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WALZ: Go over some COVID-19 hearing procedures first. For the safety of our committee members, staff, pages, and public, we ask those attending our hearings to abide by the following procedures. Due to social distancing requirements, seating in the hearing room is limited. We ask that you only enter through the hearing room door when it is necessary for you to attend the bill hearing in progress. The bills will be taken up in the order posted outside the hearing room. The list will be updated after each hearing to identify which bill is currently being heard. The committee will pause between each bill to allow time for the public to move in and out of the hearing room. We request that everyone utilize the identified entrance and exit doors to the hearing room. We also request that you wear a face covering while in the hearing room. Testifiers will-- may remove their face covering during testimony to assist committee members and transcribers in clearly hearing and understanding the testimony. Pages will sanitize the front table and chair between testifiers. Public hearings for which attendance reaches seating capacity or near capacity, the entrance door will be monitored by a Sergeant at Arms who will allow people to enter the hearing room based upon seating availability. Persons waiting to enter a hearing room are asked to observe social distancing and wear a face coming while entering-- waiting in the hallway or outside the building. The Legislature does not have the availability due to the HVAC project of an overflow hearing room for hearing which attract, which attract several testifiers and observers. For hearings with large attendance, we request only testifiers enter the hearing room. We ask that you please limit or eliminate handouts. And with that, I want to welcome you to a very, very cold Education Committee public hearing. My name is Lynne Walz from Legislative District 15 and I serve as Chair of the committee. The committee will take up the bills on the posted agenda. 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 proceeding, I ask that you abide by the following procedures. Please turn off or silence cell phones or other electronic devices. The order of testimony is introducer, proponents, opponents, neutral, and closing remarks. If you will be testifying, please complete a green testifier sheet and hand it to the committee clerk 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 committee members and

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Education Committee February 16, 2021

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staff. If you need additional copies, please ask the page to make copies for you now. When you begin to testify, state and spell your name for the record. If you would like your position known but do not wish to testify, please sign the white form at the back of the room and it, it will be included in the official record. If you are not testifying in person, but would like to submit a written position letter to be included in the official hearing record as an exhibit, the letter must be delivered to the office of the committee chair or emailed by 12:00 p.m. on the last work day prior to the public hearing. Additionally, the letter must include your name, address, state of position of for, against, or neutral on the bill or LR in question, and include a request for the letter to be included as part of the public hearing record. Please speak directly into the microphone so our transcribers are able to hear your testimony clearly. Finally, please be concise. Testimony will be limited to five minutes. We will be using the light system. Green is five minutes remaining. Yellow is one minute remaining. And when you see the red light, you should wrap up your comments. The committee members with us today will introduce themselves beginning at my far right.

PANSING BROOKS: Oh, Hi, I'm Patty Pansing Brooks, Legislative District 28 right here in the heart of Lincoln.

MORFELD: Adam Morfeld, District 46, northeast Lincoln.

LINEHAN: Good afternoon. Lou Ann Linehan, District 39.

DAY: Jen Day, District 49, northwestern Sarpy County.

SANDERS: Rita Sanders, District 45, the Bellevue, Offutt Community.

WALZ: To my immediate right is research analyst Nicole Barrett. To the right end of the table is committee clerk Mandy Mizerski. And our pages today are Savana and Rebecca. Please remember that senators may come and go during our hearing as they may have bills to introduce in other committees. I'd also like to remind our committee members to speak directly into the microphones and limit side conversations and making noises on personal devices. We are an electronics-equipped committee and information is provided, provided electronically as well as in paper form. Therefore, you may see committee members referencing information on their electronic devices. Be assured that your presence here today and your testimony are important to us and crucial to our

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state government. Lastly, as a reminder, please allow the pages to
sanitize between testifiers. And with that, we will open up with LB359
and Senator Pansing Brooks.

PANSING BROOKS: Thank you, Chair Walz and good afternoon, fellow
members of the Education Committee. For the record, I'm Patty Pansing
Brooks, P-a-t-t-y P-a-n-s-i-n-g B-r-o-o-k-s, representing District 28
right here in the heart of Lincoln. I appear before you today to
introduce LB359, which expands the current definition of multicultural
education to incorporate the histories, perspectives, and
contributions of African-Americans, Hispanic Americans, Native
Americans, and Asian Americans. This bill also specifies requirements
for multicultural education in schools and requires the Nebraska
Department of Education to hire a multicultural education specialist.
I want to thank the Nebraska Department of Education for asking me to
introduce this bill. Nebraska's population is growing more diverse.
More than one-third of the pre-K student population identifies as a
race other than Caucasian, while the overall population in Nebraska is
about 88 percent Caucasian according to data from the Nebraska
Department of Education and the U.S. Census Bureau. As we become more
diverse, we also become more sensitive to the ways in which our
education curriculum incorporates that diversity. Students need to
understand how multicultural issues shape who we are. This diversity
is central to our history, our arts, our humanities, and our overall
culture. We are a more complete and better society as we learn about
diversity from each other. Nebraska has made some important strides in
recent years to incorporate the histories and perspectives of various
races and cultures into our statutes. For instance, we passed
legislation a few years ago to replace our statues in the United
States Capitol. As a result, we could now look on proudly as Standing
Bear prominently represents our state in Statuary Hall. Last year, we
passed LB848, which replaces Columbus Day with Indigenous Peoples Day
and Columbus Day. This will allow our state for the first time ever to
have an official state holiday recognizing Nebraska's first peoples,
both past and present. The Legislature has also previously moved
forward in updating our education statutes to recognize diversity,
quote, incorporation of multicultural education, unquote, was
specifically added to our Americanism statutes in 2019 under Senator
Slama's LB399. The legislation also added, added the Dr. Martin Luther
King holiday to the section that mandates that appropriate patriotic
exercises be held under the direction of the superintendent in every

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public denominational and parochial school. LB399, Senator Slama's bill passed 44 to 2, and I voted in favor of that bill in large part because I thought the statutes were greatly improved by these important additions. The growing Hispanic population in our state and the rich cultural contributions from these Nebraskans is also important to celebrate. The number of Hispanics in Nebraska is expected to triple by 2050, according to a study by the University of Nebraska Omaha Center for Public Affairs Research. So LB359, this bill, is in keeping with our state's awakening to these important demographic changes and our own Legislature's recognition of these multicultural issues. Nebraska is a state with growing diversity, a rich history, and a promising future. Ensuring that our kids are getting this multicultural education in the classroom only makes us better as a state. I do have one amendment to this bill, AM196 adds the word, quote unquote, shall to page 2, line 14. The removal of the word "shall" on page 19 should have triggered a replacement "shall" on line 14. So without the amendment, we have no verb in that sentence. Unfortunately, no one caught this grammatical error during the drafting process. So I ask the Education Committee to amend with LB196 [SIC] and move LB139 to General File. And with that, I'll be happy to answer any questions you may have or refer them to the people behind me. Thank you.

WALZ: Thank you, Senator Pansing Brooks. Questions from the committee?

PANSING BROOKS: Thank you.

WALZ: Thank you. Proponents. Good afternoon.

BARBARA BAIER: Hello. Good afternoon, Chairman-- Chairperson Walz and distinguished members of the Education Committee. My name is Barbara Baier, B-a-r-b-a-r-a B-a-i-e-r. I'm a member of the Lincoln Board of Education and I am offering proponent testimony for LB359. I would like to focus my testimony on the addition of a full-time multicultural education consultant at NDE on page 2, lines 22 through 23 of the bill. A full-time consultant trained and experienced in the field of multicultural education will not only provide additional information to districts, but that position can also become the natural connector to help districts learn from the best practices of other districts. We believe that the consultant can be very beneficial to the state in three ways. First, to assist districts in decision-making. An NDE consultant can be the person who is

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knowledgeable and skilled and is able to bring together key members of a district or key stakeholders across the state to enable strong stakeholder engagement and consensus in a process or decision-making session. Second, to assist district in planning, a consultant can be there as a support for districts who are doing strategic planning or school improvement work, who want to ensure that their plans for infusing multicultural education materials or experiences match best practices in this area and reflect the goals of the state. Third, to spur discovery, school boards, district superintendents, school building leaders, and teachers sometimes have a gnawing sense that something needs to be different. But they are not sure what to do, what is missing or even what is wrong. The consultant can act as a sounding board against which those educators can best bounce questions. Then the consultant can act as a resource for the district or school or classroom to find the multicultural education materials or experiences necessary to fill those gaps. LPS has an equity, diversity, and multicultural administrator in the district that serves this role. We have found that position very beneficial for the district for the reasons I have stated, and also because it provides a central figure who can act as a spokesperson on the topic of multicultural education when questions arise from our community. For these reasons, I would like to offer my-- our support for LB359 and we encourage you to pass it out of committee and onto General File. I would be happy to answer any questions.

WALZ: Thank you so much.

BARBARA BAIER: Thank you.

WALZ: Questions from the committee?

BARBARA BAIER: OK, thanks.

WALZ: Thank you. Next proponent.

