

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 10, 2020

**GROENE:** Welcome to the Education Committee public hearing. My name is Mike Groene from Legislative District 42. I serve as Chair of this committee. The committee will take up the bills in the posted agenda. The hearing today is your, your public part of the legislative process as the second house. This is your opportunity to express your position on the proposed legislation before us today. Please turn off cell phones and other electronic devices. Move to the chairs at the front of the room when you are ready to testify so we have some indication of how many testifiers there are. The order of testimony is introducer, proponents, opponents, neutral, and closing remarks by the introducer. If you will be testifying, please bring-- please complete the green testifier sheet and hand it to the committee page when you come up to testify. If you have written material that you would like distributed to the committee, please hand in to the page prior to testifying. We need 12 copies for all the committee members and staff. If you need additional copies, please ask the page to make copies for you now-- ahead of time. If you're not going to publicly testify or need to leave early, you can turn in written testimony with a completed green testifier sheet. When you begin to testify, please state and spell your name for the record. Please be concise. It is my request that testimony is limited to five minutes. We'll be using a light system; green for four minutes, yellow for one minute, and when it's red, please wrap up or be done because you'll maybe get some questions from the committee. If you would like your position to be known but do not wish to testify, you have the opportunity to transmit or mail your stance on any bill up to five o'clock the day before the hearing-- the working day before the hearing. The committee members with us today will introduce themselves beginning on my far right.

**MURMAN:** Hello. I'm Senator Dave Murman, District 38, seven counties south of Kearney, Grand Island, and Hastings.

**LINEHAN:** Hi. I'm Lou Ann Linehan, District 39: Columbus, Waterloo, and Valley.

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

**BREWER:** Tom Brewer, District 43, 13 lucky counties of western Nebraska.

**KOLOWSKI:** Rick Kolowski, District 31, southwest Omaha.

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**GROENE:** To my immediate left is legal counsel for the committee, Chris Jay. To my right, at the end of the table, is committee clerk Kristina Konecko. Our pages today are Nedhal and Noa. Please remember that senators may come and go during our hearing as they may have bills to introduce in other committees and some may be arriving late. I would also like to remind our committee members to speak directly into the mike. The mike is for the transcripts. It's not for amplification. Lastly, we are an electronically-equipped committee and information is provided electronically as well as in paper form. Therefore, you may see committee members on electronic devices. Be assured they are contacting their staff or are looking up information to-- so they can ask pertinent questions of the testifiers. So thank you. We'll begin with LB1217 by Senator Wayne.

**WAYNE:** Good afternoon, Chairman Groene and members of the Education Committee. My name is Justin Wayne, J-u-s-t-i-n W-a-y-n-e, and I represent Legislative District 13, which is north Omaha and northeast Douglas County. LB1217 is fairly simple and is a straightforward bill. I call it LB147 light. It mandates that school administrators develop individualized response plans when students engage in violence, threatening, or intimidating behavior towards others. LB1217 specifies that plans be geared towards minimizing expulsions and suspensions and to prioritize counseling and guidance services in the process to address the root issue. The plan should include professional training and development for teachers or administrators involved in the response plans and to ensure interventions are initially positive and designed to de-escalate the situation. The bill also stipulates that each school district provide an annual report to the State Department of Education summarizing the number of incidents involving violence, force, coercive threatening, or intimidating behavior that results in one of the plans being created by this bill, by this bill it would create. This will also-- just so you know, the Fiscal Office determined that there is little or hardly any impact to their knowledge. So it shouldn't have any state impact as far as fiscal note. I would like the committee to take time to review this, to "exec" on it, and to move this bill forward because I think-- I just don't try to fight against the bill. I try to make sure that I come with solutions. And this is a solution to, I believe, part of the issue I had with LB147. It was just to figure out a way to come up with a, a bill that is-- that does the purpose I think it does, which is to make sure we provide resources to those students and find ways to--

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[RECORDER MALFUNCTION]

**GROENE:** Questions from the committee? Senator Brewer.

**BREWER:** Thank you, Mr. Chairman. So if LB147 was to pass with the amendments, does that help or hurt your bill?

**WAYNE:** It depends on how it passes. The purpose was-- when we were talking on the floor-- Senator Groene and I are still trying to work on amendments, but I wanted to put something on paper. I wanted to show, at least my constituents, that there is a, there is a different alternative. And Senator Groene or Chairman, Chairman Groene and I are still talking about LB147 and trying to come up with some solutions, but this was where I'm at. And it's easy to talk on the microphone about theories, but I think you should also put something in writing.

**BREWER:** Thank you.

**GROENE:** Senator Kolowski.

**KOLOWSKI:** Thank you. Senator, just-- did you do a survey of say, Class A or Class B schools to start with, as to how many are dealing with this in policy in their districts if they have a policy in place?

**WAYNE:** Yeah, I have not-- I did not do a survey, but what I did was based off of data that I received during LB147 conversations. And the NSEA, I think, is behind me and will be testifying to more of the data. But I-- we know there is an issue. I'm just trying to come up with a different idea. Again, Senator Groene and I are still working together on LB147. In no way am I trying to necessarily replace it, but I do think if we can't move anywhere, I wanted an alternative to be on the table.

**KOLOWSKI:** But you could find out--

**WAYNE:** Yeah, we could.

**KOLOWSKI:** --how many are doing this and have it in policy at the present time?

**WAYNE:** Correct. Yes, we could.

**KOLOWSKI:** Thank you.

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**GROENE:** Any other questions? Thank you. You'll wait around to be here for closing?

**WAYNE:** It depends on how fast this goes. I have four other bills in General Affairs today; gambling day in General Affairs and I have three of them.

**GROENE:** I was going to ask you, how are you going to pay for it, I guess? But we know now; the gambling.

[LAUGHTER]

**GROENE:** Thank you.

**WAYNE:** Thank you.

**GROENE:** Proponents.

**MADDIE FENNEL:** Thank you, Senator Groene, members of the Education Committee. My name is Maddie Fennell, M-a-d-d-i-e F-e-n-n-e-l-l. I'm the executive director at the Nebraska State Education Association and I'm here to represent our 28,000 members in support of LB1217. We have a problem with violence in our schools. Senator Wayne's bill will help us begin to address this problem in two important ways. First, LB1217 would require administrators to work with their staff to develop an individual response plan in an attempt to mitigate future incidents. The response plan should use best practices in addressing student behavior, as were outlined by the senator. A comprehensive plan shared with the adults who are working with the student has the potential to not only prevent future instances, but to further the individual student's success. Second, this bill would require school districts to annually report to the Department of Education incidents of violence, force, coercion, threat, and intimidation that interfere with school purposes. That is not currently being done. NSEA has tried to find data on school violence in Nebraska, but it is not systemically and uniformly reported. In fact, we were shocked to hear in testimony before this committee just last week that there were 121 injuries caused by violence reported to Workers' Compensation for 171 school districts, not even including our largest school districts, just those covered by ALICAP. There is a quote: you're only as sick as your secrets. That definitely applies here. Teachers are encouraged to keep incidents of violence quiet. In fact, NSEA President Jenni Benson testified before this committee several weeks ago, mentioning that she talked with two school security guards who were concerned that they'd

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received no training. Shortly after her testimony, the superintendent of that district, a district that was not in any way named or identified by President Benson, spoke with our local association president to share the superintendent's dismay that Jenni had reported those comments to this committee. The superintendent wasn't upset that his security guards weren't trained. He was concerned that his district might somehow be identified and look bad. This bill would provide two important tools to begin to deal with these issues and take school violence out of the closet and into a collaborative problem-solving environment, where it needs to be. We believe all students and staff can learn and teach in a safe and supportive environment. LB1217 will help document when incidents in the classroom occur and will require administrators and teachers to create an appropriate response plan to ensure that the number of these acts of violence are reduced going forward. We ask you to advance LB1217 to General File. Thank you.

**GROENE:** Questions from the committee? Thank you. Next proponent.

**BRAD MEURRENS:** Good afternoon, Senator Groene, members of the committee. For the record, my name is Brad, B-r-a-d, Meurrens, M-e-u-r-r-e-n-s, and I'm the public policy director at Disability Rights Nebraska. We are the designated protection and advocacy organization for persons with disabilities in Nebraska and I am here today in strong support of LB1217. This bill is important. It not only provides an individualized, direct response to a particular student's behavior, but it also requires the state to collect data to help assess the situation of violence in our schools. Fundamental to the ongoing discussion of how school personnel should respond to disruptive or violent student behavior are both the assessment of the school violence currently and the identification of the root causes of a particular student's behavior. LB1217 can play a significant role in getting to those answers. We support the required individualized plan to address student behavior. In order to develop an adequate and effective solution to or prevention of a particular student's behavior is to understand what is driving that behavior. Assuming that all student behaviors spring from the same intent produces solutions that will not work universally, as student behaviors do not have universal causes. For example, the behaviors may be a manifestation of a student's disability or an undiagnosed disability. These are factors that would need to be recognized and understood in order to derive a successful prevention plan for a student with that disability. Administrators must know what the root cause of the student's behavior

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is, thus, the need for an individualized approach. We support the requirement of developing a plan to respond to a student's potential behaviors so that school personnel responses are not purely reactionary. We support the inclusion of positive behavioral interventions, trauma, and their training components in the plan. However, we would kindly suggest a couple of issues to consider. First, the plan-inclusive components are permissive. The plan may address the items listed on page 2, lines 14 through 23, but it's not required to, which makes us wonder what then is included in the individualized response plan and what other issues could be included in the plan that are not listed in the bill? Two, the plan should also include some component addressing disability. Is there a disability diagnosis or is there an undiagnosed condition? If so, what types of services does a student have or need? With the permissive language and the specific issues included in the response plan, the bill as currently written will likely miss these issues. However, they may play key roles in understanding and addressing the root cause of a student's behavior. We support the data collection in subsection (4). Our only suggestion here is that perhaps there could be language to ensure that the report be made public or at least be accessible by the public. We would be happy to discuss with Senator Wayne and/or this committee any of the friendly suggestions that we've raised here. But regardless, we recommend that LB1217 be advanced. Thank you for your time. I'd be happy to answer any questions that you may have.

**GROENE:** Questions from the committee? Thank you. Proponent? Any other proponents? Opponents?

**KYLE MCGOWAN:** Good afternoon, Chairman Groene and members of the committee. My name is Kyle McGowan, K-y-l-e M-c-G-o-w-a-n. Today, I'm representing the Nebraska Council of School Administrators, the Nebraska Rural Community Schools Association, and the Nebraska Association of School Boards. LB1217's intent to develop strategies that help correct this behavior is fine. Hopefully, schools are conducting such strategic meetings now. Documentation of misbehavior of students should be going on already. As far as a consistent reporting model, schools are required to submit, annually, a report to the federal government that goes through the Department of Education. The report is on suspensions and expulsions. It breaks this information down demographically in a number of different ways. I'm-- I really-- I'm not sure if it has anything to do with violence, but we are required to report suspensions and expulsions to NDE. The primary issues that we have with the bill is the wording about the individual

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plan providing "adequate staffing and professional development" leaves open a lot of interpretation of how best to address the, the concern. Certainly today, there are schools that-- this is just one example among many, but hire one-to-one paras. So you have a child that is unpredictable and, and you have a full-time staff member with him. Opening that door to other-- actually, I guess I would just say throwing open that door to such staffing needs would be incredibly expensive and, and I would argue might be overused. The, the-- one other piece of the legislation that is-- I won't say concerning because the legislation is not trying to omit this purposely. But for instance, I was a longtime elementary principal and on occasion, I would receive phone calls from parents saying, why does my kid constantly have to put up with this other kid? So when we are all in favor of keeping kids in school because it's hard to teach them when they're not in school, I think that we still must use in-school suspension, alternative schools, and eventually out-of-school expulsions. So when I think it's heroic to think of, of how do we save all of these children, which is our primary goal, I think we also must, must consider that maybe the best placement isn't in the regular classroom. So essentially, we don't think LB1217 improves the culture, improves school safety so that's why we're opposing it.

**GROENE:** Any questions from the committee? Thank you, sir. Any other opponents? Neutral? Senator Wayne, are you closing on the bill?

