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Transcriber's Office

Floor Debate
May 11, 2017

[LB72 LB296 LB335 LB415A LB512A LB512 LB632 LB644 LB651]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the eighty-first day of the One Hundred Fifth Legislature, First Session. Our chaplain for today is Senator Watermeier. Please rise.

SENATOR WATERMEIER: (Prayer offered.)

PRESIDENT FOLEY: Thank you, Senator Watermeier. I call to order the eighty-first day of the One Hundred Fifth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

ASSISTANT CLERK: There is a quorum present, Mr. President.

PRESIDENT FOLEY: Thank you, Mr. Clerk. Any corrections for the Journal?

ASSISTANT CLERK: I have no corrections this morning.

PRESIDENT FOLEY: Thank you, sir. Any messages, reports, or announcements?

ASSISTANT CLERK: Mr. President, your Committee on Enrollment and Review reports LB632 to Select File with amendments. I have a report of registered lobbyists for the current week as well as an announcement that various agency reports have been filed electronically and are available through the Web site. That's all I have this morning. (Legislative Journal pages 1513-1514.) [LB632]

PRESIDENT FOLEY: Thank you, sir. Members, we'll proceed immediately to the agenda, Select File, appropriations bill. Mr. Clerk.

ASSISTANT CLERK: Mr. President, on LB415A, there are no E&R amendments. [LB415A]

PRESIDENT FOLEY: Senator Wishart for a motion. [LB415A]

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SENATOR WISHART: Mr. President, I move to advance LB415A to E&R for engrossing. [LB415A]

PRESIDENT FOLEY: Members, you heard the motion to advance LB415A to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB415A advances. Now move to Final Reading. Motion to return, Mr. Clerk. [LB415A]

ASSISTANT CLERK: Mr. President, Senator Groene would move to return LB512A to Select File for a specific amendment. That amendment is AM1393. (Legislative Journal page 1497.) [LB512A]

PRESIDENT FOLEY: Senator Groene, you're recognized to open on your motion to return. [LB512A]

SENATOR GROENE: Thank you, Mr. President. This was brought to me...us by the Fiscal Office. It's just a correction. AM1393 is an amendment that the Fiscal Office asked me to file in recognition of the change in the sine die date to ensure that we realize the roughly \$46,000 in General Funds savings to be gained under LB512 in a more timely manner. I would ask your support in adopting AM1393. I think a couple of individuals from the Fiscal Office are here if you have questions. Nothing changed with the numbers; nothing has changed with the outcome. It's just how and which, how the amendment is written and where it is attached. I believe that's the way I understand it. But it's procedure, is what this is, because of the early sine die date. So I would appreciate your green vote on return to Select File and then your approval of AM1393 and then your assent for LB512A. Thank you, Mr. President. [LB512A LB512]

PRESIDENT FOLEY: Thank you, Senator Groene. Debate is now open on the return motion. Seeing no one in the queue, Senator Groene, you're recognized to close. He waives closing. The question before the body is to return LB512A to Select File. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB512A]

ASSISTANT CLERK: 31 ayes, 0 nays on the motion to return the bill. [LB512A]

PRESIDENT FOLEY: The bill is returned to Select File. Mr. Clerk. [LB512A]

ASSISTANT CLERK: Mr. President, Senator Groene would now offer AM1393. [LB512A]

PRESIDENT FOLEY: Senator Groene, you're recognized to open on AM1393. [LB512A]

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SENATOR GROENE: Thank you, Mr. President. As I said earlier, this is just a procedural necessity due to the early sine die day. It was brought to us by the Fiscal Office. Nothing has changed. The outcome will be the same with this procedural change. Thank you. [LB512A]

PRESIDENT FOLEY: Thank you, Senator Groene. Debate is now open on the amendment. Seeing no members wishing to speak, Senator Groene, you're recognized to close. He waives closing. The question before the body is the adoption of AM1393. All those in favor vote aye; those opposed vote nay. Have all voted who care to? Record, please. [LB512A]

ASSISTANT CLERK: 35 ayes, 0 nays on the adoption of the amendment. [LB512A]

PRESIDENT FOLEY: AM1393 is adopted. Anything further on the bill, Mr. Clerk? [LB512A]

ASSISTANT CLERK: Nothing further, Mr. President. [LB512A]

PRESIDENT FOLEY: Senator Wishart for a motion. [LB512A]

SENATOR WISHART: Mr. President, I move to advance LB512A to E&R for engrossing. [LB512A]

PRESIDENT FOLEY: Members, you heard the motion to advance LB512A to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB512A advances. Members, we're moving to Final Reading. I'm going to ask the Clerk to read the bill in just a moment, if you could please proceed to your desks for Final Reading. Members, we'd like to begin Final Reading. Please proceed to your desks. Final Reading, LB335E. Mr. Clerk, please read the bill. [LB512A LB335]

ASSISTANT CLERK: (Read LB335 on Final Reading.) [LB335]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB335E pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please, Mr. Clerk. [LB335]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1515.) Vote is 42 ayes, 0 nays, 2 present and not voting, 5 excused and not voting, Mr. President. [LB335]

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PRESIDENT FOLEY: LB335E passes with the emergency clause attached. While the Legislature is in session and capable of transacting business I propose to sign and do hereby sign LB335E. Now moving to General File, 2017, Senator priority bill. Mr. Clerk. [LB335]

ASSISTANT CLERK: Mr. President, LB651 was introduced by Senator Linehan. (Read title.) The bill was read for the first time on January 18 of this year. On May 2, the bill was placed on General File pursuant to Rule 3, Section 20(b). [LB651]

PRESIDENT FOLEY: Senator Linehan, you're recognized to open on LB651. [LB651]

SENATOR LINEHAN: Thank you, Mr. President. Good morning, colleagues. The focus of LB651, the Nebraska Reading Improvement Act, is to ensure every child in Nebraska public schools is guaranteed an opportunity to learn to read regardless of learning differences, their ethnicity, or their parents' income level. Many school districts across the state have already implemented much of what the legislation contains. Consequently, Nebraska has seen increases in reading proficiency since 2011 when statewide testing was first implemented. According to Nebraska Department of Education Web site, 28 percent of third graders across the state were not meeting state assessment NeSA standards in 2011, 28 percent, over almost a third. For 2016, that number has dropped to 18 percent, a significant increase, 10 percent better. Unfortunately, while some schools are continuing to improve because of increased focus on reading beginning in kindergarten, others are not. Too many school districts still have a large percentage of students not reading at grade level when they are promoted to the fourth grade. In some schools, as many as 70 percent of third graders are not reading at grade level. There is little evidence that a child who leaves third grade unable to read will ever catch up. Nearly 90 percent of the students who fail to earn a high school diploma were struggling readers in third grade. Almost 85 percent of the teenagers in the juvenile system, justice system, are functionally illiterate. Seven out of ten--seven out of ten--adult prisoners can't read above the fourth-grade level. High school dropouts make up 90 percent of Americans on welfare and 75 percent of food stamp recipients. Societal cost of students not learning to read or read well are staggering. Implementation of LB651 will chip away at costs created by illiteracy which are borne by all of us, most heavily by those that don't learn to read. LB651 directs school districts to establish an accelerated reading intervention plan for students in kindergarten, first grade, second grade, and third grade, which have been identified by a state-approved assessment program as having reading deficiency. And I just want...I've got an amendment. The green copy of the bill says state will pull together a plan. We don't need to do that. There are products already available. There are products, including DIBELS and MAPP, that many schools are already using. The state, therefore, doesn't have to come up with a different program and they can approve programs that are already out there and are available at reasonable expense to schools. Many schools already have them. So that takes completely away the fiscal note. There is now no fiscal note for the Department of Ed if that...if we adopt that amendment. The program is to be implemented during school hours, provide

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intensive development in phonic awareness, phonics fluency and vocabulary, and reading comprehension. There is still today an argument amongst educators about the importance of phonics. Many educators I've talked to understand phonics is important but too many don't understand it. A kid who has difficulty in reading, who is not a whole-language learner, needs to have phonics. A student's progress is closely monitored and shared with his or her parents or guardian. It's very important that the parents, even if they're difficult to get ahold of or they don't come to parent/teacher conferences, parents need to be made aware of what the situation is and asked to...asked and coached to help these kids. That's part of this legislation, too, and it's an important part. Parents always have to be included in the conversation. The legislation includes summer reading programs, as struggling readers are dramatically affected by long lapses in reading education instruction. I know that summer reading programs are a concern with some of the schools out there because of the cost. I've gotten several letters from teachers, administrators, in York Public Schools. They are already doing much of this program. Their proficiency rates are above 90 percent and they do summer and they do after school and they do it with volunteers and with teachers and within a very tight budget. So there are schools that are doing summer reading programs on the budgets they have now. The legislation makes certain parents and guardians are made aware of their child's challenges. The legislation further states a student who has been identified with a reading deficiency "shall receive an individual reading improvement plan" within 30 days of being identified. As many of you have gotten letters from teachers, kids do learn differently. They learn at different speeds. I understand that. So each kid, if they're struggling, they need to figure out what that kid needs. Maybe it's phonics. Maybe it's they're just...didn't have...they didn't know their letters when they're coming to school. Each kid is different. I get that. That's why the legislation calls that each of them need to have their own plan. The plan should include input from the student's teacher, the principal, and other pertinent school personnel. Some schools have psychologists and reading specialists and reading coaches, so if they have them and they want them contained in this decision or included in this decision, they should be. And the legislation says that, "pertinent school personnel." It's up to the school. Most importantly, as I've said previously and I will continue to say all morning, parents and guardians of the student need to be part of this. LB651 allows leeway for students who are disabled or English language learners. And I think another senator will speak to the English language learners as we move through the morning. LB651, with amendments, does state...because there's two amendments laid down, we tried to get them put into one but there's...I'm going to leave...for right now I'm just going to leave them both separately. The amendment says that a parent and a teacher and the principal...excuse me. The amendment does state that if the parents or guardians, teacher, and principal agree, and multiple tests confirm a student is not reading by grade level at the end of the third grade, retention should be seriously considered. Proceeding to the next grade unprepared is not fair, and it will most likely severely limit the child's lifetime potential. I realize that there is a lot of discussion about how harmful retention is, but there are several studies that show it's more harmful to send them forward to be frustrated and later drop out of school. The legislation also directs a school district to report to

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the Nebraska Department of Education the number of students not proficient and what program they have in place to ensure those students continue to receive intensive instruction.

Unfortunately, some have suggested the legislation includes language stating if a third grader does not pass one test at the end of the third grade they must be retained, regardless of disabilities, lack of proficiency at English, or a host of other reasons that may explain why a student is struggling. That description has been repeated. It is not true. It's not honest. It's not what the legislation says. Too much of the conversation surrounding LB651 is focused...

[LB651]

PRESIDENT FOLEY: One minute. [LB651]

SENATOR LINEHAN: ...on the retention of third graders if they are not proficient readers. Did you say one minute? [LB651]

PRESIDENT FOLEY: Yes, one minute. [LB651]

SENATOR LINEHAN: It is not the intent of the legislation and is disingenuous to say LB651 is based...is...LB651 is based on research and best practices from across the country. As stated previously, many districts have already implemented much of what's in LB651. The purpose is to ensure every child in our school system is guaranteed an opportunity to learn to read, regardless of learning differences, their race, or their parents' income level. Thank you, Mr. President.