MATT BLOMSTEDT: Good afternoon, Senator Walz, members of the Education Committee. It's actually very good to be with you. I'm Matt Blomstedt. My last name is spelled B-l-o-m-s-t-e-d-t, and I am the commissioner of Education for, for the Department of Education and really very honored to be able to, to be in that particular role. One of the things-- and I, I thank Senator Pansing Brooks for introducing this particular bill. One of the things that I've, I've witnessed over time

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is trying to figure out what leadership role the department can play, play to really ensure the best educational opportunities for our students all across the state. And there probably would have been a moment in time where I would have said, well, just putting one person in place won't make all that much difference necessarily. But what we've really learned, and I think I've seen it through things enacted by this body in the, in the past, literacy, for example. Our efforts on literacy were really enhanced by having someone expert in the, in the realm of reading and, and English language arts to make a particular difference in, in the future of our students lives and provided us very much what Mrs.-- Miss Baier said about the responsibilities of a particular staff member at the department to be that interaction with school districts and that guide in the, in the particular work that they may have around multicultural education. Now, I can tell you this is with it being President's Day in this particular week, we've had quite a few experiences with civics education and the importance of working all across the state of Nebraska. And I can tell you that we've worked very closely with Santee Community Schools as one of our priority schools. A few years back, I can remember having conversations about the meaning of Presidents Day, the, the, the, the importance of looking at, you know, and having a response to what our country was founded on. And shortly after that President's Day, I remember going up to Santee and actually having a conversation with their board members about what put Santee in Nebraska. And if you actually look at that, there's a whole history, obviously, actually, of, of moving the Santee culture, moving the Santee community from Minnesota to Nebraska at a point in time where it was pretty, pretty tough in the midst of the civil war, just, just in the middle of everything going on, on in the country. And they were actually moving tribal entities to, to Nebraska and it was a pretty powerful history. And so when students that were looking at the mural that's on the wall in Santee, it's a very different story than the story I grew up with. And it doesn't mean that my story's wrong or their story is absolutely right, but it, it, it heightens the importance of us being able to connect with our students and their experiences and being able to put ourselves into a position of leading in that space. And I, I struggle with understanding how best to lead as the commissioner of education on every single issue. I, I appreciate this dialog with you today about the importance of how we can actually lead with multicultural education in these moments in time to make sure that we can actually engage with our students in a

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way that connects them ultimately to the curricular offerings, engages them in their future, which is what this education system is all about. So I thank you for taking a look at this. I, I certainly would welcome any questions that you would have. I am going to be with you all afternoon, as I think I'm testing on all three bills. So it gives you a chance at me a few different ways. And it's really good to be here in person with you today. I think I drew the short straw with the weather, but otherwise I-- I'm here and glad to be here.

WALZ: Thank you so much. Questions from the committee? Senator Linehan.

LINEHAN: Thank you, Chairwoman Walz. So you, you worked with Senator Pansing Brooks on this, right?

MATT BLOMSTEDT: Our, our staff did. I, I didn't personally, so.

LINEHAN: OK. So are the public schools on board?

MATT BLOMSTEDT: You know, that's a good question. I don't know that I've asked them per se whether or not that they're on board per se. I think what we've learned in, in working with schools, they are asking us for leadership on these key issues. Yeah.

LINEHAN: OK. And then the private schools, did you have an exchange with them on this, too?

MATT BLOMSTEDT: Yes, I, I did. And actually, one of the-- I think that's-- one of the things that's really important is we've tried to work also with our, our private schools, our nonpublic schools on this. I-- I'm aware of kind of the concern of kind of an unfunded mandate. In part, really what the service that I think the department should provide is a bit of that leadership, less of a mandate, more of a, more of an example of how to be able to do this work within our, within our schools.

LINEHAN: But so aren't there several things that the private schools do that you-- you're in charge of? I mean, there are lots of-- I don't if you want to call them-- they're mandates.

MATT BLOMSTEDT: Yeah, there's, there's check the box pieces of, of the puzzle. So our, our nonpublic schools have done a great job. We have approved schools that they just have to follow that kind of a bare

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minimum of the expectations. And this bill would go ahead and, and try to amend that portion of the law and say this would be among those bare minimums. But there's also our accredited schools that go above and beyond those, those approved measures. And so they're doing both and really looking for ways to do both.

LINEHAN: OK, thank you very much for being here.

MATT BLOMSTEDT: You're welcome.

WALZ: Other questions? I see none. Thank you so much.

MATT BLOMSTEDT: Like I said, I'll be here all afternoon with you, so.

WALZ: Next proponent.

JUDI GAIASHKIBOS: Good afternoon, Madam Chair Walz and the Education Committee. It is my honor to testify as a proponent of LB359. My name is Judi, J-u-d-i, Gaiashkibos, G-a-i-a-s-h-k-i-b-o-s, and I am the executive director of the Nebraska Commission on Indian Affairs. I am a member of the Ponca Tribe and I am also Santee Sioux. So I really appreciated the words of our commissioner. It's really an honor to be here today and on such a cold day. My life is informed by my family, my ancestors, and so I always try to think about them when I get up in the morning. And today, when my car was saying minus 11, I thought about what our introducer Senator Patty Pansing Brooks opened with, and I want to thank her for all her work on LB807 and having Standing Bear going into Statuary Hall. And I thought, you know, think about Standing Bear coming all the way from Oklahoma in the dead of winter and bringing his son back to bury him, to keep his promise. It was so cold. And by the time they arrived, their skin was coming off and their blood was in the snow. And I thought, wow, that is really powerful. And I have to be today Standing Bear strong and get to the Capitol and do this testimony. I also thought about another great American story, America's first native doctor, who is from the Omaha tribe, Dr. Susan La Flesche Picotte, and I wondered how many students learn about those great Americans in our educational system here in Nebraska and throughout America. So with that, I come before you to support this wonderful bill that I think really will help us. And as I said, I always go back in time and think about what brought us to where we are today. And for some of the new senators, I have been the director for 25 years and I started in 1995. And this original LB922

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was the multiculturalist legislation that started our conversation that brings us here today. It was introduced by a teacher in Norfolk, and Norfolk is where I grew up, first generation off reservation. My grandmother, my Santee grandmother, was born in 1890 and her mother came down when it was forcibly brought to Nebraska. So when you think back to Abraham Lincoln and what, what we're celebrating here today. I think it's wonderful that the students in Norfolk, Nebraska, had a good teacher like Jim Kubik. And I was trying to find out which senator he worked with in 1992. I'm not sure if it was Senator Connie Jo Day or Elroy Hefner. I'm not certain, but I think it was Connie Day. So they started out with that bill. And today here we are almost 30 years later, and we still need to do more than what we were then. That was a great opportunity to begin the dialog and the students were way ahead of their time. So what can we do today to strengthen what started back then? Well, back in '92, cultural appropriation was not an issue. It is now. Today, each culture that is being included expect it to be done respectfully and in a meaningful way. That's the difference. This little, maybe some would say little piece of legislation really is in a position to connect the real goals of the system to what is multicultural. I did some research and visited with some of my colleagues that have worked in this field over the years. And going back, I worked with Commissioner Doug Christensen, Commissioner Roger Breed, and now Commissioner Blomstedt. So it's really been wonderful to see this evolve. And years past, we did have a multicultural person that was funded by federal grant money and we even had a Native American liaison. But for whatever reasons, budgets, it went away. So I think today we are here to solidify and put in statute a position that will continue on. And that's what I'm here to support. I think LB359 is a good bill as it is clear what is expected of schools and the department and the commissioner. It places the responsibility on the commissioner to implement and report back to the committee. It gives the commissioner that authority he needs and the accountability the bill needs. What we really need, though, is that it be an FTE multicultural specialist and that needs to be in the bill. And we need-- I would even like to see the salary bigger than what it was, because you heard previous testifier, LPS has a person in this position, as does OPS. And outside of state government, you usually get paid at least \$10,000 more. So this salary has fringe benefits and that's good. But I just wonder if we can attract a person that has such a daunting task to manage the whole state and make sure that all of the children in our schools can be proud and be included and not

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just relegated to the month of this month for African-American studies or November for Native American studies and then you put us back up on the shelf. No, we're here and we want to be seen. And by seeing a senator here that makes the children realize this really can happen, the diversity, and for women, to see you ladies, women here, our young girls need to see that diversity. It's not just ethnic and it's across the board-- line people with disabilities. All of that is what this person will work on. So in closing, I do hope that the committee will move this out onto the floor and that we can have a full FTE that will do this wonderful work to make Nebraska really, truly Nebraska the good life.

WALZ: All right. Thank you so much. Questions from the committee? I see none. Thank you. We appreciate your testimony today. Next proponent.

