BLOMSTEDT: Data reports... [LR285CA]

SENATOR GROENE: ...the grades, the test reports... [LR285CA]

MATT BLOMSTEDT: And we're trying to turn that corner where it's not just data for reporting sake. And I say it to superintendents and folks; we're killing each other relative to having to establish processes to get data. How do we get that more efficient, more effective so we can do the types of deeper data reporting that I think are really going to make a difference for the state of Nebraska? So, we'll keep working on it. I understand your frustration with that. I have similar frustrations, it's hard to be able to turn that big ship, though, sometimes. [LR285CA]

SENATOR GROENE: But the other side of the Web site is sharing information, like what does it take to be a substitute teacher, and what...you know. [LR285CA]

MATT BLOMSTEDT: Yes, and each one of those programs...I'll tell you just an anecdote so you can maybe understand a little bit of this; when I first started as department...the Commissioner at the department, I said, can I get everyone in the room that has something to do with the Web site? Right, so I was thinking maybe there would be four or five people that would show up. I had 47 people show up. That the structures of how Web design and Web...and the department has gotten by, well, can I call it "on the cheap" in the past relative to those things. Certain things that we've started making an investment in, including on how that's communicated, we finally built a team to build the Web site display things. It's just coming on-line right now. So you can see marked differences in what the Web site looks like because we're changing the underlying capacities to make that possible. [LR285CA]

SENATOR GROENE: Thank you. [LR285CA]

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

Education Committee
February 20, 2018

MATT BLOMSTEDT: And I don't have 47 people touching the Web site the way I used to. [LR285CA]

SENATOR GROENE: Senator Kolowski. [LR285CA]

SENATOR KOLOWSKI: Matt, one of the things I think that few people understand in the general public is the, like the State Council of the Social Studies. For the connections with your social studies specialist across the board with English, and science, math; take all the academic areas and they're usually connected very closely to cutting-edge things that are taking place within the field as well as in Nebraska and in our particular districts in Nebraska. Matt is a great connection that has always served us well, and I want to thank you for that. And continuation of that really is important. [LR285CA]

MATT BLOMSTEDT: Appreciate that. [LR285CA]

SENATOR GROENE: Thank you. Senator Linehan. [LR285CA]

SENATOR LINEHAN: Thank you, Chairman Groene. Last week, excuse me. Thank you, Commissioner. Last week, there was a hint that maybe the problems with the Web site were financial, but I looked back at your budget and according to this, maybe I'm not reading this right, but this is just general operations funding; it's been increased pretty significantly since 2013. According...this is \$15,810,000 in '13-14, and appropriations for '16-17 was \$25,000,498. So, no? [LR285CA]

MATT BLOMSTEDT: That must be in the request. I...well, since I don't... [LR285CA]

SENATOR LINEHAN: It says appropriation. I would like to understand this, because I know it gets very complicated because we have all of the TEEOSA funding, and you have all the federal funding, and then we have the lottery funds, and there's just...it's very hard to kind of sweep out. But this is, in a book they publish here in the Legislature, and that's what they have for general operations, that...which seemed odd to me. So I would like to know... [LR285CA]

MATT BLOMSTEDT: Yes, I'll have to look because I'm not for sure. [LR285CA]

SENATOR LINEHAN: ...because I'm assuming some of that's testing, probably. [LR285CA]

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

Education Committee
February 20, 2018

MATT BLOMSTEDT: Yes, we did have a...yes, actually that's a great point. So, we did have an increase for assessment. So, a lot of that's with contracts that are earmarked relative to that particular work, so. [LR285CA]

SENATOR LINEHAN: Right, but some of that contracts was for making it public, too, right? [LR285CA]

MATT BLOMSTEDT: Not in the same way, so, I'd have to dive into that a little bit deeper with the... [LR285CA]

SENATOR LINEHAN: Okay, well, that would be because I've looked at what was appropriated and I don't think it makes up \$10 million. I think it's more like \$5 million in the General Fund. But I would like an explanation... [LR285CA]

MATT BLOMSTEDT: Yes. It's funny because I don't know how that's reported in there, but...or how that comes to be. But, actually, at some point I'd be happy to do kind of a bit of a briefing across the department's budget and how that functions and works, because even when we work with the Appropriations Committee it's unique because...I did mention voc rehab within the department as well, which is another substantial part of the work of the department, in fact, about 60 percent of our employees exist over on that side. So, some of that...and that's broken down in the budget area...budget area... [LR285CA]

SENATOR LINEHAN: Right, it's broken out, yes. And somewhere they had employees. So, according to this, employees in '13-14 were 491.8, and I don't know how to get 0.8 personally. And then in '16-17, 562. So, it's a pretty big bump up in employees to... [LR285CA]

MATT BLOMSTEDT: I think I'm the 0.8, Senator, because I went to a school that had a four-day school week, so I usually say I'm about 80 percent, right. [LR285CA]

SENATOR LINEHAN: Then...and I know we need to wrap this up, but, so, since you know I love history and so do you... [LR285CA]

MATT BLOMSTEDT: Yes, we love history. [LR285CA]

SENATOR LINEHAN: ...and since I know you know a lot, since you've been on this side over here. Are you familiar with this: beginning in 2016-17 school year and through the 2019-20 school year--because I'm assuming this is something that happened before most of us got here--"school districts may apply to the State Department of Education for grant funding for a

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

Education Committee
February 20, 2018

period of two years to implement an evaluation model for effective educators and to obtain the necessary training for administering teachers for such a model." And I was wondering if you're familiar with it, and if you...has anybody applied? [LR285CA]

MATT BLOMSTEDT: Yes. There's actually quite a few schools that actually put proposals in and were granted those particular proposals. And I think we're right in the middle of that particular...that cycle of those two-year grants. So, the intention was, and that came actually, I think, I believe, off of the funding source was wind generation off Board of Education Lands and Funds. And the first year, I don't remember how much was appropriated for that, but it was...well, I shouldn't guess... [LR285CA]

SENATOR LINEHAN: Not much. [LR285CA]

MATT BLOMSTEDT: ...not that much, right. So, grants went out to schools and we were trying to support them. Especially those places that were really needing instructional models and ability to focus between principal and teacher role and getting them on the same page with that. So, there were grants and we can get you a report on which ones went out. [LR285CA]

SENATOR LINEHAN: So...what does...so is it...am I reading what it means, "an evaluation model," so they can evaluate what they were doing for improvement purposes? [LR285CA]

MATT BLOMSTEDT: Right, for school improvement purposes, yes. [LR285CA]

SENATOR LINEHAN: Okay, thank you, very much. [LR285CA]

SENATOR GROENE: Any other questions? Thank you, Commissioner. [LR285CA]

MATT BLOMSTEDT: Thanks. [LR285CA]

SENATOR GROENE: (Exhibits 3-8) Any other opposition? We received letters of opposition from Jami Jo (L.) Thompson, Norris Public Schools; Patti Gubbels, Norfolk Public Schools; Tammy Day from Norfolk; Nebraska State Grange; National Association of Social Workers; NASB. We received some letters this morning that were too late, but we'll put in the record that we received an awful lot of e-mails in opposition but they did not ask to be put into the record, so. Thank you. Any neutral testimony? Does he want to waive closure? [LR285CA]

ANDREW LAGRONE: Yes. [LR285CA]

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

Education Committee
February 20, 2018

SENATOR GROENE: That ends the hearings for the day. We will have a little exec session if senators can stay around. So, we'll clear the room and...(recorder malfunction). [LR285CA]