

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 18, 2020

**GROENE:** Is it time to start? Excuse me. 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-- well, first, I have a couple of hearings-- confirmations, then we'll take up the bills as posted in the agenda. Our, our hearing today is your public part of the legislative process. This is your opportunity to express your position on the proposed legislation before us today. To better facilitate today's proceedings, I ask that you abide by the following procedures: please turn off cell phones and other electronic devices. Move to the chairs at the front of the room when you are ready to testify. The order of testimony is introducer, proponent, opponent, neutral, and then closing remarks by the introducer. If you will be testifying, please complete the green testifier sheet and hand it to the committee page when you come up to testify. If you have written materials that you would like distributed to the committee, please hand them to the page to distribute. We need 12 copies for all the committee members and staff. If you need additional copies, please ask a page to make copies for you now. If you are not going to publicly testify or, 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 will be using the light system; green-- in front of you-- will be for four minutes, yellow for one minute, then please wrap up and stop. You might-- you may receive questions from the committee. If you would like your position to be known but do not wish to testify, please sign a white form at the back of the room and it will be included in the official record. Please speak directly into the microphone so our transcribers are able to hear your testimony clearly. The committee members with us today will introduce themselves beginning on my far right.

**MURMAN:** I'm Senator Dave Murman from District 38: Clay, Webster, Nuckolls, Franklin, Kearney, Phelps, and southwest Buffalo County.

**LINEHAN:** Good afternoon. I'm Lou Ann Linehan, District 39.

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

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

**GROENE:** I haven't been told otherwise, but I expect Senator Morfeld, Pansing Brooks, and Walz to join us. All of us, I believe, will be

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coming and going. We have bills in other committees where we will have to leave to open on those bills. I'd like to introduce my committee staff. To my immediate left is legal counsel, Chris Jay. To my right, at the end of the table, is committee clerk, Kristina Konecko, and our pages are Nedhal and Noa. Please remember that senators may come and go. As I said earlier, we have bills in other committees, but also a reminder-- lastly, we are an electronically-equipped committee and information is provided electronically as well as in paper form. Therefore, you may see committee members referencing information on electronic devices. Be assured that your presence here and your testimony are important to us, but we contact our staff on our cell phones and our laptops and that is how we are notified sometimes that we better get to the other committee. So if you see us using our phones, it's to do research or keep in touch with what's going on around us. So with that, we will begin with appointments for the Technical Advisory Committee for Statewide Assessment. The first one will be Chad W. Buckendahl. Is he here? Is he going to call or--

**CHAD BUCKENDAHL:** Yeah, I'm online.

**GROENE:** All right. Thank you, sir. Would you tell us something about yourself? And are you a reappointment or you've been on the committee?

**CHAD BUCKENDAHL:** Yes, sir, I am a reappointment. My name is Chad Buckendahl. I am originally from Pierce, Nebraska, though I have lived in Nevada for the last decade or so because it's warmer in the winter than, than Nebraska has been. My background is largely, for the last 20 years, an area of-- an area called psychometrics. It's the combination of psychology and statistics. I worked for a while at the Buros Center for Testing at the University of Nebraska and then have been in private practice for about the last 15 years or so, working largely with educational and licensure and certification testing in a number of states in the U.S., Canada, Australia, and then language testing in western Europe, predominantly in England. I serve on a number of technical advisory committees around the U.S. and provide advice to licensure and other credentialing programs in areas like dentistry, law, education, and a number of voluntary certification. I'm on the board, the board medical specialty exam program.

**GROENE:** Thank you. Do we have any questions from the committee? Could you tell us a little bit what, what actually you would do with this committee and something you've worked on over the last four years that you were on it?

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**CHAD BUCKENDAHL:** Sure. Oh, yeah. So the Technical Advisory Committee for Nebraska, as is with other states, is largely around the educational assessment and accountability. And so what we look at-- our committee members, we focus on an area called validity, reliability, and fairness. There's a code of professional standards for the testing industry that are published by, like, psychologists and school psychologists and measurement folks like myself. And what we've done is advise the state, really, around technical aspects with its educational assessment program. So some of the things it's looking at-- in terms of evaluating different models for the state assessment program, looking at risk factors associated with making changes to the state program, and things like incorporating the ACT as a, a high school indicator of college and career readiness as well as an indicator of performance on state content standards as well as using other sorts of assessment, whether it's for a general assessment or for alternate assessment. Alternate assessments are those for students with significant cognitive disabilities and then also allow the ELL-- the English Language Proficiency Assessment for students in the state who are acquiring English as a second or additional language.

**GROENE:** Thank you. I appreciate that update. Is there any questions? Thank you, sir. We'll be acting on this pretty quickly. I appreciate you calling in and doing it on a timely basis.

**CHAD BUCKENDAHL:** Thanks.

**GROENE:** The next appointment is Cindy Gray to the same Technical Advisory Committee for Statewide Assessment. Is Cindy here?

**CINDY GRAY:** I am.

**GROENE:** Could you come forward and tell us a little better why you want to be on-- your reappointment?

**CINDY GRAY:** Yes, I do.

**GROENE:** Thank you.

**CINDY GRAY:** My name is Cindy Gray. I am actually a lifelong Nebraska resident. I originally grew up in Benedict, Nebraska, on a farm. For the last 20 years, I have been an administrator in Elkhorn and have worked on curriculum and assessment during that, during that entire time. I'm actively involved with educational organizations across the state. So I have close connections with other administrators and

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districts across the state, including the Panhandle. My background is that I've been in education for over 40 years. My Ph.D. is in educational psychology so it allows me to know something about education as well as something about the area of assessment and measurement. I enjoy being on this committee because I think it does valuable work ensuring that we are finding fair and reliable ways to ensure that we are allowing all students to reach their highest learning potential.

**GROENE:** Thank you. Any questions for Ms. Gray? Thank you--

**CINDY GRAY:** Thank you.

**GROENE:** --for coming, taking this drive in, and being willing to do it again. That closes the appointments hearing on the Technical Advisory Committee. Now we'll go to the Coordinating Commission for Postsecondary Education. Charles Garman, go ahead.

**CHARLES GARMAN:** Senator Groene and members of the Education Committee, my name is Charles Garman, C-h-a-r-l-e-s G-a-r-m-a-n. And it is, quite frankly, an honor for me to appear in front of you, even though I'll admit that this side of the table is a lot more intimidating. I appreciate your consideration of my appointment to the Nebraska Coordinating Commission for Postsecondary Education. My background is somewhat unique, I feel so-- while I was born in Sioux Falls, when I was two, my father accepted a call to serve for five years and as a pastor at a church in Wilhelmshaven, Germany; not a whole lot of Americans around there. Four years into the call, he was then asked to serve at a neighboring church, leaving that program. So 17 years after moving to Germany, I decided that enough was enough. And after going through the German school system and obtaining my abitur, I returned to Sioux Falls for college. I enjoyed my college experience. I enjoy learning. I would have loved to stay longer and add another major, but tuition was a bit steep and so I moved to Omaha for law school instead. I'll admit that my plan had been to get my law degree and return to Sioux Falls. But on my first day of law school, I met my now wife and almost 15 years of marriage and four kids later-- as they say, the rest is history. Truth is, we fell in love with Nebraska. We love the people, the friendliness, the helpfulness, and the opportunities. We made this our home and the place to raise our children. As such, I've always believed in giving back to the community. I'm involved in my church and scouting. I've served 12 years in the military and I would love to serve on this commission to help ensure the efficient use of taxpayer resources, proper

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administration of need-based financial aid, and GAP assistance for work in high-need fields. There is much for me to learn about the work on this commission. I'm a first-time appointment, but you have my word that I will work hard and do my duty. My work in supporting this committee here has given me love for the work in education and I would love to continue my efforts. If you have any questions, I would love to answer them.

**GROENE:** Questions for Charles? For the folks out there, Charles used to sit over here so he does have a knowledge of that and a working relationship with-- just went blank-- the Coordinating Commission. So is there any other questions? Thank you, Charles.

**CHARLES GARMAN:** Thank you.

**GROENE:** We'll let you know. Now we go to Timothy Daniels for the Coordinating Commission. And Mr. Daniels is also a new appointment.

**TIMOTHY DANIELS:** I see it says to state and spell my first and last name, so I shall do so; Timothy, T-i-m-o-t-h-y, Daniels, D-a-n-i-e-l-s. I wish to thank you for this opportunity to serve. And also, I thank you for your service to the state of Nebraska. I'm a Nebraska native, having lived most of my life in this state, married to my wife, Sandy. We have four daughters, three of whom now live in Omaha, which is what brought us there a little over three years ago. I have been in television in Scottsbluff and Kearney; news and management. I've also been in cable television sales management with TCI, AT&T, Bresnan, and Charter Communications. It's just a continual form. Additionally, I was involved in the internet business and my last career was in telephone marketing with Sprint/Embarq/CenturyLink. After retiring, I spent some time with Scotts Bluff County Public Transit. I'm a graduate of Chadron State College. Throughout my business career, I've been actively involved in the community. I've served the Scotts Bluff County Volunteer Bureau, Scottsbluff-Gering United Way, Scottsbluff-Gering Chamber of Commerce, Capstone, Panhandle Community Action Foundation, and Scottsbluff Rotary Club. Additionally, I served nearly 14 years on the Western Nebraska Community College Board of Governors and the WNCC Foundation Board. So why the Coordinating Commission for Postsecondary Education? When Omaha became our new home, I felt I needed to find an opportunity to continue to serve in some capacity. Dr. Todd Holcomb, then-president of WNCC, called me to advise me of an opening on the CCPE Board. He suggested I touch base with Dr. Baumgartner who encouraged me to seek this appointment. I truly believe in higher education. I believe all

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Nebraskans need the opportunities available through our postsecondary institutions. I further believe in what this commission is charged with; to aid these institutions in conjunction with the state's plan and the service we provide the state and subsequently, Nebraska taxpayers. Thank you.

**GROENE:** Any questions? What took you from Scottsbluff to Omaha?

**CHARLES GARMAN:** I'm sorry?

**GROENE:** What made you go from Scottsbluff to Omaha?

**CHARLES GARMAN:** Grandkids.

**GROENE:** Well, I knew the answer, but disappointed of [SIC] your requirement. Any questions? Thank you, sir.

**CHARLES GARMAN:** Thank you.

**GROENE:** You should know Mr. Baumgartner's name is the same name my granddaughter's basketball coach is. Any-- That closes the hearings on the confirmation for the Coordinating Commission. We will now go to the first bill on the agenda, which is LB1001 by Senator Crawford.