[LB651]

PRESIDENT FOLEY: Thank you, Senator Linehan. (Visitors introduced.) Mr. Clerk. [LB651]

ASSISTANT CLERK: Mr. President, a priority motion. Senator Chambers would move to bracket the bill until May 25, 2017. [LB651]

PRESIDENT FOLEY: Senator Chambers, you're recognized to open on your bracket motion. [LB651]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I learn. I listened to a former linebacker stand on this floor and humbly apologize for things not having gone the way they should. Now if a linebacker, and that is the position which is the quintessence of masculinity on the football field, can bring himself to stand on this floor and, in front of all of his colleagues, the media, and those who have these gadgets that allow what we say and do to be streamed all over the world, and apologize, that prepares the way for me, a mere mortal who has not been a fullback, not a halfback, not a quarterback, not a scatback, and certainly not a

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linebacker, to humbly apologize for what I did last night in keeping you all here so long. And since you all know I have a penchant for rhyming, here it is: Last night I kept us here later / than time to bake a "potater." / Today I'll atone, / and I'll do so alone, / unless 16 more of you cater. This is a bad bill. It shouldn't be out here in the first place. It was not voted out here because those who voted for it think it has merit. There was that period of animosity when one clique or claue, c-l-i-q-u-e c-l-a-q-u-e, was going to show the others what they could do and a very foolish move was made. I am not one who says a bill never should be pulled from committee. But the reason this one was pulled had nothing to do with the merits of the bill. It was a stick being used to whop others upside the head. Here's why I think it's bad. You cannot have one size fits all when you're dealing with children. There are other courses that a child may not do well in while in the third grade. There is a principle in philosophy. I'm not going to use any Latin terms. Some people say: Because A precedes B, therefore, A caused B. There may be no relationship whatsoever. Because A accompanied B, A caused B. There is no causation here that has been established. Statistics of a national variety cannot, willy-nilly, be applied to a situation not only in one state but to every school district, every classroom in that state. Procrustes was a giant who had a bed and he invited travelers to come in and spend the night; and after feeding them, they had to lie down in that bed. If they were too short, he stretched them until they fit; if they were too long, he chopped off whatever portion of their lower extremity was necessary to make the person fit. This is not a good bill, and I think that there are enough people here to not want to waste time on it for the amount of time we can take. When I said in my little rhyme I'll do it alone, that means I'm prepared to take the six hours if that's the time we'll have before cloture has to be taken. Let me tell you all something. First of all, if 70 percent of the children in third grade are not reading, then you're going to flunk 70 percent of the children, huh? Based on the statistics and the logic--I call it "illogic"--of this bill, you're going to flunk 70 percent of them. It's easy for old people like me to look back and forget what it was like in school and say, flunk 'em, I've got an attitude, I've got a philosophy, I've got a notion, and it's going to apply to all these children in third grades all over the state. If 70 percent of the children are not succeeding, the fault is not with the children; it's with the system and the teachers. And you get the system right, you get the teachers right, but don't punish the victims. That's like saying if somebody comes to the hospital ill and does not get well, it's that person's fault, therefore, some kind of punishment should be inflicted. And if I sound a little irritated, I'm not irritated at Senator Linehan--I believe she's sincere--but I'm irritated at how casually things are heaped upon children. And people say that it's not going to hurt. I was told, and other people were told, that reading Little Black Sambo to the only black child in a classroom of white children and being laughed at won't hurt him. Well, it did something to me. If I hadn't been so mistreated like that in school, you all wouldn't have the kind of black man you're dealing with now. I have a certain attitude toward anything white. My mother was as white as Senator Linehan in appearance. She had red hair. She had hazel eyes. If I didn't know she was my mother, I'd have thought she was a white woman. So I'm not just talking about complexion. And my mother was an intelligent woman. She chose to have me. How much more intelligent can you be than that? But here's what

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I want to get to. Here is a rhyme that she wrote in the fourth grade. And she went to school in Louisiana, a segregated school. Martin Luther King gets credit for a certain comment. You'll hear it in her rhyme, and I learned it when I was a child: I am glad to meet a person who is glad that he is black, / who is conscious of his color and appreciates the fact. / I am glad to meet a person who is glad that he is white. / Every person has some color; / any color is all right. / I am glad to meet all people who strictly understand, / character makes the person, / color does not make a man. My mother was in the fourth grade and wrote that and King got all the credit for saying judge people not by their color but by the content of their character. So it depends on who says something and the circumstances under which it's said. Now, as bright as some people think I am, I couldn't even recognize letters when I was in grade school. I couldn't recognize the letters of the alphabet. And I had a teacher who was willing to stay over the noonhour with me. She was white. That's why I can't say all white people are bad. But in my mind, she was passing: a person that's passing when they're really black but they're light enough to be white so they pass over into the white element. So to keep my principles intact, she looked white but she was passing. But at any rate, somehow she took each one of those 26 letters and compared it to something that I was familiar with. So while others were learning A-Z, I was learning 26 symbols. Maybe I could learn how to write Chinese characters if I set my mind to it. "T," to me, was a telephone pole. Small "n" was a loaf of bread standing on end with a stick to the left of it. I learned 26 symbols when I couldn't learn 26 letters. And it was as easy for me to say Z, Y, X, W, V, U, T, S, R, Q, P, O, N, M, L, K, J, I, H, G, F, E, D, C, B, A--backwards--as it is for you to say A, B, C, D, E, F, G, H, I, J, K forward because they didn't mean anything to me. It was all a matter of memory. Now if I'd had people dealing with me, I'd have been put in what they call the dumb room. But that teacher saw something in me, apparently, that let her know I didn't have a brain defect, I was not deficient in intelligence. Something was not connecting between me and those letters. After I learned to recognize letters, I was a slow reader, which I still am today. But I read slowly, I read carefully, and I retain a lot of what I read. [LB651]

PRESIDENT FOLEY: One minute. [LB651]

SENATOR CHAMBERS: So when I saw the word "a-g-e-n-t"--we were taught how to hyphenate, how to break words into syllables--I knew that the letter "a" could be pronounced like "uh" when it was a part of a word, so I knew it was "uh." And I figured "g-e-n-t" was "gent," so I said, "a gent" instead of "agent" and I was laughed at. But I didn't get upset with the kids. That was me because, again, I did not learn what I needed to learn. But look at me now. Maybe if I'd been kept back and that was added to the problems that I had already, I wouldn't be here. Maybe I'd be one of those people who finally did my time and you all would vote that I should not be allowed to vote because of that. Those are the things that hurt children. I don't forget what happened to me as a child and what it did to me, and that's why I care so much about children now. We're going to find out early on if we're going to stay here six hours or if we're going to kill it. Thank you, Mr. President. [LB651]

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PRESIDENT FOLEY: Thank you, Senator Chambers. Proceeding now to debate, Senator Halloran. [LB651]

SENATOR HALLORAN: Thank you, Mr. President. I would recommend that Senator Chambers set up a course for assisting third graders that are currently struggling because you had a lot of good ideas there in your comments, Senator. I will yield the balance of my time to Senator Linehan. [LB651]

PRESIDENT FOLEY: Thank you, Senator Halloran. Senator Linehan, 4:45. [LB651]

SENATOR LINEHAN: Thank you. Thank you, Senator Halloran. Thank you, Senator Chambers. You're right, Senator Chambers. My point here, and maybe I didn't make that clear, I'll try again, is not to hold back third graders. My point is to make sure we're doing everything we can do that those kids are getting the same chances you had. Unfortunately, every kid in Nebraska doesn't find that teacher in kindergarten or first or second or third grade. And what's worse, and I've got hundreds of e-mails that I can show you from teachers who say they can't possibly learn because they're poor, their parents don't care, they didn't have preschool. That's why they're not learning to read. It's never about whether that child maybe has a learning difference, as you clearly seem to have and had, as I and many of my friends have. We don't all learn easily. Some of us need that special teacher, that reading coach, that person who sees the intellect and the ability, to find a way for that kid to learn to read. What we're doing now, way too many times, is we're saying, well, the poor kid, poor girl, her mom and dad didn't read to her or him when he was three and four and five, and they don't come to parent/teacher conferences, so we could hardly expect this kid to read. We...little kids, as you well know, Senator Chambers, because I've watched you with little kids, they are...they want to learn. They're capable. They're bright. The most important thing for that child is somebody needs to believe in them. That's what I'm trying to do with this legislation is set the excuses that we hear why kids can't learn aside and figure out how do we teach this kid to learn. And if we don't do this bill and we don't put pressure on the schools, and that's right, pressure--I realize it's pressure--on the schools to make sure every kid, not just all the ones who went to preschool, all the ones whose parents' income are above midlevel, all the kids that aren't on free and reduced lunch, all the kids that come from two-parent families...those kids, we all expect them to read. We've got to expect every kid to read. And that's what this bill is about. This bill is about the kid who is in kindergarten, who comes to school and does not know their letters. I didn't know my letters when I went to school. I don't think we had a book in our house except the Bible and some books I remember very clearly that were stuck above the staircase in our back stairs. I grew up poor. I didn't know I was poor. Everybody in my school was poor compared to the national income levels. But we all learned...not all of us. I didn't learn until high school. I didn't learn to read, Senator Chambers,... [LB651]

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PRESIDENT FOLEY: One minute. [LB651]

SENATOR LINEHAN: ...until I had a...read well, or at least feel I could read, until I was a junior in high school and, like you, a teacher told me I was not dumb, that I was capable. That's when I learned to read and believe in myself. What we need to do is make sure every kid--kindergarten, first grader, second grade, third grader--has a chance, has that teacher, that reading coach, that para tells them they're capable, works with them, whether it's learning that a small "n" is a loaf of bread with a stick or learns their alphabet, that's what I'm after here: to get these kids the same kind of help that somebody was kind enough to give to you. Thank you. [LB651]

PRESIDENT FOLEY: Thank you, Senator Linehan. Senator Kuehn. [LB651]

SENATOR KUEHN: Thank you, Mr. President. Good morning, colleagues. I stand in opposition to Senator Chambers' bracket motion and in support of Senator Linehan's LB651. There are a number of amendments which have been filed which I think address some of the facts of this bill. And I think this is an important discussion for us to have in terms of a policy discussion on the floor of the Nebraska Legislature. And I would like to thank both Senator Chambers and Senator Linehan for some of their opening remarks because it teed off a lot of exactly where my experience with this piece of legislation has been and some constructive and informative dialogue I've had with educators across the state concerning this bill, as well as one of my biggest concerns about the state of education today, and that has to do with our level of expectations and understanding and it starts at the top. Senator Chambers very eloquently and accurately described a very important part of Statistics 101: correlation does not equal causation. And I'm guessing he'll give me a smile if he understands, because he will, when I say one of my favorite sayings when I talk to students and talk to them about interpreting data is examining a Latin phrase: post hoc ergo propter hoc. Senator Chambers knows that is Latin for "after this, therefore, because of this." It's a logical fallacy. It is an idea that if one thing follows another, there must be a causal link or a causation. And it's one of the biggest misconceptions in how we look at and how we interpret data. And unfortunately when we look at causations, positive, negative influences, dashboard indicators, and other, too often we fall very quickly into this logical fallacy. And unfortunately that's all too often what has happened in how we approach education policy and things that actually influence student outcomes in both a positive and a negative way. And so as this discussion goes on this morning, I think it's important that the people at home who are watching, parents, and those of you who are listening and paying attention to this debate, learn a little bit about how student achievement is measured, how we assess what are good and positive influences on student achievement, what is not, and start to cut through some of these myths. And I'm going to be talking about them a lot this morning so I'll apologize for those of you up-front. I hope to spend a lot of time talking about these issues. But I want to start this morning and my opening comments with talking about something that is important and informs my entire approach to working with students and my entire philosophy on

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learning. And it goes back to a very important 1965 study which any of you who've taken an intro to "soc" course or an intro to psych course probably learned about, and it's an important study because it's been reinforced time and time and time again in the 50 years since. And it was a study by Rosenthal and Jacobson which led to the creation of a phenomenon known as the Pygmalion effect. It has an antithesis, something known as the Golem effect. And research, time and time again, has demonstrated that the single most powerful influence, especially in young children and how they learn and their outcomes, is expectations. And for those of you who aren't familiar with the Rosenthal and Jacobson experiment, I encourage you to go look it up and see exactly what it was. It demonstrated in a quick summary of their work. They actually took a group of children and they told teachers randomly assign children. Teachers didn't know that that one component of them were high-ability learners, high-potential students, and the others were not. The only difference between the children was the expectation of the teacher based on what they were told. The changes in metrics as those children were tracked through the early education years was dramatic,... [LB651]

PRESIDENT FOLEY: One minute. [LB651]

SENATOR KUEHN: ...IQ, performance, it transcended gender, it transcended race, it transcended social class. Expectations are powerful. And all too often we have decided now that identity politics and where children come from, whether it is their social class, whether it is their race, whether it is their home situation, defines them, and I will tell you it does not. Experience and research reinforces that children, especially young children, are capable of rising to the expectation we place upon them, expectations meant with love, care, and encouragement. And this is what Senator Linehan has brought before us today to talk as a Legislature about what we expect from our children and what we expect from our teachers in the classroom. And I hope we all listen with that level of appreciation for that ultimate goal. Thank you, Mr. President. [LB651]

PRESIDENT FOLEY: Thank you, Senator Kuehn. Senator Geist. [LB651]

SENATOR GEIST: Yes, thank you, Mr. Speaker. I just stand in opposition to this motion and because I think this is a very important conversation to have. And I'd like to spring off of what Senator Kuehn was speaking about. And the reason I think this is important is because it does hit upon the expectations we have of children and this makes the ground level. This is not taking into account whether they are from poverty, what their race is, what their family income is. It's believing in children and their ability to learn. That seems like common sense to me after raising three children who are very different. My children are very different in the way they learn, in their performance in school, and we had to work very differently with each of our three children as they went through public schools. They are very successful now, but a lot of that was due to

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teachers finding their abilities and their shortcomings and working with them individually. And we were fortunate to be in a school that did that and I'm thankful for that. It's important to me as a legislator that we offer and require our schools to continue that kind of education for our very young students. And if Senator Linehan would yield to a question, I have a couple questions for her. [LB651]

PRESIDENT FOLEY: Senator Linehan, would you yield, please? [LB651]

SENATOR LINEHAN: Yes. Thank you. [LB651]

SENATOR GEIST: Senator, as I read some of the information that you have passed out, you have some information that compares our scores to Florida. And I wonder if you would take the rest of my time and explain what the findings were in Florida as they did this same sort of legislation. [LB651]