**WAYNE:** Thank you, Chairman Groene. I knew that they were going to come and testify in neutral or against my bill, but I had to see it with my own eyes. I don't understand how they can support LB147, but not this bill. LB147 outlines the same requirements except for the reporting; that's it except for their reporting requirement. LB147 has the same type of plan that is required in that "suspulsions" and-- suspensions and expulsions should not be the goal. We should try alternatives. I'm taking pause because I'm making sure I calm down because it seems to be the only difference between my bill, besides the work incident reporting, and LB147 is that the immunity to remove-- physically remove kids. And I have a fundamental problem with that. We don't want to provide services. We don't want to make sure students have plans because it's too "overburdensome." But if we can remove them with the immunity, we'll ignore that part. That's the wrong message that is being sent to my community today. I'm very disappointed. Our students deserve better, we deserve better, and our teachers deserve better. I would ask you "exec" and vote this bill out. I'm willing to work with the first individual to include those other things that, in writing

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this bill, may have been overlooked. And I'm willing to take this to the floor and have fun with it and get it passed. Thank you.

**GROENE:** Questions? Senator Murman.

**MURMAN:** Yes. Thanks, Senator Groene, and thanks, Senator Wayne, for bringing it in. We had testimony that suspensions and expulsions are reported now. So how does that--

**WAYNE:** Yeah, so--

**MURMAN:** --represent the problem that you want to do?

**WAYNE:** Correct; there are suspensions and, and expulsions that are reported, but most suspensions are reported if they're over 19 days, where it's a long-term suspension. For example, if a, a student may have hit a teacher or was violent with a teacher and they're only suspended for three days of in-house, that's only reported maybe in the aggregate by some districts, but not all districts. So what we're trying to do is be consistent with suspensions and expulsions, but it's also making sure that those dangerous behaviors are also being reported. At the end of the day, part of the issue that we saw play out on LB147 on the floor is we don't have data across the state of what actually happens. We have a lot of surveys, a lot of ideas, a lot of anecdotal comments, but we really don't have data around this type of behavior and we're trying to put some data behind it.

**MURMAN:** So if I might continue, would, would your bill report more incidents or less?

**WAYNE:** Yes, more.

**MURMAN:** OK.

**WAYNE:** It would give, it would give us a full, a full picture of what is going on.

**GROENE:** Questions? Senator Walz. Correction: nowhere in LB147 does it say a school employee can physically remove a student from the classroom. The word is "intervention." How do you get to this point in your bill-- school district or other employer report regarding an incident-- how do we get to that point? Does the moment of violence already happen in the classroom and then we just do a report on it?

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**WAYNE:** Well, Senator Groene, with all due respect, your bill won't stop the violence from happening either. It's still a reaction. So if-- in your bill, they're only going to physically intervene if violence is about to occur or that's-- according to your bill, it's safe. The violence may occur to themselves or a threat of another student or staff. That would still apply here. That's still current law as it is today, that you can defend yourself or others underneath current law. So that wouldn't change.

**GROENE:** "Provide training for school employees who interact with the student;" that's pretty broad. Have you read Senator Murman's training bill?

**WAYNE:** Yes and the difference in my bill and Senator Murman's bill is Senator Murman's bill will go over a five-year period, which means there would be immunity underneath your provision, prior to them receiving training. Second of all, schools, from what I've been told, are already doing this. So if they're already providing training for individuals, it shouldn't be an additional cost. But what I don't want to happen is a bill passed that they can do things without training being accompanied or at least before they actually do those things. Senator Murman's bill is over a five-year period; mine would be required immediately.

**GROENE:** Senator Murman.

**MURMAN:** Thanks. So, for instance, a, a substitute teacher or a new teacher-- would the bill I proposed-- does-- by the language you just stated, protect that situation? How would yours-- this bill do that?

**WAYNE:** Well, I think before anybody steps foot on school property, there should be some type of proper onboarding, meaning that they would go through some type of training on how to interact. But that is essentially the problem with physical intervention because you could have somebody who has been a teacher in Elkhorn, never interacted with the culture of OPS and substitute and provide intervention without knowing how to. I think that's a problem. So even under your bill, Senator Murman, not all training occurs before people are immune. What I'm trying to say is that rather than even deal with the immunity, let's deal with the kid and the issue and provide training to deal with that kid and issue. And we can revisit this issue of immunity, which quite honestly, is already current law that we don't need to have in law. And again, this is a conversation. And Senator Groene and I have talked pretty much every other day about his bill, in some form

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or fashion, and we'll continue to work on it. But I, I wouldn't be representing my district if I didn't put my own type of amendment or bill in front of people. And so this is my version, just like we got 45 different tax plans.

**GROENE:** Any other questions? You are correct, we are both state senators and local senators. Thank you, Senator Wayne.

**WAYNE:** Thank you.

**GROENE:** That ends the hearing on LB1217. This brings us to LB1151. Senator Vargas.

**VARGAS:** Good afternoon, Chairman Groene and members of the Education Committee. My name is Tony Vargas, T-o-n-y V-a-r-g-a-s. I have the pleasure of representing District 7, the communities of downtown and south Omaha, in the Nebraska Legislature. What LB1151 is working to do is increase postsecondary education opportunities for more young Nebraskans in financial need by redefining who is eligible for the Nebraska Opportunity Grant Awards. Before I move forward, I would like to pass out these as a point of reference; one of which is just a, a one-pager on the Nebraska Opportunity Grant and the other one being a one-pager about the bill. So as the committee currently already knows, NOG is the only state-based aid award for students from low-income families. NOG is funded through the General Fund appropriations as well as lottery funds. Now since 2008, the only increase in NOG funding has come from lottery funds and General Funds have remained stagnant. But what has not remained stagnant is the number of students who are qualifying for these NOG awards, but are not receiving them, which can make a huge difference in each student's ability to pursue opportunities in higher education. Currently, to be eligible for a Nebraska Opportunity Grant Award, students must apply for the FAFSA and have an expected family contribution of 110 percent of the maximum expected family contribution to qualify for a federal Pell Grant. LB1151 would reduce this to 100 percent, which would reduce eligibility. But in simple terms, it will target these dollars to students who have a greater financial need or the greatest financial need. During the 2018-2019 school year, roughly-- I want to make sure that this is heard-- 13,000 students were Nebraska Opportunity Grant recipients, but over 22,000 students qualified for this grant and did not receive any support due to a gap between award eligibility and available funds, which again, is because General Fund appropriations haven't increased in more than ten years. Currently, Nebraska ranks 35th in the country for the amount of state provided, need-based

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financial aid on a per-student basis. Colleagues, if we're about to be serious about growing our workforce and readying our economy to meet our future workforce needs, we have to be serious about taking measures like this that will accomplish those goals. Now this bill doesn't address the funding issue. I know everyone in this room has ideas about what we should do with revenue surplus. I do have a bill in appropriations right now that would increase General Fund appropriations for NOG. I'm hopeful that that will be successful. However, in the meantime, LB51 [SIC] would make NOG awards more impactful for the neediest students who are often the students who are the first in their families to attend college, who are fighting to break a cycle of poverty and really make a difference for themselves, their families, and their communities. Now I experienced these feelings myself, personally, because I'm a first-generation American and the first generation of my family to achieve a college degree. Now postsecondary education was possible because I received a Pell Grant and I also received state-based financial aid like NOG and a variety of other private scholarships. I'll tell you, without this funding, postsecondary education-- both my bachelor's and my master's degrees-- would not have been possible. I can tell you from my own experience that every single dollar makes the difference in achieving those goals. And the more we can do to potentially increase the award by better targeting the limited dollars we have for NOG awards, the more impactful it will be for students. I've spoken quite a bit with Dr. Baumgartner at the Coordinating Commission for Postsecondary Education about this bill and several others. And we've talked about a few ways to achieve what the goals of this bill is. Now I know he has an idea or two about what we might do and I've asked him to share a few of those because as you know, I'm pretty open to different ways we can make measures be more accessible for students, specifically lower-income, first-generation students to be able to access postsecondary education. I look forward to the conversations today and continuing to work with you on this bill. The only other thing I'd like to say-- and you'll see from some of the, the one-pagers-- the one-pager does show you the unmet financial need. It shows the-- a breakdown in the awards that are appropriated on a formula to different higher education or postsecondary institutions. Again, General Fund hasn't really increased, lottery funds have increased. And since this is our only need-based grant program for students, I want to make sure that there are fewer students that are eligible that are not getting funds. I want to decrease that number and one way to do this is by potentially narrowing the focus. Again, we'll have some

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good testifiers after us and I appreciate you listening to me and I'm happy to answer any questions.

**GROENE:** Any questions from the committee? Thank you. Proponents? Opponents? Neutral?

**MIKE BAUMGARTNER:** Good afternoon, Chairman Groene and members of the Education Committee. My name is Mike Baumgartner, M-i-k-e B-a-u-m-g-a-r-t-n-e-r. I'm the executive director of the Coordinating Commission for Postsecondary Education and I am here today to speak in a supportive neutral position on LB1151. And we applaud Senator Vargas' commitment to the Nebraska Opportunity Grant Program and his commitment to the Access College Early Program and his commitment to preparing low-income students to apply and succeed in postsecondary education. We also concur with his desire to ensure that students with the greatest financial aid need receive priority for NOG awards. The concern that we have with the bill, as expressed by financial aid officers to our office, is that it puts aid packaging off later than they would like to because they won't have all the applications in at the same time. So the law would require them to direct NOG to students with the greatest need, but financial aid applications can come in anywhere between October 1 through, through the school year itself and it's difficult to package if you have to keep comparing what you might be awarding students over that period of time. And the longer that students have to wait for a financial aid package, they could become discouraged. Institutions have been packaging financial aid for several months already and many have financial aid priority deadlines of around April 1. So there are a couple ways-- and I appreciate the conversations we've had with Senator Vargas' office and look forward to continuing to work with him on this. There, there might be options like maintaining some of the aid beyond the traditional financial aid priority deadline. So for students who might, might apply late, there might be a, a holdback of some sort of the institutions so that they can deal with students who have great need, who come in late or we could request that to the extent practicable, awards be prioritized to students who demonstrate the greatest need up until the priority deadline for financial aid applications so that it's not an open process; so that it doesn't go on into the summer, into the fall, as they try to decide which students have the greatest need after scholarships are awarded. So again, I appreciate Senator Vargas' efforts here and his efforts in the Appropriations Committee to get more aid to students. We also want to target to the students who have the greatest need and we would be happy to try to work toward

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something that I think, mechanically, makes sense at the institutional level as well. Thank you.

**GROENE:** What you've seen-- at 110 percent, really, aren't we catching all-- the majority of those who need aid? I mean--

**MIKE BAUMGARTNER:** We-- yeah. If-- at 110 percent, we get, we get a lot of-- I mean we get a lot of students because they're, they're Pell eligible and a little bit more. So that, that is a difference of about \$550; the difference between 100 percent and 110 percent. So right now--

**GROENE:** Of what?

**MIKE BAUMGARTNER:** The expected family contribution. So when you file the FAFSA right now, the, the maximum to get a Pell Award this year, the maximum expected family contribution is \$5,576. For the Nebraska Opportunity, that bumped it up to \$6,134. So it does go up above Pell and if you look at Pell as, as the neediest, we are going up a little bit beyond students who would get the Pell.

**GROENE:** On 110 percent?

**MIKE BAUMGARTNER:** Right, yeah.

**GROENE:** Thank you. Any other questions? Senator Murman.

**MURMAN:** Yeah, thanks a lot for testifying. So if I understand correctly, this bill would allow for students that apply later in the process to still be eligible?

**MIKE BAUMGARTNER:** Well, at-- the way that it's written, it, it would do that, but I think it would do it for everybody. And that's what the financial aid officer's concern is because people will start making their applications October 1st. And if you are holding onto aid to package it and you don't know if they're getting outside aid-- what if they get an award from the Rotary Club in May? Was a financial aid officer supposed to hold off on that \$1,000 to see if that would have bumped them higher or lower than, than somebody else? So I think that one possible solution to, to what Senator Vargas has brought up is, is to maybe hold off on some aid or to prioritize up to the priority deadline or maybe some combination of those institutions can, can package it the way they want to right now. And in stretching it out, that-- students, students from poorer family backgrounds, less prepared, do tend to apply later. They haven't made up their mind yet.

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They might fill out the FAFSA later. It is a concern that the, that the aid might be gone at that point. At the same time, we are trying to encourage students to apply as quickly as possible and institutions want to fill, fill seats and fill beds. So looking with Senator Vargas for a way to target it as much as possible and, and still make sure that the other needs are balanced, like getting the dorms filled and encouraging people to apply early.

**MURMAN:** Thank you.

**GROENE:** Thank you. Any other neutral testifiers? With apologies to the committee clerk and the transcribers, I forgot to read the letters on LB1217. I hope they can sort it out. On Senator Wayne's bill, support was National Association of Social Workers, School Social Work Association of Nebraska. Opposition, none. Neutral was the ACLU. And on LB1153 [SIC], Senator Vargas' bill; support, the Center of the Americas. No opposition or neutral. Thank you. Do you want to close Senator Vargas?