**HANNA MURDOCH:** Good after--

**GROENE:** Senator Crawford, you've had a makeover.

[LAUGHTER]

**HANNA MURDOCH:** Good afternoon, Chairman Groene and members of the Education Committee. My name is Hanna Murdoch, H-a-n-n-a M-u-r-d-o-c-h, and I am here on behalf of my boss, Senator Sue Crawford, while she presents a bill in another committee. Senator Crawford represents the 45th Legislative District of Bellevue, Offutt, and eastern Sarpy County. I'm here today to introduce LB1001 for your consideration. LB1001 is a bill about youth suicide prevention. The suicide rate in this country, and particularly among our youth, is steadily on the rise. Last October, the CDC released a report, which found that suicide rates among ages 10 to 24 increased by 54 percent over the last decade. Alarmingly, the greatest increase was for the age group 10 to 14, for which suicide rates tripled. Suicide is now the leading-- second leading cause of death for persons aged 10 to 24, falling only behind vehicle accidents. Four times as many people died by suicide in Nebraska than in alcohol-related accidents. One person

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dies by suicide every 32 hours in Nebraska. A 2017 CDC survey of high school students in Nebraska found that 16 percent seriously considered attempting suicide, 14 percent made a plan about how they would attempt suicide, and 8 percent attempted suicide at least once. That's 8 percent of high school students in Nebraska. This is not acceptable. Over the summer, our office was invited to be part of discussions with a coalition of mental health and suicide prevention advocates initiated by Senator John McCollister. The goal of this group was to identify senators interested in tackling the issue of suicide and to formulate a multi-faceted approach to legislating it. As a result of those discussions, we learned about laws that have passed in recent years in Louisiana, Maryland, and California that require schools to print the National Suicide Prevention Lifeline on student ID cards. Through discussions with the group, we decided that this was one small, reasonable step we could take in Nebraska to help address the suicide crisis among our youth. LB1001 would require that public middle schools, high schools, and postsecondary institutions publish a national or local suicide prevention hotline or a crisis text line on all new student IDs as of the 2021 through 2022 school year. The bill does not require schools to start issuing IDs if they do not do so already and the requirement only applies to new IDs, so schools don't have to go back and reprint the ones they may already have. To our knowledge, at least two other states have introduced similar legislation this year; Wisconsin and Iowa. Iowa's bill, which matches ours, recently made it out of committee. You might ask, what is this really going to do? Is putting a hotline on IDs really going to help? The data says yes. According to a recent report from the FCC who administers the federal Suicide Prevention Lifeline and SAMHSA, the federal Substance Abuse and Mental Health Services Administration, callers to the National Suicide Prevention Lifeline felt less depressed, less suicidal, less overwhelmed, and more hopeful by the end of a call. Eighty percent of callers, interviewed 6 to 12 weeks after their crisis call, reported that the call stopped them from killing themselves. Callers also said that follow-ups from trained lifeline counselors gave them hope, made them feel cared about, and helped them-- helped connect them to mental health resources. As national conversations increasingly turn to mental health needs of students, we're getting a clearer picture of the scope of the problem. Students today are facing an unprecedented set of stressors and demands in their home and school lives. On a positive note, more frequent discussions about mental health needs of adolescents have helped to diminish some of the stigma around mental health diagnoses and suicide and to normalize the conversation about getting help. This

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is an issue that touches every community and which will require a concerted effort from a wide variety of stakeholders to help better support our young people struggling with mental health issues and the adults that support them. LB1001 is not a comprehensive solution to the problem. It's one small piece of the puzzle that we hope can make a difference for a student in crisis. Students in public schools that require IDs are supposed to have their IDs on them at all times during the school day. If even a handful of students who feel overwhelmed look at their IDs and decide to call the number in a time of crisis, LB1001 will have been worthwhile. Thank you for your consideration of this important issue. Following me, you will hear from a student and suicide prevention advocates. And I'm happy to try and answer any questions you may have.

**GROENE:** Would you prefer we ask the other folks because we don't want to put you on the spot?

**HANNA MURDOCH:** You can try me.

**GROENE:** All right. You said that it works, but have any of the calls to the suicide prevention been traced back to a card? Can you-- a document that has been traced back to the person who called the suicide line because they had it on their card? Is that-- any document?

**HANNA MURDOCH:** I-- to my knowledge, I don't think there's any studies specifically illustrating that link because the states that have passed these laws-- it's been, like, within the last couple of years.

**GROENE:** It has.

**HANNA MURDOCH:** Yeah.

**GROENE:** But my next question is for a testifier. Thank you. Any other questions? Thank you.

**HANNA MURDOCH:** Thank you.

**GROENE:** Proponents? Anytime you're ready.

**KASCH FAUSTMAN:** Good afternoon, Senator Groene and members of the committee. My name is Kasch Faustman, K-a-s-c-h F-a-u-s-t-m-a-n. I'm 13 years old and a seventh grader at Scott Middle School here in Lincoln. I'm involved in student council and I'm enrolled in differentiated classes. I'm a member of the Lincoln Select Swim Team

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and enjoy playing guitar and video games. I'm also a third degree, level four black belt in Tae Kwon Do and a kid who's been impacted by suicide. Imagine your car breaks down on the highway during a blizzard and you have two options. In your wallet is your insurance card with the number that you can call for help or you can walk to the nearest gas station that is at least a mile away. In the moment that someone is considering ending his or her own life but wants to reach out for help, the extra step to look up the phone number might feel like it's a mile away. A person I spent a lot of time with and really looked up to committed suicide when I was younger. Almost two years passed and I found myself becoming extremely sad and depressed. I started hating everything that reminded me of her and not enjoying the things I always liked. I was in a very dark place and I had some very dark thoughts and I did not know what to do or who to talk to. One evening, I decided I had to tell my parents. I had no one else to talk to and I had to tell someone that I had been having thoughts of ending my own life. I realized how lucky I am to have the parents that I do have. My parents are the best. They immediately got me someone to talk to. This person slowly pulled me out of the darkness I was in. I know I am one of the lucky ones and that's why I feel so strongly about the issue of suicide prevention and doing everything in my power to help others. Middle school creates a lot of new stresses in your life. New people, tougher classes, more peer pressure, independence, and expectations that can be overwhelming. I imagine high school and college are even more stressful. Had I entered middle school without the help I had received, I don't know where I'd be today or if I would even be here. Having this access to a phone number could be a literal lifesaver for some people. What I do know is that right now there are students suffering in silence and having thoughts of ending their own lives. As students, we have our IDs with us at all times. To know that there's a phone number right there, literally at our fingertips, could be a huge comfort to someone needing it the most. To know you can pick up any phone at any time, call and talk to someone who doesn't know you, who doesn't know your parents or family or friends, who won't judge you; I can't tell you how much of a difference that would make for some people. And it's so simple; just 11 digits added to our ID cards. That's it; no more, no less. Yes, students can look up the number online. Most of us have cell phones with internet access, but that's just one more step someone has to take before they reach help. And that one extra step could be the difference in making the call for help or ending your life. The American Foundation for Suicide Prevention lists suicide as the leading cause of death for kids in Nebraska, ages 10 to 14, and the second leading cause of death for

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persons in Nebraska ages 15 to 34. There are so many reasons to support this bill. I think we need to do anything and everything we can to provide access to support services. If this can save just one kid from committing suicide, it's worth it. I ask for your support of LB1001. I want to thank Senator Crawford for introducing this bill. Thank you for your time and consideration.

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

**KOLOWSKI:** Thank you, Mr. Chairman. Kasch, really nice job. You did a very-- did very well with your, your presentation. Do you know how much training or background your school counselors or your school staff has in that particular area?

**KASCH FAUSTMAN:** I am not-- I can't, I can't answer that because I'm not sure, but I would guess it is quite a bit. They are very good at their job. They help us when we're feeling down or anything, but just to know-- because some kids may not feel safe because, like, if they go and talk to a counselor, they may feel that they're going to call their parents and they don't want to have that talk with their parents. To have this number on the back of that ID card that they can just call, like this-- they won't have any idea who this person is. It might make them feel a lot more safe and help them out a lot. So that's my belief, so--

**KOLOWSKI:** Very good.

**GROENE:** Senator Pansing Brooks.

**PANSING BROOKS:** Thank you so much for your courage in coming forward. I thought you did a wonderful job.

**KASCH FAUSTMAN:** Thank you.

**PANSING BROOKS:** And I think you have a bright life ahead of you. So thank you for fighting for other kids that may have issues that don't know how to reach out or don't have such a supportive family. I like the part on the bill, too, that it talks about a text line as well. And I presume that's something that you see as valuable too?

**KASCH FAUSTMAN:** Yeah, anything that we can do to help people in need; I think we should do it. There's lives at stake, even though-- like, when you think of it-- oh, a number added to a card? That's not going

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to save anybody, but anything that we can do to possibly even just, maybe, help somebody is worth it.

**PANSING BROOKS:** And I thought it was extremely important, what you said, because there might be times where the parents could be part of the problem. And so if they have somebody with whom to speak, who is, is maybe a little bit separate from some of the family issues, that would talk somebody down from such an, an extreme act would be really good. So thank you for coming to speak and for your courage in doing so.

**KASCH FAUSTMAN:** Thank you.

**GROENE:** Any other questions? What's on your student ID card now?

**KASCH FAUSTMAN:** It has our-- what school we go to, our picture from the yearbook, and our name.

**GROENE:** And your name and that's it?

**KASCH FAUSTMAN:** Yeah. Yes, sir.

**GROENE:** That's it? Just your name? Not a contact for your parents or anything like that?

**KASCH FAUSTMAN:** Correct, I-- and it may be different for high schoolers, but I know in middle school, currently, that is all we have on our student IDs.

**GROENE:** And you have to wear that around your neck or have it with you when you get, get into school each day or?

**KASCH FAUSTMAN:** No, so we have them-- they advise us-- they would like-- in high school, I know that you have to have them on you at all times. In middle school, they advise-- they just say you should keep it on you, like in a pocket or something. I know that's what most of us do, so--

**GROENE:** So do you have an assembly or something that, that they have all the kids come in and say what the purpose of this ID card is or do they just pass them out?

**KASCH FAUSTMAN:** They pass them out and they had the teachers, like, explain what they may be-- because they kind of look different every

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year and so they have the teachers pass them out and just explain, maybe, changes or just what they're for, so--

**GROENE:** OK, thank you. Any other questions? Is that your grandmother back there?

**KASCH FAUSTMAN:** Yeah.

**GROENE:** That's a very proud woman back there.

[LAUGHTER]

**GROENE:** Thank you.

**KASCH FAUSTMAN:** Thank you.

**GROENE:** Any other questions? Next proponent? You did a good job.

**KASCH FAUSTMAN:** Thank you.

**DAVE MIERS:** Dr. David Miers, that's D-a-v-e M-i-e-r-s. Chairman Groene and members of the Education Committee, I'm submitting this written testimony in support of LB1001 on behalf of the Nebraska State Suicide Prevention Coalition as one of the cofounders of the Nebraska State Suicide Prevention Coalition, which was formed in 1999 following the Surgeon General David Satcher's call to action to prevent suicide, where he declared suicide a public health problem. The alarming fact is that 21 years later, the suicide rates continue to increase across our country. The most recent data from 2017 indicates that suicide rates are the highest since the Great Depression. Here in Nebraska, suicide is the number one leading cause of death for ages 10 to 14, second leading cause of death for ages 15 to 24, and the ninth leading cause of death for all ages combined. We do know there's many efforts underway helping save lives and youth across the United States and here in Nebraska. Many of these efforts are teaching our youth to speak up and ask the question, are you suicidal, and to connect a friend to resources. Talking about suicide is one of the best things you can do and that is what we are teaching youth and adults. When youth are confronted with a peer in crisis, it is important that we equip them with the resources needed to connect that youth to help right away. The National Suicide Prevention Lifeline, the crisis text line, are the lifelines in place to connect those in crisis. Nebraska State Suicide Prevention Coalition supports LB1001, which would allow Nebraska to join other schools in the United States who have already completed this task. Equipping students with those resources connect

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peers at risk with trained professionals who are available to assist those in need is vital to preventing suicide. Placing these resources on student ID badges so that they have them available at all times can and will help save lives. And to help answer your question, Senator Groene, from before, we have, here in Lincoln, placed a similar effort with signage here in the parking garages, here in Lincoln, with the National Suicide Prevention Lifeline. Back in 2014, we saw the highest suicide rate on record here in Lincoln with suicide, especially from jumping from high places, from our parking garages. So we worked with our local coalition with putting signage in parking garages. And we were successful in putting up about 60 of those in our, in our parking garages that-- where I work, at Bryan Medical Center, and then 200 within the city of Lincoln parking garages and the University of Nebraska parking garages. And since then, I've received at least a dozen examples of where individuals have reached back out and said that as a result of those signs-- where they were in distress, contemplating suicide. And with the result of that sign, where they called the 1-800 number on the sign, were connected to the suicide lifeline, where those professionals were able to connect them to the police and the police were able to intervene and get them to resources and then ultimately save their life. So I think this would be a similar effort where a youth is in crisis. They would call that hotline or use that text line and get connected to a resource and then they could intervene and get them connected to resources.

**GROENE:** Questions? Senator Kolowski.

**KOLOWSKI:** Thank you, Mr. Chairman. Mr. Miers, do you work with schools as far as counseling staffs or any particular--

**DAVE MIERS:** I do have interaction with schools, yes.

**KOLOWSKI:** Is it a regular program that you present or just every so often you're going to different schools and doing something with them?

**DAVE MIERS:** We did, we did a project with, with Lincoln Public Schools here in Lincoln, where they are screening all their school personnel-- all our students using a tool called the Suicide Behavior Questionnaire-Revised. So any student who is exhibiting any signs of suicide or endangered-- they're screening them with a tool and then connecting them with, with resources. We're working with the schools and I'm working with the education department. We helped with the legislative bill that was passed about six years ago, where all school

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personnel are required to receive one hour of suicide prevention training so we're working with them as well.