SENATOR LINEHAN: Thank you, Senator Geist. I'd be happy to. Thank you. So, and I'm sure you've all gotten e-mails and we've seen op-eds that we're even with Florida and even a little bit better than Florida, even though Florida has several pieces of education reform that they have enacted since Jeb Bush was governor of Florida. That is true. But what they're not saying and what is critical to understand: that ten years ago Florida was far behind us. When you talk about us being even with Florida, you have to remember that Florida has a much larger percentage of minority kids; Florida has a much larger percentage of their students on free and reduced lunch. And while we have remained steady, relatively steady, over the last ten years, Florida has increased their scores significantly. I've got the numbers here--I'm sorry--in Florida. I think we're all aware, too, that in Nebraska we have a huge gap between black male students and white students in graduation rates and scores. It's one of the worst in the nation. And Florida's black student performance in 2002--and these are NAEP scores because we can't compare what Florida's state scores and every state has its own...I think every state has its own system for judging proficiencies. Ours is NeSA. Florida has... [LB651]

PRESIDENT FOLEY: One minute. [LB651]

SENATOR LINEHAN: ...another one. But in NAEP scores, in Florida, in 2002, for black students it was 244. In 215 (sic) it was 255, a huge gain. In Nebraska, in 2002, black students' NAEP scores: 246; in 215 (sic), 245. Going backwards, folks. So if the trajectories stay the same, next year we won't talk about Florida being equal, we'll be talking about Florida being ahead of us, even though they have more poor kids, more kids on free and reduced lunch than we do, because they know the main point of this, as Senator Kuehn so eloquently said this morning

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and I...you got to...you get what you expect out of kids. You expect them to learn. You expect them to do... [LB651]

PRESIDENT FOLEY: Time, Senator. [LB651]

SENATOR LINEHAN: Thank you very much. [LB651]

PRESIDENT FOLEY: Thank you, Senator Linehan and Senator Geist. Senator Erdman. [LB651]

SENATOR ERDMAN: Thank you, Mr. Lieutenant Governor. Good morning. I rise in opposition to Senator Chambers' bracket motion and in support of LB651. Senator Chambers made a comment there when he was making his opening and he made a statement about his mother and I was wondering if that was a rhetorical question, Senator, or did you expect an answer on that? You don't need to answer that. I was just curious by that question. Anyway, I also see passed out by Senator Pansing Brooks a comment or an article about Iowa lawmakers drop third-grade retention. We have a tendency to use information from other states when it fits our needs. Wyoming has over a billion dollars in reserve and that state chooses to make cuts instead of taking from the rainy-day fund. So if we should join with Iowa, if we should join with Iowa and not adopt the third-grade retention law, then why don't we join with Wyoming and make the necessary cuts and leave our rainy-day fund alone and our Cash Reserve? Just a question. Another question is, why are we the only state that has a Unicameral? Just a question. I don't know the answer to that. Maybe that's a rhetorical question. But I haven't been here very long: 81 days, I believe it is. I have not served with anybody that I know in any board that I've ever served on that has more of a passion about something than Senator Linehan has for education. In the Education Committee, when Senator Linehan was bringing the bills that she brought, she was focused solely on bettering students' education and making their life better by learning to read and do those things necessary to compete when they leave school. That lady is committed and making a difference in young people's lives. She brought this bill to make a point that children are not learning to read. And up until third grade you learn to read and after third grade you read to learn. So if you didn't read before the third grade, you're not going to learn in the fourth and fifth grade like you should. A friend of mine told me yesterday, he said when he graduated from high school several years ago, one of his friends graduated, he couldn't read. Someone had to go with him to help him take the driver's test because he couldn't read the driver's test. That's what happens. There are a lot of schools that are need improvement. And some of those schools in my district are the seventh and eighth grade that need improvement, those students at one time were in the third grade and they moved on. So what Senator Linehan is trying to do is say teach these kids to read. And I've shared with several people from my district back home, if you don't want this retention thing to apply to your students, there's one way to solve that. Let's teach them to

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read. That's your charge: teach them to read. On the Education Committee what I see is people come in and testify against the bills that people introduce to help promote education because it wasn't their idea. Well, for over 100 years their instruction was to teach people to read and they haven't been doing it. And so now when we get ready to ask them to be held accountable, then they talk about it's an unfunded mandate or who are you that has never been an educator to tell us how to educate children. What we're asking yet is do your job, teach them to read. And I get that comment about poor children can't read, we have a lot of poverty,... [LB651]

PRESIDENT FOLEY: One minute. [LB651]

SENATOR ERDMAN: ...I get all that. Those are excuses. Okay? Your job is to teach people to read. I thought I almost had Senator Walz convinced to join us in support of this bill, just almost, and then she dropped it on me this morning. She said not a chance, so, so much be it for that. But I was...I had...I thought there was a chance because she...it was like that movie Dumb and Dumber you seen that when the guy asked the lady is there a chance if you and I can get together and she says no. And he said, how about 1 in 1,000? No. One in 10,000? No. How about one in a million? She says, well, maybe. He said, there's a chance! So I thought that was the same way with Senator Walz but it didn't happen. So I'll keep working on her. But I am in support of this. And I appreciate Senator Linehan's commitment to education. Irregardless of what you think about this bill, that lady brought this because she is very concerned about young people learning to read. [LB651]

PRESIDENT FOLEY: Time, Senator. [LB651]

SENATOR ERDMAN: Thank you. [LB651]

PRESIDENT FOLEY: Thank you, Senator Erdman. Senator Hilgers. [LB651]

SENATOR HILGERS: Thank you, Mr. President. I yield my time to Senator Kuehn. [LB651]

PRESIDENT FOLEY: Thank you, Senator Hilgers. Senator Kuehn, 4:45. [LB651]

SENATOR KUEHN: Thank you, Mr. President. Thank you, Senator Hilgers. I want to kind of leave off where or start back where I left off talking a little bit about some of where I'm approaching my support and my belief that we do have an opportunity for much higher expectations for our students, and those expectations not coming from a perspective of being punitive or punishing or discouraging children to read but making sure that we have a system that from day one doesn't simply label children as in poverty or at risk or all of the different

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things that we say and reasons we justify for not giving our best to students in education. And I recognize we're going to have different approaches regard to this bill on the floor, but I hope what comes out this morning is the general belief and consensus that our children are capable and we have a right to expect that our children are given the best opportunities possible to learn. And I'm not one that the scientist in me tends to think that the personal anecdotal stories probably don't have a lot of weight. I tend to look for data. But I do...because Senator Linehan and Senator Chambers have both shared in their opening discussion today a little bit about their background, I think it's important that I share mine because I have been blessed educationally. I have advanced degrees. But if you were to look at my educational background on paper, it wasn't something that would portend that I would achieve that way. I went to a Class I country school. There were two teachers for all seven grades, K-6. It was a school where I can't even imagine what the free and reduced lunches was because they were all for the most part my cousins and my parents would never have applied for free and reduced lunches because that was just a pride thing. But I started school in 1980 in the height of the farm crisis. And like Senator Linehan, we were all poor. We didn't know we were poor. We just assumed that we got the second or third pair of hand-me-down jeans from cousins because that's how everybody did it that we knew. I went to a Class I school where all the metrics based on poverty, based on teacher-student association, I should not have been successful. When I went into Minden in seventh grade, I and all the other country school kids were tracked. We were tracked into the automatic low classes. We were tracked into the C-level math. And that was the expectation. You came from country school, you came from Norman, you came from Heartwell, you came from Holstein, you weren't able to compete on a regular level. Regardless of what the test scores were, regardless of what my reading level was, I was tracked. So I, too, know what it's like to suffer from a subtle and undermining influence of lowered expectations based upon where you came from and who your family was and what you were pigeonholed into in terms of your learning. And all of us overcame that who have experienced that because we had high expectations that were set. And ultimately that's where we're starting with LB651 is a discussion about what is our expectation of what is happening in K-3. Part of my really huge disappointment in a lot of the discussion--I've had some very productive and some nonproductive discussions with educators across the state, throughout my district, parents, about LB651--has been the lack of really understanding of what the motivation for the bill is and, quite frankly, just even reading it from the get-go. [LB651]

PRESIDENT FOLEY: One minute. [LB651]

SENATOR KUEHN: Thank you, Mr. President. Too many people decided that this bill was bad on its face and had no merit and had no value who, one, had not read the bill, they just heard it was about retention, so they didn't understand the exceptions and all of the things that Senator Linehan took into account with students who should advance if they are not at grade-level proficiency by the time of the third grade. And they ignored the fact that this bill, far and away more than being about retention, is about early identification, intervention, and development. It

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starts in kindergarten. If a student isn't meeting proficiency standards, what are the intervention steps they are going to take? How do we get them out of that role and that label and assure that they have the resources, the access to the information, and the expectation that they can reach their potential; and if not, what are we going to do about it? And it repeats first grade, second grade, third grade. By the time you get to a fourth-grade retention or a third-grade retention level, you've had years of opportunities... [LB651]

PRESIDENT FOLEY: Time, Senator. [LB651]

SENATOR KUEHN: ...for communication and coordination. Thank you, Mr. President. [LB651]

PRESIDENT FOLEY: Thank you, Senator Kuehn. Senator Brasch. [LB651]

SENATOR BRASCH: Thank you, Mr. President, and thank you, colleagues. I can't stress enough, you know, from the testimonials we're hearing today, that we don't all read the same. Reading also came to me very difficultly. I was the first child of two immigrants from the Ukraine to be born in America. They were still learning English. They were still learning to read and write. I was born three years later and I did have difficulty reading. And it was in the third grade that my teacher...and I remember her very clearly and I'm very grateful. Her name was Mrs. Hutchinson (phonetic). She was at Hayward Elementary. She was African-American. And she worked with all of us, every student, even the displaced people, the immigrant kids that came to her classroom. And she especially was kindhearted. And part of her philosophy was always to be kinder than necessary and I've tried to make that my own. But I struggled and I tried and my older brother, who has passed away when he was 50, he worked and worked and worked until I could read and read well. And the standardized tests, they were really hard for a person who was an immigrants' kid. But in the ninth grade my counselor called me in and he said, I don't know what you've done, and he should have said I don't know what Mrs. Hutchinson (phonetic) did, because I was outperforming all of my test scores. I was becoming a high achiever but it took me a while. But it took a teacher to notice and really work with me and work with my family. And I believe that that's what LB351 (sic) does. So I want to thank Senator Linehan for having the courage and the stamina to step up and say we just can't pass over this. There are many children and families' lives at stake. My parents were very, very poor, both blue collar, a railroad worker and a seamstress who turned United Rubber Worker as soon as she could fill out a job application. I was their first and only child, actually, to get a college degree. But I had to work full time during the day and get my degree at night so I could afford it. It took me six years but I was able to do it and I'm very proud of those mentors I had along the way that pushed me, that encouraged me, that didn't let me turn around and say I can't do it. There's days when you just say I must do this, and I believe that's where Senator Linehan came to--I must do this--not for

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her benefit but for the benefit of thousands and thousands of children, not in just this generation but in future generations. So what are we afraid of? I see that the amendment, part of the bill, I understand, is going to make sure that should a parent and a teacher choose to move the child forward that has reading difficulty, that they'd have a reading plan. I don't see any fault with having a reading plan and a plan of action moving forward... [LB651]

PRESIDENT FOLEY: One minute. [LB651]

SENATOR BRASCH: ...that every child can enjoy the pleasures of reading. It takes you to places you've never dreamt of, the summer reading clubs. Reading has benefits in every walk of life, every field, your day-to-day life. So I think this is a bill that helps everyone and there is no harm intended. Thank you, Mr. President. Thank you, colleagues. [LB651]

PRESIDENT FOLEY: Thank you, Senator Brasch. (Visitors introduced.) Continuing discussion, Senator Groene. [LB651]

SENATOR GROENE: Thank you, Mr. President. First I'd like to address the pull motion of this bill from our committee. Senator Linehan talked to me about it and I said: It's in the Rule Book, you can do what you wish. I'm not going to oppose you. I would have voted probably with some amendments which are on the floor to bring it out of committee if we would have Execed on it. But we all knew that the committee was going to be 4-4. That is what the pull motion is for. That is why it is in the Rule Book. A senator goes, surveys her colleagues or his colleagues, finds out that he has the support on the floor but cannot get it out of committee. We all represent some individuals in the state. If a majority of the senators on the floor support a bill that can't come out of committee, that tells me the majority of Nebraskans support a bill that can't come out of committee. No group of senators in a committee should block the will of the people. That is why the pull motion exists. There was another bill pulled out of...attempted to be pulled out of Education, at least the motion was made. It has not came to the floor, probably because the majority of Nebraskans don't agree with it, and the majority of senators to vote on that pull motion. I applaud Senator Linehan to bring back a rule in our Rule Book and to use it properly. Quite frankly, I'm amazed we're standing here debating this. To read by the third grade, we spend \$3.2 billion on public education in this state and that is too much to expect that every child can read at the end of the third grade? Really? That's too much to expect? We all go back to our personal history and in the country school I went to there was no way you could have got through the third grade without reading. In every class we stood up and read a paragraph. We weren't embarrassed when we stumbled. The teacher knew if you could read. Your peers knew if you could read. They would help you if you mispronounced a word. There's a few I still mispronounce that they overlooked. But reading is basic. I have been quoted, good and bad, by the statement I've made in speeches that if you can read well by the third grade and have a good,

