

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 28, 2022

WALZ: Senator Morfeld keeps talking, I can't really-- [LAUGHTER] All right. Welcome to the Education Committee public hearing. My name is Lynne Walz with Legislative District 15 and I serve as Chair of the committee. The committee will take up the bills in the order 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 proceedings, 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 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 before you begin your-- testifying. We need ten copies for all committee members and staff. If you need additional copies, please ask a page to make copies for you now. When you begin to testify, state and spell your name for the record. Please speak directly into the microphone so our transcribers are able to hear your testimony clearly. If you would like your position known but do not wish to testify, please sign a yellow form at the back of the room and it will be included in the official record. If you are not testifying in person but would like to submit written comments to be included in the official, in the official hearing record as an exhibit, you will find the required link on the bill page of Nebraska Legislature's website. Comments are allowed once a bill has been scheduled, scheduled for public hearing and must be submitted and verified prior to 12 p.m. on the last workday prior to the public hearing. The comments submitted online and verified prior to the deadline and identified as comments for the public hearing record will be the only method for submission of official hearing record comments other than testifying in person. Letters and comments submitted via email or hand delivered will no longer be included as part of the hearing record, although they are a viable option for communicating your views with an individual senator. Finally, please be concise. Testimony will be limited to five minutes. We will be using the light system. Green, your time has started and you may begin speaking. Yellow, you have one minute remaining, and you'll wrap up your comments when you see the red light. The committee members with us today will introduce themselves beginning at my far right.

McKINNEY: Good afternoon. Senator Terrell McKinney, District 11, north Omaha.

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MURMAN: Hello, I'm Senator Dave Murman from District 38, Glenvil, and I represent eight counties in the southern part of the state.

MORFELD: Hello. Adam Morfeld, District 46, northeast Lincoln.

SANDERS: Good afternoon. Rita Sanders, District 45, the Bellevue, Offutt community.

WALZ: To my immediate right is research analyst Nicole Barrett, and to the right end of the table is committee clerk Noah Boger. And our pages are Bhagya Pushkaran and Savana Brakeman. Please remember that senators may come and go during our hearing as they may have bills to introduce in other committees. I'd, 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 the information is provided electronically as well as on paper form. Therefore, you may see committee members referencing information on their electronic devices. Please be assured that your presence here today and your testimony are important to us and crucial to state government. And with that, we will open on LB1034. Senator Pahls.

PAHLS: Good afternoon, Senator, Senator Walz. My name is Rich Pahls, R-i-c-h P-a-h-l-s. I represent District 31, which is southwest Omaha. LB1034 is a bill that would create two new positions for progress coordinators within the Nebraska Department of Education. Now I'm going to be honest with you, I'm not reinventing the wheel. My intent is to make the wheel a little better because a lot of things we'll be talking about today has already been established. I think in 2014, this body decided that we needed to take a look at schools, those that need additional help. I think it was LB438 if I'm not mistaken. A lot of the things that I would require are requests of these two individuals they would be following but has already been established by the Department of Ed. As I said, I'm not reinventing the wheel, just trying to make it a little better. Currently, we have around 116 schools that need, what they call, needs improvement. So that's what I'm taking a look at. Every year for about two or three years, I don't know the exact length of time that they are involved, three schools are picked out to be our schools that need additional help and the State Board of Education-- not the State Board, but the Commissioner of Education and his associates work with those three schools. If we continue at this rate, 20 years from now, we may reach those 116 schools that have, have needs, and we know that's not going to happen. But the law did say that it was established it would be three schools a year. I'm trying to make that at least ten schools per year. And what I-- my-- think my staff handed out to you, you or your-- to the--

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two different forms. One was one-- it was one of the schools that was a school that needed to be improved, that was Druid Hill. If you take a look at that, you probably would be surprised at some of the things that they did study. This is an example of what any school that would go through this program. They would follow this format. We don't have to come up with something new because we have the tests that, that are-- have been or that have been given for several years. We have other things that they take a look at. The information is already there. Now we have to find somebody to help those schools become better. It's that simple. It is that simple. Although the-- it's a complex issue, but it is having somebody who can direct those schools that need help. Earlier this year, I asked the Commissioner of Education and his staff to give me some schools. Of the 16 [SIC] schools, I wanted to bring them in a little cluster because I wanted two clusters of four or five schools. So then we'd have one person who would be over those four or five schools who could help them out. And I did that through taking a look at the ESUs because that would be a structure that we could work within the ESUs. Because I-- even though I've heard some people critical of them, I started examining what's happening at the ESUs. A lot of good stuff are happening. I just don't think for the most part they're probably-- people just, just don't realize what's going on. So the intent is to hire additional staff who are well-trained and to work with those clusters of schools. And if it is successful, people say, whoa, this is money well spent because we're requesting about two hundred seventy some thousand dollars and that would be money well spent if we did improve these, these schools. And like I say, it's-- the information is there. And I'll just say, if you take a look at Druid Hill, when I first watched-- or looked, looked through their issues earlier this year, I was amazed at the number of-- just a couple of things that automatically caught my attention is that the attendance and the number of students who are referred to the office. It was amazing, it was scary. The school has only 270-some students and it was like a school of 1,200 with all of the things that were happening. And another thing I thought was very interesting to me as a former administrator, for those of you who have not lived the life of being around a school, when the school opens or closes, it's like a hurricane. All the cars around there. So at this particular school what the parents had come accustomed to is they come to school early, pick up their kids and leave. They forgot you needed the full day. They were trying-- because they didn't want to get caught up in the traffic. Well, then they solved that issue and it is solvable. It is sometimes, as a building administrator, you get so involved in just living the life that you need somebody else out there to start looking at all the data and say this is what you need to take a look at. And let's say you take a look at the math scores or science