LAZARO SPINDOLA: Can I lower my face mask? Good afternoon, Chair Walz-- Chairperson Walz and members of the committee. Thank you for receiving me this afternoon. For the record, my name is Lazaro Spindola. That's L-a-z-a-r-o S-p-i-n-d-o-l-a, and I am the executive director of the Latino American Commission. And of course, I'm here in testifying in favor of this bill as a proponent. In 2013, 16 percent of the Nebraska school students were Hispanic. In 2020, the percentage was 19 percent. And a previous testifier talked about projections of about 30, 40 or 50 percent. All those students were taught about great Americans like George Washington, Abraham Lincoln and Martin Luther King and even Chief Standing Bear. Unfortunately, Hispanic children do not see themselves reflected in these great figures, in these great heroes of our nation. They were never taught that when George Washington camped his army in Valley Forge, over \$1 million were collected in Habana, Cuba to feed the continental army, which would have otherwise starved to death. They never learned that Bernardo de Galvez blocked the British fleet in New Orleans preventing them from sailing up the Mississippi and cutting the nation in half. Nor do they know that color TV was invented by Guillermo Gonzalez Camarena. They probably do not know that the first Europeans who came to Nebraska came from Mexico, or that Franklin Chang Diaz and Ellen Ochoa were the first Hispanics in outer space. There are so many figures from whom Latino children can get inspiration and sense of pride, yet our schools lack education on them or their accomplishments. Without such examples, Latino children will have no one to refer to or to look upon. How will they dream of becoming a Supreme Court justice if they

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don't know that Sonia Sotomayor is one? This great nation is a result of the work and accomplishments of many individuals belonging to different cultural and ethnic groups, yet the history taught emphasizes the accomplishments of only certain of these individuals. Senator McKinney, how many African-American children know who George Washington Carver was or who Elijah McCoy was? Those are examples for them. LB359 proposes the hiring of a multicultural education specialist. This specialist will need the help of other individuals or organizations cognizant of specific ethnic cultural characteristics, and the commission is willing to help the multicultural education specialist. Senators, I urge you to advance LB359 in order to provide every child with a proud example of the collaboration that his particular ethnicity has brought to the United States. Thank you and I will try to answer any questions that you might have.

WALZ: Thank you so much. Questions from the committee? I see none. Thanks for coming today.

LAZARO SPINDOLA: OK. Thank you.

WALZ: Next proponent.

ANN HUNTER-PIRTLE: Good afternoon, Chairwomen Walz and members of the Education Committee. My name is Ann Hunter-Pirtle, A-n-n H-u-n-t-e-r hyphen P-i-r-t-l-e. I'm the executive director of Stand For Schools. We're a nonprofit dedicated to advancing public education in Nebraska. Stand For Schools is here in support of LB359. When our teachers go into the classroom, they're performing a public good, serving not just the individual learner but also the public who benefits from a well-educated citizen, professional, and one day, leader. As demographics in Nebraska and the country continue to shift, the need for educators to prepare students, both individually and collectively, to successfully live and work in a multicultural, multilingual, multireligious globally interconnected world becomes ever more urgent. Appreciated the history we heard on this bill already and that it was brought by Norfolk Public School students in 1992. It's time to expand on the good work that they began. LB359 expands the current definition of multicultural education to specifically include the perspectives of African-Americans, Hispanic Americans, Native Americans, and Asian Americans, a vital addition that aligns with research regarding effective multicultural education. Second, LB359 requires the Department of Education to hire a multicultural education specialist.

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You've heard why that's so important and why that's such a benefit. And finally, LB359 applies to all schools in the state. Incorporating effective multicultural education has been positively correlated with the potential to reduce the incidence of bullying among students, decrease the degree of individual student aggression, increase the degree of student self-efficacy and personal resilience, improve student personal achievements, and to improve student mental health. For these reasons, we support LB359 and urge you to advance it from committee. Happy to take any questions.

WALZ: Thank you. Questions from the committee? I see none. Thanks for coming today.

ANN HUNTER-PIRTLE: Thank you.

***SPIKE EICKHOLT:** Thank you, Chairperson Walz and members of the Education Committee. My name is Spike Eickholt and I am a Lobbyist for the ACLU of Nebraska. The ACLU offers its full support of LB359 and we would like to extend our gratitude to Senator Pansing Brooks and cosponsors for introducing this legislation. The ACLU is committed to defending the rights of all Americans, regardless of race, ethnicity, tribal membership, and/or religious beliefs, to be free from discrimination and governmental abuse of power, whether the government be federal, state, or tribal. African Americans, Hispanic Americans, Native Americans, and Asian Americans have suffered discrimination and injustice at the hands of the U.S. government since the country's founding, yet contemporary civil rights discussions in schools all too often ignore the history and rights of these marginalized and underepresented communities. LB359 provides that all students in Nebraska learn and understand their own history along with that of their neighbors. The education students receive in K-12 now will stay with them for life. For those reasons we urge you to foster our students' historic awakening to help ensure the health of our democracy in years to come by advancing LB359 to General File.

WALZ: Next proponent. Are there any opponents that would like to speak? Anybody in the neutral that would like to speak?

JEREMY EKELER: Good afternoon. My name is Jeremy Ekeler, J-e-r-e-m-y, and last name is Ekeler is E-k-e-l-e-r. Chairwoman Walz and members of the Education Committee, the Nebraska Catholic Conference advocates for the public policy interests of the Catholic Church and advances

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the gospel of life through engaging, educating, and empowering public officials, Catholic laity, and the general public. I am the associate director of Education Policy for the Nebraska Catholic Conference. So I deal with our 114 Catholic schools across the state. First and most vitally, the Catholic schools in Nebraska honor the value of multicultural education. The Catholic Church is a universal Church that has fought racism, bigotry, and hatred around the world. Historically, the Catholic, Catholic Social Justice has underpinned efforts to eradicate racism and bigotry. The Church also celebrates the cultural identities of the people she serves. The Church has made it her mission to place schools in the most diverse and underserved communities, from Native American reservations to inner cities, to areas of violent persecution, Catholic schools are integral to diverse communities. Recently, a book titled "Lost Classroom, Lost Opportunity" was published on the topic of Catholic schools' extraordinary efficacy for children in low-income urban areas. While this book was devoted to national research, Nebraska children and families have reaped the many benefits of faith-based education as well. Locally, our schools teach multicultural education via its integration into the study of the global Church's history and the tenets of faith. Also, we teach the content using social studies standards that are part of both the approved and accredited standards. Eighty-one of our schools are fully accredited. The remaining 31 are approved. All Nebraska schools are giving guidance to apply social studies standards, and these standards are rife with culture, diversity, perspective, respect for other civic engagement, and historical context in each grade level, over 150 standard points. But there is a difference between multicultural education as a value and multicultural education as a pedagogy. The first is an ethos, second is a system. And my point is that Catholic schools do both well. Within the bedrock of the faith, our unique school-level curricula and the standards provided by the NDE, Catholic schools teach multicultural education. Our accountability to these standards comes in the form of assessment and market accountability. We need to perform, keep our families coming back. So if I was you I'd be thinking, if you already teach this stuff, why not just support LB359? As the commissioner mentioned as well, we cannot support LB359 because we cannot support more mandates on our schools. Catholic schools are successful in helping Nebraska children and families because they're not subject to the same mandates as public schools. A plurality of schools and schools choice is important. They're successful because

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they retain their unique identities. Even still, nonpublic schools in Nebraska are highly regulated, as you can see from the checklist also in your packets. Our schools will be most successful when they retain local control, could be algebra, could be health, could be anything. And I gave you a, a checklist. Those are the checklist for approved and accredited nonpublic schools given by the NDE. I often hear that our schools aren't regulated or don't have any mandates and I just wanted to express that we do. This would be in addition to those. The spirit of private education and respect for Nebraska families who choose it is important. NDE affirms this stance, honoring private schools for their good work, while also allowing the unique carve-out of approved status, which the commissioner mentioned. The point of approved status is to-- is for smaller schools and for schools to retain their autonomy. So in order to close this all up, we must all consider our roles in an equitable community. And we ask the Education Committee to consider how Catholic schools historically and currently do so, do honor human dignity. We also remind the committee of the Catholic school commitment to excellence, excellence through local control. We appreciate Senator Pansing Brook-- Pansing Brooks bringing LB359 because the Church and our schools value multicultural education. This is a really important conversation to have. I'm glad we're having it. So thank you for your time and your consideration and I'm available to your questions.

WALZ: Thank you. Senator Morfeld.

MORFELD: Thanks for coming in today, Mr. Ekeler. So I just want to be clear. So are you, you came up during the neutral?

JEREMY EKELER: Came in as neutral.

MORFELD: And in your testimony, you said, you cannot support LB359. So I just want to make sure--

JEREMY EKELER: I'm sorry, we cannot support-- to clarify, we, we cannot support another mandate on our schools. So I should say, because LB359 would mandate our schools, this is why we can't-- we came in as a, as a neutral. We value multicultural education. We actually have our dioceses working really hard to update and review this curriculum. But we're neutral because we, we are in-- we are opposed to more mandates on our schools.

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MORFELD: OK, yeah, I was just confused. So thank you.

JEREMY EKELER: I'm sorry.

WALZ: Senator McKinney.

McKINNEY: Thank you. Are you familiar with the recent article from the
student that attends Lincoln Pius?

JEREMY EKELER: I am, yes.

McKINNEY: And also, I'm also aware of another situation at Creighton
Prep High School, where some slurs were made as well. I would think,
in my opinion, looking at the situation at Pius and the situation at
Prep, and I've heard many other situations throughout my life that--

JEREMY EKELER: Um-hum.