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very good vocabulary, all knowledge is available to you, you no longer need a teacher. That's been misinterpreted into I don't believe we need teachers after third grade. That is not true. Every one of us did research on this bill. Did we have a teacher? No. The educational system prepared us to be our own teacher, to do our own research. I happen to think that's not happening nowadays with a lot of younger generation. They're coming out and they're told what to believe, what to know, instead of how to learn. I like...I do not like the retention part of the bill. There are some children who need to be set aside and have special education, special learning abilities and opportunities and parents should make that decision. And Senator Linehan has addressed that. But to expect every child to read, to deny a child...you're denying a child a future if they cannot read. That should be red flares going up, red flags going up. I've learned one thing about being Chairman of the Education Committee. [LB651]

PRESIDENT FOLEY: One minute. [LB651]

SENATOR GROENE: To claim you're pro education has two definitions. There are those who focus on the classroom and the child and there are those who focus on the establishment. I happen to be one that focuses on the classroom and so does Senator Linehan and Senator Erdman and Senator Hilgers and Senator Kuehn and a lot more. This body needs to focus on the classroom, not the establishment and the lobby. Thank you, Mr. President. [LB651]

PRESIDENT FOLEY: Thank you, Senator Groene. (Visitors introduced.) Continuing debate, Senator Lowe. [LB651]

SENATOR LOWE: Thank you, Lieutenant Governor. Would Senator Kuehn answer a question for me? [LB651]

PRESIDENT FOLEY: Senator Kuehn, would you yield, please? [LB651]

SENATOR KUEHN: Yes, I will. [LB651]

SENATOR LOWE: Would...do you have students that come to you and are unprepared because they're not able to read at proper college level? [LB651]

SENATOR KUEHN: Yeah, I certainly see a significant number of students who make it through high school, and even some early college, that are behind in reading comprehension, and significantly even further behind oftentimes in quantitative or math skills at the collegiate level. There's what's...there's even articles being published right now in the higher ed trade journals that talk about the illiteracy epidemic in America's undergraduate institutions. [LB651]

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SENATOR LOWE: Does...so this hinders them in their education? [LB651]

SENATOR KUEHN: If education is the great equalizer and the great thing that propels us forward with opportunity, not having those skills certainly is a hindrance for those individuals trying to move themselves forward. [LB651]

SENATOR LOWE: Thank you, Senator Kuehn. You know, as a parent of three sons who are now college age or out of college, education was very important for both my wife and myself, and reading is part of that. Reading is the basic fundamental for learning; and as a parent, I would think all parents would be for this bill. If you want your child to excel in life, from the time that he is in third grade on, they need to read. We need to send a message to the teachers, to the administrators, to everyone that this is an important bill. We want our children to succeed. When you look at the doctors and lawyers around the country now that are becoming prominent, they're not from our country. They're not from the United States. They are from out of the United States but they are learning in our colleges, or maybe they've learned in another college from across the world. Why? Because reading is important in those countries; learning language is important. We need to wake up, America and Nebraska. We need to further our children and by doing that they need to learn to read. Holding a child back for one year while they're in third grade is not going to hinder them. And I think maybe, and I brought this up this morning, that maybe we ought to bring the football coaches and the basketball coaches and the sports administrators on to our side; because when you are a sports person, you are dedicating your life as a student to two things: college and sports. It's very important that they go further in life. And also, if you hold a child back, physically you don't develop until a later age, so maybe a student who is able to drive in the seventh grade will be larger and bigger on the front line, so maybe we ought to look at that for our colleges. That was just a little bit of humor there that didn't get much laughter, and that is good because we need to be thinking about education and not sports. We need to be thinking of our children. And if Senator Linehan would like the rest of my time, I'd be glad to give it up to her. [LB651]

PRESIDENT FOLEY: Thank you, Senator Lowe. Senator Linehan, one minute. [LB651]

SENATOR LINEHAN: Thank you, Mr. President. Thank you, Senator Lowe. One minute. Okay. There are schools with...in Nebraska that are doing unbelievable things, not maybe unbelievable things, we all know they believe they can so they can. Washington Elementary in Norfolk, 76 percent free and reduced lunch, proficiency in NeSA scores: 95 percent. Lincoln Elementary, Hastings, free and reduced lunch, 84 percent, proficiency, NeSA: 84 percent. Belmont, Lincoln, Elementary, 77 percent free and reduced lunch: 81 percent proficient with NeSA. Fairbury Elementary, Bellevue...excuse me, Fairview Elementary, Bellevue, 9 percent free and reduced

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lunch: 80 percent proficient. It's not about whether kids are poor, guys. It's about expectations. Another elementary school, 11 percent free and reduced lunch,... [LB651]

PRESIDENT FOLEY: Time, Senator. [LB651]

SENATOR LINEHAN: ...79 percent proficient. [LB651]

PRESIDENT FOLEY: Time, Senator. [LB651]

SENATOR LINEHAN: Thank you. [LB651]

PRESIDENT FOLEY: Thank you, Senator Linehan. (Visitors introduced.) Continuing debate, Senator Albrecht. [LB651]

SENATOR ALBRECHT: Thank you, President Foley. I rise in opposition to Senator Chambers' bracket. But to Senator Linehan, I appreciate your tenacity on this issue and I appreciate the fact that you have put so much of your time into it. I've probably received more e-mails and phone calls and discussion over this. But I'll tell you what, I, too, have a story. I have two beautiful daughters. I worked full time. My husband worked full time. I worked 60 hours a week and I didn't get to send my kids to preschool. I didn't have that opportunity to do so. So my children were with my mother and my...and their grandmother...well, both grandmothers. So they go to school, kindergarten to third grade, and we...they went to the same elementary school that I did. But then I chose to bring them over into Papillion where I live, where we lived, so that they could start making friends and all the good stuff that happens. So at third grade I switched both my daughters to a new school and that school called me in and said, your daughters are reading at kindergarten and first-grade levels, you know, and they're in third and fourth grade. And I said, well, that's not going to work, how did that happen, I went to all the parent/teacher conferences, they told me how bright my children were, they sent all their papers home. I had no idea until they were in third and fourth grade that they were reading at a first...a kindergarten and first-grade level. So, yes, they had reading programs and different things, but they never told me that my daughters needed to do that. So I, paying my taxes as everybody does, and the state, you know, taking care of schools at \$3.2 billion...excuse me, billion, I got to dig back into my pockets and send my daughters for three to four months to Sylvan Learning Center in Omaha and it was to the tune of like \$1,000 a month until they were where we needed them to be. So this...my daughters are in their 30s today and I have ten grandchildren and you can bet I'm going to be...and every time I would talk to parents about their children and they would talk about how wonderful they were doing in school, I said, can they read, do you know positively that your children can read you a book, because, you know, what, when both parents are out there working or you're a single parent trying to raise your children and do everything else you need to get

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done, seriously, this is an issue that needs to be talked about. Do I agree on keeping them back? No. Do I agree that the...that we needed to take a hard look at this from kindergarten until third grade? You know, these kids' minds are so open. But if our schools, if the classrooms are too large or they're...you know, you've just got to make sure that you're asking the right questions. But, you know, Senator Groene also had the bill where the teachers wanted to be protected and do what they need to do and all those surveys that we're...we were able to get. I spoke to a reading teacher this weekend because I was asking a lot of questions about this bill. And there's a reading teacher that takes care of the children from kindergarten to sixth grade and she couldn't agree more with me that we have a serious issue, kindergarten through third grade, in making certain that these children learn. Because if they don't learn to read, it is so difficult, she said, between that fourth and sixth grade to get them to where they need to be. And she said and, yes, she does see the dropout rates. So again, this is something we need to talk about, whether...Senator Chambers, I agree it's a system problem. We need to speak loud and clear in the Legislature today about what the expectations are; and if they aren't met, which I know that a lot of our schools... [LB651]

PRESIDENT FOLEY: One minute. [LB651]

SENATOR ALBRECHT: ...are and we are doing very well in my district in a lot of arenas, but we're not talking about unfunded mandates that I'm getting and things like that from the schools. We're talking about this is an issue that definitely needs attention. We need to continue to have the conversation. And I wish I could yield more time to you, Senator Linehan, but you're welcome to whatever few moments I have left. Thank you. [LB651]

PRESIDENT FOLEY: Thank you, Senator Albrecht. Half-minute, Senator Linehan. [LB651]

SENATOR LINEHAN: That's okay (inaudible). [LB651]

PRESIDENT FOLEY: She'll waive that. (Visitors introduced.) Continuing debate, Senator Brewer. [LB651]

SENATOR BREWER: Good morning, Mr. President. Well, following that, I think, so that I better understand it, I'm going to yield time, the remainder of the time, to Senator Linehan. [LB651]

PRESIDENT FOLEY: Thank you, Senator Brewer. Senator Linehan, 4:50. [LB651]

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SENATOR LINEHAN: Thank you, Senator Brewer. Thank you, Mr. President. Because we haven't been able to get to amendments, I just want to talk about the amendments more clearly that I've got laid down. One clearly states if the parents decide, and in writing, they don't want the child held back, the child will not be held back. So the parents have, to answer Senator Groene's concerns and others', Senator Albrecht's, and a legitimate concern, parents should be the ultimate decider here. So that is an amendment that's laid down. And, yes, I've heard from a lot of teachers about why this is bad, but I've also heard from teachers, college professors, other than Senator Kuehn, that if they get a child in junior high or high school who can't read it's...you're looking at dropping out, you're looking at discipline problems. Just imagine, and there's...from our speeches on the floor this morning there's some of us that have lived through this. I know...I'm not going to say who they all are, but I've had conversations, personal conversations. There are many in this body who weren't proficient readers, who struggled through high school, who got there because parents believed in them. But if...another thing that happens here and parents aren't helping, if a kid is having difficulties reading when they get in the first, second, and third grade, or kindergarten, or they come to school unprepared to read, it is highly likely, I believe, especially if it's reading, learning disability like dyslexia, one of those parents in that home can't read either, because this is not something that's just come up. This has been an issue that has been ignored for generations. So if you have a child, you send them to school, they send you home papers but you can't or you're not proficient in English, you're not...we can't...we've got to find a way to include the parents. That's what I tried to do with this legislation. I would welcome more input from members if they think there's a way that we're not including parents enough in this. I do think parents should have the final say. I think parents should be included. I think schools need to do all they can to reach out to the parents, even if that means...I mean some of the schools that have been successful in other states, if the parents don't come to school, the school goes to the parent. Everything we can possibly do to make this kid successful, that's the whole point of this legislation. I got one e-mail which it's funny. I know that we all have pressures and we're all tired and it's been a long session and we haven't had money and difficult. But I have to say that every e-mail I get from a teacher or a principal or a superintendent motivates me more, not less, especially e-mails like one that stung rather...stung: What do you expect us to do with these dyslexic kids, keep them in the third grade until they're 12 years old? No, that's not what I expect you to do. What I expect you to do is teach them to read how they can learn to read. And if it is Senator Chambers' former teacher's method, that's fine with me. It's whatever method works. [LB651]

PRESIDENT FOLEY: One minute. [LB651]

SENATOR LINEHAN: And there are programs to help these kids. Senator Baker spoke to this. When he was a superintendent, he had it in his schools. My question is, why is it not in every Nebraska school, why...Senator Baker, who has been retired for I don't want to say exactly, a while, he saw this in his profession. He demanded that his kids had every opportunity to learn to

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read. Why is it too much to ask that now, when we spend considerably more per student than we did when Senator Baker was a superintendent, we can't have those same programs? This is not...we are not asking too much here with this legislation. We have got...we've got to keep not how hard it is in mind but how unprincipled it is not to do it. [LB651]

PRESIDENT FOLEY: Time. Time, Senator. [LB651]

SENATOR LINEHAN: Thank you. [LB651]

PRESIDENT FOLEY: Thank you, Senator Linehan. Senator Pansing Brooks. [LB651]