**KOLOWSKI:** School climate, the school culture is extremely important in the daily lives of those students.

**DAVE MIERS:** Absolutely.

**KOLOWSKI:** Thank you.

**GROENE:** Other questions? Is there a national suicide prevention or is there more than one hotline?

**DAVE MIERS:** --hotline? There is one and the FCC recently passed that they are eventually going to turn that into a 988 number. So instead of, you know, well, we call 911 for medical emergencies, folks can call 988 for suicide mental health emergencies.

**GROENE:** So who picks up the phone? Is it nationally-- some volunteers or--

**DAVE MIERS:** It's, it's-- there are national-accredited hotlines across the country. So here in Nebraska and some of the surrounding states, it's, it's routed to Boys Town and the Boys Town hotline. The trained folks there answer the, the hotline.

**GROENE:** Side question: how many of the suicides that happen when a youth is also-- has instance of substance abuse when they commit suicide? Is there a correlation at all?

**DAVE MIERS:** There is a, a correlation. I don't know what the current-- off the top of my head, I don't know what the percentage is in-- with youth. I don't know what the percentage is with adults. There is a little bit higher percentage of substance use.

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

**DAVE MIERS:** All right.

**GROENE:** Next proponent?

**DAVE MIERS:** Thank you.

**DON WESELY:** Mr. Chairman, members of the Education Committee, for the record, my name is Don Wesely, D-o-n W-e-s-e-l-y, representing the Nebraska Nurses Association. I have a letter from Linda Jensen in

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support of the bill. They wanted to be on the record in support of this legislation. Actually, in looking at the information and hearing the testimony, I didn't realize the problem had become this bad. I remember in my day in school, it was very rare. And so obviously, we have a problem and any effort we can make to reach out to these kids and help them realize there are ways to deal with whatever problems they're facing seems, to me, to be a good idea. So we're here in support of the bill and urge your support as well. Thank you, Mr. Chairman.

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

**DON WESELY:** Thanks.

**GROENE:** Next proponent?

**JULIA HEBENSTREIT:** Good afternoon, Chairman Groene and the rest of the Education Committee. My name is Julia Hebenstreit, J-u-l-i-a H-e-b-e-n-s-t-r-e-i-t, and I am here today to testify in support of LB1001 on behalf of the Kim Foundation and the Nebraska Association of Behavioral Health Organizations, otherwise known as NABHO, as well as the Metro Area Suicide Prevention Coalition. In the last three years in the Omaha metro area alone, we have lost 19 youth, ages 10 to 19, to suicide. This bill is a very simple solution to potentially prevent some of these deaths and provide a lifesaving resource for Nebraska youth when they may be in a time of crisis. Schools currently produce student identification cards for any student enrolled in their school. Because of this, this legislation does not add a financial burden to these institutions and it makes efficient use of an already existing resource to put lifesaving information in the student's hands. Students carry their identification cards on them much of the time; in their wallet, purse, computer, or tablet sleeve, or on their persons in another fashion. Having this suicide prevention lifeline readily available can prove lifesaving in a time of crisis. We work with more than a dozen school districts through our mission of serving as a supportive resource and compassionate voice for lives touched by mental illness and suicide. Each of them is hungry for more resources and information to better equip their school communities and save the lives of their students. LB1001 is a simple, efficient, and convenient way to help them do this. Suicide is a significant public health problem in our state as well as in our nation. However, much research exists that many suicides can be through-- can be prevented through a variety of initiatives, specifically training and empowering people to know the warning signs to look for and providing access to crisis

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resources for those in need. We continue to teach students to reach out and speak up if they or someone they care about is struggling. By putting the suicide lifeline on a student identification card, we provide them the resources to do this and potentially save a life. In calling the lifeline, students have 24-hour access, seven days a week, to a trained crisis counselor who can help them through their immediate crisis and even call law enforcement on their behalf if necessary. Nebraska has an opportunity to be one of the first states to prioritize the safety and the lives of our students by following a handful of states who have already either passed or have started the process to pass similar legislation. I commend Senator Crawford as well as Senators Lowe and Blood for prioritizing suicide prevention and working to ensure the safety of our students. And I encourage each of you to vote in favor of passing LB1001 out of committee and support these efforts.

**GROENE:** Questions? Senator Murman.

**MURMAN:** Thank you, Senator Groene and thank you, Ms. Hebenstreit, for testifying. I'm sure this has been done in other states; is there any statistics to show that it's improved this situation in other states?

**JULIA HEBENSTREIT:** So the legislation that has passed in other states is very recent, so one to two years, and other states are just currently passing it. So there's no substantial data to show this specific effort. However, there is, you know, as Dave mentioned as well, the access to that phone number and putting that phone number in people's eyesight and where they can find that without having to struggle-- because someone who is truly in crisis doesn't-- maybe can't take that next step to look it up, where, you know, if it's right there in front of them, there is research about that that helps.

**MURMAN:** Thank you very much.

**GROENE:** What is the mode-- what is the most common mode children use to commit suicide?

**JULIA HEBENSTREIT:** It just varies, but for males, typically more lethal means of hanging and guns. But then, also, you see a lot of-- for females, a lot of drugs and overdosing.

**GROENE:** Thank you.

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**JULIA HEBENSTREIT:** But it's kind of a mix and, and they use-- it's a little more impulsive, too, sometimes.

**GROENE:** Thank you. Any other questions? Any other proponents? Any opponents? Neutral? Letters of support for LB1001 is Nebraska State Education Association, Nebraska Regional Council of the American Academy of Child and Adolescent Psychiatry, National Association of Social Workers- Nebraska Chapter, Nebraska State College System; opposition, none; neutral, none. Did you want to close or waive, waive closing? That ends the hearing on LB1001. Now we go to LB1039. Is Senator Cavanaugh here? Is she in the room?

**PANSING BROOKS:** There she is.

**CAVANAUGH:** Doing the mad dash tango-- I was introducing across the hall and just-- timing working out perfectly. Good afternoon, members of the Education Committee. My name is Machaela Cavanaugh, M-a-c-h-a-e-l-a C-a-v-a-n-a-u-g-h, and I represent District 6 in west central Omaha. I'm here today to introduce LB1039, the Hunger-Free Schools Act. As Nebraska strives to recruit and retain a workforce, we have an opportunity to be a leader in K-12 education. Studies show that when a child is hungry, it hinders their ability to focus and learn in the classroom. LB1039 would ensure that every public school student in Nebraska has a full tummy during the school day. This bill maximizes Nebraska's participation in the Community Eligibility Provision, a federally-funded program that fully pays for free meals to all students of eligible schools. For schools that do not qualify for the CEP, the Department of Education will reimburse public schools for fully-paid meals at the same rate as the free program, making up the difference if a student qualifies for a reduced-price meal. The costs of child hunger are well known and well documented. Childhood hunger and food insecurity are, among other things, directly linked to poor academic performance, poor health, and higher rates of depression, suicide, and incarceration. Nebraska taxpayer dollars are better spent on programs that keep kids out of hospitals and the justice system. The Community Eligibility Provision, as I mentioned earlier, provides free meals to eligible schools. An eligible school is one where at least 40 percent of the students are considered part of the Identified Student Population, or ISP. These include students whose families participate in the SNAP, TANF, or the food distribution program on the Indian reservations. It can also include children who are homeless, refugees, and being fostered. Unfortunately, because barely a third of Nebraska schools participate, Nebraska ranks nearly

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last among all states, meaning that Nebraskans are spending millions of our federal tax dollars to benefit other states and surrendering our share. It's also worth noting that the federal government authors additional funding if a school meets a ratio of seven to ten for breakfast served. If every district in the state met that ratio, it is estimated by Nebraska Appleseed that we would see over \$7 million in additional federal funding to our schools. This is significantly more than the fiscal note's expected costs for providing universal breakfast. LB1039 also cuts down on red tape, countless hours spent by the school faculty and staff, not to mention parents filling out and filing paperwork to ensure that a child is enrolled in free and reduced lunch or similar programs by switching to a system where every child's meal is paid for while eliminating cumbersome bureaucracy and allow our education professionals to focus on education. Nebraska is the breadbasket of America. No one living in that breadbasket, and certainly no child, should ever face hunger. Unfortunately, over 100,000 Nebraska children have to do just that. That's why I urge the committee to advance, advance LB1039 to General File so we can work together to end child hunger in Nebraska. Thank you for your time.

**GROENE:** Any questions? Thank you, Senator Cavanaugh. Proponents?

**JULIA ISAACS TSE:** Good afternoon, Chair Groene and members of the Education Committee. For the record, my name is Julia Isaacs Tse, J-u-l-i-a I-s-a-a-c-s T-s-e. I am here representing Voices for Children in Nebraska in support of LB1039. Children are Nebraska's greatest resource and when all children can reach their full potential in adulthood, our state and economy are better off. Hunger during the school day means that children are unable to learn, more likely to be absent or tardy, and more likely to have behavioral issues in the classroom. Voices for Children in Nebraska supports LB1039 because it would ensure that every student in our state's public schools is nourished during the school day. Since 1946, school meals have provided an effective solution to hunger as a barrier to learning. To my testimony, I have attached school year 2018 free and reduced price eligibility data from school districts within each of your legislative districts to illustrate the importance of school breakfast and lunch programs across Nebraska. Federal child nutrition programs provide funds for each breakfast and lunch served in participating households, with higher reimbursement rates provided for meals served to students from low-income households and schools with higher levels of poverty. These federal reimbursement levels are referenced in LB1039 to offset the costs of providing free meals to every student and I have attached

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a table that reflects the ranges of what we're looking at in this bill. Building on the successes of the national school lunch and breakfast programs, LB1039 would ensure that every public school student is ready to learn every school day. Although Nebraska parents are working hard, more and more families are struggling to make ends meet and the daily cost of school meals can easily add up for lower-income families. No student should have to worry about being singled out for not having enough funds in their school meal account during meal times or feel ashamed to receive a free or reduced-price meal. LB1039 eliminates lunchroom stigma, ensures that no child is turned away from meals in a school, and reduces administrative burdens for school nutrition staff. Similar policies adopted in other states result in increased meal participations. Schools in Nebraska have historically struggled with some of the lowest breakfast participation rates in the country. During the 2018-2019 school year, Nebraska was ranked 48th for lowest breakfast participation among low-income students. The anticipated increase in breakfast participation, as the result of LB1039, would allow more schools to achieve economies of scale in their breakfast programs, which is particularly important for smaller and rural schools. More and more states are leaving behind policies that would deny children a meal during the school day because of paperwork. At least 12 states have eliminated the reduced-price copay for students in either breakfast or lunch or both, while Florida, Texas and, and the District of Columbia provide funding for schools to offer free universal breakfasts to students. Fueled by the federal CEP program, several large cities also offer free school meals at no cost to every student and in the last few years, several states have caught on. West Virginia created a public-private fund to offer free breakfast and lunch to all students, including building on a pilot that started in 2011. And last year, Oregon raised eligibility for free school meals from 130 percent of federal poverty to 300 percent in alignment with their eligibility for the state's public health insurance program for children. We appreciate that the fiscal note for LB1039 is substantial and would urge this committee to weigh that the note does not capture administrative savings or savings from the school meal debts accrued by local school districts, ranging from the thousands to the hundreds of thousands annually. LB1039 would allow schools and educators to better focus on providing a quality education to every child while ensuring that more children are ready to learn. We thank Senator Cavanaugh for her leadership on this issue and respectfully urge the committee to advance LB1039. Thank you.

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**LINEHAN:** Thank you very much. Are there questions from the committee?  
Senator Pansing Brooks.

**PANSING BROOKS:** Thank you, Senator Linehan. Thank you for coming, Ms. Tse. I was trying to figure out-- on your, your sheet that you have here, which I'm finding very interesting-- so I'm looking at Senator Morfeld versus mine and mine is just Lincoln Public Schools. And then I'm trying to figure out how you separated-- did you separate the schools by which schools are in Senator Morfeld's district versus which are in mine?