McKINNEY: --maybe a mandate is needed because for whatever reason,
there seems to be some type of drop-off in cultural competency, not
only from school administrators, but from students across our state.
And just recently, some high school students in Omaha went to Norfolk
and one-- they, they were playing basketball and something was said.
And I think sometimes we try to rely on the goodwill of people and act
in good faith and hope that everyone will act right. But we're all
human and no one is perfect and these situations have continued to
happen throughout history and throughout our time and still happen to
this day. And I, I would think that, you know, to make sure that we're
doing the right thing instead of just relying on people to do the
right thing that you guys would just support, you know, Senator
Pansing Brooks and making sure that students are being taught this no
matter if they're in a public or private school. Because no matter
what, these students are going to be in the world.

JEREMY EKELER: Yeah, I, I would like to-- can I respond?

McKINNEY: Sure.

JEREMY EKELER: I think, I think you make great points and we're
talking about systemic racism, racism and bigotry and we're also
talking about relying on the system to fix those things. I mentioned
an ethos, the culture of love and, and, and dignity and care for each
other, which is really what the Catholic Church focuses on, focuses

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on. I am familiar with that article. I'm, I'm not, I'm not supposed to ask, but I'd be interested if, if you haven't seen the whole issue of the Pius exchange and I, and I don't want this to get-- I have it and I'm willing to share it with you. And it is-- there is a lot of information in here. The whole focus of the, of the issue at hand is that racism and bigotry are real problems. And we're going to address it at Pius X High School. And in a point, counterpoint article, I think that's what you're referencing, the point, counterpoint, it talked about Black Lives Matter. Yeah. That's part of a much larger discussion that's happening. That piece got snipped. It got pushed out. Here we are. And I think Senator McKinney, to your point, what, what I think is happening is that this article-- I can't talk to Prep or Norfolk, is a glimpse into the classroom. I taught multicultural literature for some time at Pius. It was a real blessing of mine to teach that class, brought in Frank LaMere, to Malcolm X. It was a beautiful thing. The conversations that happened there ended up in print here and their critical conversations that students should be having. These are, these are forming adults. That's exactly your point, right? They're going to enter society and we want them fully formed to engage in society and the diversity within. Those conversations are happening at Pius. That article that you're talking about was insensitive, it was, it was, but it was also taken out of context. And I would love to share the, the paper with you if you guys would like it. I'm doing this with a bit of trust as well, because this family took a lot of, of heat after this incident. And so I'm giving this to you in confidence so you can see the whole context of the conversations and it is that glimpse into the classroom of what is happening at Pius X and in our Catholic schools about diversity, loving one another, treating other people the right way. I don't want to go on too long, but this, this article talks about immigration, single moms, race. It's got a lot in it. I'd love to share it with, with the group, if, if that's OK. But thank you for bringing that up because I cannot agree with you more on the point that we need to form people to enter this society with love and respect for one another so we can make a better society. I don't know if I agree on all the mandates, though, because I, I believe more Catholic schools and their independence and their ethos. Is that, is that a fair way to address the question?

McKINNEY: Yeah. Thank you.

JEREMY EKELER: Other questions? Sorry.

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WALZ: Senator Linehan.

LINEHAN: Can you go back to the-- your hand out here, because I-- are you-- so you go to the, the first one with a box at the top. I think it's like in four pages. So this is, so this is for if you're going to be an accredited school? Oh, this is approved. So is one approved and one's accredited?

JEREMY EKELER: OK, I have one, I have one packet. It's 3 pages for accredited nonpublic schools, of which we have like 81. And then I've got another packet that should be all approved schools. Are there two packets in there for you?

LINEHAN: Yes.

JEREMY EKELER: Yes.

LINEHAN: OK, so are you saying on the-- let's go to the accredited one, which is the last couple pages here, these are the things that if you're in an accredited whether you're a private school or public school, you have to hit all these marks?

JEREMY EKELER: Well--

LINEHAN: I don't-- like, how do you know you're accredited?

JEREMY EKELER: Oh, so you work with the NDE on the accreditation process. This is a checklist that you go through to be accredited. Boy, I don't know how much time we have. So accreditation is-- it's not a higher standard. It's, it's, it's a different type. And a lot of it has to do with percentage of personnel within their endorsement area, for instance, or library resources, or-- I'm trying to think of another instance here, where a school-- like, let's take Spalding Academy, 23 kids, K-12. To do accreditation and have a school counselor, a full-time principal, those don't make sense. So approved allows a school, the smaller school, and it, and it, it creates local control for that school versus accreditation, which are typically bigger and have hundreds and hundreds of students.

LINEHAN: OK, so to be accredited then you, you-- these are things you have to do?

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JEREMY EKELER: Right. And so another piece of this conversation that might be worthwhile, one of the reasons we came in neutral, and this goes back to Senator Morfeld's question, too. I had a great conversation with the commissioner and with Brad Dirksen at the NDE and Rule 10 and Rule 14 for accreditation approval are going to be overhauled and we're going to see three rules it sounds like. Accreditation, approval, and accountability. My original letter of, of opposition to this bill to the school board to-- was because I thought it would be smarter to place this at the same time as the new rules come out so that there is a setting of the table and then the release of the rules. Brad explained that by putting this in place now, we can then have the discussion about the rules. I appreciated that. And it made me kind of evaluate this is-- it's important to protect our individuality and to continue our good relationship with the NDE. They're great. We just, you know, we just-- typically, we do not take in mandates. We do not support mandates. So there's moving pieces behind this, too, that I took into consideration.

LINEHAN: Thank you.

WALZ: Any other questions from the committee? I see none. Thank you for--

JEREMY EKELER: Thank you.

WALZ: --coming today. Is there anybody else who would like to come and speak on a neutral position? Senator Pansing Brooks, are you wanting to close?

PANSING BROOKS: Let's see, I'm good. I think I'll [INAUDIBLE].

WALZ: While she's coming up, we did have one proponent written testimony in lieu of in-person testimony from Spike Eickholt from ACLU. We also had position letters, proponents: Andrea Phillips, National Association of Social Workers; Kara Mitchell, Stephanie Bondi, Marrienne Williams. And opponents: Douglas Kagan, Nebraska Taxpayers for Freedom; Clayton Kliever; and Nora Sandine.

PANSING BROOKS: Thank you, thank you, Chairwoman Walz. I just want to just summarize that these requirements are not cumbersome. They're the same changes as in the Americanism bill previously. I, I feel, I feel that probably each of us learned something today from the testifiers,

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something about history. Certainly, Commissioner Spindola gave information that I, I think was some of it was new to me and, and so did Director Gaiashkibos. So I, I think that to say that, that, you know, we're, we're doing it. We believe in love, which I believe in, too. I think it's really important that we love and embrace all of those around us and all people and all cultures. But too often there's a tendency to let some of those things go by the wayside. And I feel that it's really important to include this, this information in our statutes to assure that our children are taught about the different cultures, the multiculturalism that has been part of our history and will be a great part of our future. Thank you.

WALZ: Thank you, Senator Pansing Brooks. Any other questions? I see none. Thank you. This closes our hearing on LB359.

MORFELD: Then we'll begin our hearing on LB527. Senator Walz. Welcome, Senator Walz.

WALZ: Thank you, Vice Chair Morfeld and members of the Education Committee. For the record, my name is Lynne Walz, L-y-n-n-e W-a-l-z, and I proudly represent Legislative District 15, which is all of Dodge County. I'm here today to introduce LB527, legislation that is dear to my heart and to the special education community. Planning for after school is something that all teens should be doing to prepare for the future. Sometime it begins-- sometimes it begins as early as their middle school years as they determine what classes to take to get into their favorite colleges or as they apply for special programs in high school to prepare them for the workforce. There are a lot of important decisions that are made early on in their, in their young lives. For students with disabilities, this planning becomes even more important as the student, their parents, and the school determine what types of resources and services they need through high school and as they transition into adulthood. Whether they go to college, the workforce, or regu-- or require additional support after high school, this support is essential. Many in the disability community need even more of a head start in planning than their nondisabled peers because of adaptations and changes-- because adaptations and changes can take longer. Transition planning is really just an extension of the IEP process, looking well beyond the current and upcoming educational years and into a student's adulthood. LB527 provides consistency across Nebraska for these students by requiring, requiring planning to begin at age 14. Currently, Nebraska statute requires that transitional planning

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start no later than age 16, and those 2 years can make all the difference in creating a meaningful individual transition-- transitional plan. Nebraska schools do a good job in serving these students now. In fact, most school districts are already planning at age 14 and they will tell you it's important to start that early. Those districts that do not start during freshman year, for whatever reason, are found primarily in rural areas of our state. The department is here to provide more detail on transitional planning services and the number of students this legislation would impact. We will also have a mother here that will be able to speak about her family's personal experience. I believe that no matter where a student with disability lives, they should have the ability to plan for their future and access services to ensure they can be the best they can be. LB527 is one way we can support these students and their families. Making sure that school districts have funding to, to make this possible is another. Thank you and I'm available for any questions.

MORFELD: Thank you, Chairwoman Walz. Any questions from the committee? OK. Thank you. We'll start with proponent testimony. Welcome.