SENATOR PANSING BROOKS: Thank you, Mr. President. Well, you can hear how heartfelt this all is. Senator Linehan talked just now about how it stung her when somebody wrote to her about, well, what do they expect, just to hold them back to third grade? Clearly that's not what Senator Linehan is talking about. She has a good heart. We all care very passionately about our Nebraska children learning to read. Clearly Senator Linehan wants children to be able to read, and clearly she does not want to hurt children. Now some people have said this is a strange way to show it and I would sort of agree. But Senator Linehan is a...in attack mode, I guess I would say; and this woman knows how to barge through, take some names, and make a difference. I don't agree with what...with this...with what she's doing right now. I don't agree that holding children back is the idea. I was actually surprised she didn't decide not to go after the schools more and hurt the schools more than hurting the kids by retaining them. And by the way, she's talking about intervention and trying to make sure that kids read and looking at how each kid learns. Those are things we have to do. We have to have intervention. And she talked about the point is to have every child have the same chance. And right now we're in a crazy circular firing squad. That's what we're doing. This is a nonpartisan issue. The conservatives don't have some hold on wanting children to read. And by the way, neither do the Democrats or the progressives or whatever line or body in which you find yourself. This circular firing squad needs to work together to find out the best opportunities and the best plan for children to move forward. We have study after study that shows retention does not make a positive difference in reading and achievement. And clearly if we'd had the question, there's study after study showing that passing a kid on to seventh and tenth grade unable to read also causes great harm to those kids. So the question is not what we're going to do that's causing the harm, what we're going to do to fix the problem. Now I have an interim study which Senator Linehan is cosponsoring and we are going across the state to look at dyslexia and reading literacy. My original plan was only to look at reading literacy...or at dyslexia. But it became clear we need to broaden that study to look at reading literacy across this state so we weren't just handed some specific little information on dyslexia. And by the way, 80 percent of those children with learning disabilities have dyslexia, 80 percent. And that affects reading and that's not being taught across the state in the schools. So

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we're going to go across the state and figure out what the heck is happening. And it's true there are some schools that are doing an amazing, an amazing job. [LB651]

PRESIDENT FOLEY: One minute. [LB651]

SENATOR PANSING BROOKS: But...and I have a lot more to say on this, I'm sorry, so if anybody wants to give me more time. But there are schools doing amazing job. We're fighting now saying, oh, well, schools have to teach and they have to get the kids reading but, by the way, we are going to cut the funding to education. They're making too much money. They're taking too much of our property taxes to help those kids read. What about that argument? Where's that in this whole story? No, force the kids to be held back, cut funding to education, and then expect miracles. We are in the la-la land that Senator Schumacher always talks about, makes no sense. And I'll be back up. Thank you, Mr. President. [LB651]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Senator Morfeld. [LB651]

SENATOR MORFELD: Thank you, Mr. President. Colleagues, I rise in support of Senator Chambers' motion to bracket and in opposition to the bill for several reasons. Number one, one of the reasons that I'm opposed to this bill is not, is not because of Senator Linehan's passion for this or sincerity. I agree with her that we need to make sure that all of our youth can read, that everyone have the opportunity to be successful, and that we have appropriate interventions in place in order to ensure that that happens. Would Senator Lowe yield to a question, please? [LB651]

PRESIDENT FOLEY: Senator Lowe, would you yield, please? [LB651]

SENATOR LOWE: Yes. [LB651]

SENATOR MORFELD: Senator Lowe, between the time of introduction of this legislation, so let's say that's the first week of January, until now, how many third grade classrooms have you visited or observed? [LB651]

SENATOR LOWE: None. [LB651]

SENATOR MORFELD: How many teachers in your district have you talked about with this legislation? [LB651]

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SENATOR LOWE: Have I talked to? [LB651]

SENATOR MORFELD: About...yes, between January to now about this legislation. [LB651]

SENATOR LOWE: Probably a hundred. [LB651]

SENATOR MORFELD: A hundred! Oh, wow! Well, we'll have to talk about their names. I'll be interested to visit with them after this. Have you discussed this legislation with Department of Education and how this currently aligns with their current interventions and standards? [LB651]

SENATOR LOWE: I have not. [LB651]

SENATOR MORFELD: Thank you. Is Senator Erdman willing to yield to a question if he's in the Chamber? [LB651]

PRESIDENT FOLEY: Senator Erdman, would you yield, please? [LB651]

SENATOR MORFELD: As Senator Erdman is making his way up, in defense of Senator Lowe, I haven't either and that's my problem with supporting this legislation. That is my problem with supporting this legislation is that not only did we not take a vote on this legislation in Education Committee to actually see if it was a 4-4 committee vote, I don't think a lot of us have done our due diligence to figure out what the system is like. Senator Groene runs around this Chamber and around this state talking about how he's got a 4-4 committee, except that's not true. Sometimes I feel like I live in an alternate universe as compared to Senator Groene. There are plenty of votes that have come out of this committee that were not 4-4, the majority of them. But you know what? It takes work and compromise, and it takes thoughtful debate and time. Is Senator Erdman willing to yield to a question? [LB651]

PRESIDENT FOLEY: Senator Erdman, will you yield, please? [LB651]

SENATOR ERDMAN: Anything for you, Senator. [LB651]

SENATOR MORFELD: (Laugh) Thank you, Senator Erdman. Senator Erdman, between January and now, how many third grade teachers have you talked to in your district specifically about this bill? [LB651]

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SENATOR ERDMAN: Probably four or five. I've had e-mails from probably a hundred different people, talked to school board members in three districts, talked to two superintendents, and I don't think I talked to any principals. [LB651]

SENATOR MORFELD: Were all of them in support? Some of them? [LB651]

SENATOR ERDMAN: No. None. [LB651]

SENATOR MORFELD: None. Okay. Have you talked to the Department of Education about this legislation? [LB651]

SENATOR ERDMAN: No. [LB651]

SENATOR MORFELD: Okay. Thank you, Senator Erdman. Colleagues, I could go down the list but here's my problem with this legislation, not its intent. I think its intent is noble. I think its intent is good. And I think Senator Linehan's intent is really...is truly noble. And I agree with her, this is a problem that we need to address. And I have committed over the interim to going to schools in my district, which are some of the lowest income schools in the state, and sitting down with parents, not just administrators, parents, teachers, even students and figuring out solutions to this problem but doing so in an informed way, not using boilerplate legislation from another state. And granted, there are amendments pending and maybe it makes it better, maybe it doesn't. But this is too serious and too important of an issue to simply pass legislation in an uninformed manner. And I am committed... [LB651]

PRESIDENT FOLEY: One minute. [LB651]

SENATOR MORFELD: Thank you, Mr. President. I am committed to working over the legislative interim to find solutions, to figure out what the problem is, to figure out what interventions already exist, what are we doing well and what are we not doing well. But what I'm not willing to do is after pulling a bill out of committee that didn't even have a committee vote and after Senator Linehan only talking to me about this bill, even though I'm on the committee, after she issued her pull motion, I'm not willing to pass that legislation. It hasn't been vetted. Not only has it not been vetted by the Education Committee, there hasn't even been a vote on it by the Education Committee. And not only that, I think there's a lot of members in this body that are going to vote for this legislation that haven't even talked to their educators yet, haven't really sat down and understood the needs, and maybe some that have. But this is legislation that needs more time. It needs more thoughtful consideration and we need to make a more informed decision on it. [LB651]

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PRESIDENT FOLEY: Time, Senator. [LB651]

SENATOR MORFELD: Thank you, Mr. President. [LB651]

PRESIDENT FOLEY: Thank you, Senator Morfeld. Senator Vargas. [LB651]

SENATOR VARGAS: Thank you very much, Lieutenant Governor. Where to start? Okay. So the first is that sometimes I think when we're talking about education policy, that will piggyback off of what Senator Pansing Brooks talked about, is last year off the mike, about this firing squad, that sometimes we create a dichotomy that we are Democrats or Republicans or on either side of education. And she talked a little bit about that. That doesn't...that's not the case in reality. And I do believe that's not the case and I want to make sure that we're supporting that, that when we're talking about supporting public education, it's not an either/or--either we support public education or we don't. This is not what this bill is about. When we're saying we support teachers and we're creating an either/or, I do not believe that's what this legislation is about. When we talk about supporting the processes that are going to help teachers do a better job in the classroom, I don't think that's what this legislation is about either. I think this legislation is about higher expectations, which is a very, very interesting word in education. Because one connotation is what it does is it says, as a system, we can expect more from a system, the people, the people doing the work every day, the processes we have in place. And I think in this instance that's what this is doing. I agree with Senator Morfeld that the intent of Senator Linehan is not to hold kids back. I don't think that's the intent with anything when we're setting a standard. I think the intent is to try to make sure we are setting higher expectations and a bar at an earlier age. And I'll tell you why. Again, I was a former teacher. I've worked in public schools most of my career and I've been on the Omaha Public School Board. I'll tell you, the thing that's been probably the most enlightening is what we see in our public school systems. We see amazing examples of support and amazing examples of growth, which I commend. The parts where I always have a hard time is when I see our higher graduation rates but I also see a larger number of our students that are unable to read, to write, are not deemed proficient by our own state exams. And so I always beg the question then: What do...what are we doing if our high school graduation rates are not correlating with proficiency in reading and writing? And then I ask some of our higher education folks and they tend to tell me, and this is to heart, it hurts when I see that kids of color, kids from low-income backgrounds are not able to be successful in their college entry classes, their prerequisite reading and writing classes. They got a degree, though, but they're failing. They're struggling. Kids at Metro are having a harder time as well. And then we always...we question whether or not, why we're not having the adequate retention rates in our earlier years. But when we have an opportunity in third grade to set a standard, to set a standard that says we think we should do everything in our power to inform our parents, to set up intervention systems, to make sure that we're being open and honest about where a child is. And then also saying we're not going to put them forward if they're not able to read and do everything that we can to avoid that

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specific standard, everything we can, because we know that in fourth, fifth, sixth, once they get into the higher science, math content classes that it's going to be tremendously harder for them to absorb the adequate information they need to then be proficient in middle school and high school. I think that that's what this is about. I do have an amendment. [LB651]

PRESIDENT FOLEY: One minute. [LB651]

SENATOR VARGAS: I hope we get to it. If we don't, it is very basic. I want to make sure that we make these assessments reliable and valid, add that language, make sure that we are...that the opt-out information of the parents have to be submitted to a school and the district, and that English language learners are exempt altogether. I think if anyone is an English language learner and if they still have that title, that they should be exempt. Colleagues, I hope I get some more time after this and I'll put my light back on. But this conversation is about making sure we don't get to a place where we are graduating individuals that are not able eligible...or that are not able to read in entering our higher education system. We have a really strong opportunity to do something and to change the narrative about what we're trying to do within our K-12 system, and I think it begins with this conversation and improving legislation that we're looking at right now. I do commend Senator Linehan for starting this conversation because it's the right one, something that we don't often have, a hard time talking about, because it's about individuals that oftentimes are not people we're speaking to every day. So I urge you to consider.. [LB651]

PRESIDENT FOLEY: Time, Senator. [LB651]

SENATOR VARGAS: Thank you very much. [LB651]

PRESIDENT FOLEY: Thank you, Senator Vargas. Senator Walz. [LB651]

SENATOR WALZ: Thank you, Mr. President. And thank you, Senator Linehan, for bringing this bill today. You know before I begin, I really want to take a minute and thank all Nebraska educators for what they do every single day. I want to thank them for the commitment they have to nurturing our kids, teaching, disciplining, advising, feeding, playing with the kids, even the Band-Aids and tying shoes. Teaching is the most important job in the world. And we, legislators, need to make sure that we are supporting our teachers and our schools. So thank you, teachers. Everyone agrees that reading is important. Reading provides us with information. It elevates our minds to higher thinking. It allows us to communicate with others. It provides us with the very tool we need to apply for jobs, read directions, drive a car. It takes us to faraway places we may never be able to go. It allows us to learn about people we will never meet and reflect on important historical events and hopefully learn from those. Reading is very important. Senator Linehan has brought a bill that gives us the opportunity to have good discussion about our

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children's ability to learn to read and, hopefully, the opportunity to work with educators, parents, and community programs to elevate the experience of reading for our students. This is not wasted time. It is a subject that everyone should be concerned about. This bill is about the importance of reading and I'm looking forward to working with her and others who are invested in education and care deeply for kids. It's important, though, that we think about the underlying reasons why some kids can't read as well as others--and I want to repeat that because that kind of hit me this morning--why kids can't read as well as others, not just that they can't read but comparing them to how well they read compared to other kids. And there are an unlimited amount of reasons why or what the barriers could be. Maybe it's the curriculum being taught. Maybe it's the environmental factors in a child's life, including poverty, abuse, neglect, hunger. Maybe they're a victim of being bullied. Maybe it's the age and the maturity level of a child. The maturity level of a child is different. All kids do learn at different rates and have different abilities. Maybe it's the availability of early childhood education or preschool. Even technology can be a factor. Technology is a good thing, but I think that sometimes it's a barrier. Using keypads, phones, and video games takes away from the tactile experience for a child to write out words, which helps them learn to read. So there are many factors that we need to look at. It's also important that we work together to identify the causes and the underlying problems and find solutions that will truly make a difference, and I'm not sure that third grade retention addresses any of those. We need to take a careful look at the strategies that do work, strategies that do make a difference: early childhood education opportunities. Early childhood or preschool attendance is one of the strongest success factors... [LB651]

PRESIDENT FOLEY: One minute. [LB651]