**VARGAS:** Yep, thank you very much.

**GROENE:** LB1151; excuse me, I, I messed up. This isn't-- we changed the order of the bills. I read that wrong. LB1151-- boy, I'm really screwing up the transcribers. LB1151 letters, none.

**VARGAS:** Now that's on the record, by the way.

**GROENE:** None at all on neutral, positive, or negative. You messed it up, but I wanted to go ahead.

[LAUGHTER]

**VARGAS:** Now that's in the record. I appreciate that. OK, thank you very much, Chairman Groene, members of the committee. And I want to, I want to thank the Postsecondary Commission for coming and, and testifying. I think what you're hearing is there is a, there is a potential pathway here to solve this, this problem. We have 22,000 students that are qualified for this grant and only 13,000 of them are receiving some aid from this grant. Now it's a significant amount of aid. It's been increasing. It's gone from, you know, \$1,900. It's now to about \$13,000 at the top of my head. I want to make sure more of the individuals that are eligible are getting some more of this. Part of this is appropriations. The other part of this is I'm one of the students that applied later. If I've applied, completed my FAFSA, I'm

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eligible for the, for the Pell Grant. And in my state, they have a similar state program. And it's done very similarly; where it's given to the, to the different-- the higher education association or entity. And I don't meet some internal priority deadline. They might have given out all their aid to everybody else that has some need and I might not get any of that need-based aid. So there are some solutions; potentially, holding back some of the funds, dedicating for a, a specific date. And we'll look into that, but I wanted you to understand that we're really trying to figure out a way to then cover more of those students and figure out how to prioritize the funds to the highest-need kids. That's where this is coming from. So I appreciate you having this conversation and I'm happy to answer any more questions. And just thank you for hearing me out on this potential way to target money to the neediest kids in Nebraska.

**GROENE:** Any questions? Senator Linehan.

**VARGAS:** Um-hum.

**LINEHAN:** Thank you, Chairman Groene. Thank you, Senator Vargas, for bringing this to our attention. Did you say you have an appropriations bill to add money to this program?

**VARGAS:** Yes.

**LINEHAN:** And how much is it? Do you have a dollar amount or is it some kind of formula?

**VARGAS:** \$40 million, no I'm just kidding. I can't remember off the top of my head. I think it's-- I know it's at least \$1 million. I think that's what I-- what it is right now.

**LINEHAN:** So do you know if we--

**VARGAS:** \$1.5 million is what it is.

**LINEHAN:** So there's-- 22,000 apply--

**VARGAS:** Um-hum.

**LINEHAN:** --13,000 get it, which leaves us 9,000 students that don't get aid. So how much aid do they usually get from this program? That varies too, right, the amount of money they get?

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**VARGAS:** The amount varies on-- but on average, that amount has gone up every single year.

**LINEHAN:** So it's, like, about how much?

**VARGAS:** \$1,300. I'll get the exact number, but yeah.

**LINEHAN:** So on your chart--

**VARGAS:** Um-hum.

**LINEHAN:** This is very helpful. When it says 37 percent- \$40,000-- so are you saying 37 percent of the students who receive funding from NOG are above \$40,000/year annual income-- their family income, is that their family income?

**VARGAS:** Yeah, that's according to Coordinating Commission for Postsecondary Education, yes.

**LINEHAN:** OK. You don't have any-- it's above \$40,000. We don't have any idea how, how much above \$40,000 it goes?

**VARGAS:** I don't have the exact number, but I know that we can get that number for you.

**LINEHAN:** OK. Well, that would be helpful, I think. OK. Thank you very much, I appreciate it.

**GROENE:** Any other questions? Thanks, Senator Vargas. That closes the hearing on LB1151. Since I'm not sure what number is going to come up next, I'll wait until you read it. We'll start the hearing on LB1153.

**VARGAS:** Good afternoon, Chairman Groene and members of the Education Committee. My name is Tony Vargas, T-o-n-y V-a-r-g-a-s. I have the pleasure of representing District 7, the communities of downtown and south Omaha, in the Nebraska Legislature. LB1153 requires the Department of Education to offer at least two high school equivalency exams to measure skills and aptitudes typical of a high school graduate. It would also allow the State Board of Education the option to offer additional skills or competency-based assessments to measure high school equivalency. Currently, the General Education Development, or GED exam, is the only high school equivalency exam offered in the state of Nebraska. In 2014, the GED made significant changes to their exam that have made it less accessible for many students, such as adding fees for practice tests, eliminating paper and pencil testing

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options, and increasing testing fees to \$120. Eliminating paper and pencil testing options became a barrier for GED participation for those with low computer literacy as well as those taking the exam in Spanish. These changes caused Nebraska's GED completion rates to fall by 80 percent within two years and it still remains low. Over 100,000 Nebraskans aged 18 to 64 live without a diploma or a high school equivalency. However, our adult education program only served 434 students in 2016. Nebraska Appleseed published a report about our state's low GED participation in 2018 that is very informative about the current landscape of our adult higher education program. They spoke with current high school equivalency students and providers about the barriers they face with the GED. They reported things like a lack of access to computers and internet, prohibitive cost of practice and exams, language accessibility, and struggles with transportation, childcare, and basic needs. Since changes to the GED in 2014, 27 other states have moved away from GED-only testing by adding other options for the other two tests that are available. That's the TASC and the HiSET or using one or both of those tests exclusively, rather than the GED. Many of our regional neighbors have made this change, including the following: Iowa, Missouri, Wyoming, and Colorado. Both the TASC and the HiSET are nationally recognized, rigorously validated, readily available, and they address many of the reported barriers to the GED. LB1153 would remove barriers put in place by the changes to the GED and offer choice for Nebraskans who don't have a high school diploma and who are ready to work towards their educational goals. Providing different test options would increase language accessibility, allow for a paper exam option, and reduce cost, which is important for both providers and students. A high school diploma, whether earned through graduating high school or passing a high school equivalency exam, is required to enter trade schools, higher education, the military, and generally obtain any higher-paying job. The US Department of Labor reports that high school graduates earn over \$750 more per month and have an unemployment rate of 2.5 percent lower than individuals without a diploma or high school equivalency. And the Nebraska Department Labor reports that 52 percent of employers had positions that require a high school education, but less than an associate's degree, that went unfilled within the past year. A Georgetown Center study predicts that by 2020, only 71 percent of jobs in Nebraska will require a postsecondary education. Hopefully, I'm making the case for why we need to expand options. The last thing I'll touch on briefly is the fiscal note on this bill. It looks to me, from the note from the Department of Education, that the bulk of the cost associated with this bill is due to the language added in 79-730 on page 2, lines 25

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to 30 of the bill. This part specifically allows the State Board of Education to develop a skill-based or competency-based assessment that is an alternative to the GED and other tests. Our neighbor to the east, Iowa, uses this alternative testing method and has seen success in reaching more workers who are seeking their diploma or high school equivalent later in life. And I'd like to see Nebraska develop a similar program. Now my office is currently looking into how Iowa developed this program and what the costs associated were, but just for a reference point, I'll be sure to share that information with the committee and the department when we assemble it. The reason-- one of the reasons that we introduced this bill, our office introduced this bill, is we had an interim hearing looking at some of the barriers for employment and some of the barriers for employment, specifically for people that are low income, people of color. And one of the barriers that we identified was increasing options. What are the barriers for getting a GED? What are the barriers for getting the high school equivalency in our state? We looked at other states and we found some really, I think, either both creative options and also pragmatic options. The pragmatic options are let's provide some more choice in the testing options. And then some of the creative options are let's look to some competency-based or some sort of equivalent assessments that can test and assess high school equivalency for our state. And we have a neighbor in Iowa so that's where this came from. I think it's about workforce. I think it's creating entries. It's taking down barriers that people can, can actually have a job and start working and have-- and do everything they can to then support their families. With that, I'm happy to answer any questions.

**GROENE:** Any questions? Proponents.

**ERIC SAVAIANO:** Good afternoon, Senator Groene and members of the Education Committee. My name Eric-- that's my heavy paper, sorry. My name is Eric Savaiano, E-r-i-c S-a-v-a-i-a-n-o, and I'm a senior program coordinator at the Economic Justice Program at Nebraska Appleseed. Nebraska Appleseed is a nonprofit law and policy organization that fights for justice and opportunity for all Nebraskans. I'm here today to testify in support of LB1153. A high school diploma, whether obtained through graduating high school or completing a high school equivalency exam such as GED, is the gateway to trade schools, higher education, the military, and higher-paying jobs in America. You often cannot get in the door without it. Individual motivations dictate whether students pursue formal education, but the vast majority of people, including hiring managers

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we've talked to and society at large, think a high school diploma is foundational to workplace success or at least is a tool to screen candidates. The state plays a vital role in breaking down barriers for students to pursue their high school equivalency and LB1153 would support greater access in Nebraska. As Senator Vargas said, about 10 percent of Nebraskans, 18 to 20-- sorry, 9 percent of Nebraskans, 18 to 64; 100,000 are without a high school equivalency or diploma. Those in the 18 to 24 age bracket is still around 10 percent; about 20,000 individuals. This is a major-- we also have heard that employers are seeking those with high school equivalencies over those without and it's a major supply and demand gap. In Nebraska, GED is the only approved pathway to a diploma outside of graduating high school. In 2018, Nebraska Appleseed did interviews, research, and focus groups with the Nebraska administrators, students, NDE employees to learn more about how the system works in Nebraska. That is one of my handouts with you; the, the one that fell on the ground, probably. Around 2014, the GED moved from a nonprofit-administered exam to a joint nonprofit/for-profit venture and the actual test changed significantly to include options to earn college credit aligned with Common Core Standards, increased rigor, added fees, eliminating paper and pencil testing, and increasing testing fees to \$120. As we've said, participation and completion fell dramatically in Nebraska, but also across the nation. We were particularly hard hit. From 2013 to 2015, Nebraskans actually taking the GED fell 71 percent and completions fell 80 percent. The chart below or in the testimony itself shows some of that, that line graph. Minor improvements have occurred in Nebraska, but we are not where we were previous to the change. The barriers with the revised tests include the cost; \$120 is a significant cost for low-income Nebraskans. The new \$6 fee for added-- for practice tests were small, but significant hurdles for low-income students or adults. The paper and pencil testing option is another barrier with the revised tests. Computer-only testing prevents those who have such subject matter skills, but low computer skills from participating. Although computer skills are required in some professions requiring a high school equivalency, many do not. The next chart describes other states that have avoided the barriers put up by the GED in 2014 and their adoption of alternative exams such as the HiSET or the TASC. They've seen less of a participation loss because of this. As Senator Vargas mentioned, 27 other states offer other exams other than the GED for their high school equivalency. LB1153 would allow Nebraskans to offer an alternative exam and help more Nebraskans get the education they need to get through the door with

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employers and better provide for their families. For these reasons, we urge the committee to advance LB1153. Thank you.

**GROENE:** Questions?

**ERIC SAVAIANO:** Yes.

**GROENE:** So the other tests aren't as rigorous? They're easy to pass?

**ERIC SAVAIANO:** When the other tests were announced in 2014, they-- their plan was to incrementally increase rigor to match that of the GED, but they do have different areas in which they are testing. So I believe at this point, 2020, they're likely the same rigor. And some of the areas in which they are testing might be slightly different. However, all are approved as equivalent to a standard high school education.