**JULIA ISAACS TSE:** Yes.

**PANSING BROOKS:** Is that how that worked?

**JULIA ISAACS TSE:** Yeah, so I took a look at all of-- I did this last year for Senator Walz's LB251, so this is-- these are numbers that you should have seen before. But I took a map of the legislative districts and overlaid them with the schools that we have numbers for, for free and reduced price eligibility.

**PANSING BROOKS:** This is highly helpful. Thank you very much, I appreciate it.

**JULIA ISAACS TSE:** You're welcome. Thanks, Senator.

**LINEHAN:** Other-- thank you, Senator--

**PANSING BROOKS:** Thank you.

**LINEHAN:** --Pansing Brooks. Are there other questions from the committee? I'm trying to-- I'm-- I always get these numbers all confused and I really do appreciate numbers so thank you very much for your chart.

**JULIA ISAACS TSE:** You're welcome.

**LINEHAN:** So free and reduced lunch, I thought that was set by the federal government. And then you say Oregon raised it-- so it was the federal government's 130 and then you're saying they raised it higher and subsidized the difference?

**JULIA ISAACS TSE:** Yes, so they created a program that is similar to what LB1039 would envision. So they basically created a free program

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for everybody that's above the 130 threshold and paid for it with state funds.

**LINEHAN:** So am I wrong? I thought free and reduced lunch in Nebraska was 185 percent of poverty.

**JULIA ISAACS-TSE:** That's correct, that's true for every state.

**LINEHAN:** OK, so why does it say 130 for Oregon? That's what I'm confused about.

**JULIA ISAACS TSE:** So 130 is for free eligibility; so kids and families--

**LINEHAN:** Oh, so reduced is 185?

**JULIA ISAACS TSE:** Yes, that's correct.

**LINEHAN:** OK. All right, that helps very much. Thank you.

**JULIA ISAACS TSE:** You're welcome.

**LINEHAN:** Other questions from the committee? Seeing none, thank you very much.

**JULIA ISAACS TSE:** Thank you.

**LINEHAN:** Other proponents?

**LINDA RICHARDS:** Good afternoon, Chairperson Groene, Vice Chair Linehan [SIC], members of the Education Committee. My name is Linda Richards, L-i-n-d-a R-i-c-h-a-r-d-s, and I'm a board member for Ralston Public Schools. I appreciate the opportunity to appear before you today to speak on behalf of our students, staff, and the Ralston community in support of LB1039. Our district's demographics have changed tremendously over the course of the last 20 years. We have moved from being a traditional semi-affluent suburban school district to a district with greater than 60 percent free and reduced lunch. This dramatic shift in our demographics has brought some significant challenges to how we have been able to provide the best educational experience for our students. One area that has changed dramatically is the area of food service. A reality now is that many students and families in our districts suffer from food insecurity. We participate in and lead several programs that try to address this issue. For example, we host a monthly food distribution through our partnership

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with the Food Bank for the Heartland. Any family that is in need is able to come and pick up donated food to help them bridge the gap. We also have an on-site food pantry at our high school that any student can access on a weekly basis. We have dedicated storage space, refrigerators and freezers that hold perishable foods donated by different vendors. Our students conduct fundraisers with proceeds being donated to the food pantry fund. We also participate in a backpack program sponsored by Woodhouse and hold canned food drives on occasion. These are but a few of the examples of the kind of caring that our students and staff have in our district. We have, for years, investigated the possibility of moving some of the higher poverty schools in our district to Community Eligibility Provision or CEP status. We have not yet made the move to CEP, as our number of students receiving free lunches has not yet been at the level where we could do so without creating a financial hardship for our district. We do anticipate moving at least one of our elementary schools to CEP in the fall and may look at adding more schools in the near future.

LB1039 would help us make the move to CEP more quickly. And in that way, it would be a great benefit to our students and families. The advantages of moving to CEP status are many, including streamlining our processes for food delivery, the elimination of the stigma associated with being a free and reduced lunch eligible student, and guaranteeing that every student that wanted to eat would be able to do so every day. At Ralston, we do not deny students meals, even if they are unable to pay. Our philosophy at Ralston of feeding every student, whether their parent can afford to pay it or not, is the right and humane thing to do. However, it does come at a cost; in the form of an accumulated nutrition debt. As of June 2019, we had \$267,763 in unpaid lunch debts accumulated over multiple years. A move to CEP by some of our buildings would help us reduce new debt and may even help in efforts to try to collect some of our past debt. We spend a good deal of time and effort trying to collect money for unpaid lunch debt, but we have found that many of our parents simply can't afford the payment and are afraid to ask for assistance. The reimbursement proposed in LB1039 would undoubtedly help our district in our efforts to continue to ensure that every student can come to Ralston and expect to be fed, cared for, and ready to learn. Thank you for your time, for your continued commitment to the people in the state of Nebraska, and thank you to Senator Cavanaugh for introduction of LB1039. I will try to answer any questions at this time.

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**LINEHAN:** Thank you. Are there any questions from the committee? How many buildings do you have?

**LINDA RICHARDS:** We have eight; six elementary, Senator, one middle school, and one high school.

**LINEHAN:** And so you're saying that some of your-- what-- I'm sorry, I know--

**LINDA RICHARDS:** You bet.

**LINEHAN:** --you've said this before, but you have to-- is it 60 percent or more?

**LINDA RICHARDS:** Yes, 60 percent for our free and reduced. You have to be above 40 percent in each of those buildings at the free level. We only have one building-- we have two buildings, actually, this, this coming fall that we anticipate will be in that free-- above 40 percent free. We'll move one of those to CEP status. It's a risky [INAUDIBLE].

**LINEHAN:** OK, so it's not-- they don't throw them all in the same group?

**LINDA RICHARDS:** Correct.

**LINEHAN:** There's a difference whether they're free or free and reduced?

**LINDA RICHARDS:** By building, correct. That's correct, yep.

**LINEHAN:** OK.

**LINDA RICHARDS:** Yep.

**LINEHAN:** So you get one school at-- they have to be at 40 percent for the CEP?

**LINDA RICHARDS:** For that-- for the free-- for free status at 40 percent, yep. And that would then allow us to move that building to CEP.

**LINEHAN:** OK. All right, thank you very much, I appreciate it.

**LINDA RICHARDS:** You're welcome, Senator.

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**LINEHAN:** Yes, Senator Murman.

**MURMAN:** Thank you, Senator Linehan. Thanks for testifying.

**LINDA RICHARDS:** Absolutely.

**MURMAN:** I was wondering-- when I was on the school board, we did consider going to, you know, not charging for those that weren't paying-- paid up on lunches. But I noticed you do, of course, do do that, but then you also have said that you do pursue the--

**LINDA RICHARDS:** Yes, Senator.

**MURMAN:** --parents that are-- tried to--

**LINDA RICHARDS:** Yes.

**MURMAN:** Is that districtwide or is that just in a certain--

**LINDA RICHARDS:** It is districtwide. I will tell you that it-- the, the best leverage point-- this is terrible to say it that way, but that is kind of the point-- is at graduation. And so the conversation is at that point of here's the outstanding debt that is owed, you know, and then trying to make arrangements for that payment. You know, we do have some families that, that have the ability and will do that. They'll, they'll slowly try to make a payment from the year in arrears, but most of that debt accumulates beginning in kindergarten and moving forward through the system. We have families that-- Senator, that fall in and out of qualification. And so that's the other challenge that we have. And with some of the federal procedures changing, we'll see more of those bubble families, those families that are just right on the edge of qualifying, that won't-- that will likely increase for us.

**MURMAN:** OK, thank you. Well, the reason I ask is because, you know, one of the advantages of not pursuing it is less cost.

**LINDA RICHARDS:** Right, right. And so you try to balance that. And I think that's what we've tried to do. And, you know, we are not going to pay for a person to go and collect this debt. That, that debt is very costly, as you point out. And it's also- is-- on the counter side of that, we just feel it's very important that our kids eat. We know that it's a critical part of their day and their ability to learn. And

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so why would we deny them something that we know is going to help them succeed in the classroom?

**MURMAN:** Thank you.

**LINDA RICHARDS:** You're welcome, Senator.

**MURMAN:** One more question, if I could?

**LINEHAN:** Yes, go ahead.

**MURMAN:** I commend you for working with the Food Bank of the Heartland--

**LINDA RICHARDS:** Yes.

**MURMAN:** -- and what you're doing. I was just wondering how that program-- how well is that going? How is that working?

**LINDA RICHARDS:** It's amazing. You know, there's, there's never-- you're never prepared, I think, as a either community leader or a person in your community, to see the response that's needed. Food Bank does an-- they do an amazing job for us. My example of that would be it's 100 degrees outside and we have a line wrapped around the outside of the building, folks waiting to receive, to receive access to those-- to food, to-- and to resources. They stay there until the last person possibly can be served. They look to the next month to see if there's more that can be brought to bear. Our elementaries are now-- we're looking at a pantry. And we do have some of those-- some of our elementary buildings that are starting to have some food on-site as well. So it's an amazing partnership. I don't know what we-- our families would do without that partnership.

**MURMAN:** Great, thank you.

**LINDA RICHARDS:** Thank you, Senator.

**LINEHAN:** Thank you, Senator Murman. Are there other questions from the committee? Senator Kolowski.

**KOLOWSKI:** Thank you, ma'am. Linda, thank you for sharing this with us. And the percentages are shocking to parents when I show them.

**LINDA RICHARDS:** Right.

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**KOLOWSKI:** They don't believe that we have at Millard West, for example--

**LINDA RICHARDS:** Sure.

**KOLOWSKI:** --one out of five students.

**LINDA RICHARDS:** Sure.

**KOLOWSKI:** Yours are much higher and others are in all sorts of categories here, but it's something that we have to do a better job of working with our community and, and doing the things that we need to do. Are there any hints that you would give us as far as the general accumulation of these foodstuffs that we need to make them work with the district?

**LINDA RICHARDS:** Absolutely, I think the-- as Senator Murman's questions have led to the partnerships, the resources that are there trying to help us coordinate those, those access points. I worry the most-- I know I serve a suburban district. I worry about my colleagues out west who are in absolute deserts of resource. And so how-- you know, backpack programs are very important in those areas. But access to food banks and those types of resources are, are fewer for them. I think some of the work that's being done that you have supported over the years-- the Legislature-- and funding some of the programs that we do presently have, certainly need to stay. We need to increase those-- that awareness point. Working with our association, Senator, our school board association, our administrators, those folks to help us get the message out of where resources are, I think, can also be a value. This bill, I know, has a-- as mentioned, has a large fiscal note. As you can hear in my testimony, we have a lot of debt that's carried over. That is a fiscal impact. That is an impact on property taxes. This is the type of legislation we need you to keep considering and keep pushing and looking at because it is one of those things that can have an impact for the state as well as for the local.

**KOLOWSKI:** Thank you. Keep up the good work.

**LINDA RICHARDS:** Thank you, Senator.

**LINEHAN:** Thank you, Senator Kolowski. Are there other questions from the committee? Seeing none, thank you very much for being here.

**LINDA RICHARDS:** Thank you, Senator Linehan.

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**LINEHAN:** Other proponents?