SENATOR WALZ: ...that influences the school readiness for students; full-day kindergarten; identification of children with reading deficiencies and disabilities; summer reading programs; positive involvement of parents in the school; ongoing learning experiences in and out of the classroom; professional development and in-service training; increased availability to extended learning opportunities; enrichment; mentoring and tutoring; a whole child approach to learning that addresses all aspects of a child's education, including physical, social, emotional health and well-being. We all agree that education for our kids is a priority. Nebraskans agree that education is a priority. I am very excited about this opportunity that we have today to discuss and talk about... [LB651]

PRESIDENT FOLEY: Time, Senator. [LB651]

SENATOR WALZ: ...our kids and their future. Thank you. [LB651]

PRESIDENT FOLEY: Thank you, Senator Walz. Senator Crawford. [LB651]

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SENATOR CRAWFORD: Good morning, colleagues. Thank you, Lieutenant Governor. I couldn't have said what I was going to say any better than Senator Walz has already expressed it, and I appreciate that. I think that's a very...we all care about education. We want to make sure we have high standards. We want to make sure it's done in a way that's effective. And, colleagues, one of the advantages of making decisions at the state level is that we can see what's happened in other places. And unfortunately, we've seen in our neighboring state of Iowa that this top-down approach that has one strategy, sort of a more...has not worked there and they are actually repealing a bill that's structured very similar to this. But again, the idea of making sure that we're setting standards and working hard to make sure that we help students meet those standards is critical. I yield the remainder of my time to Senator Patty Pansing Brooks. [LB651]

PRESIDENT FOLEY: Thank you, Senator Crawford. Senator Pansing Brooks, 4:00. [LB651]

SENATOR PANSING BROOKS: Thank you, Mr. Lieutenant Governor. And thank you, Senator Crawford. I want to reiterate what Senator Walz just said, and that's our heartfelt thanks to the teachers. It's clear that they change lives every day. They...it's a cliché that they prepare our future but it isn't a cliché; it's a truth. And I presume that each of us in this room has had an experience with teachers, one or more experiences, where they changed our lives. I certainly had that experience. I can name probably 90 percent of my teachers from high school...from elementary school through high school. I can certainly name every elementary school teacher. They were game changers dealing with us and living with us every day, really spending more waking moments with us than our own families. So what teachers do day in, day out is amazing and I think Senator Linehan would, of course, say the same thing. I want to go on and say that we've heard a number of people talk about the fact that this bill has some issues, but we have lots of common ground. I have an amendment in there. It doesn't fix it. It helps it. But I really think, as Senator Linehan and Senator Walz and Senator Baker and others, as we go across the street or across the state to determine what is going on with reading and dyslexia and looking at what the issues are, that we're going to be able to present a much stronger bill about reading next year. So I would hope that Senator Linehan would decide to pull the bill and hold it over till next year. That's my hope, because I think we can make it stronger. And I think we can more clearly and precisely address the issues and the needs. When we look at retention right now with this, it's become the hot button. So, you know, everybody is freaking out because we're talking about retaining third graders. In actuality, if you look at the whole bill, it's about intervening from kindergarten, all through kindergarten, all through first grade, all through second grade, and then all through third grade. So that's giving the schools four years to really work at this and try to make this happen and figure out why the child isn't reading and what's going on. That's your goal. [LB651]

PRESIDENT FOLEY: One minute. [LB651]

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SENATOR PANSING BROOKS: It's not to arbitrarily come up to third grade and go, well, we got you, you didn't get the kid to read so now we're going to punish the child. That is not her intention or motive. But again, because it's so Draconian to talk about just holding back the child when there are multiple factors that are no fault of the child, all of a sudden that becomes the hot point and that's all we are discussing. So I hope that Senator Linehan will be able to work with us. She knows my heart is fervently in this, that we will go across and figure out what the heck is going on. You should hear what we're hearing about dyslexia from some people, very unreasonable statements about that, and it makes me as mad as it makes her. And there are people in this body that have struggled with reading. That's why there's so much passion about this. [LB651]

PRESIDENT FOLEY: Time. [LB651]

SENATOR PANSING BROOKS: Thank you, Mr. Lieutenant Governor. [LB651]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. (Visitors introduced.) Senator Linehan. [LB651]

SENATOR LINEHAN: Thank you, Mr. President. I understand people want to wait and work, but there's some numbers we need to understand when we're waiting and working to figure out what to do here. Druid Hill Elementary, Omaha, Nebraska, and this is...the reason I'm...I am angry about this. I think we all should be angry. Again, since we started testing kids, which the same people that really don't like this bill, think this bill is ridiculous, think this legislation is too much to ask, you can go back and look at all the transcripts. They were the same people that said testing was ridiculous, we don't need it, it's not called for, let's don't do it. Every year we've tested, scores have increased. They've gotten better. To 2012, 23 percent of kids across the state in third grade were not proficient. Today that number is at 16 percent. Same arguments, pull up the transcripts from hearings, it's the same people, just the different legislation that's just too much to ask. At Druid Hill, unfortunately, things haven't gotten better. In 2012, 62 percent of the kids weren't reading proficiently in third grade. The end of 2016 it was 72 percent. It's not acceptable, folks. There is no way that 72 percent of kids in any elementary school should not be reading proficient by the end of third grade. These kids have been in kindergarten, first grade, second grade, third grade. Four years of schooling and 72 percent of them aren't proficient. What is going on? I want Senator Baker to have an opportunity to speak some more. We don't see our...maybe the path that we're choosing would not be the same, but I have such admiration for him because, having children and working on this issue over the last decades, he is a superintendent that clearly understands it. So I would yield the rest of my time to Senator Baker. [LB651]

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PRESIDENT FOLEY: Thank you, Senator Linehan. Senator Baker, 2:30. [LB651]

SENATOR BAKER: Thank you. Thank you, Senator Linehan. I'm going to just skim through some things because I'm buried so far on the list I may not have an opportunity to get up again. I've told Senator Linehan and Senator Pansing Brooks that, you know, I'm not going to support this bill and nor any of the amendments, but that doesn't mean I want to vaporize Senator Linehan. I don't want her to go away. I appreciate her great passion for helping young people become proficient readers. We are in total agreement that's job number one for schools. Nineteen sixty-six, a Coleman report was issued, concluded that family background was a major determinant for student achievement. So, therefore, I guess if a person comes from a very poor background, maybe even generational poverty, game over. Well, we know that's not true. We know there's some sound practices that can be employed right now to help children from all backgrounds. The First Five research shows a strong return on the investment in high-quality early childhood from prenatal care through third grades. We can't worry in schools about the things we can't control. We can't control how much time the kid is at home playing video games or watching TV. We can't control whether or not they had a T-ball game the night before. There's things we can control. And a message like we should expect more,... [LB651]

PRESIDENT FOLEY: One minute. [LB651]

SENATOR BAKER: ...that's not real helpful. It's true. Or have a hammer, say if you don't do this such will happen, those are not helpful. The key is to build teacher capacity. One thing that I discovered, the teachers--and this goes back a few years, I hope it's not as true today as it was then--but teachers got very little training in college on how to teach kids to read. I went through the transcripts of every teacher on our staff and I was startled how little they had received in the way of coursework on teaching that most important skill. So what do you do? You have to build capacity. Another thing you can do is control the amount of time. One of the characteristics of effective schools is their willingness to declare some things are more important than others and they are willing to abandon some less important content in order to be able to have enough time to... [LB651]

PRESIDENT FOLEY: Time, Senator. [LB651]

SENATOR BAKER: ...be dedicated...time up? [LB651]

PRESIDENT FOLEY: It's time. [LB651]

SENATOR BAKER: Thank you. [LB651]

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PRESIDENT FOLEY: Thank you, Senator Baker. (Visitors introduced.) Senator Harr. [LB651]

SENATOR HARR: Question. [LB651]

PRESIDENT FOLEY: The question has been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor of ceasing debate vote aye; those opposed vote nay. Record, please. [LB651]

ASSISTANT CLERK: 27 ayes, 7 nays to cease debate, Mr. President. [LB651]

PRESIDENT FOLEY: Debate does cease. Senator Chambers is recognized to close on his bracket motion. Senator Chambers, you're recognized to close on your bracket motion. [LB651]

SENATOR CHAMBERS: First thing you're going to do is watch me catch my breath. (Laughter) I'm 80 years old. I was farther away from this Chamber than the east entrance. I heard Senator Harr say, question. I want any one of you to go as far away as I was and get here as quickly as I did, still have some amount...some amount of breath left. I had to run up 29 steps, come through a group of grade school children who had the hall blocked. But as happened with Moses, they divided like the Red Sea. Here's what I want to say on this bill. The aim is good, but the means of getting there is what upsets me. I know there are people well-intentioned who will beat their children. They say the Bible says spare the rod and spoil the child. That's what they say the Bible says. It says something about go ahead and beat the kid because and spare not for his crime for he will not die. But children have been beaten to death. I have been aware of people who did not feed their children adequately. They punish them by sending them to bed without food. People have locked children in closets. They have put them in little cages. They have kept them in rooms that were covered on the floor with feces. They were in rooms where you could see rat droppings. And it could be speculated that every adult who put a child in a situation like that cared about the child but just had a perverted way of showing it. I have to be on guard, and I always will be, for anything that will harm a child. We are grown people. And sometimes we think that we can impress, on a situation involving children, something that's in their best interest, but we don't want it done to us. It's not in their best interest. Senator Lowe talked about how much better children from other countries read. But I venture to say he's one of those, as a lot of you all are, who talk about local control, but you know what happens in other countries? They have national standards, national standards, none of this stuff of I live in the country and what we do is good enough, no. That's why we have such disparate results. Some people were saying in Britain when they found out about the distinctions that are measurable between poor children who go to schools and the better-off children. They say, what is this thing in America, one of the most technologically advanced countries in the world, having such disparate results? You all say dispret (phonetically). That sounds too much like desperate, so I want to say

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disparate so it's clear what I am saying. There's no excuse for saying that because a child comes from a poor family that the country, the government is not going to provide that child a decent education. [LB651]

PRESIDENT FOLEY: One minute. [LB651]

SENATOR CHAMBERS: So you won't tell that a person, a child, came from a poor neighborhood or a wealthy neighborhood by how well they read. That's in this country, where you have ignoramuses in rural areas who say, I can't read better than this; I don't know A from bullfrog and look where I am and it's good enough for my child. I look where you are. How many of you all will hold yourself up as an example of what education can do? I will hold myself up. I wrote for a publication at Harvard. I've dealt with professors from Brandeis University. I was asked to analyze the teaching programs at Carnegie Mellon, MIT, and I can document it. And you all talk about education and I listen to your use of the language and how poor it is. You could tell me, write me a poem where in the first line there are 15, you can call them, syllables, feet, beats and in each succeeding line... [LB651]

PRESIDENT FOLEY: Time, Senator. Time, Senator. [LB651]

SENATOR CHAMBERS: ...there's one fewer. [LB651]

PRESIDENT FOLEY: Time, Senator. [LB651]

SENATOR CHAMBERS: And I'll write that rhyme for you. Can you do it? Oh, you said time? [LB651]

PRESIDENT FOLEY: It's time, Senator. [LB651]

SENATOR CHAMBERS: I'm sorry, Mr. President. Thank you. [LB651]

PRESIDENT FOLEY: Members, you heard the debate on the bracket motion. The question before the body is the adoption of the bracket motion. All those...there's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; those opposed vote nay. Record, please. [LB651]

ASSISTANT CLERK: 31 ayes, 2 nays to go under call, Mr. President. [LB651]

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PRESIDENT FOLEY: House is under call. Senators, please record your presence. The house is under call. Senator Walz, could you check in, please? Senator Watermeier, check in, please. Senator Bolz, the house is under call. Waiting for Senator Bolz. Senator Linehan, we're waiting for Senator Bolz. We could proceed or wait. Proceed. There's been a request for a roll call vote in reverse order on the bracket motion. Mr. Clerk, please call the roll. [LB651]

ASSISTANT CLERK: (Roll call vote taken, Legislative Journal page 1516.) Vote is 2 ayes, 29 nays, Mr. President, on the motion to bracket. [LB651]

PRESIDENT FOLEY: The bracket motion is not adopted. I raise the call. Are there any items for the record, Mr. Clerk? [LB651]

ASSISTANT CLERK: Mr. President, thank you. LB335, which was read on Final Reading this morning, has been presented to the Governor. I have a corrected notice of committee hearing from General Affairs and from Business and Labor. Committee on Enrollment and Review reports LB415A to Final Reading, as well as LB512A. Amendments to be printed: Senator Bolz to LB644; Senator Larson to LB296; and Senator Schumacher to LB72. That's all I have at this time. (Legislative Journal pages 1517-1520.) [LB335 LB415A LB512A LB644 LB296 LB72]

PRESIDENT FOLEY: Continuing with the bill, Mr. Clerk. [LB651]

ASSISTANT CLERK: Mr. President, a priority motion: Senator Chambers would move to reconsider the vote just taken. [LB651]