**GROENE:** Thank you. Any other questions? Next proponent.

**LAZARO SPINDOLA:** Well, good afternoon, Chairman Groene and members of the committee. Thank you for listening to me today. For the record, my name is Lazaro Spindola, L-a-z-a-r-o S-p-i-n-d-o-l-a. I am the executive director of the Latino American Commission. I apologize for many of the things that I'm going to say are a repetition of things that were said before. I'm here in support of LB1153. In the United States, 1 of every 10 people do not have a high school diploma or a high school equivalency degree; 1 of every 4 Latinos do not either. In Nebraska, 1 of every 20 adults do not have-- over 25 years of age, do not have a high school equivalency. But almost 1 of every 2 Latinos do not have-- 1 of every 20 in one case, 1 of every 2 in the other. The Latino American Commission collaborated with a number of nonprofits and faith-based organizations, helping them in differing ways to achieve their goals. The number of Latino graduates from those organizations between 2011 and 2019 is seen in this chart. You can see quite a dramatic drop in the year 2014 and onwards. So what happened in 2014? As you heard, the GED was the only high school equivalency exam available in Nebraska. In 2014, there were added fees for practice tests, the paper and pencil testing option was eliminated, they increased testing fees to \$120. Anticipating those changes, two additional tests were developed. Both have a lower cost than the GED and allow paper and pencil testing options. Twenty-seven states allow paper and pencil testing options. Of our neighboring states, only Kansas and South Dakota remain using only the computer-based GED. Students complain about the high cost of the GED compared to the other

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two exams, the additional burden of computer literacy and availability in order to take it, and the relatively unforgiving GED in terms of time. If English is your second language, you need, first of all, to translate in your mind a question, seek the answer, and translate it back into, into English. So usually, you'll be doing two and three times more time to answer the questions than for an English-speaking person. But the GED doesn't allow much margin in the time that it takes to take the test. I've also heard that you cannot go back to review the previous questions to see if your answers need to be revisited. I'm not sure if this is the case, but that's been told to me by some students. This is not an exclusively Latino issue. If you look at the next chart, which was provided by Appleseed, you will see that all the ethnic groups in Nebraska have decreased their participation and passing grades since 2014. This affects Nebraska in the sense that individuals with a high school equivalency degree can earn, on average, \$6,000 more per year. Each dollar put into the economy generates sending seven additional dollars. This means a potential loss of \$42,000 per individual. I don't think we are in the position to allow that kind of loss among our population. As I said before, 52 percent of employers have positions that require a high school education with less than an associate's degree, but they went unfilled during the past year. Graduating from high school or getting a high school equivalency is more important than ever to meet employer needs and earn a decent wage. For these reasons, I encourage you to vote LB1153 out of committee. And now I would be happy to try to answer any questions that you might have.

**WALZ:** Any questions? You got off easy.

**LAZARO SPINDOLA:** Thank you.

**WALZ:** Thank you. Next proponent.

**FRANCISCA ESPINOZA:** Good afternoon. My name is Francisca Espinoza, F-r-a-n-c-i-s-c-a E-s-p-i-n-o-z-a. I live at 4305 M St Lincoln, NE 68510. I'm here to support LB1153. I came here to share my story. Having the diploma, for me, was really important because before I was cleaning offices. Then one day, talking to someone in the company I cleaned for, I let her know that I was trying to get my high school diploma. I commented to her that I was going to travel to Wyoming because it was difficult for me to take the test on a computer. She said that if I was able to get my high school diploma, regardless of what state I obtained it at, I could get a job in the company. Thanks to the Laramie County Community College in Cheyenne, Wyoming, I could

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get my high school diploma because they provide a paper test. The reason I had to go to Wyoming is because they allow anyone to take their high school equivalency test on paper and they don't require state residency. For your knowledge, I can type, but I don't have the, I don't have the typing speed to meet the time restriction for the reading and writing tests. The test in Nebraska is only provided on a computer and in their writing portion, you are only given 45 minutes to type an essay. For me, it was easier to take a paper test with the same amount of time. Even though in Nebraska you take four tests and in Wyoming, five tests, it was much easier for me and others to travel five times to take the paper test. Going to Cheyenne was expensive, but in the end, I graduated and now I have a new job, a new job in an insurance company. Of course, I continue to improve my computer skills. I believe that Nebraska students should have the opportunity to choose how they complete the test. It can be GED, HiSET, or TASC as long as it can be our decision to take it on computer or on paper. For this reason, I would urge this committee to advance LB1153. Sorry, I was nervous.

**WALZ:** Thank you.

**GROENE:** Any questions? So do you know which test you took in Wyoming?

**FRANCISCA ESPINOZA:** I took five tests. I took math, science, social studies, and composition. And what was the other one? Sorry, it was a while ago.

**GROENE:** All right, but it wasn't the GED, it was one of the other options?

**FRANCISCA ESPINOZA:** It was the-- yeah, the GED.

**GROENE:** Thank you.

**WALZ:** I have a quick question. So the reason that you did not take the GED here was because you were not a Nebraska resident?

**FRANCISCA ESPINOZA:** No, the reason why I didn't take it over here was because I don't have the skills to do that test on a computer.

**WALZ:** OK.

**FRANCISCA ESPINOZA:** Yes.

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**WALZ:** All right, thank you.

**FRANCISCA ESPINOZA:** Yeah, you're welcome.

**GROENE:** Thank you. Next proponent.

**JUANA ROQUE:** Good afternoon. My name is Juana Roque, J-u-a-n-a R-o-q-u-e. I live in 2510 Emily Lane Lincoln, NE 68512. I am here to support LB1153. I came here to share my story. Having the high school diploma was very important for me and my family. For economic reasons, I could not finish my, my high school. Because I want the best for them, I decided to lead by example finishing my high school. I registered at El Centro de las Americas for GED tutoring classes. I did the practice test and I passed so I went to the Southeast Community College to take the first official exam. I took the reading and writing, but I didn't pass the exam-- the test. I couldn't write an essay on a computer in 45 minutes. One of my classmates told me that she was going to Wyoming because that state allows students to take the test on paper or a computer. I did it on paper. Of course, it was expensive to go to Wyoming, but I was graduated. My kids excited for me. Even though it may seem expensive to go to Wyoming for the paper test, the reality is that in Nebraska, we have to pay \$120 for four tests. And for us to be prepared for the final exam, we have to pay \$6 each time we want to take a practice test on the different subjects. For me, in Wyoming, I only paid \$90 for the five tests. For my practice test, I never paid a penny because they are free. I believe that the Nebraska Department of Education should give their students the opportunity to choose how they complete the test. It could be GED or HiSET as long as they can make their decision to take it on a computer or paper. For these reasons, I would urge this committee to advance LB1153. Thank you.

**GROENE:** Questions? Where-- what state did you take the test in?

**JUANA ROQUE:** Wyoming.

**GROENE:** Wyoming. Do you know what test it was--

**JUANA ROQUE:** Uh, well--

**GROENE:** --the company--

**JUANA ROQUE:** Uh--

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**GROENE:** --the company that sponsored it?

**JUANA ROQUE:** HiSET.

**GROENE:** I know you were excited about passing it, which I would too.  
What was that?

**JUANA ROQUE:** HiSET.

**GROENE:** Hi--

**JUANA ROQUE:** HiSET.

**GROENE:** So it's one of the alternatives that Senator Vargas--

**JUANA ROQUE:** Uh-huh.

**GROENE:** Thank you.

**JUANA ROQUE:** Thank you.

**ALEJANDRA AYOTITLA:** Good afternoon. My name is Alejandra Ayotitla. My address is 3911 Baldwin Ave, Apt. 81. My name is spelled A-l-e-j-a-n-d-r-a, last name, A-y-o-t-i-t-l-a. I'm here to testify in support of LB1153. In 2013, my parents obtained their GED after attending a GED course at El Centro de las Americas. They were part of the largest class that had graduated with about 160 students who worked really hard to obtain their diploma and did so by taking their exams on paper. This was the last class that had that opportunity, as in 2014, the students could only take their exams on a computer. Since then, this has been a major obstacle for many students. I worked at El Centro de las Americas as the coordinator of the adult education program, which included GED tutoring. We had very few students compared to the number of students that regularly attended when my parents were in that program. I witnessed many new challenges that the computerized test created for our students. As it was mentioned, students had to pay for a practice test on top of the registration fee for each official exam. This was an extra expense that added up and not all of our students could afford. The writing section was the hardest for most of our students because in addition to learning the substance of their exams, they had to learn to type very quickly. We incorporated computer skills to our tutoring and had them practice typing. But for most, it took several attempts to pass the exam, the writing exam, which became very discouraging and costly. All my students worked extremely hard to earn their GED because it was the

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key to a better future for themselves and their families. I believe that Nebraska students should not be forced to only have one option that is more burdensome and costly. Students should have the opportunity to choose how they complete the test, whether that is GED, HiSET, or TASC. For these reasons, I respectfully urge this committee to advance LB1153. Thank you.

**GROENE:** Any questions? Well, we might have some questions.

**ALEJANDRA AYOTITLA:** Oh.

**GROENE:** Any questions? So you worked for an organization that helps people take their--

**ALEJANDRA AYOTITLA:** Yes, I worked for El Centro and we had a, a GED tutoring program that helps prepare students for, for GED exams.

**GROENE:** Prior to the computer version, did you have a pretty good success rate?

**ALEJANDRA AYOTITLA:** Yes, we did. Most of our-- when my parents were part of that program, which was how I got involved-- and usually it took up maybe about a year or less for students to complete the tutoring program, pass their four required subjects. And after that, when I was working there, we had-- on average, when I started, we had maybe ten students. And in a year, we were able to graduate, maybe five. And most of-- these two ladies that testified were my, my former students. And it took them more than-- definitely more than a year to be able to complete their exams because of all the obstacles that the standard--

**GROENE:** You trained them with the GED background and then they went to Wyoming to take the test?

**ALEJANDRA AYOTITLA:** Well, it was very similar curriculum and--

**GROENE:** All right.

**ALEJANDRA AYOTITLA:** Yeah.

**GROENE:** So you could do it--

**ALEJANDRA AYOTITLA:** --content.

**GROENE:** --in pen and pencils.

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**ALEJANDRA AYOTITLA:** Yeah, that was the, that was the main reason that they traveled.

**GROENE:** So the Department of Ed handles the program, is that correct, the GED program?

**ALEJANDRA AYOTITLA:** That I would-- I, I don't know if I can answer that.

**GROENE:** Did you deal directly with the testing company?

**ALEJANDRA AYOTITLA:** Yes.

**GROENE:** You dealt directly with the testing company?

**ALEJANDRA AYOTITLA:** That was the curriculum that we had, yes.

**GROENE:** And when you gave a test, did you administer the test also?

**ALEJANDRA AYOTITLA:** No, they had to go to Southeast Community College for their exams.

**GROENE:** And the college charged them a fee?

**ALEJANDRA AYOTITLA:** Yes--

**GROENE:** Oh, thank you.

**ALEJANDRA AYOTITLA:** --and also the practice exams.

**GROENE:** Thank you. Any other questions? Thank you.

**ALEJANDRA AYOTITLA:** Sorry, the company-- my bad, the company was the one that took the, the testing fees and the registration fees for the exams.

**GROENE:** But they went to the college to take the test?

**ALEJANDRA AYOTITLA:** Yes.

**GROENE:** Thank you. Any other proponents? Opponents? Neutral? You're an opponent or neutral?

**BRIAN HALSTEAD:** Opponent, sorry. Good afternoon, Senator Groene, members of the Education Committee. For the record, my name is Brian Halstead, B-r-i-a-n H-a-l-s-t-e-a-d. I'm with the Department of

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Education. We appear here only in opposition to the way the bill was drafted. The entire topic of adult education and ensuring all of those, in the past, who did not earn their high school diploma is important to us. As Senator Vargas has pointed out, the state of Iowa has recently come up with a competency-based approach and we'd certainly love to see, when he gets the information, how Iowa accomplished that because it's a topic the state board looked at several years ago about competency-based education, K-12 also. So the opposition we're proposing-- as you can see, there is a cost if we're going to have multiple tests and equating the results from different exams to ensure that whichever test you take still measures the same knowledge and abilities. And that's our opposition. I'd be more than happy to answer any questions.

**GROENE:** Questions? Senator Linehan.

**LINEHAN:** The Department of Ed doesn't administer the tests, though?

**BRIAN HALSTEAD:** No, we do not administer it. The budget for the Department of Education contains funding that is utilized to pay for coursework and training of individuals in order to pass an equivalency test in order to be issued a high school diploma by the Commissioner. But we don't do that. Most of that funding goes to community colleges in Nebraska. I believe Crete Public Schools and Schuyler may also get a little bit of the adult ed funds in that regard. But we are not the ones who are directly working with the individuals. There's a number of other organizations, I think you heard here today, that help support individuals who are trying to learn and eventually get the high school equivalency from the Commissioner.

**LINEHAN:** So who made the decision that it had to be on a computer versus pencil on paper?

**BRIAN HALSTEAD:** That decision came to the state board in 19-- no, excuse me, 2014 or '15 because by statute, they promulgate the rules and regs for the adult ed funding and what it takes to get the high school equivalency diploma from the Commissioner of Education. So at that time, GED was the only test. There are now others out there and I think you've heard there are two other testing companies.