MATT BLOMSTEDT: Hello, Vice Chair Morfeld and members of the committee. Again, my name is Matt Blomstedt, and I'm the commissioner of Education. Blomstedt is spelled B-l-o-m-s-t-e-d-t. I said that like I had to remind myself, but I, I kind of did. First of all, thank you to Senator Walz for introducing this particular bill. It's, it's interesting at the Department of Education, for, for those of you who may not know this anyway, within the Department of Education, also is Vocational Rehabilitation. And so actually about 60 percent of our staff actually work with Voc Rehab and I've, I've handed around, not that I'm going to go through this, but I handed around kind of a planning guide that we use in the kind of transition services and working with special ed, working with our, with our partners across the state and our school districts in particular, kind of the approaches and the resources that are there for, for transitions, meaning that our students by age 16 in Nebraska start to have a chance to look at what-- what's our transition beyond high school? What are the opportunities? If they have a disability, some type of a developmental disability or other disability, it's an important part of that process to make sure that they're ready for their futures. This, and I don't remember exactly when, but I know that we had outreach from Autism Speaks and others about could you consider going back to age 14 as, as a planning period of time? And in many ways, I

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think that makes a lot of sense. Let me describe a couple of reasons why. Even in our career education planning, there's really been a push to, to think about what happens in our middle grades as part of that planning process. And although that our, our system for transition really does allow schools to, to drop down to, to lower, lower ages like down to age 14 for transition planning, it's not a mandate on the state. Now, I had to learn from our staff a little bit about the, the history of this. Apparently at one point in time, maybe a little over a decade ago, Nebraska was mandatory at, at age 14. And there was some unclarity around what-- was it within the federal law and IDEA requirements. And kind of balancing those things out was part of the effort a little over a decade ago. I would have to explore that history just a little bit more to understand other things that maybe have surfaced. But, but really from, from our perspective within the state, it gives us a chance if there was the expectation that it goes down to 14, gives us a chance to be very intentional, that at age 14, the students would begin to receive these services and make it very clear that that would be an opportunity for all students to do that. Now this intersects, obviously, between different programs and other, and other kind of resources within this guide. It gives you a little bit of the sense of how those services might be kind of layered, one on top of another. But still, the requirement ultimately between working with students with IEPs and their school districts, it would make it very clear that that's when that process would start and how they would be able to advance moving forward. So our hope, anyway, is that you would give this very good consideration if there's other details. I, I always hate when the senator says the someone from the department will be here to answer those questions. Usually that's what I get to say. But the, the, the reality is, if there are some questions that I can't answer, I'll be, I'll be glad to make sure that we have staff that can. So with that, I'll close and take hopefully not too many hard questions anyway.

MORFELD: Thank you, Commissioner. Any questions for the Commissioner? OK, Senator Linehan.

LINEHAN: Thank you, Vice Chair. So I'm looking at the fiscal note. So most of these funds, it's a federal program, right, we're not taking advantage of federal money that's available.

MATT BLOMSTEDT: Yeah, I, I think I heard you.

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LINEHAN: I'm sorry. We're not taking advantage of federal program funds that are available for this.

MATT BLOMSTEDT: We're-- yeah, we're trying to make sure that there would be-- that we could use this as an opportunity to gain more federal funds as, as well.

LINEHAN: Right. So for spending state funds of whatever here, we-- to hire two people, then federal funds would pick up six people.

MATT BLOMSTEDT: Yes, that's correct, I believe.

LINEHAN: OK. I'm sorry that I don't know more about this, but from now, are these-- aren't children in this program, aren't they frequently with the public system until they're 21?

MATT BLOMSTEDT: They may be, absolutely. I mean, some may graduate before and some-- it just really depends on their individual plan, so.

LINEHAN: OK, so-- well, because it'd be one thing if they're there till 21, that's a long time after 16, but there's some that leave at 18. Is that what you're saying?

MATT BLOMSTEDT: Yeah, there's some they could leave at 18. There's also a kind of a transition, if you think to adulthood from that point in time for certain students. And that's another area in which VR provide some services as well.

LINEHAN: So, OK, I understand the employees, the Department of Ed, but then the last line says Nebraska Department of Ed also estimates \$150,000 for '21-22 and \$300,000 for '22-23 as aid to the schools.

MATT BLOMSTEDT: Yeah, so I think is reimbursable underneath special ed. And so I think that's what that, that particular number would come from. I'll have to double check to make sure.

LINEHAN: OK, so their special ed expenses would go up--

MATT BLOMSTEDT: Yeah.

LINEHAN: --so the reimbursement would go up.

MATT BLOMSTEDT: Right. Yeah.

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LINEHAN: OK. All right. Thank you very much.

MATT BLOMSTEDT: You're welcome.

MORFELD: Any other questions for the Commissioner? OK, seeing none,
thank you. We'll have our next proponent testifier and the page may
need just need a minute to sanitize it. Welcome.

VICKI DEPENBUSCH: Good afternoon, Chairwoman Walz and members of the
Education Committee. My name is Vicki, V-i-c-k-i, Depenbusch,
D-e-p-e-n-b-u-s-c-h, and I'm here today as a volunteer with Autism
Speaks. I also serve on the board of directors for the Autism Family
Network here in Lincoln, and the State Developmental Disability
Advisory Committee. And more importantly, I am a parent of a child
with autism. Autism Speaks is dedicated to promoting solutions across
the spectrum and throughout the lifespan for the needs of individuals
with autism and their families. And we strongly support LB527. I'd
like to share my experience navigating the transitional services realm
for Jacob, my 22-year-old son. Jacob began his junior year at Lincoln
East High School in 2015. At his Individual Education Plan, IEP,
meeting in October of 2015, we were supposed to discuss his goals for
the year, as well as a transition plan for Jacob's life after high
school. The representative from Vocational Rehab introduced herself at
the beginning of the meeting, handed me a folder with information
inside and a brochure. She asked me to fill out the form and return it
to Jacob's resource teacher, who would pass it back to her. And then
she left the meeting. We then discussed the transition plan with the
staff from Lincoln Public Schools, which I understand would be
somewhat limited as he still needed to attend his classes as well as
work on transitioning. The form that was given to me by Voc Rehab
stated that a representative would be at the school on Thursdays. It
specifically stated the representative would meet with our son one
time during the semester during his junior year and perhaps more
during his senior year. By the time January 2016 came around, my
husband and I realized that there had been no contact from Voc Rehab.
But we have continued to receive regular progress reports regard to
our son's transition plan with Lincoln Public Schools. When Jacob
became a senior the fall of 2016, we again had his IEP meeting and
discussed his transition plan. His plan again included working with
his IEP goals and with Voc Rehab. We also discussed his participation
in LPS Vocational Opportunity in Community Experience or VOICE
program, which is the program to help those 18 to 21 by connecting

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them with resources and opportunities to gain skills for the transition to adult living. Again, the representative from Voc Rehab attended the meeting, let us know she would be at East High on Thursdays, and would be meeting with Jacob once each semester. At that time, my husband and I asked about his progress during his junior year. We were told that it went well and our son was on track for the transition plan. We requested progress reports so that the team could be included in his plan. The Voc Rehab rep told us the Voc Rehab didn't offer reports, but if we wanted to meet with her, we could call her office. Both me and my husband think it would have been helpful for the Voc Rehab coordinator to attend these meetings. During Jacob's senior year, he created a PowerPoint presentation of what his goals were, which is including his diploma, getting his diploma, getting a job, and moving into a brand new apartment. And I've included his PowerPoint slides in the attachment with my testimony. He included his likes, his interests, some things he struggles with. We are so proud he was able to share this information with his team. In March 2017 of his senior year, I contacted his Voc Rehab coordinator and requested regular reports since Jacob only had a few months left before his senior year ended. As you can imagine as a parent of a special needs child, we wanted to make sure our son was prepared for young adulthood. It was extremely stressful. Parents like us juggle IEPs, MDTs. We go to therapy appointments, doctor's appointments. When he turned 18, we made sure he signed up for Selective Service. He registered to vote and signed up for healthcare as well as following up with DHHS and the DD waiver. Needless to say, we have a lot on our plates, but having a consistent transitional service plan will enable our parents to understand what is expected of them, their child, the school, and the Voc Rehab representative. We are all a team and need to work as a team to secure the best outcome for the student. When Jacob graduated from LPS, he was given a notebook of the time with his LPS Vocational Opportunity in Community Experience. There were progress reports, pictures of Jacob at all the work sites, notes from teachers, copies of the job fairs he attended, and a section for Voc Rehab, which unfortunately was blank. If we had known earlier what we needed to do to-- better prepared to give Jacob full advantage of those two transitional years. It's because our experience that I strongly support moving the age from 16 to 14 to begin transition services. Starting this plan earlier is smart and responsible and allows families additional time to plan ahead and gather resources. For students with autism, early transition services could mean the

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difference between them being successful after finishing high school
years or young adult that continues to struggle. Thank you, Senator
Walz, again for introducing LB527 and I urge the committee to advance
the bill to General File. Thank you.

MORFELD: OK, thank you very much for coming.

VICKI DEPENBUSCH: Um-hum.

MORFELD: Any questions?

VICKI DEPENBUSCH: All right. Thank you.

MORFELD: Thank you. We'll have our next proponent testimony. Welcome.