PRESIDENT FOLEY: Senator Chambers, you're recognized to open on your reconsideration motion. [LB651]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, I want to thank Senator Harr now. He gave me a chance to jump to the front of the line. I went down to my office because there were quite a few speakers in front of me. I know you're not going to vote to bracket this bill because you have reasons for voting the way you do different from mine altogether. But this puts me ahead and my light is still on. So I will have this opportunity to speak ten minutes out of turn based on where I would have been in what you all call the queue. I'm very serious about what I'm talking about. I think there are politics being played here because, again, I listen to you all during the session. I watch your votes on things. You don't care about these children. You can say you do because that's what is to be said on this particular bill in this particular context. But when there are other matters that relate to the welfare of children, it's a different kind of story altogether. And what I ought to start doing is making fun of you all

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when you split an infinitive, make fun of you when you mispronounce a word, make fun of you when you want to punish a child for the faults of the teachers and the system. That's where the fault lies. This nonsense about local control of schools, as though some of these people in the rural areas know enough to determine what's going to be taught in the classroom, and you listen to the people they send here to be on this floor. These people on the floor don't go into the classrooms. They cannot tell you what the curriculum is. They don't know what the textbook is. They don't know that Texas determined what is in the textbooks all over this country because they buy more textbooks and they put all that nonsense and the racism in the textbooks because they want to sell textbooks to Texas. You all know that? No, you didn't know it. There are a lot of problems with the education system in this country. You know the best argument we could make for education is to show how educated we are, how educated we are. And I'm going to do a little boasting. When...I don't call it boasting though. You all would if it was...the offers were made to you. When term limits came into play with me, there was a priest who said he could line me up with a teaching job at Creighton. They wanted me to teach. And I said, oh no. I will never spend time in a classroom again as a teacher or as a student. There were overtures for me to teach at UNL Law School, and again I turned it down. People listen to the way I comport myself. You don't see me up here when I'm making an argument for my bill reading a statement somebody else wrote for me and I have trouble reading it. And you all are the ones who are going to talk about education. When I was in school, I'm going to tell you all about this, how strong I was as a little person. That white teacher read Little Black Sambo. And I was the only child black in that classroom and the little white kids laughed. And I remembered how when we were doing other things in that classroom where all the kids were white except me and the teacher was white and if a child was reading and stumbled or actually dropped something on the floor and kids, as they will do, laugh, the teacher would stop everything: We don't laugh at each other. And that's what I was thinking, Senator Lowe, when they laughed at me. I am not a part of the "each other" that we don't laugh at. And the teacher allowed it. She knew what was being done to me and she allowed it. She knew I could not fight for myself. I did not know how to fight for myself. And this white woman let those kids laugh and she read the story. I became "Little Black Sambo." In those days they didn't have air conditioning. They didn't even have fans. They opened the windows. And I sat there on that hot day, wouldn't move. Maybe that goes back to when we were part animal where if you're in danger and you can't get away, be as still as you can. Don't move. Don't make a lot of noise when you breathe. But you cannot control the fact that you perspire and I felt the sweat running down the middle of my back. And on places where it stuck I could feel the itching, but I did not scratch. I did not move. I tried not to swallow, while these little white kids laughed at me because I was "Little Black Sambo." You all don't know what that means. You all don't live what I came through. And you think I ought to sit in here and act like you all act? And your conduct is such that you would have been laughing and you would treat me like that now if I let you. If I let you all walk on me like you wanted to, you'd chew me up and spit me out. But you know if you try you'd get your teeth broken; and if you swallowed anything, you'd get indigestion. I know what you are, so do whatever you want to. But know that

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I know. I know what you are. And I watch you. And I listen to you, not just on an issue where you are trained to behave in a certain way because these are the confines in which this discussion will take place. I'm black all the time. I don't forget what your kind did to me. All the heroes that we were taught about were white like you. And you know what I had for me when I was in school when I was little? I was a "Little Black Sambo." I don't use the n-word. When I got a little older, thanks to Mark Twain, I was "Njim." The degrading word was a name for a black person. Then when I was old, I was "Old Black Joe." And you know the way the song was sung when I was little: I's coming. I's coming. My head am bending low. I hears the gentle voices calling, Old Black Joe. That was me. That was my pathway from Little Black "Sambohood" to old manhood. And you think I care about this country and you talk about liberty and justice for all. That's BS! You all are spoiled. You are privileged. You are weak. You are cowards. And you do well when you outnumber everybody, when you've got a lot of company along with you. But when you have to stand as one and do the right thing, cowardice prevails. I'm listening to this discussion right this morning. All these people jumping up, the so-called conservatives, talking about what a great thing Senator Linehan is doing. That's not great. You perverted the system you all created as a tradition--you don't pull bills out of committee. This bill wasn't even voted on. And look what you did, as white people. Your rules don't mean anything. Your principles mean nothing. And I watch it in action as I'm watching it this morning. This bill won't get 33 votes so do what you want to with it. But I'm going to my office and I'm "a listen" to you and watch you. And I'm going to turn my light off even. Thank you, Mr. President. [LB651]

PRESIDENT FOLEY: Thank you, Senator Chambers. (Visitors introduced.) Continuing discussion, Senator Hansen. [LB651]

SENATOR HANSEN: Thank you, Mr. President. And good morning, colleagues. This bill is an interesting one and it brings up to me kind of the mind and this is maybe a little bit more for the people watching at home. Sometimes we have a discussion in here where we have a discussion and we're talking about ideas and concepts and mechanisms on the microphone. That's where a discussion is. But we actually have to come to a vote. We have to vote on what's written down in the text. And there's a lot of ideas that Senator Linehan and other supporters have described on the microphone. Those are ideas and those are concepts and those are things that I can get behind. Those are things I feel like I could support. But I don't know if LB651 gets there. We've talked about the retention, the perpetual...potential, potential retention of third graders, and I understand there's some amendments to attempt to fix that and whatnot coming up, but we'll see if we get there between the bracket, the reconsideration. I imagine following that is probably a--what would it be--recommit to committee and a reconsideration. So when it ultimately comes to a vote, I just want to stand that if I can't support LB651 it's because I don't think we should have a high standard for our students. It's because I don't think we should. It's not because I think we should have third graders who can read well. It's because the mechanisms and the procedures that we get here are ones that I might not necessarily be able to support. With that, I do

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appreciate the passion and interest, especially on Senator Linehan for bringing this forward. And I would yield...actually yield the rest of my time, though, to Senator Pansing Brooks because she has requested that two or three times. [LB651]

PRESIDENT FOLEY: Thank you, Senator Hansen. Senator Pansing Brooks, 3:25. [LB651]

SENATOR PANSING BROOKS: Thank you, Senator Hansen. And thank you, Mr. Lieutenant Governor. Again, we've heard all this information about retention and I want to go to some of the specifics. Retention does not make a positive difference in reading achievement. There's a study by Dr. John Hattie where he reviewed 195 strategies that have been used to impact learning, and ranked them according on how well they improved learning on standardized test scores, like NAEP. Only 7 of the 195 strategies had no improvement while 188 had differing levels of positive impact. So of course, of the seven strategies that were studied, one of those seven that had a negative impact on reading was retention. Guess what the most important strategies are? Early identification, intervention--they're much more likely to improve student performance in reading and learning. So, again, we have to have accountability in the schools. I have an amendment that I don't think we'll ever get to that the school shall demonstrate to the Nebraska Department of Education that the district uses an evidence-based curriculum, an instructional assessment, an intervention, and parental engagement strategies aligned with strategies for accelerated learning that are best practices across our nation. It is a simple, no nonsense first attempt and first step to try to work on and improve our reading. And of course, just to be clear, improving reading also improves math and science. Because I'll tell you what. If you can't read you're never going to be able to do a story problem. So you know, there have been discussions about dealing with all the children and that we need to just deal with children uniformly. They all have to read. There shouldn't be a difference we heard from one senator about black... [LB651]

PRESIDENT FOLEY: One minute. [LB651]

SENATOR PANSING BROOKS: ...and white and poverty, that you get what you expect. But you also have to deal with the realities of poverty, of race, of learning disabilities. We heard we shouldn't be looking at the kids. We have to look at the expectations. Well, yeah, it's important to have high expectations, no question. But we're not talking about excuses. We're talking about realities. Go to Senator Wayne's district and look at the numbers. If you go to a doctor, are you supposed to just expect that you're going to get healed or do you have to have some intervention and some work to diagnose and treat? Now I don't want anybody to get the idea that we're talking about diagnosis, because we do not need diagnosis here. But we do have to have screening and intervention and making sure the teachers understand what they're doing and how to work with these kids. [LB651]

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SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: Time, Senator. [LB651]

SENATOR PANSING BROOKS: Thank you, Mr. President. [LB651]

SPEAKER SCHEER: Thank you, Senator Pansing Brooks. Senator Wishart, you're recognized. [LB651]

SENATOR WISHART: Thank you, Mr. President. I support Senator Linehan's intentions with this bill because ensuring students can read is crucial. I do have concerns with portions of LB651, enough so that I will not be able to support this bill. To quote Senator Chambers, "The aim is good, but the means of getting there is what upsets me." While many of the interventions and assessments included in this legislation are evidence-based and policy we should seriously look at implementing, I do not support the retention portion of this bill because I do not believe that it is best practice. Let's make sure we get this right. Senator Linehan spoke of schools in Nebraska that are success stories. Why would we not first learn from their successes and encourage other schools to model those successes before we look to model legislation off of other states in ways that may not work in Nebraska? I am glad to hear that Senator Pansing Brooks and Senator Linehan have an interim study to do just that. I would also like to note that I am a proud graduate of Lincoln Public Schools. I received an excellent education. I attribute much of my success in life to the inspirational teachers and mentors I grew up with, many with whom I continue to stay in touch. With that, in the spirit of ensuring we have a good debate on this bill, I will yield my time to Senator Wayne. [LB651]

SPEAKER SCHEER: Senator Wayne, 3:30. [LB651]

SENATOR WAYNE: Thank you, Mr. President. Thank you, Senator Wishart. I was way down 31 in the queue, so I went around and begged everybody for some time. I am supporting this bill. I am against the motion to reconsider, primarily because, as a school board member for over six years, things get better when there's pressure applied. And that's what it took for OPS to grow. But at the end of the day, there are still many children in Omaha Public Schools who are not reading at the level that they should read at. I could go through the numerous facts and figures and stats, but at some point this body has to deal with education. At some point this body has to make sure that we set the bar higher for every student across Nebraska, regardless of where they live. What's interesting about and what I guess what guides me the most when it comes to education that's interesting is I often talk about a student has a right to education. We talk about constitution in here a lot this year, but our state constitution says it is a state obligation, it is a state duty to provide an education. Yet we have pushed that all the way off to all the local

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control, and I understand that, but we have to set the bar across the state. And we have to set a bar in a manner that ensures that third graders can read. A child who cannot read is like an angel with only one wing. They cannot go far or reach high, because we have put them in a situation where they can't read. And here's what I mean by that. Most people, most people start in Omaha at pre-K or K. By the time they get to third grade, that's four to five years that they are in our public school system. And if we aren't teaching them the basic reading skills to move to the next level, that's on us. We need those interventions. Why is that important? Why is reading so important? And this, again, this is because I haven't talked about this in the whole time I was in court this morning. Come starting fourth and fifth grade, when you start math, math is no longer... [LB651]

SPEAKER SCHEER: One minute. [LB651]

SENATOR WAYNE: ...two plus two. It's a reading problem. Then you start talking about social studies and science. Those are reading issues. So after third grade, it becomes reading is fundamental. We've all said it many times. This is a game changer by us putting pressure on a school district to do something. This is not about a focus on bad teachers. I was just having a conversation off the mike. When I used to argue about the violence in Omaha and the lack of closing murder cases, not once did I hear the police union or anybody stand up saying, you're condemning cops. In every other industry when we start criticizing the industry and the system, we don't say we're criticizing the people at the front lines. I've heard this body talk about corrections. We've never criticized the correction officers. But yet when it comes to education, there's a belief that we're criticizing teachers, and that's not it. The teachers need more tools. They need more resources to get things done. And the only way that happens... [LB651]

SPEAKER SCHEER: Time, Senator. [LB651]

SENATOR WAYNE: Thank you, Mr. President. [LB651]

SPEAKER SCHEER: Thank you, Senator Wayne. Senator McCollister, you're recognized. [LB651]

SENATOR MCCOLLISTER: Thank you, Mr. Speaker. Good morning, colleagues. I want to thank the speakers that...the senators that spoke this morning. This is what we're paid to do and what we should be doing, so well done, colleagues. Given our constitutional obligation to educate children in Nebraska, this discussion is essential. I've appreciated Senator Linehan's passion on the issue and the stories by Senator Kuehn about the sin of low expectations. This is an essential discussion. Like Senator Linehan and perhaps Senator Chambers, I had difficulty reading as a young kid. Perhaps it was due to the fact that I had a very poor second grade teacher.