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and language arts scores, then you find out why that is happening. But it's always nice to have a team leader directing you. Now that doesn't mean that person would sit there all day in that school because that person would have four or five schools that they'd have to get to. So it's quite simple, you need somebody who will direct what's happening in each one of those schools, their, their site plans. And it's not-- if you look at it there are parents involved, staff involved, the people dealing with the school district other than a classroom teacher and a principal involved. And this is like I say, a scary thing about it is there are 116 of those schools throughout the state bend the rules. A lot of them in the rural areas. Because basically guess what it deals with? Poverty is the kicker in this. Poverty does not designate that you're not going to succeed. I dare say there may be one or two of us in this room who probably grew up in poverty and done quite well for ourselves, but we had people along the way to lead us. It sounds like-- it almost sounds like I'm starting to preach now. But you're looking at a principal and I get it guys. I get it. You need to have help also to get it done. And the part with this, after I delved into it, I have to be honest with you, this is larger than just this bill. This is a time that-- I think we have somebody from the ESUs in the audience. We need somebody from the ESUs and the Chair of Education and Vargas from the State Department to really sit down and think about how we can do this in the future. I'm not saying this year, but we need to take a look at this in the future because we have schools out there that need improvement. Well, we know 116 of them do so far. I'll be quiet for a second or two in case somebody has a question.

WALZ: All right. Thank you.

PAHLS: I could talk on and on.

WALZ: Thank you, Senator Pahls. Questions from the committee? I have one question.

PAHLS: Yes.

WALZ: You talk about-- well, in this progress report for Druid Hill, I see that there's input from multiple stakeholder groups. As you're going through the plan itself and making-- after you've made the recommendations, are all of those stakeholders still involved in the rest of the process as far as meeting the goals from the, from the plan?

PAHLS: You know, this is the interesting thing about Druid Hill, it was-- it made the Omaha World-Herald, like, this school is really in

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sad shape. But it's interesting, they cut off the needs improvement plan in one year. But before this all happened, Omaha was smart enough, they hired an outside consultant to come in and give them some direction. Typically, a school should-- probably should stay on for several years because it's a habit you have to get involved in to use-- to look at the data. Let's say it's math, reading, or language arts or parent surveys, you need to more than just one year. You have to establish that pattern. And I would say a school probably should be looked at for several years. And if you don't involve the-- if it's just the principal, and I think the principal is a key player, I truly do, but if you do not involve the rest of the people, especially the parents, it just falls apart. And I've been successful. That's the life I learned from a beginning principal till my-- end of my career. I had-- it could not be me, it had to be us.

WALZ: Right. And then once they've met their goals--

PAHLS: Yes.

WALZ: --is there some type of ongoing evaluation with check-ins just to see how things are going year after year or how does--

PAHLS: Well, my assumption it would be like at least a three-year thing, because once, once that pattern is established, you do that. And I know very few schools-- well, I've only been in a couple of school systems, different schools [INAUDIBLE] that you follow. I mean, that follows you. And to me, like, you have to keep the parents involved or it falls off fast, especially in areas of need. Because a lot of these families if they're families of poverty, they have a lot of things hitting them daily and they have to be encouraged. Well, we all have to be encouraged. But if I'm wanting to know when that food's going to hit the table, I have to have somebody in there helping me also.

WALZ: All right. Any other questions? I don't see any. Are you staying for closing?

PAHLS: I'm staying for closing. And like I say, I'm not reinventing the wheel, just want to make it move faster.

WALZ: Thank you, Senator Pahls.

PAHLS: Thank you.

WALZ: First proponent.

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KRAIG LOFQUIST: Good afternoon, Chairman Walz and members of the Education Committee, my name is Kraig Lofquist, K-r-a-i-g L-o-f-q-u-i-s-t, and I am the executive director for the Educational Service Unit Coordinating Council, and I'm here today on behalf of Nebraska's ESUs. Thank you for accepting my testimony in support of LB1034. As Senator Pahls alluded to on April 9, 2014, Governor Heineman signed into law LB438, which created priority schools. After the passage of that bill, a system was developed using a normal distribution curve, so a bell-shaped curve. I want to emphasize that 90 percent of Nebraska schools are in the excellent, great, or good classification levels. But due to this system, 10 percent of Nebraska schools will always be in the needs improvement category. And I do want to say that Senator Pahls is onto something because I believe that poverty really is the ultimate risk factor. And I'm going to break down the percentage of schools in that bell curve, approximate percentage of the schools in each classifications are as follows: excellent is the 10 percent, great 40 percent, good 40 percent, and then you have needs improvement at 10 percent. So since the passage of LB438, the ESUs have worked with the Nebraska Department of Education to help improve the three identified schools. LB1034 seeks to expand that number to ten schools. As written, the bill will continue to utilize our regional expertise as the work with priority schools is expanded. Importantly, adequate resources must be allocated if and when LB1034 passes. And then finally, I just want to mention it's been a pleasure to work with Senator Pahls and his staff. We look forward to working with him and the Nebraska Department of Education in the future to assist Nebraska schools. And that's my testimony today. I'd be happy to answer questions if you have any.