**JAMES GODDARD:** Good afternoon.

**LINEHAN:** Good afternoon.

**JAMES GODDARD:** My name is James Goddard. That's J-a-m-e-s G-o-d-d-a-r-d and I'm the senior director of programs at Nebraska Appleseed here today to testify in support of LB1039. I want to just expand on a couple points that I think have been discussed already; primarily, the point that this bill would relieve the burden of unpaid debt for districts and families. You may have heard-- a couple of years ago, there were a lot of national stories about, about meal debt across the country, where students would have to work off their debt at, at school or they would get an "X" marked on their hands so that when they went home, their parents would have a reminder that they have meal debt or they just simply wouldn't get fed. Many states have responded to that and passed some policy changes. In 2018-- LR393 from Senator Walz-- we took a look at understanding what the district meal debt policies are. And what we found, through doing surveys and research, is there is a great variation across the state of Nebraska about what meal debt policies are. They are not uniform, in other words. Some-- in some districts, we found students are fed regardless of whether they have meal debt, others are served an alternate meal like a peanut butter sandwich. Still others have the meal thrown out once they get to the end of the lunch line and it's found that that student has debt. You can only think about how shaming that would be to a student standing there with their friends in the lunch line to just have their meal thrown in the garbage because they have-- their parents have meal debt. What we also found was schools react really differently to meal debt. We heard a little bit about that a minute ago. Some schools simply write off the debt and carry it, which is a big challenge. Others spend administrative time trying to collect the debt. Others will actually send the debt to collection agencies and those agencies go after the parents. There are even some districts that turn parents into Child Protective Services simply for having school meal debt, which is really hard to understand from my perspective. What those administrators in the schools said-- it was-- what we heard was a wide belief that meal debt is accruing because families are struggling with low wages, with unstable employment, not because they're trying to get something for free. This is one of the big benefits of this piece of legislation. It would prevent these issues entirely because students would be able to access meals for

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free. We would no longer have to worry about meal debt in the same way. The other thing I want to touch upon is CEP, or the Community Eligibility Provision that's already been talked about a little bit. Broad brush, it allows schools or districts with a high percentage of poverty to feed all of their students for free. Nebraska is really behind in taking up this program. We only have 26 schools participating out of an eligible 276 schools. Under the bill's-- as we have calculated it-- 16 districts, an additional 62 schools would move into CEP. This is an important point because it appears to me that the fiscal note has not taken account for CEP and all of these schools going on the program. If you have 16 districts with 62 schools go on CEP at the level of poverty those schools are, they would get 100 percent federal reimbursement for those meals and I don't see that as part of the fiscal note. So that would reduce the General Fund impact. I cannot speculate on how much it would reduce the impact, but it would-- I would expect it would be pretty sizable. So with the move towards universal meals contemplated under LB1039, CEP expansion makes a lot of sense and would help with greater reimbursement for meals. So in conclusion, I just want to encourage the committee to consider the policy before you, which it has in it wrapped up a number of different things, including what are we doing as a state on meal debt? What are we doing as a state to encourage CEP among other things? So with that, I'll conclude and urge the committee to support the bill.

**WALZ:** Thank you. Questions from the committee? I have one question, can you just-- can you kind of talk to me again about the reimbursements, the 16 schools or 16 districts that-- can you just go over that again?

**JAMES GODDARD:** Sure, I will, will do my best. I'll tell you-- I will tell you something, Senator Walz. Community eligibility is a, is a complicated thing because it touches a number of different aspects of the way schools are funded. So it's a, it's a complicated thing in general. But what the bill contemplates is that only schools that have a very high percentage of poverty-- 62.5 percent Identified Student Percentage is what it is under the bill-- only those schools would have to take up CEP under the bill. And the reason, as I understand it, that high level was selected is because when you have such a high poverty level, at that point, you're getting 100 percent reimbursement for all of your students who are eating. And so that's, that's kind of the concept in going to that level. So at 62.5 percent with 2019

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numbers, that would mean 16 districts and 62 schools would be put into CEP as part of this bill.

**WALZ:** OK. All right, thank you so much. Questions? Senator Linehan.

**LINEHAN:** Thank you, Vice Chair Walz. I'm having trouble with the fiscal note too because if you think you're buying lunch-- maybe my math is not right here, but \$56 million would buy 16 million meals, right?

**JAMES GODDARD:** I, I could not, I could not speculate on that. I'm not sure-- I mean, it, it--

**LINEHAN:** It's a lot of meals.

**JAMES GODDARD:** Yeah, no, certainly.

**LINEHAN:** We don't have that many kids.

**JAMES GODDARD:** No, I think it's fair-- and, you know, the Fiscal Office has a difficult job in everything they do, but I think it's fair to say there are, there are a few elements that are missing here; CEP costs, administrative savings, and other areas where I think the, the note seems like it should have a significantly lower General Fund impact.

**LINEHAN:** Well, I think part of it is going to be that they're just looking at the state. So they don't take into consideration what it saves the school. I don't think-- because I'm sorry, but this fiscal note has been shrunk down. I can't read that, so-- side note-- it--

**JAMES GODDARD:** But the CEP element alone would be-- that would, that would reduce the General Fund impact. The question here, at the end of the day, is if we pass this bill, how much General Funds would we have to put in to cover the difference? And CEP would draw down a significant amount of federal funds that would take the place of those General Funds. So at a minimum, I think it's fair to say the General Fund impact from CEP alone should be less than what we see in the note because the note doesn't reflect CEP changes at all.

**LINEHAN:** So could you give to the committee what you think it would be?

**JAMES GODDARD:** The, the savings?

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**LINEHAN:** Yeah.

**JAMES GODDARD:** We can, we can certainly give it a shot. We'd have to do some, some cross-checking, but yeah, we can, we can certainly give it a shot.

**LINEHAN:** Just--

**JAMES GODDARD:** It would be--

**LINEHAN:** --show your work things, see how you get there.

**JAMES GODDARD:** Sure, sure.

**LINEHAN:** So-- and I think I'm hearing two different things because I thought one of the testifiers said you had to be at 40 percent free lunch and then you just said 62.5. So is it 62.5 free and reduced or am I-- did I misunderstand?

**JAMES GODDARD:** Some of this may just be terminology. For, for CEP, for a school to be eligible, they have to be at 40 percent or above Identified Student Percentage. Identified Student Percentage is a different way of saying children who are automatically eligible for school meals because they're on SNAP--

**LINEHAN:** On SNAP.

**JAMES GODDARD:** --because they're on TANF, because they're in Head Start, because they're-- any number of other things. So a school doesn't start to be eligible for CEP until you hit 40 percent Identified Student Percentage. The 62.5 percent Identified Student Percentage is just reflect-- once you get to that level of poverty, you're getting, you're really getting more federal funds coming into your school, such that at that level, it essentially covers the entirety of the cost of the school meal program.

**LINEHAN:** So would that, would that equate, generally, to Title I schools? And you don't--

**JAMES GODDARD:** There-- it's certainly an awful lot of Title I schools. I'm not sure that it would be-- there would be any schools that wouldn't be Title I that would be CEP eligible.

**LINEHAN:** OK, thank you very much. That's very helpful.

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**WALZ:** Other questions? Seeing none, thank you so much.

**JAMES GODDARD:** Thank you.

**WALZ:** Next proponent? Good afternoon.

**TIMOTHY SHAW:** Good afternoon, Vice Chair Walz and members of the committee. My name is Timothy, T-i-m-o-t-h-y, Shaw, S-h-a-w, and I am a resident of Lincoln, a member of First Plymouth Congregational United Church of Christ, and a volunteer on the First Plymouth Bread for the World team. I'm here today to speak in support of LB1039. Bread for the World is a nonpartisan, collective Christian voice urging our nation's decision makers to end hunger at home and abroad. I believe a faith-based perspective is very important in your deliberations when it comes to issues of hunger and poverty. Recently, one of our pastors posed this question: how do we embody justice in our community? Nebraska is the 23rd hungriest state in the nation. One in six children in Nebraska struggle with hunger. And we've heard today that food insecurity impairs a child's ability to develop interpersonal relationships, maintain self-control, engage in positive learning behaviors such as attentiveness, task persistence, and eagerness to learn. To attack food insecurity impacting children, it is critical that Nebraska implement and sustain a robust breakfast program that becomes part of the school district's culture. According to the research by the Food Research and Action Center, you've heard that Nebraska ranks 48th out of 51 states in the percentage of students who receive school breakfast and who also participate in free and reduced price lunch. That same research further identifies Nebraska as number 49 in the nation in the number of schools participating in both breakfast and lunch programs. Of the 58,000 low-income students in Nebraska participating in the free and reduced lunch program, only 44.7 percent receive a free or reduced breakfast. According to the Food Research and Action Center, Nebraska would qualify for that additional \$9.5 million in federal funding if the school breakfast program was offered to 70 percent of eligible students. Why are we leaving this money on the table? Studies show a positive impact on a child's academic and social development when they participate in school breakfast and lunch programs. Schools that offer breakfast in the classroom at no cost to all students experience an increased sense of community and reduce stigma associated with eating breakfast at school. This is a child's future. So, again, why are we leaving money on the table? In my Christian faith tradition, we are called to care for our neighbors in God's creation. As policy leaders

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to Nebraska, I call upon you to look for integrity and wisdom, to focus on the needs of some of our most vulnerable among us, our children. Archbishop Desmond Tutu says our own humanity is inextricably linked to that of others. And it is this fundamental interconnectedness which guides our conscience and leads our compassion to others. Hunger is not a partisan issue. We must change policies and conditions that allow hunger to persist. What can we do to end child hunger in Nebraska? I believe LB1039 is an opportunity and a step in the right direction. Thank you.

**WALZ:** Thank you so much. Questions? Thank you so much.

**TIMOTHY SHAW:** You're welcome.

**WALZ:** Next proponent?

**ANN HUNTER-PIRTLE:** Good afternoon, Vice Chair Walz and members of the Education 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. Our organization supports LB1039 and we thank Senator Cavanaugh for introducing it. Feeding all of our state's children is a moral issue as well as an economic one. As study after study has shown, access to school breakfast and lunch programs reduce the incidence of food insecurity, which in turn, helps students socialize better, reduces irritability and anxiety, improves attendance rates, and boosts academic performance. None of this comes as a surprise. Moreover, a universal free school lunch provided, regardless of parental income, has been shown to increase academic achievement even in higher-income students. Nebraska schools work diligently to provide safe, constructive learning environments for our children. LB1039 is backed by extensive study and would help our schools provide the environment and tools that our students need to reach their full potential. For these reasons, we urge you to advance LB1039. I'm happy to take questions.

**WALZ:** Questions?

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

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

**JOSEPH COUCH:** Good afternoon, Education Committee. My name is Joseph Couch, J-o-s-e-p-h C-o-u-c-h, and I'd like to take a minute to share my story because I feel like a lot of times, these issues-- we can

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really get bogged down in the numbers and the second-person narratives and we miss the real human impact. So I remember my first hot lunch at school vividly. It was Valentine's Day 2002; turkey tidbits and gravy and a sugar cookie with pink sprinkles and chocolate milk. I feel like it should sound disgusting, especially when I remember the translucent gray slime of the gravy and the processed turkey cubes. But I don't really remember how it tasted as much as how it made me feel.

Carrying, carrying my blue little ticket from the classroom to the cafeteria instead of my brown paper bag sack was liberating. I didn't wake up hours earlier that morning to help make lunches for my four siblings before our bus came. I didn't spill my bag of chips across the whole table. I didn't have the subtle reminder that I was different than the kids with the nice clothes and the light-up shoes. It wasn't all bad, of course. I lost my first tooth on an extra crunchy, on an extra crunchy peanut butter sandwich that I made. And I occasionally had an extra fruit roll-up to trade, but that pales in comparison to the power that the meal ticket had. After 2008, my parents finally applied for the reduced lunch costs. They qualified for help before, but they waited until the recession to finally admit it. I got to feel normal every day in high school, but I also saw what happened to others even less fortunate than me. Nothing terrified me more than the Smucker's PB&J they handed out to those who couldn't pay. It happened to the kid right after me once and I thought they made a mistake and they were going to take my tray. I can't speak for others, but I know this still impacts my feelings about money and food today. I've had fluctuations in weight gain and loss that have even detrimentally impacted my career in the military. It's weird, but going on orders with the military is-- it's usually a stressful time away from family and friends, but I usually just feel relief because I know I'm getting three square meals a day. Every day, my parents would tell me that I could do anything I wanted with my life. And every day at school, I thought they were lying because I wouldn't have the same opportunities. A hot lunch would have told me that there weren't the barriers I thought they were and I ask you to support this bill and I'm happy to answer your questions.

**WALZ:** Thank you so much for coming. Questions? Senator Pansing Brooks.

**PANSING BROOKS:** Thank you, Mr. Couch, for talking about this. And I do agree, I saw kids that really did have issues and it, it becomes sort of a stigma. And I like the fact that you discussed the meal ticket as a stigma versus that lunch that they pass out. And I have seen it used in a threatening manner before because sometimes I wasn't as, as

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efficient of a mother as I should always be. And sometimes I would forget to get that money into the ticket. And so it was then-- they would be threatening my kid, our son, rather than calling and threatening me. So I understand how that can be wielded as a sword. I cannot say how inappropriate that was and I'm sorry for the small child that was you and the others that are, are going through that right now. So thank you.