EDISON McDONALD: Hello. Hello, my name is Edison McDonald, E-d-i-s-o-n
M-c-D-o-n-a-l-d. I'm the executive director for the Arc of Nebraska.
We're a nonprofit with 1,500 members across the state advocating for
people with intellectual and developmental disabilities. We support
LB527 to help shift the transition age from 16 to 14 as it will help
to provide a better education, easier transition, save taxpayers in
the long run by having an improved transition process. Thirty-eight
states developed-- have developed an individualized transition plan
beginning at the age of 14 or at the beginning of their freshman year.
Starting off official transition planning at the beginning of high
school, age 14 provides the essential time needed to develop the
appropriate skills for adult life, time for schools, parents, and
service providers to develop meaningful, individualized transition
plans. So that just like anyone else, a person with a disability can
be fully included in the community. There are three times that we find
are the most dangerous for an individual with a disability. The first,
finding that time when they're initially diagnosed. Second, making
sure that they can find the resources and tools available is a
significant struggle. The second is when a long-term guardian like a
parent passes away and finding some new support network is necessary.
And the third is when a young person is transitioning to independence.
By starting the process at age 14, we will be able to better ensure
that these young people are more likely to enter the workforce well
prepared. We will move closer to ensuring full community inclusion for
people with disabilities living in Nebraska. And while we increase the
quality of, quality of life, we will also be cutting cost. As we see
consistently with our members when they have access to proper medical

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care, opportunity for employment, and a supportive community, there's other costs like radical medical expenses drop. In the meantime, there's lots of work being done by nonprofits working to find and eliminate some of the barriers around transition that are not limited simply to the age. There's a new transition guide available to help people with disabilities know what resources are available. Nebraska Transition College is working to help eliminate the gap on the higher end of the age spectrum. The Arc of Nebraska is developing a new application that will help to connect more families to resources like transition services. And we have constant conversations with families to help guide them through this difficult time. I hope that you will support this legislation to ensure that we are able to develop and implement transition plans based on students' strengths, preferences, and interests to facilitate movement from school to adult life, including postsecondary and vocational education, employment, independent living, and community participation. LB527 helps to ensure that these young people get the support that they need. Thank you and I'll take any questions.

***KENT ROGERT:** Dear Chairperson Walz and Members of the Education Committee, my name is Kent Rogert, and I'm appearing before you today in support of LB527 on behalf of the Mosaic in Nebraska, Mid-Nebraska Individual Services, and NorthStar Services. These organizations provide services and support to over 1,100 people with disabilities throughout Nebraska, including day services, employment services, extended family homes, residential services, intermittent services, medical and behavioral risk services, and affordable and accessible housing. We support LB527 because it would provide consistent transition planning to all Nebraska students with disabilities. Coordinating student-centered activities, including courses of study, designed within a results-oriented process, will allow students to achieve their post-secondary goals. Starting transition services at age fourteen will also help ease the transition to adult vocational services, supported employment, community participation, or habilitation training. Finally, robust transition services will help adult disability providers build on the progress made in school settings, which provides stability to people with disabilities in Nebraska. We respectfully urge the Education Committee to advance LB527 because it will make Nebraska's community-based services stronger. Thank you for the opportunity to submit testimony on LB527. Please do not hesitate to contact us with any questions.

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***JACK MOLES:** Members of the Education Committee: My name is Jack Moles. I am the Executive Director for the Nebraska Rural Community Schools Association, also referred to as NRCSA. NRCSA is an organization of 213-member public school districts, Educational Service Units, and a few colleges, representing the interests of almost 83,000 rural public-school students. Today I am also testifying on behalf of the Educational Service Unite Coordinating Council. On behalf of NRCSA, I wish to testify in support of LB527. NRCSA is supporting the bill for the simple reason that it is good for kids. The students who would be affected by LB527 will receive the great benefit of two more years of planning and transitional training for their adult lives. The bill would also help to solve the issue of a discrepancy between some districts providing such services at age 16 as currently required by law and some districts choosing to start such services at age 14. There is some concern for increased costs on districts as transition services are expanded. I would encourage you to remember that when you consider not only this bill, but also Senator Wishart's LB135, which would raise the state reimbursement rate up to 80% for school districts' Special Education costs. In closing NRCSA appreciates Sen. Walz for bringing this bill and we encourage you to move it forward.

***JACK MOLES:** Thank you, Chairperson Walz and members of the Education Committee. My name is Spike Eickholt and I am a Lobbyist for the ACLU of Nebraska. The ACLU offers its full support of LB527 and we would like to extend our gratitude to Senator Walz for introducing this legislation. The ACLU strives for an America free of discrimination against people with disabilities; where people with disabilities are valued, integrated members of society who have full access to education, homes, health care, jobs, families, voting, and civic engagement. LB527 ensures that all high school students with disabilities have the opportunity to generally develop critical skills for their future career or adulthood, and specifically have an individualized plan for their transition to adult specialized services. More than 55,000 children with disabilities live in Nebraska. Under ordinary circumstances, disabled students are a vulnerable population. However, the challenges they face have multiplied during the pandemic. Many students with disabilities have other lived experiences that exacerbate the inequities they already experience. Many are Hispanic/Latinx, Black or African American, English Language Learners, from low-income families, in the foster

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care or juvenile justice systems, or are experiencing homelessness. These intersectional identities have exacerbated their vulnerabilities during the pandemic, as COVID-19 has ravaged these underserved communities. Nevertheless, pandemic or no pandemic, the Supreme Court has made it clear in *Endrew F. ex rei. Joseph F. v. Douglas Cty. Sch. Dist. RE-J*, 137 S. Ct. 988 (2017) that students with disabilities have the right to an education that is reasonably calculated to enable them to make progress in light of their own individual and unique needs. We urge the Committee to ensure our students receive the equal access to education to which they are entitled by advancing LB527 to General File.

***McCARTNEY MARTIN:** Good afternoon Vice Chair Morfeld and members of the Education Committee, my name is McCartney Martin (M-C-C-A-R-T-N-E-Y M-A-R-T-I-N), providing testimony on behalf of KVC Nebraska in support of LB527 (Walz). KVC Nebraska is grateful to Senator Walz for her tireless commitment to individuals with developmental disabilities and appreciates her work to introduce LB527. KVC Nebraska is a non-profit organization that provides child welfare, juvenile justice, behavioral health, prevention, home and school based supports and developmental disabilities services. At KVC Nebraska, we provide supports for Nebraskans with developmental disabilities who want to live in a home-based setting other than that of their parents but need some assistance to do so. This program, called Shared Living, provides a safe and structured living environment for individuals with developmental disabilities in nearly half of the state's legislative districts in communities ranging from Bellevue to Columbus. 34% of our clients in the Shared Living program are ages 14-16, who would potentially benefit from the changes under the bill. Many of these clients are currently involved or previously involved in the child welfare system. Unfortunately, oftentimes youth involved in the child welfare system experience school changes, lack of social supports and consistent advocates, and trauma that can add or exacerbate pre-existing cognitive delays, threatening to put these students even further behind their peers. It is perhaps these students, with experience in the child welfare system, that stand to benefit the most from early and consistent planning by school personnel to ensure students are given the support they need to develop vocational and life skills. Given the multiple challenges and disadvantages facing these youth, planning for life after high school

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cannot come soon enough. For these reasons, we ask that the Education
Committee advance LB527 to General File.

MORFELD: Thank you, Mr McDonald. Any questions? OK. Thank you.
Proponent testimony. OK. Anybody testifying in opposition? Anyone
testifying in the neutral capacity? Seeing none, Senator Walz, would
you like to close?

WALZ: Thank you. I also want to thank the testifiers for coming in
today. I appreciate it. I just wanted to start out and, and talk a
little bit about a program that I, I visited a couple of summers ago.
It's called Roots to Wings, and it's in Arlington. And it's a program
that provides some vocational services to young people with
disabilities. And one of the things I heard from the people who run
the program as well as their families, was that they did not feel that
they had enough time to plan for transitional services for their kids.
And that's something I just really took to heart. There were a lot of
parents who showed up at a meeting regarding how to plan for their
children's future. Transitioning into adult world can be a challenge
for all of us, but even more for students with disabilities. LB527
provides consistency across Nebraska for students with disabilities to
begin planning for post high school services. And by starting in their
freshman year, as we've heard, there is more time for them to develop
appropriate skills for their adult life. The responsibility, as Vicki
said, for completing the activities must be shared by the school,
parent, state agency representatives and with prior parental support
or consent. As she said, we're all a team and we need to work as a
team. But it takes some time. The earlier we can begin to coordinate
services for kiddos, the better they have-- or the better chance they
have to be successful in their postsecondary goals. So with that, I
would close and see if there's any other questions that you might
have.

MORFELD: OK, thank you, Chairwoman Walz. Any questions from the
committee? OK, that ends our hearing on LB527, but we do have some
written testimony that I want to read into the record. Proponents:
Spike Eickholt with ACLU; Kent Rogert with Mosaic; Jack Moles with
NRCSA; McCartney Martin with KVC Nebraska. And we also have proponent
letters from Stephanie Olson of the National Association of Social
Workers; Amber Bogle, Children and Family Coalition of Nebraska;
Jennifer Meints, Nebraska Council on Developmental Disabilities, Matt

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Kasik with Region V Services. And with that, we'll begin our hearing
on LB538. Senator Walz.