**LINEHAN:** But if I'm in Wyoming, can I take the GED with pencil and paper?

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**BRIAN HALSTEAD:** I can't speak to Wyoming in that regard. What Wyoming has said and what they require for a high school--

**LINEHAN:** So it's not a federal-- that it has to be on a computer; it's up to each state?

**BRIAN HALSTEAD:** No, this is each--

**LINEHAN:** It's up to each state?

**BRIAN HALSTEAD:** Right.

**LINEHAN:** So the state of Nebraska could allow people to take it with pencil and paper if they so decided to do so?

**BRIAN HALSTEAD:** Right, that's possible.

**LINEHAN:** And that would be the state board?

**BRIAN HALSTEAD:** Right, the board is the one who promulgates the rules.

**LINEHAN:** Can the Legislature say they-- say the board has to do that?

**BRIAN HALSTEAD:** I'm sure you can enact a statute to tell us to do paper-pencil and online. We'll be back to the same issue of equating because they're not administered the same way. And now we're into the psychometricians and the testing experts as to whether a paper-pencil test and what it asks and computer-based-- that's beyond my expertise. Some of that, I think, has tried to be accomplished in the fiscal note that was there. But this is a world I don't--

**LINEHAN:** It is concerning, though, wouldn't you agree, that we went from 150 people getting their GED down to 0 or almost 0?

**BRIAN HALSTEAD:** So in the sense of everybody was well aware before 2014 that the old test was going away-- so as you've heard, there were lots of people who quickly signed up to get that. And then when the higher-rigor test came out, there was anticipated-- it was going to be more difficult. It was going to take more work.

**LINEHAN:** So you think it's because higher rigor, not because it's on a computer?

**BRIAN HALSTEAD:** I can't speak to the-- why a computer and everything else-- I can understand if you are not--

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**LINEHAN:** Um-hum.

**BRIAN HALSTEAD:** --using a computer, you are not adept in using a computer. That's going to present a different challenge than paper or pencil. I'm not-- I can't give you why--

**LINEHAN:** So all the people who are poor and didn't-- couldn't finish school because they had to work for the family, but they don't have a lot of computer skills?

**BRIAN HALSTEAD:** I-- Senator, that's probably true. And as you're well aware today, if you don't have the ability to operate a device in our society, you've got greater challenges because almost everything now is no longer even done on a computer. It's done on a device in your pocket, which presents its own challenges for someone as old as me to figure it out too. So--

**LINEHAN:** Thank you.

**BRIAN HALSTEAD:** Yeah.

**LINEHAN:** Thanks.

**GROENE:** Senator Walz.

**WALZ:** That was my question.

**GROENE:** So we narrowed down that the Department of Education made this choice to only offer it on a computer?

**BRIAN HALSTEAD:** Again, to-- I believe the rule came up for revision. The state board selected GED to be the test and that test was a computer-based test.

**GROENE:** GED doesn't offer it written? You can't print the test off the computer and then give it to somebody and then grade it?

**BRIAN HALSTEAD:** I'd have to go back and ask as to how that's done now, Senator. This isn't my area of expertise, but--

**GROENE:** But you don't know how it's graded. In the written section, some, some teacher has to make a subjective grade on a computer to do it. So I'm-- there's a lot of skills, too, that you don't need to be a real fast typer. You just need to run an ATM machine or something. But you do know-- the employer needs to know that you can have the

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aptitude to learn and that's what the GED does. So we can talk about it off camera.

**BRIAN HALSTEAD:** [LAUGHTER]

**GROENE:** Senator Brewer.

**BREWER:** Thank you, Mr. Chairman. Have you had a chance to look at the fiscal note on this?

**BRIAN HALSTEAD:** I brought it with me, I didn't--

**BREWER:** Estimates-- it estimates that this project will take a total of three years and \$10 million to be fully implemented for the new tests. So we're talking about--

**BRIAN HALSTEAD:** --skills-based competency, which is an entirely different concept than the current, or frankly, how you aren't judged on the test question. It's in your competence in an area. So that is-- as Senator Vargas pointed out, that's the big-dollar item because that's never been done in Nebraska before. So there is a cost to try to do that. I'm interested, if Senator Vargas can find out from the state of Iowa, how they went about developing a competency-based high school equivalency test. We certainly would look to see to that because we're not looking to run up costs just to run up cost. If they've done some of the work, that would certainly be a help.

**BREWER:** Well, no, I guess my point was that if we're going to have an option of a paper test or spend \$10 million, I'd go for the paper test. But let's see what shakes out when Vargas gets up here.

**BRIAN HALSTEAD:** [LAUGHTER] Absolutely. I-- what I can tell you is, Senator, when the department moved away from paper-pencil tests for K-12 education under the Quality Ed Accountability Act, we had a study done on was there a difference in students who took paper-pencil and students who took online or computer based to make sure that the two methodologies were not creating a problem. We quickly learned from that test that students who did it online with a computer scored better, got higher proficiencies than paper-pencil, which immediately raised issues with the comparability of the results, which is why all of the high school tests are now online, unless you happen to be part of the one percent who have disabilities, who do not have the ability to do that. So I'd like to tell you testing is cheap, but it's an expensive item.

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**BREWER:** I understand, thank you.

**BRIAN HALSTEAD:** Sure.

**GROENE:** Any other questions? Thank you, sir. Are you an opponent?

**SCOTT SALESSES:** Yes, Mr. Chairman. Senator-- Chairman Groene and members of the Education Committee, my name is Scott Saleses, S-c-o-t-t, last name, S-a-l-e-s-s-e-s. I'm with GED Testing Service. We're the owners/operators of the GED test. I'd just like to make a brief statement here and then answer any questions I can. The GED test was overhauled in 2014 to ensure that adults in Nebraska and nationwide have the skills needed for today's jobs, job training programs, and postsecondary education. We believe the GED test is serving Nebraskans well in preparing them for these next steps, whether it's going on to jobs, job training, or postsecondary. We have done various research with the National Student Clearinghouse on enrollment in postsecondary. And what we've seen at the national level-- and this included Nebraskans as well-- was that almost half of those who are passing the GED test are going on to postsecondary within four years of passing the test, which is higher than it used to be about a decade ago. More importantly, we've seen that those who are going on to postsecondary, 90 percent continue to be enrolled semester to semester, which tells us that they are prepared to be there, which is one of the big problems of the old GED test and why we overhauled it in 2014. We want as many people as possible to be coming-- earning their high school equivalency. We think it's vital to economic development. We think if the Legislature is looking for ways to increase test-- GED testing volume, high school equivalency testing volume, we think that-- as some suggestions that have worked in other states are helping out with costs related to testing, with childcare and transportation, with increased marketing, and by encouraging employer participation in one of our GED works programs in which employers will provide study material and testing and practice testing for free. We've seen some of these things-- all of these things have some impact in other states in terms of increasing testing volume. I will add high school equivalency testing volume right now-- just to give you a little bit of the, the big picture-- has actually been declining regardless of what test you're using, regardless of what state you're in, generally speaking here, over the years due to two large factors. One, the current job market is, is historically good and people will typically choose jobs over education. Number two is high school graduation rates continue to increase in most states and

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more people are graduating from traditional high school than they did in the past. So I think those are the two big reasons why high school equivalency testing, regardless of state, has been generally declining over the, over the years, whether the test is available exclusively on paper-- excuse me, computer or if there is a computer and paper option. With that, I'll try to answer any questions that you all may have.

**GROENE:** Questions? Senator Linehan.

**LINEHAN:** Do you know the number of students with a high school degree that would take the GED and pass it? Do you ever do that? Like, here's 100 students who just graduated from XYZ high school and they took it, did they all pass it?

**SCOTT SALESSES:** We do. So Senator Linehan, that's a, that's a good question. So when we unveil a new GED test, we do what was called the Standardization and Norming Study, which is ultimately determined-- what the pass-- passing score is. That standardization norming study is done with graduating high school seniors because it is a grad-- it is a high school-- graduate high school equivalency test. So that, that study is done with graduating high school seniors. It was done in the summer of 2013 with graduating high school seniors from across the United States, including, I believe, some folks from Nebraska.

**LINEHAN:** And they all passed it?

**SCOTT SALESSES:** They do not all pass it. So generally speaking, about 60 percent would pass on their first attempt. The other 40 percent may be able to pass it, but it would take them multiple attempts to pass one or more subject areas.

**LINEHAN:** So you're saying you have to be able-- wouldn't that say that you have to have more knowledge to get a GED than it does to graduate high school?

**SCOTT SALESSES:** We don't believe so because, again, many people who are in high school, they, they could pass the test. They just may require more than one attempt. We did revise the passing score in 2016 after being-- we came up with the new test in 2014-- excuse me, 2016. We did alter the passing score from 150 to 145 based on research we've done, conversations with states. And one of the direct concerns there, Senator Linehan, was to make sure we were not requiring a higher bar for those passing the GED test than we were of high school seniors. So

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we revised the passing score from 150 to 145. And that was to make sure we were capturing those people who could graduate from high school, maybe towards the bottom of their class, but they could graduate and make sure that we weren't asking more of them than typical high school graduation.

**LINEHAN:** Did you have differences in subgroups, say people of color, low income? Did they have a harder time passing the GED than people that-- of--

**SCOTT SALESSES:** Right, yes.

**LINEHAN:** --other students?

**SCOTT SALESSES:** I don't have the data-- you're referring specifically to that standardization and norming study?

**LINEHAN:** I am not-- I'm just asking if you had a group of 100 students and 20-- you said 40 percent of them had difficulty passing the tests. What were the-- what was the demographics of that 40 percent that was having trouble passing tests?

**SCOTT SALESSES:** Right. I do not have that information off the top of my head. I'm sure I could go back to our assessment coordinator and get more information on that.

**LINEHAN:** I would like to see the breakdown on the 40 percent.

**SCOTT SALESSES:** Sure. I'm sure we could get more information on that.

**LINEHAN:** OK, thank you much.

**GROENE:** Any other questions? So let's clarify-- you offer written or on the computer?

**SCOTT SALESSES:** So as of 2014, we offer a computer-based-only test. The only exception with that would be-- we do offer a paper-based exam if somebody has a diagnosed disability that would prevent them from taking the test on a computer. That is a, a fairly-- pretty small amount of folks.

**GROENE:** Do you have a time limit on each section?

**SCOTT SALESSES:** We do have a time limit on each section, correct. Yes.

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**GROENE:** When it was written, did you also have a time limit?

**SCOTT SALETTES:** Correct, we do. Yes, there's always been a time limit per subject area for people to--

**GROENE:** What's that?

**SCOTT SALETTES:** There's always a time limit per subject area, yes.

**GROENE:** So the Department of Ed is off the hook. They couldn't offer it in a written-- Nebraska Department of Ed could not have offered it in a written version?

**SCOTT SALETTES:** Correct, correct.

**GROENE:** Why was that decision made?

**SCOTT SALETTES:** Our decision on moving to a computer-based test was a couple of things. One, we believe that in this day and age, that having basic technology literacy skills are paramount; that, you know, many jobs, just the application process itself is an online-only application process. And we've seen in some states that applying for social services or other, other government, government aid might be exclusively available-- you apply online. So we feel, though, that there is a basic need for, for people to demonstrate basic technology needs. We're asking them-- pretty, pretty basic elementary technology skills and we think those are fundamental for people to succeed.

**GROENE:** What portion of your, your test is written answers?

**SCOTT SALETTES:** So the, the one place where there is a response required that would be written, or typed in this case, would be on the language arts exam. There is 45 minutes that they have to complete a-- it's sort of-- if you want to call it an essay. It's what we call an "extended response" in that piece. But that is a portion of their overall score on their language arts exam. I just wanted to add that having the test on the computer does have a number of benefits in terms of-- scores come back, almost instantaneously, within a few hours. Test takers have their scores back and they also have a detailed score report which provides to them actionable information as to how they could improve if they did not get a, a passing score.

**GROENE:** So if 60-- I actually appreciate that I heard it takes a year of study to pass it. There's effort there, pride after you pass it. If you wanted to send in ten box tops to get a degree, I guess we could

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do that too. But those ladies who testified earlier can be very proud that they passed the test because they took a year to study it. And the employer knows they took some effort to pass it. But anyway, so there's-- did you lengthen the amount of time on the written portion from-- versus the written or is it-- was it the same amount?

**SCOTT SALESSES:** So for the written portion, we-- it's always been 45 minutes. And we've done a lot of analysis on this and looked at it and the biggest problem we see is that people aren't actually utilizing the full 45 minutes as opposed to they're running out of time. They're just-- they're not fully utilizing the time. We don't see so much that they're running out of time. It's more that they're not fully utilizing their time.

**GROENE:** These other companies that now compete with you, what's, what's their origin? I mean, where did they come-- is it a university or is it just a private company that came up with the test or?