**JOSEPH COUCH:** Thank you.

**WALZ:** Other questions? Senator Murman.

**MURMAN:** Thank you, Senator Walz and thank you for coming in on that difficult testimony. Just on a lighter side, if you would have gotten white milk instead of chocolate milk, how would you feel about that?

**JOSEPH COUCH:** Well, generally, I prefer chocolate anyway. It just tastes better. And now as I'm getting older, I'm becoming more and more lactose intolerant, so I--

[LAUGHTER]

**WALZ:** Other questions?

**MURMAN:** Thank you, I was almost going to say that was the answer I was looking for. You got a little too specific at the end.

[LAUGHTER]

**WALZ:** Joseph, what school did you go to?

**JOSEPH COUCH:** I went to Seward Public Schools.

**WALZ:** Seward, nice. And just another question; what do you do now? Are you still in the service?

**JOSEPH COUCH:** Yes, I just signed a six-year extension last August.

**WALZ:** Congratulations. Thank you so much for being here and telling your story. Any other questions? Thank you.

**JOSEPH COUCH:** Thank you.

**WALZ:** Next proponent?

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**ROSE GODINEZ:** Good afternoon. My name is Rose Godinez, spelled R-o-s-e G-o-d-i-n-e-z, and I am here to testify on behalf of the ACLU of Nebraska in favor of LB1039. We thank Senator Cavanaugh and cosponsors for introducing this legislation, which would extend free school lunch to all public school students in-line with our compulsory education statutes and the Nebraska constitutional provision on free instruction. School lunch debt too often punishes and criminalizes students and their families struggling with poverty, furthering the perpetual systematic inequality in our system, even inside school buildings where children are required to be and also are supposed to be nurtured and kept safe. Lastly, I just want to share a quick note because as I was preparing for this testimony today, a memory I had blocked came into mind. When I was a kiddo from a low-income family in rural Nebraska, I was constantly reminded of my school lunch debt and was marked with an "X" on my hand, which my mom would then know that she had to pay off. And then on days when my dad's paycheck wouldn't come through or wasn't enough to pay my school lunch, the school would only give me a carton of milk and a piece of fruit. And what I can tell you from remembering my personal experience is that school lunch debt leads to public shaming. I was asked about it in front of all my friends, just as the previous testifier was, and it was done at no fault of the circumstances that I found myself in. And those days with little food, what I can tell you is it was much harder to learn with a hungry stomach. So from that little girl that used to have a little "X" on her hand and to now an attorney for the ACLU, I urge you to advance this bill to General File.

**WALZ:** Thank you. Questions? Senator Linehan.

**LINEHAN:** Thank you, Vice Chair Walz. I appreciate you being here very much so thank you.

**ROSE GODINEZ:** Thank you.

**LINEHAN:** So I think you said all children, but this is not going to-- we're not talking about free lunch or breakfast for all kids in the bill, right? It would be for the CEP-qualified schools?

**ROSE GODINEZ:** Expanding it to all free lunch to students in CEP, that's right.

**LINEHAN:** Right, I just wanted to make sure that that--

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**ROSE GODINEZ:** Right

**LINEHAN:** --so-- for the record. So it's for-- it's the schools that have basically, the majority of the kids are either free or reduced lunch?

**ROSE GODINEZ:** That's how I understood it and then there would be a reimbursement, that's right.

**LINEHAN:** OK, thank you for being here.

**ROSE GODINEZ:** Yeah.

**WALZ:** Thank you.

**ROSE GODINEZ:** Thank you.

**WALZ:** Next proponent? Do we have any opponents? Anybody in the neutral? Letters for the record in support are Lisa Schoenberger, Nebraska Academy of Nutrition and Dietetics, Nebraska State Education Association, School Social Work Association of Nebraska, National Association of Social Workers; opposed, S. Wayne Smith of Lincoln and no neutrals. Senator Cavanaugh, welcome back.

**CAVANAUGH:** Thank you. I want to provide some clarification to your last question. It is expanding the CEP participation, but this does create a state fund for all schools. All public schools would then have free lunch, breakfast and lunch-- free meals. So it is, it is all schools.

**LINEHAN:** OK, that's why the fiscal note is-- OK, all right.

**CAVANAUGH:** Yes.

**LINEHAN:** OK.

**CAVANAUGH:** So I hope that provides the clarification for you. I want to say, before I get into my closing, that-- first of all, I thank all of our testifiers for coming today, but I wanted to say to Mr. Couch, thank you for your service. I don't know if he's still in the room or not, but thank you for your service. I think that I speak for all of us here today. And I-- so also, Senator Pansing Brooks, I'm a mom with a kiddo in school. And let me just tell you, if I didn't have it electronically withdrawn from my account--

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[LAUGHTER]

**PANSING BROOKS:** They didn't have that--

**CAVANAUGH:** I don't know-- I honestly don't know what would happen for my daughter. I'm fortunate in that my childcare--

**PANSING BROOKS:** I can tell you what would--

**CAVANAUGH:** [LAUGHTER] Yeah, my, my, my children in childcare, it is included within the tuition. So I don't have to, to deal with an extra thing for that. But for my daughter that goes to public school, we did have to set up an account. And I will tell you before we set up the account, it was-- I felt embarrassed because I couldn't keep on top of it. It was just one more thing to keep on top of as a parent, but an important thing. I do know that when I was in grade school, we had the old paper where you would get it punched with a paper hole puncher. My grade school may still do that for all I know, but the color of the sheet did change when your parents didn't send the check in. And my, my wonderful mother, who, if she's watching today, is an amazing mother, the best mother in the whole world. But sometimes, I would have the pink one because we were late on sending the checks in and it's a-- whether you can afford it or not, it is something that parents all worry about, of all economic levels. So the idea behind this and the reason that I wanted to expand it to all public schools is that it, it puts all children on the-- on an even playing field. And, and we should be providing equality to all of our children that participate in our public school system; really, all of our children. I would love to expand, expand it even further, but all of our children in our public school system. It is our, our job, our, our civic duty to be educating them and having a full tummy is, is part of that education. I think perhaps we, in the Legislature, should consider having some breakfast snacks on the floor in the morning so that perhaps we are--

**PANSING BROOKS:** Good idea.

**CAVANAUGH:** --a little bit more ready to start our day on the right foot. But I know, I know how important nutrition is for children, for their development, for their focus. And we don't want any of our kids to feel like they are less than because they are all a precious, precious gift to us and to the state and they are our future. And I hope you will work with me on this bill. I think it's a really important piece of legislation. And I think if not all in its

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entirety, we have an opportunity to do something with this, this legislation to move it forward. So with that, I will take your questions.

**WALZ:** Questions for Senator Cavanaugh? I do have one. Will you, will you be looking into the-- how the drawdown of federal funds might reflect the fiscal note?

**CAVANAUGH:** Yes. So the fiscal note-- as everyone knows with fiscal notes, we don't get them too far in advance that we can dig too deep into, into the fiscal note. So I will be working with some of our advocacy groups here to get a better picture as to what this would look like for federal drawing down because it is, it is as clear as mud to me. The 100-- if you have, if you have 62.5 percent that can take up the CEP, then that entire school is 100 percent reimbursed. So that's like-- that's a huge amount of savings. That-- I mean, that's-- the federal dollars that we can be drawing down, just for that alone, is something that we absolutely, I believe, should be doing. But then there is still additional federal funds that we can be getting for some of those other schools that don't qualify at that level. So just trying to-- what I'm trying to do is maximize our federal dollars and get kids fed. And I think-- I'll, I'll work with our advocacy groups and I'll try and get some more detailed numbers. Senator Linehan, I have like five different spreadsheets that I downloaded from the Department of Education and the CEP and it was a lot of fun--

**LINEHAN:** Are they really geeky?

**CAVANAUGH:** --and they didn't match and were very confusing.

**LINEHAN:** Yes.

**CAVANAUGH:** Yes. So I think I need, like, a Ph.D. before I can really fully do this, but we'll work to get you some more detailed numbers for sure.

**WALZ:** Any other questions? Thank you, Senator Cavanaugh.

**CAVANAUGH:** Thank you.

**WALZ:** That ends LB1039 and opens up LR306, Senator Wishart.

**WISHART:** Well, good afternoon, Chairwoman Walz, members-- Vice Chairwoman Walz, members of the Education Committee. My name is Anna Wishart, A-n-n-a W-i-s-h-a-r-t, and I represent the 27th District in

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west Lincoln. I am here today to introduce LR306 and this is the first resolution I've ever had a hearing on so this is exciting. It's a resolution that urges Congress to honor their promise to cover 40 percent of the average cost to educate a child with disabilities in our country; a move that would help improve special education for children in need and alleviate local property tax investments. In 1975, the federal Education for All Handicapped Children Act was enacted, mandating that all children with disabilities be provided free, appropriate public education in the least restrictive environment. The act also promised states that the federal government would provide 40 percent of the average per-pupil expenditure to help offset the costs of this federal mandate. In 1990, the act was amended and renamed the Individuals with Disabilities Education Act, IDEA. IDEA remains the cornerstone of federal statutory mandates governing special education in our country. The purpose of the original act, as declared by Congress, was to ensure that all children with disabilities have available to them a free, appropriate public education, which emphasizes special education and related services designed to meet their unique needs, to assure that the rights of children with disabilities and their parents or guardians are protected, to assist states and localities to provide for the education of all children with disabilities, and to assess and ensure the effectiveness of efforts to educate children with disabilities so that they can grow up and live a fulfilling life as independently as possible. As I mentioned earlier, when this federal mandate was first enacted in 1975, Congress promised to cover 40 percent of the average costs to educate a child with disabilities in public elementary and secondary schools. In 1982, the act was amended by Congress to require the federal government to pay up to a maximum of 40 percent. This change was not supplemented with any significant changes to the federal regulations, thus requiring states and local communities to cover the cost of this. Since the beginning of IDEA, the federal government has never paid the promised 40 percent share of their mandate to support the needs of children with disabilities. Please refer to the chart-- I believe I may not have handed it out. Yes, the chart given to you-- I want to thank NASB for pulling this information for, for me and many of the other organizations who pulled some really good information for you to look at. I especially want to thank them because I tend to text them at, like, six in the morning, so I appreciate them coming through. For many years, Congress paid less than 8 percent, less than 8 percent, of the excess cost of educating children with disabilities, forcing the states and local educational agencies to cover the remaining costs; in turn, becoming a main

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contributor to higher property taxes at the local level and also a contributor to schools having to cut important disability services for kids. As the Nebraska student population requiring special education and related services continues to grow each year, schools, disability rights groups, and parents groups have been advocating to our federal representatives to bring IDEA appropriations up to their promised full funding of 40 percent of average per-pupil expenditures, the maximum any state can receive for a student with disability. These efforts have yet to succeed and in 2016, federal funding only represented 16.3 percent of its share, well short of the promised 40 percent level. Thus, the challenge of serving children with special needs continues to fall in the state and local school districts, which leads to both cuts in vital educational and therapeutic programs and tax increases. In addition, there are significant penalties associated with the state or local community not being able to pay for this mandate. If a student with special needs does not receive their care from a school and that school district, they are subject to lawsuits. And in addition, IDEA includes a maintenance of effort provision that places a requirement on the state and local educational entities to demonstrate that their funding remains constant from year to year. Right now, a bill stands on the floor of the United States House of Representatives, H.R. 1878, known as the IDEA Full Funding Act, that aims to reach the 40 percent full funding level by the fiscal year 2028 through incremental increases in the federal share funding each fiscal year. LR306 respectfully urges Congress and the President of the United States to enact H.R. 1878 to fully fund the Individuals with Disabilities Education Act. The time is now for the federal government to fix their broken promises, meet their funding obligation for special education, and help join the initiative to support children with special needs and reduce the increasingly high taxes for local communities in Nebraska. I brought this resolution on behalf of many advocates and some of their members who are here today to discuss how this would impact their school districts and their disability communities. I want to thank Senators Linehan and Pansing Brooks for cosponsoring this resolution. It is imperative that this committee seriously consider advancing this resolution to the floor in a timely manner because this federal legislation is in front of Congress currently so it can be passed. And we, as a legislative body, can stand with local school districts, communities, disability rights groups, parents, and children with special needs to urge our members of Congress to bring Nebraska's dollars back home to help fund special education. With that, I would be happy to answer any questions.