WALZ: Thank you, Vice Chair Morfeld and members of the Education
Committee. My name is Lynne Walz, L-y-n-n-e W-a-l-z, and I am--
proudly represent District 15. I'm here today to open on LB538 which
creates a pilot program for the development of community schools in
Nebraska to be administered by the Nebraska Department of Education.
I'm working on an amendment for your consideration. The pilot program
is based on successful community schools in Nebraska and begins with
the year-- and will begin with the year 2022-2023 for five years, with
two years per congressional district being eligible recipients. The
three current pilot projects have the components of a community school
model based on the resources they are providing kids and families.
They are located in Chadron, Hastings, and South Sioux City. This bill
is modeled off of several states, several states that are successfully
utilizing community schools, including Kansas and Minnesota. The
programming established through community schools would help narrow
the academic achievement gap by addressing unmet needs of students and
their families. Offering services at school would reduce absenteeism
and time spent out of school, as well as addressing the needs of the
whole child, which is shown to improve academic performance in school.
Community schools provide comprehensive academic, social and health
services for students, student family members and community members
that would result in improved educational outcomes for children. One
pilot program district from the Panhandle shared the following success
story regarding the benefits of offering the service in school. We've
been able to serve some students with individual therapy who weren't
able to get it otherwise. School-based therapy has removed a
transportation barrier. We had several students whose parents work out
of town with a commute over one hour away. When these students do not
have to go outside the school for treatment, there's a better
continuum of care from week to week. Also, the amount of time that is
saved by having school-based therapy allows students to miss less
academic instruction. We've been able to get students referred quickly
to local medical providers when medication evaluation is needed. A
provider at the local clinic has reached out to the school mental
health provider to share now to share, they now have a psychiatric
pediatric consult services available to assist general practitioners
in our community. We've had a student with conduct and legal issues
engage in individual school-based therapy. Throughout the course of

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three months, the student decreased frequency, frequency of office referrals for conduct and oppositional behaviors. The school has-- the student had zero referrals in the last month of the year, which was December of 2019. In addition, the student who had not participated in many student-related activities recently participated in an academic competition placing second in their class. The bill allows for funding to come from a variety of federal, state, and public and private sources. This bill does not have a General Fund fiscal note, but does allow the use of-- for the use of the solar and wind revenue from school lands and funds for specific components. The solar and wind revenues have been funding the Effective Educator Program for a program which was a five-year pilot program. Some of the components that would be allowed to be funded by the solar and wind fund would be high quality childcare or early childhood education programming, academic support and enrichment activities, including expanded learning time, financial literacy, assistance for students who have been truant, suspended or expelled, and positive discipline practices. Just for your information, the Effective Educator Program has sunsetted and why we need to adopt an amendment to allow them to use the current funds that were paused during the pandemic, there's not a request to continue that program. The community schools would be a great new pilot program to, to divert this funding to and better serve kids and families around our state. Thank you for your time and I'd be happy to answer any questions that you have.

MORFELD: Thank you, Chairwoman Walz. Any questions? Senator Linehan.

LINEHAN: Thank you, Vice Chair Morfeld. You said there are three successful community schools now.

WALZ: Yes.

LINEHAN: One in Chadron. So is that Chadron Public Schools?

WALZ: Yes.

LINEHAN: And Hastings Public Schools?

WALZ: Yes.

LINEHAN: And then what was the third one?

WALZ: South Sioux City.

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PANSING BROOKS: Which one?

MORFELD: South Sioux City.

WALZ: Did I say South Sioux City? Yeah.

LINEHAN: So those are all equalized schools, are they not?

WALZ: I don't know offhand. Yes, they are.

LINEHAN: So the Effective Educator, I thought-- I was under the impression that the land grants money was constitutionally laid out, that we couldn't, we couldn't change what we did with that unless we changed it because it's in the constitution. Is that not true? Because it, it goes back to the '60s when-- I can't-- is, is the Department of Ed going to testify on this bill?

WALZ: Yeah, they are.

LINEHAN: OK, I'll just wait. Because it's not a fair question. Yeah, I'll just wait.

WALZ: Well, OK.

MORFELD: OK, any other questions? OK, seeing none, are you going to stick around?

WALZ: Sure.

MORFELD: Great, that's good to know. I think we have an Exec Session after this. OK, proponent testimony. Commissioner Blomstedt, welcome back--

MATT BLOMSTEDT: Thank you.

MORFELD: --to Education Committee.

MATT BLOMSTEDT: Senator Morfeld, members of the committee, again, my name is Matt Blomstedt, B-l-o-m-s-t-e-d-t, and I am the Commissioner of Education for the state of Nebraska. I always wonder if I still will be after testified at a hearing. But it's always interesting to see how it goes. No, I am-- I'm really pleased to be here. And I, I wanted to highlight a couple of things and then Senator Linehan and we can get into that dialog a little bit on that front as well. But first

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of all, schools, the, the three schools that, that Senator Walz was mentioning are actually part of an AWARE-- is an AWARE Grant and AWARE stands for Advancing Wellness and Resilience in Education, a federal grant that we're actually coordinating and cooperating with the Department of Health and Human Services. Actually, that was created as, again, somewhat of a pilot of using federal funds that would be able to help address connecting critical needs at a community level with, with students around behavioral health and, and, and well-being, just generally. But I think what Senator Walz has introduced here and what, what I think the, the conversation that, that we keep having around the department and around education is how do we actually play a role as a kind of a not necessarily that the schools are providing all the services, but ultimately, how do you play a role to ensure that the services are being provided to different students for different reasons? And I, I wanted to highlight just a few things that I think have happened since the pandemic or kind of in the midst of the, the last year of things that end up having a substantial impact on what happens at a school level when, when possibly services aren't either well-known or available to, to students and families, generally. So one-- in one particular instance, we had a concern about school safety and actually and I won't go into great details, but a student or multiple students that were involved in actually planning what could have been a violent incident in a, in a pretty small community. I end up taking a phone call over a weekend from a school attorney saying, hey, look, we're running into this situation and what do we do? And it runs across a couple of different communities and I think three different counties. And there were a lot of, a lot of concerns that were being raised. And you're kind of scrambling. In a small community, there just aren't all the known services. I was really pleased to be able to call Sheri Dawson, who works with our systems of care resources and Sheri's the partner that I have underneath this project where-- from the Department of Health and Human Services. And she, she and her background as the director of that system of care activity is also a former school nurse. And so it, it gave us a good opportunity to have that contact. And we did something at a statewide level. I was also on the phone for that particular incident with the Attorney General and with the Governor's Office as well, right, trying to address that overall. But the school was at somewhat of a loss on who to all contact to help these students and address the challenges that these students may have had. It's, it's also not unusual that we see communities that are struggling with

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other forms of mental health. And in one case, we-- actually, this was just slightly right pre-pandemic, we saw a rash of suicides in a, in a particular community in our Native American community. And it seemed to be just growing. And again, the same types of conversations that I was having with, with on the school safety issue ended up playing into that. So from a statewide level, we're having to think about what are the resources available to the school, available to the families to be able to address those particular challenges. This, this-- actually, AWARE Grant helped in that particular circumstance because it was close enough to South Sioux City that we actually tapped into that as a resource and said, how do we help organize additional resources to address that particular challenge as well? And then I, I would actually last kind of even talk about one on food security, although this bill doesn't necessarily specifically go to that. In the midst of the pandemic, we saw quite a bit of concerns around food security. And one case actually was out in Kimball, their, their, their workers that were-- their families that were-- excuse me, the workers that were actually on the food service program as school had shut down, they were actually all suddenly quarantined and couldn't run a particular program. Again, another phone call on a weekend where we're trying to help solve a community kind of level issue that to make sure that the-- that food is being provided to, to given students. And so the-- I'm just going to tell you, I think we're going to keep running into those types of things. Right? And so what I think this does is give us a chance to start to explore how can we use state, state kind of coordination of resources, have that same type of coordination at a school level, at a, at a community level, ultimately, to help, help ensure that the students and the schools have the right resources at the right time for, for the students that they have and for the challenges that they may face as well. So that's the, the overall intent. I know that we have other specific, I think in these cases with around the Chadron and around Chadron, Hastings, and, and South Sioux City that have participated in this other thing. Good examples of how that's worked on mental health and, and services for students, but it gives us a balancing act to continue to grow that and look at how we can find ways to coordinate among agencies to provide the services necessary for our students. So with that, I'd be glad to dive into the-- I, I don't know that I know all the answers, Senator Linehan, but I can at least have some of that dialog with you if you'd like.

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MORFELD: Thank you, Commissioner Blomstedt. Any questions for
Commissioner Blomstedt? Senator Linehan.

LINEHAN: Thank you, Vice Chairman. So the school and land grants
money, is it not constitutionally laid out?

MATT BLOMSTEDT: Yes, it is. And it actually goes for the K-12 portion.
There was that early childhood portion that went out as well. And I
think-- I know from talking to legal counsel with Education Committee,
they were trying to look at how that issue would actually be resolved
if they wanted to use this funding sources this year.

LINEHAN: Because when they took some of it for early childhood, it was
on the ballot, right?