**SCOTT SALESSES:** Yeah, they're, they're both private companies.

**GROENE:** And you're a private company?

**SCOTT SALESSES:** We are, yes.

**GROENE:** So who do you associate with in the education establishment to create this test?

**SCOTT SALESSES:** So that-- before-- a lot goes into this and I can get-- I could provide you more detailed information on this, Chairman Groene, but we consult with all sorts of, of folks involved-- K-12, higher ed, Department of Education-- before this test was developed. There are lots of-- many, many stakeholders who provide input into this as it's being developed.

**GROENE:** The fee increase-- we also heard-- why did you increase the fees? It sounded like--

**SCOTT SALESSES:** Um-hum.

**GROENE:** --the assumption is you increased it quite a bit.

**SCOTT SALESSES:** Yeah, I think, I think the model changed a little bit in terms of many of the services that the state was handling in the past. We took over and are now handling in terms of people registering for the test, scheduling for the test, things like that were things

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that oftentimes, that the state handled in the past, something-- now it's all handled through us. So not to--

**GROENE:** So--

**SCOTT SALESSES:** --give too many details--

**GROENE:** Does it vary state to state?

**SCOTT SALESSES:** It does; it varies widely from state to state, from states who charge-- who subsidize the costs fully all the way up to states who are charging \$160 per state. So it really is-- there is a wide variance in, in cost across the country.

**GROENE:** How many sections is there, four?

**SCOTT SALESSES:** Four parts to the test, correct.

**GROENE:** What's the total cost--

**SCOTT SALESSES:** The total cost to the individual?

**GROENE:** --in Nebraska?

**SCOTT SALESSES:** The base price? Yeah, \$120.

**GROENE:** Thank you. Any other questions? Senator Murman.

**MURMAN:** Thank you, Senator Groene. Do you have any comparisons as to your cost compared to the other-- I guess there's two other companies close--

**SCOTT SALESSES:** Correct.

**MURMAN:** --in states where you, you do-- they do charge full cost, I guess?

**SCOTT SALESSES:** Yeah, it's, it's-- I guess my answer, Senator Murman, would be the same in terms of it varies as our test varies in different states fairly widely. I think these other tests kind of have the same variance as well in terms of some states may be fully subsidizing, where other states are adding state fees onto the cost of the test. So it does-- it, it does vary widely.

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**MURMAN:** OK, but in states that allow all three tests, I assume they're funding them the same so how do you compare in those states?

**SCOTT SALESSES:** Correct. So as-- to my understanding on their pricing now, I, I believe-- and I, I can't speak authoritatively to the cost of these other two, two tests. I do know in some states, I have seen where multi-tests are available that the, the paper-based tests for one of the other providers is, is a comparable price now to our GED test price. Their computer-based price, I believe, is, is, is, below us-- similar, but below us.

**MURMAN:** And also, do you have any comparisons as to the number of students that passed your test compared to the other two tests?

**SCOTT SALESSES:** We do in terms-- overall, I mean, we, we-- the GED test is available in 40 states across the United States. The other tests are available in, in fewer. So it is a bit of an apples to orange comparison in terms of, you know, we're not in an equal amount of states, but we still are in 40 of the, of the 50--

**MURMAN:** Right.

**SCOTT SALESSES:** --states in the US. We're passing-- last year-- Senator, I can get you a number. I don't want to give an erroneous number in terms of our total tests passed last year nationwide.

**MURMAN:** OK, I think I might have asked the number of students. I meant, meant the percentage of the students that passed your test--

**SCOTT SALESSES:** Ah.

**MURMAN:** --compared to the other tests.

**SCOTT SALESSES:** I do not have that. I can, I can tell you this, that the pass rate from 2014 to current in Nebraska for the GED test is 90 percent; so quite impressive. It's, it's above the national average. The national average, I believe, for that time period is around 87 percent. So Nebraska is above the national average in terms of, of individuals passing the GED test. I think it's an impressive pass rate.

**GROENE:** Are you in Wyoming?

**SCOTT SALESSES:** We are not in Wyoming, we are not.

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**GROENE:** Thank you. Any other questions? Thank you, sir.

**SCOTT SALESSES:** Thank you.

**GROENE:** Any other opponents? Neutral? Senator Vargas, would you like to close on your bill?

**VARGAS:** Yeah.

**GROENE:** Now I'll read this; we had one letter of support for LB1153 from the Center of Americas. There was no opposition or neutral.

**VARGAS:** OK. Are we ready? OK, so this was a great conversation. The intent of this bill is to make it-- to make sure that we have-- we are keeping up to date with options for people to get high school equivalency so we can get more people into jobs. That's what we're trying to do. Now a couple things that I want to try to clarify: one, the options that we're expanding are all valid and rigorous assessments, OK? So we're not saying the GED wouldn't be able to be an option, we're just saying that there would be other options available. Two, we're not alone in doing this. Since 2014, we've seen several other states either open up to all three tests, exclusively choose one test, or exclusively choose to stay with the GED. But 27 states have expanded their options beyond just the GED. There are-- and you've heard-- ten states that just decided that they're not going to use the GED at all. One of the statistics that is the most compelling as to why this is needed: after 2014-- this is just a point of information-- at one point, GED became a for-profit company and in that-- it was the same time that there was an assessment, they went to the all computer based. Now when they went to all computer based, states started to then look at other alternative tests. And in that-- over those couple of years, the percent share of completions have dropped in Nebraska as a result of, of the GED test still being in place was significant. I want to make sure I give you the exact, exact number here. Compared to the states that switched exams to some of the other exams we stated, Nebraska lost nearly 25 percent more completers than the worst comparable state that switched to an alternative exam. Basically, we had a lot more individuals that chose the other exam. And, and GED, where the rate of completion actually taking the exam and then passing it, decreased substantially. We heard that there was a big drop in the number of completions across our state. And then we also heard stories from individuals that shared what it felt like when you didn't have the option to be able to do it in paper and pencil. We heard what it feels like when you may not have full-- the full-- the ability to then

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use it on a computer. Not every single assessment that is in our current K-12 system is on a computer, but we're requiring it for this exam. It's the reason why other states realized that they needed some other choices available so that they're not creating more barriers for people to then get the equivalency of a diploma or the equivalency of a high school graduation so that they can then go to work because the numbers-- in the Department of Labor, numbers that I stated earlier show 50 percent-- a little bit more than that-- or more of jobs that are currently available in our state require a high school diploma in some way, shape, or form. We just want to make it easier for people to get that high school diploma equivalency. That's what this is all about. The only other things I wanted to make sure that I-- to, to hamper on here is the clear need-- there's a clear economic development need. There's a clear need for workforce development. I don't think it should be such a hard barrier for us to open up to these other options. We would not be alone in doing that. The tests continue to be valid and rigorous. And I think, overall, what you're hearing is it is the best option to move forward. I did look up because I wanted to make sure that we're looking at the numbers-- Senator Murman, you asked on the cost. The other two assessment options are hands-down cheaper. So the question is what's, what's the barrier for them providing these other options in our state? It's a cheaper option for all of our students that might be wanting to take this test. And to clarify for some of the individuals that tested here, one of them did say they took the HiSET in Wyoming. The other one also took the HiSET in Wyoming. The GED is not available in Wyoming and they went to Wyoming to take this test. Colleagues, I really ask for your help and support to get this bill passed. There is a clear need. I'm happy to work with the Department of Ed on their concerns for the-- both the technical or to see what it cost Iowa to create the competency-based equivalency. But I'll tell you, there's about ten other states that have went down the route to create some sort of competency-based equivalency within their Departments of Ed too. Iowa happens to be one of the ones that is the closest to us. So we can talk to them. I'm not worried. And my hope is it doesn't cost as much as the fiscal note says. But their due diligence is to make sure that they're not under selling what it could cost to do what we're asking them to do. So with that, I'm happy to answer any questions, but hopefully this is really clear and I've addressed some of these outstanding questions you, you already had.

**GROENE:** Senator Linehan.

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**LINEHAN:** Thank you, Senator Groene. Would you-- the gentleman with GED, the company, said that he had the breakdowns. Could you see if you could get the demographics? You said 60 percent of graduating seniors pass the first time, which means 40 percent didn't. Could you get the demographic breakdowns of the 40 percent that struggle with passing it the first time?

**VARGAS:** Yeah, we can. Although I'll say anecdotally, we had testifiers that did come. And for the organization that, that helps Latinos in the community to then pass it, they saw a significant drop in completion successfully since the 2014 change.

**LINEHAN:** And I'm just wondering if it--

**VARGAS:** Um-hum.

**LINEHAN:** --you know--

**VARGAS:** Yeah.

**LINEHAN:** --so you can provide us this. OK, thank you.

**GROENE:** Senator Kolowski.

**KOLOWSKI:** Thank you. Senator Vargas, on the question of-- I would look at the conferences and, and how they react to different tests.

**VARGAS:** Um-hum.

**KOLOWSKI:** Is there a gradation? Did you come across anything as far as how the Big Ten handles this compared to the Big East or the west coast or the south or any other part of the--

**VARGAS:** I couldn't tell you if there's a Big Ten orientation to one of the tests or the other, but we're happy to give you-- and we'll also reference the Appleseed report that gives the high school equivalency exams allowed in each state. Now I'll tell you, the trend is making most of the assessments available. And again, there are some states that are just making one of each test available. But there's no reason why the state of Nebraska couldn't make these two other tests available for, for Nebraskans.

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**KOLOWSKI:** I wonder if that hasn't been researched in-depth enough to find out that there is a difference between conferences and sections of the country in all those?

**VARGAS:** I'm happy to look into it, but I'll tell you, it's kind of, it's kind of-- at a cursory glance there, I'm not seeing a trend. I'm actually seeing states making independent policy decisions to make sure there's access to, to different exams.

**KOLOWSKI:** Thank you.

**GROENE:** Senator Brewer.

**BREWER:** Thank you, Mr. Chairman. All right. Taking a look at these other two tests, whether this-- what was the test you said in Wyoming, a HiSET test?

**VARGAS:** Um-hum.

**BREWER:** Can they take a paper test on either of those or are they digital also?

**VARGAS:** Let's see, HiSET, you can take a paper and pencil and you can take a computer-based one and for the TASC-- I'm just making sure I'm checking here-- I believe-- I have to double check because I'm trying to-- available in computer-based and paper-based format. So the other two tests are available in both formats.

**BREWER:** And the cost, do you know what they cost for those others? I assume they're less than \$120.

**VARGAS:** There are some different costs for the paper based versus the computer, but both of those options, for the HiSET and the TASC, are cheaper than the GED.

**BREWER:** OK. Well, you, you can see why you get a little gun-shy with the price tag at \$10 million. And you would think if they've already invented the wheel, we would just figure out how the wheel was invented, but we'll see what we can get from Iowa.

**VARGAS:** And that's-- and, and just to make sure I'm making this clear, I think what we heard from the Department of Education is the price tag is more associated with creating a new assessment that's based on competency. This allowing of the tests-- I did not hear that there is

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a price tag associated with that. That's a separate issue, but your point is taken.

**BREWER:** All right, thank you.

**GROENE:** Any other questions? My question gets back to-- that the GED or whatever the-- has value to that person. Is one of the reasons you want to do these other tests because there's less vigor to it?

**VARGAS:** No.

**GROENE:** Well, you said there was changes to the GED that made it harder to pass in areas.

**VARGAS:** I think it's factually accurate to say that the changes to the GED led to fewer completions. What I want to make sure is that we have an array of options available for people to then pass some sort of high school equivalency so they can get into jobs that require high school equivalency. That's what I want. And since looking at the research on what other barriers are in other states, they said, OK, well, GED is one option we have. What is the harm in us expanding to different options? And so that's why I introduced the bill. It didn't-- it wasn't a negative impact on, on people for expanding the options. It just meant students now have another, another option to then pursue and, and that, that led to higher completions in other states. That's all I really want to do with this.

**GROENE:** But that leads to the question, is the vigor the same as the GED?

**VARGAS:** All three of these tests are, are, are valid and reliable and are created by either some assessment company-- and I want to make sure I'm getting this right. I believe the HiSET, the TASC-- HiSET is the Educational Testing Service. You might be familiar with that. They make other tests. And the TASC is, I think, McGraw-Hill, which also makes assessments and textbooks and things like that. The GED is also a private company that creates this test. There's enough-- and we can find the research. These are all rigorous exams. That's all I'm trying to tell you.

**GROENE:** It's been vetted a lot longer than these other tests and these stood up to them. You know, I was impressed that 60 percent of them passed because in my community college, 40 percent of the entry-- 40 to 50 percent of the entrants at the community college have to take

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courses, but they get no credit for it because they're not efficient in certain courses.