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**WALZ:** Questions from the committee? Senator Linehan.

**LINEHAN:** Thank you very much, Senator Wishart, for bringing this bill.  
Do you know who the main sponsor of H.R. 1878 is?

**WISHART:** I don't know that, but I know NASB following me--

**LINEHAN:** OK, OK.

**WISHART:** --will know that and will know more of the federal stuff going on. I believe that Colby Coash and a group-- I believe they've already been out to DC to lobby in support of this or are going shortly.

**LINEHAN:** Thank you very much for being here.

**WALZ:** Other questions? Oh, go ahead.

**WISHART:** I will say too, really quickly, this will be passed out to you by a later testifier, which shows school, school district by school district, kind of what this impact will be.

**LINEHAN:** [INAUDIBLE]

**WALZ:** Go ahead.

**LINEHAN:** So it's-- who, who is the author?

**WISHART:** The author of this is the Association of School Boards. And the gentleman who will be in front of you has done extensive research into special education.

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

**WISHART:** And it's the Rural Community Schools Association as well.

**LINEHAN:** OK.

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

**WISHART:** OK, thank you.

**WALZ:** Proponents for LR306?

**BRIAN HALSTEAD:** Good afternoon, Vice Chairman Walz and members of the Education Committee. For the record, my name is Brian Halstead,

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B-r-i-a-n H-a-l-s-t-e-a-d. I'm with the Nebraska Department of Education. We are in full support of the resolution and I'll just stop there and see if you have any questions.

**WALZ:** Any questions from the committee? Sorry, I was thinking-- I was trying to think of one but-- all right, thank you. Next proponent? Good afternoon.

**JACK MOLES:** Good afternoon, Senator Walz and members of the Education Committee. My name is Jack Moles. That's J-a-c-k M-o-o-l-e-s. I'm the executive director of Nebraska Rural Community Schools Association, also referred to as NRCSA. And today, I am also speaking on behalf of the Nebraska Council of School Administrators and the Greater Nebraska Schools Association. On behalf of NRCSA and NCSA and GNSA, I want to testify in favor of or in support of LR306. We thank Senator Wishart for bringing this bill and to Senators Linehan and Pansing Brooks for signing on. I've shared a couple of, of supporting documents with you and I'd like to refer to those. The first one is this document and this comes from the, the Nebraska Association of Special Education Supervisors, which is an affiliate organization of Nebraska Council of School Administrators. And I especially want to draw your attention to two graphs in the document. The first is in the lower left of the first page. And in here you could see that special ed reimbursement is broken down or funding is broken into two categories. The first date is school age expenditures. The second is birth to age five expenditures. In birth to age five, the federal government is actually providing funding on a fairly high level. And it's the school age part of funding that needs to see an improvement in federal funding. The level of federal funding was about 24 percent, 2010-2011. Today, it's somewhere in the neighborhood of 5 or 6 percent. I'd also like to point out that the state, while taking on a higher percentage of school age funding, could also help some, some more in that area. The other graph is on page 2 in the middle. And this graph shows the growth or decline of total funds on behalf of the local district, the state, and the federal government. By far, the greatest in percentage of increase is in the school district-- local school district, up 54 percent over that time, over the eight-year period. The state has raised its part by 24 percent, while the federal funding has dropped by 47 percent. So pretty good evidence that the Feds need to pick up their share of things. The second document I'd like to refer to is the, the other document, the spreadsheet. This is a study of the growth in a, in a-- very few cases, the decline of special ed funding in each school district over a ten-year period. It was surprising to

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me that 28 school districts actually saw a decline in their special education expenditures over that ten-year period. But most of the districts, 90 percent of them, saw growth in their special education expenditures and many of them saw a very dramatic rise. For example, Pawnee City was at 276 percent over that ten-year period; South Platte, 264; Hyannis, 232; several districts, well over 100 percent, but I listed the top ones there. If we could see an increase in federal reimbursement dollars, we would see a positive impact on school districts and their budgets. And if we saw an increase in state reimbursement dollars, we would also see a positive impact on school districts and their budgets. Raising reimbursement rates would likely-- is one of the likeliest ways of ensuring that we could generate real property tax relief on behalf of our districts. I, I took very few districts out of here, just at random and from across the state, and figured if they, if they were to see a 20 percent increase in reimbursement, what effect that would have on their levies. And the numbers I used were from 2017-2018 because that's where I-- we had the complete information. I'll give you a couple examples. Alliance would see a 3.61 percent increase on their levy, Ashland-Greenwood with 3.94, Bellevue was 9.84. So in other words, if we saw an increase in reimbursement rates from the Feds or from the state or a combination, I believe we would have an opportunity to provide some real property tax relief. So with that, I'll stop.

**WALZ:** Thank you. Questions? Senator Linehan.

**LINEHAN:** Thank you very much, Mr. Moles, for being here. When I've looked at this, I've been shocked. We have some schools and I'm not going to-- I know there's-- as we've talked before, there's several reasons-- sometimes people-- but schools with as many as 21 or 22 percent of their kids in special ed. That's very disconcerting on a whole bunch of levels. Has there been a study, kind of to look at, like, why those numbers?

**JACK MOLES:** I'm sure there, there has been, but I haven't had access to that.

**LINEHAN:** Because the statewide average is, like, 13 percent. So-- and I know you have-- when you get in the really little schools, all the sudden, like--

**JACK MOLES:** Right.

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**LINEHAN:** --two kids can make up 2 percent, so-- but it just-- when you look at the-- you look at those numbers, you wonder if there isn't a bit of over-- what do you call it?

**JACK MOLES:** Over-- yeah--

**LINEHAN:** Right.

**JACK MOLES:** --identification.

**LINEHAN:** --overidentification or if there's-- it's just because if you, if you think special ed in-- they're going to have difficulty getting all the way through school, those are huge numbers.

**JACK MOLES:** Yeah, the, the district that I was last a superintendent in, we, we-- when I left, we were around a 25 percent rate, which was alarming to us. And every year, we'd go back and review what we were doing and, and how we were identifying and the steps we were taking and, you know, I don't know what else we could have done. Kids were qualifying.

**LINEHAN:** So this-- is part of that behavior?

**JACK MOLES:** No, I-- really not behavior. That's not what, what we were seeing. One of the things we saw-- we had a pretty transient population and one time-- I don't know if it was a fit of frustration or what, but I, I got to thinking that it seemed like every kid that moved into our district had an issue like that.

**LINEHAN:** IEP.

**JACK MOLES:** And I did a little research on it. You know, I just went back and looked at a five-year period and yeah, we were, we were well above the 25 percent mark-- were moving-- they're transient; moving in and then moving out right away or very quickly. I don't have a, I don't have a reason for you. I just know what happened in my district.

**LINEHAN:** Because sometimes-- I mean, I think-- and I don't-- I'm not saying this is in Nebraska too, but nationally, this was a big argument-- longer ago than I want to say; probably 16, 17 years ago-- that we were overidentifying kids as disabled when-- and to your point, transient. They just haven't been in school long enough to be at grade level.

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**JACK MOLES:** Right, and, and I think--

**LINEHAN:** And it's more of a--

**JACK MOLES:** Yeah.

**LINEHAN:** We were-- we're reading at kindergarten level or first grade level and we're in the fourth grade, but we haven't really been in school for three years, so.

**JACK MOLES:** And that, that could come into play, yeah.

**LINEHAN:** OK, all right.

**JACK MOLES:** Yeah, I don't have an explanation for you. I just-- the numbers seem to be going up every year.

**LINEHAN:** Thank you very much for being here.

**JACK MOLES:** You're welcome.

**WALZ:** Other questions? Senator Kolowski.

**KOLOWSKI:** Jack, just-- some of the identifiable areas have been added to the--

**JACK MOLES:** Exactly.

**KOLOWSKI:** --the slate as well. You can't look at that larger picture without understanding that more things were, were discovered and dealt with. And, and that made a different sort of thought--

**JACK MOLES:** Very much, yeah.

**KOLOWSKI:** --on a lot of figures over time. Thank you.

**WALZ:** Any other questions? I don't see any--

**JACK MOLES:** Thank you.

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

**LINDA RICHARDS:** Thank you. Good afternoon, Senator Walz and committee. My name is Linda Richards, L-i-n-d-a R-i-c-h-a-r-d-s, and I am a school board member for Ralston Public Schools. I appreciate the opportunity to appear before you today to speak on behalf of not only

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Ralston Public Schools and our community, but also in the capacity as past president of the Nebraska Association of School Boards in support of LR306. I want to thank Senator Wishart for bringing this important conversation starter for this body. As previously she mentioned and other testifiers, now is the time to act. For our district, we have seen a great deal of growth in the area of special education expenditures over the course of the last several years. I reference a graph that I did give this committee a few-- just a short while ago, attached to other testimony that we had, which was our SPED expenditures by AFR. You also have an enclosed document that you have now been handed out, that has, by district, has that same information for you to reference. As you can see, for the last five years, special education expenditures have outpaced our budget growth and this area is consuming a larger portion of dollars that we can raise each year. Changing reimbursement percentage for special education would help to relieve and offset some of the increases that we have incurred. As mentioned, Senator Linehan did ask a question about the sponsor of LR18-- H.R.-- excuse me-- 1878, which is legislation pending presently in Congress. The sponsor of that legislation is Senator-- excuse me-- Congressman Huffman from California. So if there's more additional information that the committee would like to have with regard to that federal legislation, we'd be glad to provide it for you. What I would like to encourage you is to consider LR306, this body's opportunity to speak on behalf of the entire state, as it relates to full funding of IDEA. It will assist us at the local level, as board of education members, as we pursue the ability to strengthen the federal investment in special education for the almost 7 million students who receive educational services through IDEA, now focused in our Congress with a bipartisan effort to try to address the needs and the concerns that, that exist. I will tell you that I have attended our advocacy institute every year for 20 years. It reminds me of Groundhog Day, the movie. We go, we ask the same actions, and we come back the next year and do it all over again. IDEA is something that for all the 25 years that I have served as a local school board member, we have fought to try to have full funding at a federal level. Why is this important that you speak now in support of us and in support of our state? Because the opportunity now to take to our federal delegation, the ability to say, at the local level, the impact is great. We are having a pretty substantial debate on the floor tomorrow. And if-- to disconnect the reality between that conversation about property tax relief and fully funding our obligation to special education, they're not disconnected. They are interrelated and completely connected. And so the timing on this and this conversation is critical right now.

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Your voices are needed to help support our voices that, for 25 years, we've been fighting for the opportunity to have the support for all of our students. The other thing I will say in closing is this is the most uniting issue that you will find in the state of Nebraska. You will find that everyone across the aisle, in all corners of this state, all of us, all 1,700 of your locally-elected boards of education, stand in support of fully funding IDEA. And we need your help and your voice in support of that effort. I would entertain any questions.

**WALZ:** Questions from the committee? I am going to ask you to do me a favor.

**LINDA RICHARDS:** You bet; anything, Senator.

**WALZ:** Let's go through one of these so you can explain--

**LINDA RICHARDS:** Sure.

**WALZ:** --what these numbers are.

**LINDA RICHARDS:** Sure.

**WALZ:** Just--

**LINDA RICHARDS:** So let me go to mine so that I-- to-- these are really tiny, so I'm sorry; even I've had to, to put the, the special glasses on. So on the second page, about a quarter way down, you'll see Ralston Public Schools.

**WALZ:** Yep.

**LINDA RICHARDS:** And in that kind of peach section, you have total local state SPED expenditures. So for us, that is \$6,080,668. The total federal SPED expenditure for that is reimbursable; it's \$751,088. You then have the-- which are our current numbers you heard the NDE refer to and that number is \$6,831,756. The yellow column is our total GF, so our general fund expenditures. So that's as it's compared to total operation, which is-- for us is \$35.4 million. So for Ralston, our SPED percentage of that budget is 19.27 percent of our budget.