MATT BLOMSTEDT: Yes, it was constitutionally done as well. And then
the, the-- those, those sources that were being used, I think, on this
Effective Educator piece wasn't part of the constitution. That was
done statutorily. And so I think that's within that language, so. And
that predates my time as commissioner, so I'm not exactly sure how
that came to pass.

LINEHAN: But it doesn't probably predate your time of knowing what's
going on.

MATT BLOMSTEDT: Well, predate-- I don't-- well, there's lots of things
I don't know what's going on, Senator. I can say that as a parent all
the time.

LINEHAN: Do you know who, who introduced the Effective Educator bill
and what was it and why are we doing away with it?

MATT BLOMSTEDT: I don't remember actually who introduced it at that
time. It probably happened when I was in my ESU days, but I don't
remember who introduced it per se.

LINEHAN: OK. And what was it-- do you know what it-- it's just not
been used or what?

MATT BLOMSTEDT: No, it-- I think it, it had been used. It was, it was
actually scheduled, I mean, I think by the law and I'll have to double
check this, I think it was scheduled to expire. I think that was part
of the dynamic.

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LINEHAN: Sunset probably.

MATT BLOMSTEDT: Yeah. Yeah.

LINEHAN: But what happened between the time it became law and the sunset? What's been going on with it?

MATT BLOMSTEDT: So there were, there were grants that were awarded over time to have schools kind of look at how they would, you know, kind of have their look at their funding strategies as far as their bargaining agreements with schools. I think the intention was that we'd come up with a, a unique approach to that.

LINEHAN: Was this something that Senator Scheer had something to do with?

MATT BLOMSTEDT: You know, I, I can't remember for sure. I, I--

LINEHAN: But that, that would be when you were.

MATT BLOMSTEDT: Yeah, it could have, but I, I, I, I can't remember who actually introduced it. So I'd have to go back and look. I just don't remember.

LINEHAN: OK. What is the percentage that goes in-- oh, what do we call-- I never-- I can never think of the word. Starts with an A, I think. The money--

MATT BLOMSTEDT: Apportionment, apportionment.

LINEHAN: Apportionment.

MATT BLOMSTEDT: Yeah.

LINEHAN: What--

MATT BLOMSTEDT: There is good, I got one.

LINEHAN: Yes, apportionment, what percentage of the funding goes to apportionment?

MATT BLOMSTEDT: Percentage of which funding? I just want my to make sure.

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LINEHAN: The land grant schools funds.

MATT BLOMSTEDT: Well, heck, I don't know if I know the, the numbers
anymore. I think it's the vast majority of that money goes to the
apportionment effect--

LINEHAN: And then it's like \$10 million goes to early.

MATT BLOMSTEDT: Yeah, yeah, some-- there's a portion that then-- I
mean a smaller portion that goes to the early childhood funds.

LINEHAN: So if, if we use money from that to do anything else, any
program, it takes money from the schools. Right?

MATT BLOMSTEDT: I'd, I'd have to go back and look at that, what that
specific wind energy piece was. I-- if, if-- when it sunsets, it goes
back into, into apportionment, then that would be true, I think. I
think it was a set aside underneath that, if I recall. And again, I
just didn't do the history on that one.

LINEHAN: All right. OK, thank you very much.

MATT BLOMSTEDT: Yeah, you bet.

MORFELD: OK, thank you. Any other questions for the Commissioner?

MATT BLOMSTEDT: I've worn you down. It's good-- it is good to see it.

MORFELD: Thank you, Commissioner. Other proponent testimony? Welcome.

ANN HUNTER-PIRTLE: Thank you. Again, good afternoon, Vice Chair
Morfeld, members of the committee. My name's Ann Hunter-Pirtle, A-n-n
H-u-n-t-e-r hyphen P-i-r-t-l-e. I'm the executive director of Stand
For Schools. And we're proud to support LB538, and thank Senator Walz
for introducing it. As all of you on this committee know, and as the
last 11 months have highlighted in new ways, Nebraska's public schools
now serve not only as places of instruction, but also as crucial food
distribution centers, in some cases healthcare providers, counseling
centers, among numerous other critical roles. The Community Schools
Act recognizes that the provision of these services is not just
exemplary, but it is integral to creating places of learning that make
academic success possible because children can't learn if their basic
needs are not met. Community schools have already seen success in

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Nebraska, adding to a growing body of evidence from across the country that integrated student supports, expanded and enriched learning time and opportunities, family and community engagement, and collaborative leadership practices lead to remarkable results. From Tulsa to Providence, Hartford to Chicago, the bulk of community schools research shows that participating students achieve higher test scores and grades, especially for mathematics. Further, the research provides strong evidence in favor of using community schools to meet the needs of students in high-poverty schools to help close opportunity gaps for students from low-income families, students of color, English learners, and students with disabilities, making LB538 not only about education but also about equity. For these reasons, we urge you to support LB538 and advance it from committee. Thank you and happy to take any questions.

MORFELD: Thank you, Miss Hunter-Pirtle. Any questions? OK, seeing none,--

ANN HUNTER-PIRTLE: Thank you.

***CONNIE KNOCHE:** Good afternoon, Chairperson Walz and members of the Education Committee. My name is Connie Knoche and I'm the education policy director at OpenSky Policy Institute. We're here today to testify in support of LB538 because we support sending additional resources to students in the state's highest poverty districts. It is well established that concentrated poverty affects student outcomes with studies dating back to 1966 finding that "a school's socioeconomic background is a strong determinant of its students' achievement." Numerous studies since have agreed that concentrated poverty will depress achievement on a school-wide and district-wide basis. It's thus not surprising that school districts with high poverty rates need more resources to educate their students than other lower-poverty districts. In fact, one study found that, in some states, it would cost three times more per pupil to reach average student performance in high poverty districts than others. This gap in performance disproportionately affects students who are Black, Indigenous and People of Color (BIPOC), who are overrepresented among high poverty districts that often lack sufficient funding. For example, school districts serving the largest percentage of BIPOC students receive roughly 13% less per student in state and local funding nationally than those serving the fewest BIPOC students. LB538 would be a small step in the right direction of more fully

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distributing resources to those districts with the highest levels of poverty and help all students, regardless of their socioeconomic status, be able to reach their fullest potential. As such, we'd urge the committee to advance LB538 out of committee.

MORFELD: --thank you. Anyone else wanting to testify as a proponent? Anyone wanting to testify as an opponent? Anyone here in the natural capacity? OK, seeing none, Senator Walz, do you wish to close? We do have some letters for the record while she's coming up. We have proponent letters from Mary Bahney, National Association of Social Workers; Jeff Cole with Beyond School Bells. We have one opponent letter from Nora Sandine. And then written testimony in lieu of in-person testimony, proponent: Connie Knoche with OpenSky. Senator Walz.

WALZ: Thank you. OK, I do have a couple of answers for you, I think, Senator Linehan. We did look at the apportionment and it was approximately \$42,557,832. And the solar and wind fund that we're talking about was \$357,690. That comes to about 94 cents per student. So the reason we decided to use that or, you know, using this as a possibility was because we thought we would be able to use that money in a-- I just-- in a more positive way to, to effect kids more to provide services, I guess, in a, in a better way. As Commissioner Blomstedt said, it does open the door for opportunities for us to coordinate and collaborate more with community resources, as well as DHHS and the behavioral health, health regions. So if you have any other questions, I can try to answer those for you, but we just thought it was a better way to, to use the money.

MORFELD: OK. Any questions for Senator Walz? Senator Linehan.

LINEHAN: The fiscal note says \$2 million. So I guess I assumed it cost-- it was \$2 million and you're saying it's not, it's \$537,000?

WALZ: I, I got \$357,690. That was the solar and wind part of it.

LINEHAN: I'm sorry?

WALZ: That was the solar and wind piece.

LINEHAN: Well, where's the other money coming from then?

WALZ: I don't, I don't have my book with me. I'm sorry.

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LINEHAN: No, that's OK. And we can-- you can get it to me later.

WALZ: OK.

LINEHAN: It's not-- this whole thing, because I've looked at this fund before and it confuses me because I've been told for four years since I've been on the committee that we can't touch those monies without a constitutional amendment. So.

WALZ: Well, and this is for K-12 kids.

LINEHAN: Pardon?

WALZ: That's what it-- it, it is for-- used for K-12 kids.

LINEHAN: I know, but it's, it's very clear it, it goes-- it's very clear that it goes to each school according to the number of children in their census.

WALZ: OK.

LINEHAN: So that means that it's probably the most even thing we do in the whole state as far as financing, every kid gets a certain amount of money. So now you've got a bill that you're probably if it's according to the three schools you've got, they're some of the highest, most highly equalized meaning like Hastings. I think 70 percent of their budget comes from the state and now we're going to give more state money. I just-- I don't know, I--

WALZ: Yeah, and this would start-- it wouldn't, it wouldn't be adding to those three schools, this would start new pilot projects.

LINEHAN: But they're going to be at schools like that. They're already highly equalized, which is where they need it. I'm not arguing that. I just-- I need to figure out how the money works here.

WALZ: Yeah, I will find out those answers for you.

LINEHAN: OK, that's fine. Thank you very much.

WALZ: You're welcome.

MORFELD: Any other questions for Chairwoman Walz? OK, seeing none, that ends our hearing on LB538, and our hearings for the day.

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