**VARGAS:** Um-hum.

**GROENE:** So that 60/40 test results on the GED is pretty true to the reality of what's going on. And I was really impressed that the kids would get a GED, that people do actually continue on in their education. That tells me the preparation for the GED-- that over-- that year of time does prepare them.

**VARGAS:** Um-hum.

**GROENE:** I'd have to be convinced these other tests do the same thing.

**VARGAS:** We don't have any data that tells us that those tests don't do those same things. That's why it's been expanded into other states. I simply want to make sure that there are other options so that people get the high school equivalency. And if they get the high school equivalency, then they can get into the jobs. And we have-- we are sorely in need of more people to fill our unfilled jobs right now. I don't-- I have not seen literature that tells me there's any concern with the rigor of these other tests. Otherwise, I will tell you the 27 other states-- I do have confidence that they would have changed their manner of which tests that they did in option. And again, some other states decided not to go with the GED at all after 2014.

**GROENE:** Thank you. Any other questions for the Senator? Thank you, Senator Vargas.

**VARGAS:** Thank you very much, Chairman Groene, members of the committee.

**GROENE:** Senator McDonnell, whenever you're ready.

**McDONNELL:** Chairperson Groene and members of the Education Committee, my name is Mike McDonnell, M-i-k-e M-c-D-o-n-n-e-l-l. I represent LD 5, south Omaha. LB1111 is a bill designed to help public schools and school districts to raise private funds to promote career opportunities through internships, mentorships, or job training activities. AM2335, which I have provided to the committee, replaces the bill and clarifies our intent and funding. Recently, Nebraska businesses, community, and economic development leaders came together to create Blueprint Nebraska, which is a strategic plan to grow our state's economy. One of the priorities of Blueprint Nebraska is to

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continue leading the nation in Pre-K-12 education. One of the high priority issues in the strategic plan was to grow public-private workforce partnerships that will grow more internships and apprenticeships or customized workforce opportunities that are needed in our economy. The desire to increase collaboration between business, nonprofits, and education is a priority I share. Partnerships such as this will give young people the best odds to find careers in the workforce. We know that in addition to the in-demand skills, our students need guidance and support as they find their interest and talents. For these reasons, I introduced LB1111 as amended by AM2335 to create the Nebraska Public-Private Partnership for Common Schools Fund. After meeting with the business leaders and local education leaders, the desire for our state government to have more skin in the game became clear. After meeting with state officials and working with our partners, we started looking at modernizing our approach [SIC] of the Temporary School Fund to help free up funds for local schools and school districts to aid as, as a match for contributions they receive. This will help schools raise funds for projects that benefit their students by allowing them to tell potential partners that the state is willing to partner on their goals. We're working with the Attorney General's Office to see what flexibility this body has in using these funds in such a manner. The Temporary School Fund is made up of earnings and interest to the Common School Fund, which currently has over \$2 billion in assets devoted to support public education in Nebraska. AM2335 to LB1111 limits the funding to only the interest earned on investments made by the State Investment Council on Temporary School Fund as it sits waiting to be distributed to the common schools of Nebraska, as current statute dictates. In 2019, the Nebraska Department of Education disbursed \$49 million to all 244 school districts across the state based on the last census. Under AM2335, this distribution would have equaled \$129 per student for each school district across the state. The interest earned from the Temporary School Fund while sitting in the account waiting for disbursement by the state would have been approximately \$1.86 per student. It is this \$1.86 that would be set aside for the purpose of creating a public-private partnership. Private donations would allow the \$1.86 to be matched by private funds, equalizing a minimum of \$3 and \$72 [SIC]-- \$3.72 per student, but it could be much higher because there is no limit to how much money the private sector may be asked to contribute. LB1111 as amended increases the total number of dollars spent in support of our common schools and helps address the current workforce crisis in our state by giving greater opportunities to students. Students need support, skills, and mentorship to fulfill

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their full potential. I hope you join us in considering our resources and the most effective way to incentivize those resources and strategies; the best ways to invest them. This new fund is not meant to be a competitive grant for our public schools, but money put aside for schools to create their own collaborations and have a little money set aside by the state for them in order to help them raise funds from the private sector and partner with nonprofit service providers. Also here to testify on mentorship and its importance in helping kids find the guidance they need as they prepare for their lives and careers is Dr. Tom Osborne from Teammates. I'm willing to work with the committee on how to improve this bill and, and try to answer your questions. Thank you.

**GROENE:** Questions? Senator Brewer.

**BREWER:** I see we have an amendment here. This is, like, negotiated, fixed things that were needing to be fixed in the bill itself?

**McDONNELL:** So if you look at AM2335 that I handed out, there was a number of input since I introduced this bill in January. And that's an attempt to bring people together, listen to their ideas and concerns, and try to improve the bill. So please reference AM2335 when you're looking at the bill.

**BREWER:** All right, thank you.

**GROENE:** Thank you. Any other questions? Will you stick around--

**McDONNELL:** Thank you.

**GROENE:** --for closing?

**McDONNELL:** I'll stay for closing.

**GROENE:** Proponents.

**TOM OSBORNE:** Thank you, Mr. Chairman and members of the committee. My name is Tom Osborne, T-o-m O-s-b-o-r-n-e. I'm here to testify in favor of LB1111. And first of all, let me just say that many studies have shown that the return on investment for mentoring programs is as high as 9 or 10 to 1. And I'll flesh that out a little bit as I go along. And I'm using, primarily, data that we use from Teammates, research which has been gathered over the last 17 years; first by Gallup for five years, then our own research has been pretty much identical. So first, I'll list the results that we've seen. In about 85 percent of

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our matches, we found that attendance improves with mentoring. And with improved attendance, on average, grades improved, graduation rates improved. A young person with a mentor is 56 percent more likely to go on to college than someone from similar circumstances, same demographics, who does not have a mentor. So it enhances the opportunity to go on to higher education, certainly. And we also found that graduation rates improved significantly. For instance with Teammates, last year, we graduated 700 kids; 95 percent graduated. That's significant because over 70 percent of those young people are free and reduced lunch and over 70 percent are from single-parent or no parent families. We would normally expect that demographic to have a graduation rate, maybe, in the 75 percent range. So that's quite an improvement. And so secondly, we found that in about 85 percent of our matches, behavior improved. There was less classroom disruption, less substance abuse, less teenage pregnancy, less criminal activity, and so on. And we think that's significant. And then thirdly, we found that students who had a mentor are much more hopeful, much more optimistic about the future. That seems like a very simple thing, but a lot of kids don't have much hope in their life because of their circumstance. And so when you have hope, you begin to see some light at the end of the tunnel and you can maybe someday have a good education, can maybe someday have a good job, maybe have a, a good life. And when you don't have hope, you tend to fill your life with all the wrong stuff. And so we run into that a great deal. And so we use Strength Finders from Gallup. We, we try to identify strengths because a lot of kids don't realize they have any and we build on those strengths and we often use those strengths to think about college curricula, majors, occupations, and so on. Safety is a big factor with Teammates and we've mentored over 42,000 kids since inception and this goes back 28 years. So far, we've not had a single case of mentee abuse; where somebody has taken advantage of them who's a mentor. And so our average cost per match is about one-third the national average. We think that's good. Our average length of match is about three times the national average and we think that's important as well. So the thing that I want to mention, too, is-- that is probably most important is, is this: the average high school dropout costs society-- according to a study by Northeastern University, the average cost is \$292,000, almost \$300,000. That's over the course of that young person's lifetime. Now that's unemployment, that's Medicaid, that's aid to dependent children, sometimes incarceration, and sometimes substance abuse treatment. So that's a big price tag. And so by looking at the numbers, our demographics, graduation rates, what we're saying is that that 95 percent graduation rate with kids

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who have a lot of challenges probably would lead us to believe that we graduate at least 125 young people out of that 700 who would not have normally graduated. If you multiply that 125 by \$292,000, you'd come up with a figure of \$36 million. And maybe you'd say, well, that's got to be inflated. But that isn't inflated, those are the actual numbers. And so when you think about return on investment to the taxpayers, we think this is highly significant. And so if you can use Mike McDonnell's bill and, and enhance things like mentoring-- because right now, every bit of funding we have is raised by us. There's no tax dollars there, no federal dollars, there's no state tax dollars. And so we think that we can really do a good job of utilizing these funds. And there are many other mentoring programs and ancillary programs that are very helpful to partnering with the, with the state. So that's basically what I want to say to you today. We, we hope that you'll look favorably upon this and give it a shot.

**GROENE:** Senator Brewer.

**BREWER:** Thank you, Mr. Chairman. First off, thank you for last year and LB511. The mentoring that you talk about, I think-- I know you're, you're-- I like to think football is the greatest legacy, but I'm not so sure, as far as changing lives, that the mentoring won't turn out to be even more important.

**TOM OSBORNE:** Thank you and thank you for your help on that bill.

**BREWER:** Oh, my pleasure, sir. Now, just out of curiosity, did McDonnell find you or did you find McDonnell on this bill?

**TOM OSBORNE:** We'd, we'd known each other before.

**BREWER:** Did you? And you still work with him? That's impressive.

[LAUGHTER]

**BREWER:** All right, thank you, sir.

**GROENE:** Any other questions? Just a curiosity question, sir.

**TOM OSBORNE:** Um-hum.

**GROENE:** What, what is your limit? What, what is your restraint? Is it the number of kids who are looking for a mentor or is it looking for volunteers that holds the program afloat?

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**TOM OSBORNE:** Well, probably the greatest need is for mentors. We, we always have about one-third more young people who want a mentor than we have mentors, but funding is also an issue. And so we're raising about \$3 million from scratch every year. And so that's something that we've spent a lot of time and a lot of effort doing and--

**GROENE:** If you volunteer to be a mentor, the money, then, is in training the mentor?

**TOM OSBORNE:** Um-hum.

**GROENE:** Is that where your cost is?

**TOM OSBORNE:** Training a mentor, recruiting mentors, background checks, references, screening references, and the safety thing is-- and then liability insurance. There isn't much-- not many companies anymore that offer liability insurance. So those are the, the basic costs. About one-third of our cost is, in-kind, from the schools because they provide a person in the school who signs the mentors in and out, does the matching, and, and helps us, sometimes, in recruiting.

**GROENE:** All mentoring takes place in the school building?

**TOM OSBORNE:** All in the school, right.

**GROENE:** So you can't take the kid fishing?

**TOM OSBORNE:** No, we don't, we don't do that. At one time we-- if we had parents sign off, but the problem is that--

**GROENE:** Liability goes up.

**TOM OSBORNE:** We have to be pretty strict in terms of your guidelines and so that's what we do. But this is not just about mentoring. It's about internships, about other things. But what I'm saying is there are a lot of people in the private sector who are contributing a lot of money, which really enhances the academic mission and helps enhance graduation rates in these kinds of, these kinds of things.

**GROENE:** So when you say-- if there's 700 seniors that were mentored, would that-- when would that student have entered the mentoring program, like, a freshman or--

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**TOM OSBORNE:** I'd say the average match is somewhere in a five-year range.

**GROENE:** Um-hum.

**TOM OSBORNE:** But we have a lot of them that are-- that have lasted ten years; start as young as third grade. I, I mentored a couple of kids from third grade through twelfth grade. I'm mentoring a couple of twelfth graders now. And, and so it makes a difference because I don't think the average person realizes some of the obstacles that these kids are facing. You know, the breakdown of the family has been huge. And right now, over half of our kids are living or growing up without both biological parents. That would have been unheard of 30, 40 years ago; 26 million fatherless kids in our country today and those kids are always going to be much more at risk than other kids.

**GROENE:** And you see Senator McDonnell's bill as a type of mentoring because you got a-- they, they identify a child who's good with his hands, but not very good in English that might find an occupation early on--

**TOM OSBORNE:** Well--

**GROENE:** --metal working or--

**TOM OSBORNE:** Right.

**GROENE:** --or welding or--

**TOM OSBORNE:** Yeah, I would say there's a, a fairly high percentage of these young people. So we, we gave away \$3 million in scholarships last year that we're partnering with to schools. A lot of them would be like Metro or Southeast Community College. And a lot of these are kids going into the, into the trades that seldom go into four-year colleges and universities. But a higher percentage do go into the trades. And as Senator Vargas mentioned earlier, you-- we're, we're really starving in the workforce for a lot of these, these people.