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

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**LINDA RICHARDS:** So you see that for each of the related districts, Senator.

**WALZ:** Thank you very much.

**LINDA RICHARDS:** You're welcome.

**WALZ:** I appreciate that. Any other questions? Thank you. Next proponent? Good afternoon.

**STEPHANIE SUMMERS:** Good afternoon. Senator Groene, Senator Walz, the Education Committee, my name is Stephanie Summers, S-t-e-p-h-a-n-i-e S-u-m-m-e-r-s, and I am here representing the Nebraska Association of School Boards and David City Public Schools Board of Education. IDEA funding will not only help provide adequate resources to special education students, it will also provide property tax relief to the property owners of Nebraska. As a school board member of nine years from David City Public Schools, I represent two communities and special education students served in both public and private schools within my district. The federal government has authorized IDEA reimbursement up to 40 percent per year. However, they've never fully funded IDEA and currently reimburse school districts across the country at 15 to 16 percent of their special education costs. For 45 years, this federal mandate has been laid on the shoulders of state and local governments. We should and we do provide these services to the public and private special education students, but the lack of meaningful IDEA reimbursement at the federal and state level requires rural school districts to not dip, but plunge into their general fund and rely heavily on their local property tax payers. Providing IDEA resources to students in rural Nebraska can mean high transportation costs, staffing issues, and paying more for less contact instructional time. In the past, David City Public Schools has used no less than seven different agencies in one year to provide special education services. Currently, we transport ten students to Columbus every day to meet their IEP specifications. One of those students is enrolled in a nearby district. We have become a resource for that district to meet their needs of their special education student. Cost sharing among districts through building fund allocations or transporting students as well as shared contracts with other public schools is essential for rural districts. Most districts are unable to provide in-house resources to these students and we are grateful for our ESU counterparts as well as our partnerships with public schools. I serve a rural district on the eastern end of our state. And while our expenses are great and our resources are limited, I'm continually

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grateful for our proximity to our ESU as well as the services in Omaha and Lincoln. Rural districts in the central and western portion of the state do not have the access we do. Their special education costs are profound and their ESU is absolutely essential. While the medical world has evolved in their identification of special education students, the federal and state governments have not kept pace with the funding needed to provide resources and increased costs to a district can be crippling. Preparing all students for citizenship after graduation has become increasingly difficult as fiscal needs increase and federal and state investments remain limited. Currently, there stands a bill on the floor of the United States House of Representatives, H.R. 1878, designed to fully fund IDEA. The IDEA Full Funding Act aims to reach the promised 40 percent federal share of funding by 2028 through incremental increases each fiscal year. I have advocated at the federal level for an increase in IDEA contributions and I urge you to join me and my fellow board members from across the state by passing this resolution. Also, I'd like to add that my district, David City Public Schools, is one of those districts that has about 20 to 22 percent of our students in special education, as Senator Linehan pointed out. And we are budgeted-- about 20 percent of our general fund is allocated to those needs. I'll take any other questions.

**WALZ:** Thank you. Do we have any questions from the committee?

**MURMAN:** I've got one.

**WALZ:** Senator Murman.

**MURMAN:** Thank you, Senator Walz, and thanks for testifying. And I commend David City for what they're doing for special ed and also NDE and ESUs and everyone that is involved. But, but with as many students as you've seen that have had special ed services, I was just wondering if you could give us an example of someone that you think these services has really helped or a group of students or kind of be specific-- maybe a little more specific?

**STEPHANIE SUMMERS:** Specifically for our district, while we were-- we chose not to take it out of our special education fund or put it for a claim for reimbursement for special education. One thing that we decided as a district-- we were starting to see a high need in behavioral disorder students. We were not able to-- as a smaller district, we can't hire just any special education teacher, specifically, to fill that role. So as a board, we voted to allocate

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around \$40,000 of our general fund to-- our building fund, excuse me, to our ESU. They built a behavioral program. They remodeled a warehouse up at ESU 7, where now we send several students from David City every day and they're able to meet their needs up there. I think that was one of the, the, the best votes from our board in the last five years was allocating that money. That's a cost-sharing program with other districts within the ESU. And so they have students come from other communities and they all meet there for the day. That and then we also have used our ESU for our life skills program. We had four different, or excuse me, three different special education teachers in our life skills program in four years. And it was just such an inconsistent way to serve students that needed consistency. So we decided to move that program into our ESU also. So that's just a way that we've tried to reallocate our resources and use the things that are available to us to meet the needs of the kids, specifically in our district. And I, and I, and I also just want to say that we have some of the best special education teachers; the things that they do-- and I substitute sometimes for them and they do a lot. They do a lot.

**MURMAN:** Well, thank you.

**STEPHANIE SUMMERS:** Thank you for the question.

**MURMAN:** I didn't mean to put you on the spot, but you did an excellent job describing that.

**STEPHANIE SUMMERS:** No, that's fine.

**MURMAN:** I've, I've-- by the way, I've got a daughter that's special needs and, and went through the whole system. She's 33 now, but I really appreciate everything that the schools have done in Nebraska and the federal government, at least for the part that they have done.

**STEPHANIE SUMMERS:** That's right.

**MURMAN:** So thank you.

**WALZ:** Any other questions?

**GROENE:** This will probably be redundant, here, because I missed most of the hearing, but when you-- what did you say your budget is?

**STEPHANIE SUMMERS:** This year, we're about 21 percent.

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**GROENE:** That's of your general funds?

**STEPHANIE SUMMERS:** Of our general fund, yes--

**GROENE:** And that's matched by the federal government?

**STEPHANIE SUMMERS:** --for David City. No, that is not matched by the federal government. We-- our-- so--

**GROENE:** Well, you get 50 percent matched, about 50 percent?

**STEPHANIE SUMMERS:** No, from the federal government, it's about 15 percent we get reimbursed.

**GROENE:** When did that drastically drop? It was-- we were--

**STEPHANIE SUMMERS:** When they-- I think it was when they did the stimulus package in 2010 is what I-- I mean, I could be wrong, but we-- there was a bump in the funds that were given out for the reimbursement in that. But since then, it has dropped off dramatically again.

**GROENE:** Maybe it's 50 percent of the \$220-some million that the state-- between the two of them it's around 50 percent?

**STEPHANIE SUMMERS:** The state does give more than the federal government, yes.

**GROENE:** Thank you.

**WALZ:** Other questions? Thank you so much.

**STEPHANIE SUMMERS:** Thank you.

**EDISON McDONALD:** Hello, Education Committee. My name is Edison McDonald. I'm the executive director for the Arc of Nebraska. We are a nonprofit that advocates for people with intellectual and developmental disabilities. We are here today testifying in support of LR306 to call on Congress to pass the IDEA Full Funding Act, H.R. 1878. This bipartisan bill would increase funding over the next decade to bring the federal share of funding for special education up to 40 percent, the amount committed when the law was first enacted in 1975. Currently, the federal government only covers 14 percent of these costs. IDEA requires a free, appropriate public education, appropriate evaluation, an individualized education plan, least restrictive

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environment, parent participation, and procedural safeguards. Despite the passage of the IDEA requiring that students with disabilities be educated to the maximum extent that is appropriate with students who do not have disabilities, many students remain segregated in self-contained classrooms or in separate schools. There is also a lack of qualified special education teachers, with nearly every state reporting a shortage of teachers and related service personnel. While special education funding is a problem across the board, we see the impact exacerbated in rural communities. While we are able to walk many through basic issues, we find that it is increasingly difficult to keep up with the volume of schools without properly trained staff. The Arc has provided a helpful new special education training tool and we are getting ready to expand targeted efforts to increase family supports in the next year, especially in rural communities. However, what the nonprofit community can provide is a drop in the bucket compared to what needs to happen. Some of the issues we frequently hear include that there isn't enough funding to hire para educators, our staffing levels are not adequate, we don't have proper training. On a larger level, several studies have found similar issues. A 2008 study found that many rural schools operate within a more restricted budget because of a lower tax base in those areas. Limited operating budgets in rural schools present additional challenges for rural special education teachers. Teachers may need to make do with fewer materials and resources due to budget constraints. Rural schools may struggle to provide the specialized services required by individualized programs. As we continue to underfund supports for students with intellectual and developmental disabilities, we see the impact forcing families away from rural communities. We must ensure that all Nebraskans with an intellectual or developmental disability have access to an appropriate public education, appropriate evaluation, an individualized education plan, the least restrictive environment, parent participation, and procedural safeguards. We encourage you to pass LR306 and ensure that there are adequate funding levels for IDEA to ensure we properly support individuals with intellectual and developmental disabilities. Thanks. Any questions?

**GROENE:** Any other proponents? Opponents? Neutral? Letters; none received. No letters.

**WISHART:** Well, thank you, Chairman, for having me. I did want to close really quickly and just summarize. Again, you know, I think last year, I introduced a bill to increase funding from the state level for special education and then looking more into this issue, realized that

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the-- most of our requirements around special education come at the federal level. And when those requirements were first built in, in 1975, there was a promise by the federal government that 40 percent of the funding for, for kids in each state would come from the federal government. And we've never reached that point in the year that IDEA has been around. And in fact, some years, it's been at 8 percent, Senator Groene. This year, it's about 16 percent. Again, I provided a chart that shows you how low the level of funding has been. So, again, requirements from the federal level, yet the federal government spends the least amount in terms of supporting the needs of kids in special education than the state and especially local. The, the onus falls on local communities. The other thing I did want to address, and I know Senator Linehan isn't here, but she had talked about some concerns around-- over having a system that incentivizes school districts to overidentify kids with special needs. And actually, that was addressed by Congress. They created an, an amendment to IDEA to address this concern. And they created a new funding formula to change that and, and make sure that there wasn't an incentive for doing that. So I do believe, in terms of the funding formula on the federal side, they have worked hard to address that potential concern. And with that, again, I would urge this committee, as quickly as possible, to vote this bill out if this is a bill that you would consider supporting. I think, one, it is a helpful bill as we discuss the issues around property tax relief and also around supporting communities and kids who are in need. But also, we have a bill on the federal level right now that could potentially go through. And I think Nebraska showing unified support, in terms of it passing in a bipartisan way, will help this bipartisan bill pass on the federal level. I'd be happy to answer any questions.

**GROENE:** Thank you. We've got an email. Apparently we didn't get it in time, but they were so polite the way they asked me here in this email that-- the School Social Work Association of Nebraska did send an email in support of the bill. All right. Excuse me, that was on the suicide one. So we got to make sure we get the transcript screwed up the best we can. But no, I only have one question: who do we send this to?

**WISHART:** So this, this--

**GROENE:** To our, to our federal elected--

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**WISHART:** Yeah, this goes to Congress and the President urging them to fund IDEA at the 40 percent level.

**GROENE:** What do you mean "Congress?" Is that our federal officials?

**WISHART:** Well, it will speak to all of Congress, but it will especially urge our federal officials, since they have an attachment to Nebraska.

**GROENE:** Do you know how the process is; we send this letter and it goes onto, what, the record?

**WISHART:** Yeah, just similar to the social workers.

[LAUGHTER]

**GROENE:** But we do--

**WISHART:** And we'll ask really nicely.

[LAUGHTER]

**GROENE:** And have other states done this?

**WISHART:** I don't know that.

**GROENE:** Thank you.

**WISHART:** I would imagine so, I would-- this is, by far, one of the most bipartisan issues that I've seen in terms of researching it. Other states haven't done the language that we have, though. We will be unique in that way.

**GROENE:** Thank you. Are you the one writing the letter?

**WISHART:** Well, the resolution that--

**GROENE:** Is it already written?

**WISHART:** --you-- that is before you is what will be sent to Congress.

**GROENE:** All right.

**WISHART:** And if we can, if we can pass it-- if we pass it out of committee, my staff is-- this is the first time I've ever done a resolution that gets a public hearing. But I believe it'll hopefully

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pass pretty quickly and send, send a pretty strong message to the-- to our federal, federal delegates that the federal government needs to fix their broken promises.

**GROENE:** Thank you. Any other questions for Senator Wishart? Thank you.

**WISHART:** Thank you.

**GROENE:** That closes the hearing on LR306 and that closes hearings for the day.