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Fortunately for me, my third, fourth, and fifth grade teachers brought me back up to speed and I have learned how to read sufficiently well. That, you know, that brings up the topic, maybe we should focus our efforts on teacher evaluation and selection, because good teachers can make all the difference in the world. Bad teachers can hold you down. So that's maybe a topic that Senator Linehan and Senator Pansing Brooks could deal with this summer as they travel throughout Nebraska. Thank you, Senators, for your attention. I yield the balance of my time to Senator Baker. [LB651]

SPEAKER SCHEER: Senator Baker, 3:25. [LB651]

SENATOR BAKER: Thank you, Mr. President. Thank you, Senator McCollister. I'll pick up where I left off. I've come to the conclusion that the elementary regular education teachers all have to be experts in the teaching of reading. As I mentioned before, they did not necessarily come out of college prepared to be experts in the teaching of reading, so it's incumbent upon the school district to provide the professional development to help build that capacity. The notion of, well, if a child is struggling we'll send them off to Title I or we'll send them off to special ed, that's not a very good solution. We need to have the capacity of all elementary teachers, particularly the lower elementary teachers, to be the experts. Senator Kuehn talked about tracking when he was in school. It was that way when I started teaching in the late '60s. I taught junior high life science. I had a high track, a middle track, and a low track. Back then it was acceptable to do that; it isn't anymore. It was acceptable to believe that the job of schools was to select and sort, and those students who were low track, there was no expectation that those people would ever go on to any type of higher education. Back then a person with a strong back and a high school diploma with a D-plus average, or whatever it was, could go out and get a job in a factory or packing plant or if they're lucky enough to be able to work into their parents' farming operation or business, that was okay. They could still make more money than their teachers made. So with the time I have left, I'll talk about what I think needs to happen. I don't like the idea of the Legislature doing an end run around the Department of Education and the State Board of Education. I think we need to work in concert with the State Board, with Commissioner Blomstedt, and work on this together. I think an interim study would be advisable. [LB651]

SPEAKER SCHEER: One minute. [LB651]

SENATOR BAKER: And that I'd be happy to be among those who would have conversations with Rachel Wise and the other members of the State Board about what might be done to further the cause of seeing to that as many kids as possible, if not all of them, will become proficient in reading at an early age. So with that, I conclude. Thank you for the time, Senator McCollister. [LB651]

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SPEAKER SCHEER: Thank you, Senator McCollister and Senator Baker. Senator Howard, you're recognized. [LB651]

SENATOR HOWARD: Thank you, Mr. President. I yield my time to Senator Pansing Brooks. [LB651]

SPEAKER SCHEER: Senator Pansing Brooks, 4:50. [LB651]

SENATOR PANSING BROOKS: Thank you, Senator Howard. And thank you, Mr. President. Senator Wayne said that this bill increases the pressure on the schools. I would argue that a study across the state will be that pressure. We can get the language corrected. We can fully understand the issue. We can look at the interventions and what can be done. I agree, Senator Wayne says we need more resources, absolutely. This cutting of education is cutting our nose off to spite our face. There were discussions by...because I passed out some...I passed out something that talked about the fact that Iowa has scrapped their third grade reading retention initiative. They dropped...on April 13 there was an announcement that Iowa lawmakers are dropping their third grade retention law. It was too costly. It wasn't working. Exactly. So Senator Erdman is saying, well, you just bring forward the states that apply and say what you want it to say. Well, clearly, Iowa is a state next door to us. They're similarly situated. We have the same kinds of populations. And, yeah, this does relate to us quite clearly. And Florida has been discussed on the other side, so it's okay if the other side is supporting other states. I want to talk about that Florida study. When you're considering reading on grade level at third grade as a predictor of later achievement, when you compare Nebraska and Florida, there's an interesting contrast. In 2011, Florida's fourth graders ranked 4th in NAEP reading scores for students qualified for free and reduced lunch, while Nebraska was 22nd. That's not good. But by 2015, the free and reduced eligible Nebraska fourth graders, now eighth graders, if you look at the same scores, when they become eighth graders we had nearly eliminated the difference between Nebraska and Florida. We were ranked 12th in NAEP reading for the eighth graders and Florida was ranked 11th. Those were the same kids. We tested them four years later, 2011 to 2015. Nebraska accomplished this without using retention but by focusing on good literacy instruction, effective interventions to work with students who were struggling. The comparison doesn't end there. You look at the eighth graders in Nebraska and Florida who qualify for free and reduced lunch and how they scored on math in NAEP and science in NAEP, and the results were even more interesting. In 2015 the fourth graders, who were 22nd in the country in reading in 2011, performed much stronger on NAEP and on math and science than Florida fourth graders who were 4th in the country in 2011. By 2015 those Nebraska fourth graders, now eighth graders, ranked 19 places ahead of Florida in math and 12 places ahead of Florida in science on NAEP. So, you know, we can all pull out these little statistics, but it's not clear that we're always comparing apples to apples. If you look at the rank of scores of ACT scores, the top one-third of

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states by participation, Nebraska is ranked number one. Florida is ranked 12th. And Nebraska gave the test to 88 percent of their graduates. By the way,... [LB651]

SPEAKER SCHEER: One minute. [LB651]

SENATOR PANSING BROOKS: ...Lincoln Public Schools is second. They tested 100 percent of their students were just a little bit under the composite score. But Florida was ranked 12th, testing only 79 percent of their students. So it's easy to pull out these little, tiny statistics that seem to show something; but when you carry them on, it's quite clear that we're doing better than we think without retention. Florida has retention; we don't. We improved those kids. So...but is it sufficient that they're not doing as well in fourth grade or third? No. We need to work on this. Senator Linehan and I are going across the state. We're going to figure out what is going on, what is wrong. How can we help, not just what's wrong, how can we as a body help those kids, not hurt them by retaining? And I don't believe for a second that Senator Linehan wants one kid retained. I do not believe that. She's trying to make a point... [LB651]

SPEAKER SCHEER: Time, Senator. [LB651]

SENATOR PANSING BROOKS: Thank you, Mr. Lieutenant Governor (sic). [LB651]

SPEAKER SCHEER: Thank you, Senator Pansing Brooks, Senator Howard. Senator Kolowski, you're recognized. [LB651]

SENATOR KOLOWSKI: Thank you, Mr. President. I stand to repeat some of the topics that have been touched on this morning thus far and to emphasize them, because I think it's well worth repeating. We have touched on a number of things that are extremely important to us in this topic of reading within the topic of education. And I want to thank and look back at a couple of different people that were very influential in my work life as I spent time as a high school principal for 15 years. And Senator Kuehn had mentioned the aspect of the Pygmalion effect and the expectations, and I couldn't agree with him more. In fact, I built a career of 41 years on the high expectations and positive thinking of such people as Norman Vincent Peale and others that were very influential when I did reading them as a teenager and carried that over into my athletics and work life and trying to do the things that I felt were best for students over the years in education. This whole aspect of retention being bad I agree with. That is not a direction we need to go and not something that we need to jump on board with. A lot of our activity in the state has been revolving around some different associations and different groups that are asking a lot of questions about systems, where are the systems in place. And we need to think in the same way as we're looking at the systems in our schools, especially with our curriculum and with reading. I want to mention a teacher that was phenomenal when I was at Millard West as

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principal. The English Department was an outstanding department, very skilled in what they were doing, and they all had training in reading because of a phenomenal teacher that helped us as a staff understand the need for and impact of the reading skills even at the high school level, how important that was. Marilyn Kerkhove was the reading teacher that was absolutely phenomenal in what she did and the number of students that she impacted over her career at...in the Millard schools. We have to remember reading skills are thinking skills. Reading skills are thinking skills. And the progression of those early days all the way through elementary to middle school to high school and beyond are extremely important to us, and this topic is extremely important to us. My concern over this bill is the bill is weak, but the broader topic is very strong. We need to concentrate and have discussions on the issues of reading and the impact of reading upon our entire educational system. Senator Baker mentioned the old mind-set of sorting and selecting and what schools were doing at different segments of our history with the pupils they were given. We are way beyond that and it's all about now about excelling and the excellence within every student that we hope to bring out... [LB651]

SPEAKER SCHEER: One minute. [LB651]

SENATOR KOLOWSKI: ...as we look at their potentials with those high expectations that we put on them. I hope we can take the time and have the memory to talk about and remember the systems we're dealing with this morning. You talked about the cuts in education. Where do you think cuts come down to when you have a reading teacher dealing with single classes or individual students? I'm worried about our lack of vision of the bigger picture of what we want to get done. So I hope we'll consider these things as we move on and remember how much Nebraska does love its public schools. Thank you, Mr. Chairman. [LB651]

SPEAKER SCHEER: Thank you, Senator Kolowski. Senator Halloran, you're recognized. [LB651]

SENATOR HALLORAN: And thank you, Mr. President. Colleagues, I would encourage all of you to go to the Department...the Nebraska Department of Education Web site and search for district report on school performance. If Senator Walz was here, I would ask her to yield to a question. [LB651]

SPEAKER SCHEER: Senator Walz, would you please yield? [LB651]

SENATOR WALZ: Yes. [LB651]

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SENATOR HALLORAN: Thank you, Senator Walz. I agree with you wholeheartedly, teachers need to be praised. Oh, you raised your eyebrows when I said I agree with you. That was quite a little shock. I agree with you, teachers...I'll qualify that, good teachers need to be praised. And the good teachers know who they are. And we often know who the good teachers are. Most all of our teachers are excellent teachers, but there are exceptions. That being said, I would encourage you as well to look at the Department of Education district report on school performance. Let's look at your district in Fremont, for example. Washington Elementary School, the third grade level, 47 percent below standard; Milliken Park Elementary, 34 percent. Let's go to the fourth grade. Well, we might seek to have some improvement, Washington Elementary went to 51 percent below standard. Well, let's give them a few more years and put it up to 11th grade, 36 percent. That's not...I don't think you're happy with that necessarily. But maybe this isn't a perfect bill, but retention is about the last thing, a priority in this bill. It is the hot button issue for the other side to point out that retention is such a negative thing, but there's all levels of intervention involving the teachers, involving the parents. But let's pick on a hot button issue. I didn't have a question, I'm sorry, but maybe are you satisfied with those percentages, Senator? [LB651]

SENATOR WALZ: No, but... [LB651]

SENATOR HALLORAN: Okay. Thank you, Senator. [LB651]

SENATOR WALZ: Okay. [LB651]

SENATOR HALLORAN: Is Senator Morfeld here? Would he yield to a comment, question, Senator Morfeld? [LB651]

SPEAKER SCHEER: Senator Morfeld, would you please yield? [LB651]

SENATOR HALLORAN: I do, Senator Morfeld, have a question. You asked the question about...to several individuals about whether they talked to their teachers about this issue. I wish you'd have called on me. I have. Last weekend we had a town hall meeting, many teachers at that town hall meeting including the superintendent of the schools. I got to ask you a question again. How many teachers have you talked to about this bill? [LB651]

SENATOR MORFELD: Six or seven. [LB651]

SENATOR HALLORAN: I think you said none before, but I'm just checking again. [LB651]

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SENATOR MORFELD: I've talked to six or seven after Senator Linehan came and talked to me about the legislation. [LB651]

SENATOR HALLORAN: Okay. Okay. Thank you, Senator. Again, this is not about intervention. Or this is, excuse me, this is about intervention. It's not about retention, all right? We can pick on that hot button issue, but to complement what Senator Wayne was talking about before, I wished he would take the balance of my time. [LB651]

SPEAKER SCHEER: Senator Wayne, 1:40. [LB651]

SENATOR WAYNE: Well, I just want to...I think I'm going to be the last one. I want to end on a positive note. Over a century ago Frederick Douglass said education is the passport to the future for tomorrow belongs to the people who prepare for it today. And there have not been...there's never been such a more true statement today when you look at how our students compete with students from across the country and across the world. And it's this promise, I think, in America is what drives people to believe in our high quality of public education. And I want Nebraska to be able to deliver on that American promise of a high-quality education. Every child should have access to a high-quality education not by chance, the chance... [LB651]

SPEAKER SCHEER: One minute. [LB651]

SENATOR WAYNE: ...the child gets a good teacher or a great teacher; not by lottery, the hope that the child gets into a magnet school or a specialized school; and not by privilege, the ability to send your kid to a private school, but by a fundamental right. So I ask this body if education is the passport to the future, if it's the knowledge that we gain that are going to make us successful in life, it is ultimately up to us to make sure we're providing that knowledge in a systematic way to all children. And all of our children are counting on us and there is nothing at more stake and higher than us focusing on this education issue and coming to a solution, because education is the passport to all of our futures, including our children's. Thank you, Mr. President. [LB651]

SPEAKER SCHEER: Thank you, Senator Halloran, Walz, Morfeld, and Wayne. Mr. Clerk, any announcements? [LB651]

ASSISTANT CLERK: Mr. President, one item, amendment to LB651 from Senator Vargas to be printed. (Legislative Journal pages 1520-1521.) [LB651]

In addition, a priority motion: Senator Howard would move to adjourn until Monday, May 15, 2017, 9:00 a.m.

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

Floor Debate
May 11, 2017

SPEAKER SCHEER: Colleagues, you've heard the motion. All those in favor please say aye. All those opposed say nay. The ayes have it. Have a good weekend.