**GROENE:** Thank you. Any other questions? Senator Kolowski.

**KOLOWSKI:** Thank you, sir. Coach, good to see you.

**TOM OSBORNE:** Thank you.

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**KOLOWSKI:** I, I can speak from the mentoring aspect. My son, David, played for Frank Solich and, and he was a mentor of the year in Lincoln, which was a tremendous honor for him to receive that and that-- the skills he learned and the young man that he worked with, they're still connected.

**TOM OSBORNE:** Um-hum.

**KOLOWSKI:** And they still have discussions with each other. And, and that was a really remarkable time of his life to be able to do that while he was playing at Lincoln.

**TOM OSBORNE:** Um-hum.

**KOLOWSKI:** And I just want to thank you for that. I think it's really great testimony that you-- what you're all about.

**TOM OSBORNE:** Please thank your son for doing what he did.

**KOLOWSKI:** David is doing well.

**TOM OSBORNE:** Yeah, a lot of the original football players that started mentoring in 1991 are still in touch with those mentees. That's 28 years.

**KOLOWSKI:** Thank you.

**GROENE:** Any other questions?

**TOM OSBORNE:** Thank you.

**GROENE:** I don't know if I should call you coach, congressmen, or mentor, but it sounds like mentor--

**TOM OSBORNE:** Well--

**GROENE:** --is what you're proud of.

**TOM OSBORNE:** That's more complementary than most things I've been involved in.

[LAUGHTER]

**GROENE:** Thank you, sir. Any other proponents? Any other opposition? Is Barry Switzer here?

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[LAUGHTER]

**ANN HUNTER-PIRTLE:** He can take my spot.

**GROENE:** You're opposition?

**ANN HUNTER-PIRTLE:** Yes. Thank you, Chairman Groene and members of the committee. My name is Ann Hunter-Pirtle, A-n-n H-u-n-t-e-r-P-i-r-t-l-e. I'm the executive director of Stand for Schools. Obviously, nonprofits do a lot of great work in our communities, including partnering with schools to offer mentoring, afterschool programs, healthcare, and a range of other services. We support these aims and we thank Senator McDonnell for his willingness to work through our concerns and for addressing several of them in AM2335. However, LB1111 has still several conceptual and technical issues, in our view, so Stand for Schools opposes it in its current form. Because the amendment is not yet publicly available on the Nebraska Legislature website, we will share our concerns with the original copy, some of which are addressed in the amendment. And I'll note which are which. So we are concerned that the bill needs tighter definitions around the programs and organizations it's intended to assist, that it may have a detrimental impact on school funding, and that the current funding source may be unconstitutional. The goal of LB1111 is a bit unclear. We're not sure from the bill language what specific problem or issue the legislation is trying to address. Schools can already create public-private partnerships and many do. As written, the bill appears to incentivize school districts to partner with nonprofits by providing matching grants from the State Treasurer's Office. It appears that this amendment defines several key terms, which we appreciate, including the meaning of mentoring and internship. Senator Brewer did have a bill last year to define mentorship. We'd like to make sure that the definitions in LB1111 match up with those in existing statute, including the definition of nonprofit organization. Next, we have some concerns regarding the constitutionality of the funding mechanisms in both the bill and the amendment. Current statute establishes the Temporary School Fund as a holding fund for interest from the Permanent School Fund, which among other things, funds the TEEOSA formula. The same section refers directly to the Nebraska Constitution, which says that such funds "shall be used exclusively for the support and maintenance of the common schools." By designating a specific use for these funds related to the activities of nonprofit organizations, LB1111 may inadvertently run afoul of both existing statute and the Constitution. This concern

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might be addressed by having schools apply for grants through the Nebraska Department of Education, which could define how private donations and matching grants are to be accepted and distributed. The existing funding mechanism laid out in the bill would come from funds that currently go to state aid. The Temporary School Fund is currently used alongside the Permanent School Fund to provide annual equalization aid to schools among other aid. So deductions to the Temporary School Fund under LB1111 would decrease the overall amount of state aid available to public schools. With the amendment, we understand that the amount will be fairly minimal. But our concerns remain about using interest income that otherwise would go back into the TEEOSA formula in our understanding. It's also a bit unclear, in both the bill and the amendment, whether partnering nonprofits could designate a specific school district to work with. The way it works, in our reading, is the funds from nonprofits plus interest from the Temporary School Fund go into the new Nebraska Public-Private Partnership for Common Schools Fund. The bill is silent on the administration of that program, but we're having money being set aside for the specific purpose of matching nonprofit grants, rather than general state aid for schools. So for these reasons, we oppose LB1111. We support public-private partnerships and certainly mentoring. We believe the concept requires additional work to clearly define its intent as well as a defined funding source in the state budget that does not affect existing school funds. Thank you. I'm happy to answer any questions.

**GROENE:** Any questions? Thank you.

**ANN HUNTER-PIRTLE:** Thank you.

**GROENE:** Other opponents.

**MADDIE FENNEL:** Thank you, Senator Groene, members of the committee. My name is Maddie Fennell, M-a-d-d-i-e F-e-n-n-e-l-l, executive director of the Nebraska State Education Association, testifying against LB1111 on behalf of our 28,000 members. NSEA is in support of mentoring programs. In fact, I was a P4K mentor for OPS for the last two years. However, NSEA is against reducing the availability of funds for state aid, which would be in the neighborhood of \$600 to \$700,000, I've been told in this proposal, by removing this interest payment from TEEOSA resources. If passed, LB1111 would be taking public school funds and giving them to the Treasurer's Office to distribute. These are funds that are legally, based on the Nebraska Constitution, supposed to be managed and distributed by the Nebraska Department of

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Education. In addition, many school districts already support mentoring projects through their school district budgets by assigning staff to organize these efforts. In fact, NSEA has worked with the Teammates Program to help make sure that these things are covered in our school district contracts. We applaud the philanthropic support given to these programs. We do not support channeling resources away from TEEOSA. For these reasons, we oppose LB1111.

**GROENE:** Any questions?

**MADDIE FENNELL:** Thank you.

**GROENE:** Thank you. Any other opponents? Neutral? Senator McDonnell, would you like to close? We've received no letters on LB1111.

**McDONNELL:** Thank you. Part of my handout that you received earlier broke down looking at the common school funds at the, the \$2.1 billion-plus and it would-- if you look at the Temporary School Fund, that's approximate \$129 per student currently. It would take away the \$1.86 based on approximately \$700,000. Now if we, we start talking about this money and looking at the opportunities for internship, job training, and mentorship-- the idea of what we can do with the public-private partnership and trying to get these students focused and develop it with 244 school districts, that's not easy to do. So trying to have that school district look out and trying to streamline it and look at-- through the, the state of Nebraska, then we have some skin in the game. Now everything that has been brought up, we are willing to look at to try to improve the bill. Going back to 2016 and looking at the solar wind agreements, that was taking 51 cents away from every student in the state. Now was that done for training and for conferences? Absolutely. So trying to look at it and how that ran through the Department of Education-- we're open to any ideas this committee has. And, and the people that have been proponents and opponents, we're going to, we're going to work with them. But the idea that where we are right now as a state and you look at the metropolitan statistical area in the Omaha area, you have pretty much-- you have the baby boomer generation in the trades getting ready to retire. You have the projections-- in the next 15, 20 years, you combine those, those two and we're going to double our need. We have to do something quickly. And the idea of through mentorship and through job training and, and the internship idea, we-- there is an opportunity for a number of people-- and to be successful, we don't believe that you have to go to college. If your dream is to be an architect, you should go to college. It's your dream to be a nurse, go

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to college. But there's other ways to be successful without going to college. And one of those, those avenues is the-- going through the trades program. So trying to open up the idea of there's 244 school districts around the state-- there's different needs, there's different ideas, and giving them the opportunity to come up with this private partner-- private-- private-private partnership and reach out to the state and show that we are going to put some skin in the game and at the same time, making sure this money stays from the Common School Funds with the public schools, that's, that's the goal. So looking for any ideas you have on, on the way to get the ball across the, the finish line-- having Dr. Osborne here today and what he's done and what they're doing currently, but also knowing what we could do with the, the skilled trades throughout the state and the jobs that are available, it's, it's exciting for our state. But we also have to take that first step and show that we're willing to put some skin in the game. I'll try to answer any of your questions.

**GROENE:** Senator Linehan.

**LINEHAN:** So you're saying this \$1.86-- I'm sorry, thank you, Chairman Groene. And thank you very much for being here, Senator McDonnell. The \$1-- whatever it is-- 89 cents would-- you said \$700,000. I'm trying to see--

**McDONNELL:** OK, so if you look at, if you look at the-- currently, roughly the \$43.7 million--

**LINEHAN:** Um-hum.

**McDONNELL:** --comes to about \$129 per student throughout the state. We were looking at-- off the interest and earnings-- we were looking at the interest and earnings, which is approximately \$700,000, which is \$1.86 per student, approximately. So we were trying to concentrate on the \$1.86, roughly, the \$700,000, the interest-- off the interest and earnings off the \$43.7 million, which comes to \$129 per student. When they did the, the solar and wind, that was approximately \$196,000, which came to 51 cents per student. And that's approximately--

**LINEHAN:** I don't remember when the solar and wind-- so what you're saying is we take it from \$1-- \$130-some to \$129. We'd be giving each student less money?

**McDONNELL:** Definitely.

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**LINEHAN:** OK.

**McDONNELL:** But that money would be staying-- it all starts with the public school and ends with the public school. The public school would have to step forward and say, we have an idea and it's on, you know, training for this kind of job. And then they reach out to the private sector, develop the, the concept and what they need to, to complete the training. Then they reach out to the state for the \$1. Now also, we're not limiting the private sector to where it has to be. It's got a minimum of \$1, but at that point, the private sector could reach out and say we're going to match it with \$30. But we're trying to say that we are stepping forward with potentially "X," \$1.

**LINEHAN:** Did you ask the Attorney General for an opinion on this?

**McDONNELL:** I've been discussing with the Attorney General, our options, and I've not officially asked for-- but working with an individual from the Attorney General's Office, yes, I've met with them.

**LINEHAN:** OK, thank you very much, Senator McDonnell. Thank you, Senator.

**GROENE:** Any other questions? Are the organizations that you're thinking of-- I mean, for example, the trade unions, which are very good, almost like a community college themselves, are they working with the schools now?

**McDONNELL:** Yes, to a point. And we want to take it to that next level to where we're showing, again, the interest of the state with some kind of financial interest. But yes, they are. And-- but to look throughout the state-- east, west, north, south, all 244 school districts-- it's going to be a little different depending on what part of the state you're in; the idea of, of mentoring and also the idea of what kind of job training you're going to, you're going to want at that point. If a company is coming into your town and they're making widgets and there's potentially training that you have to do to make that widget, well, then that's when we'd want them to step forward as a school district and say we have this opportunity to work with this company A. And they're going to put money in and we're going to make sure that we have an agreement. But again, it all starts with and ends with the public school. And it's, it's what they need in their area. Now I can speak more in, in Legislative District 5 in the Omaha area and again, the need we need-- the need we have right now and how it's

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growing with the skilled trades. But I can't say that's the same throughout the state; east, west, north, south.

**GROENE:** In rural Nebraska, unless something has changed drastically since I've been here instead of there, they have work release. I mean, you can take-- a high school junior or senior can go and work in the afternoon and they get credit for that. That's basically a mentoring program. Doesn't OPS have that?

**McDONNELL:** There is, there is agreements through Metro Community College that have worked. There's agreements with the International Brotherhood of Electrical Workers. We're trying--

**GROENE:** Well, they've actually got a job. They're working with community members.

**McDONNELL:** I can get you the information, but right now it's more on the training aspect.

**GROENE:** All right. Senator Kolowski.

**KOLOWSKI:** Thank you, Mr. Chairman. Senator, just to reflect back on you, at least three times, you mentioned it's about the public schools. It's connected to the public schools. It's-- whatever you're talking about, it's connected to that.

**McDONNELL:** With the Common Schools Fund--

**KOLOWSKI:** Right.

**McDONNELL:** --and the temporary, it has to be with the public schools.

**KOLOWSKI:** Right and so there would be no-- as some of the different literature has shown-- connection to private schools in any way, shape, or form? This would be a public school direction, is that correct?

**McDONNELL:** Yes.

**KOLOWSKI:** I appreciate that, thank you.

**GROENE:** Any other questions?

**McDONNELL:** Thank you.

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**GROENE:** If you can show us the money, come back.

[LAUGHTER]

**McDONNELL:** I appreciate that. I'm going to Appropriations right now.

**GROENE:** Well, bring some back with you. That ends the hearing on LB1111. There was no correspondence.