WALZ: Thank you. Questions from the committee? Thank you. Next proponent. Any opponents? Anybody that would like to speak in the neutral capacity? Senator Pahls, you could come up and close. We did have one proponent, Matt Blomstedt from the Nebraska Department of Education.

PAHLS: Well, that's nice to have, you have the-- if you have the ESUs and the Department Education behind you, I feel, I feel pretty good, like the wheel is almost starting to move. And for those of you who've ever been-- I've been involved in strategic planning and that's when the school does its own planning, and it all comes from within with some outside help. But most of the stuff is, quote, done by the people who are living the life. And like I say, I would like to have you think about, you and-- or whoever's on the education group here and work with the ESUs, and I'd be willing to help. I think there's

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potential, 116, like I say, there always will be 10 percent, but like to see a little movement there.

WALZ: Senator McKinney.

McKINNEY: Thanks, Chair Walz. And thanks-- thank you, Senator Pahls. Curious question. If this was passed, I was looking at the fiscal note, I was wondering if you had any conversations with the Department of Education about whether this money would have to be appropriated from the Legislature or if they could use some of the money they have left over from ESSERs to pay?

PAHLS: I think the Chair-- did you not talk about having some--

WALZ: For--

PAHLS: The question you're asking me, I think, did you not go in front of the Appropriations Committee?

WALZ: Yes. Yeah, we did-- I did.

McKINNEY: OK.

PAHLS: Yeah, that would be-- and to be honest with you, \$270,000 is not really a lot when you consider the potential because--

McKINNEY: No, I agree. I just--

PAHLS: Yeah. No, I, I appreciate--

McKINNEY: --was aware that they had, that they had some money left over as well, so.

PAHLS: Good to know.

WALZ: I have one more question,--

PAHLS: Yes.

WALZ: --Senator Pahls. Is-- do you ever foresee a, a time once this is started that it could be used as a model for schools that weren't prioritized, that they could just be using this as like a, a check on-- I don't know just how they were, how they were doing, even though they weren't--

PAHLS: They were-- they had-- did not have the immediate need?

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WALZ: Right. Could this be used as a model for all schools? I guess, is my question.

PAHLS: I did that for 20-some years. I had the model that I followed. I don't think anybody has known about the blue ribbon schools. You have to go through a lot of hoops. So I've had two schools go through that so I-- it has a lot of this in there. You had to be able to prove and, and show what you're doing and same way with strategic planning. A lot of schools do do this. You just have to be fortunate if you're working in the right districts that you've had some people who have been, what I call, ahead of the game. I use this all the time. I have to be honest with you, I could, I could walk into a school right now and just walk through that building and it wouldn't take me too much time to figure out whether this was a really successful school or a school that did have some issues just by walking through the building. You can pick up things. There are certain things you look for, but you learn it through experience.

WALZ: Yeah. All right. Thank you so much. Thanks for bringing this bill.

PAHLS: Yeah.

WALZ: Any other questions?

PAHLS: And I don't have any spare tires.

WALZ: All right, that ends our hearing on LB1034, and it will open, open our hearing on, hold on a second, LB1251. Senator Hansen.

_____ : He's on his way, he's [INAUDIBLE].

B. HANSEN: Hello, sorry.

WALZ: Oh, that's OK.

B. HANSEN: Was right in the middle of introducing another bill in another room, so.

MORFELD: I know how that goes.

B. HANSEN: You guys got through it quicker than I thought, so. All right. My first time in front of Education Committee, so. OK. Good afternoon, Chairman Walz and members of the Education Committee. My name is Ben Hansen, that's B-e-n H-a-n-s-e-n. I represent Legislative District 16. Throughout my time in the Legislature, I have and will continue to stand for individuals with special needs and for their

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families. Because of this, I am bringing LB1251 known as the Equal Opportunity Scholarship for Students with Special Needs Program Act. I tried to think of a longer term, but that's all I came up with, so. This scholarship empowers the parents of children with special needs to pick the best learning environment for their child. Parents look for a school to match their, their children's unique needs and abilities. This is especially true for the parents of exceptional children. These parents are often faced with a difficult dilemma as they tend to specific areas of care that are required to ensure their child can thrive in education. Whether this means sending their child to a public or private school, support is paramount. An eligible student for the Equal Opportunity Scholarship is one who has received special education services under an individualized education program or a plan under the-- under Section 504 of the Rehabilitation Act at any point in the preceding semester at a public school. With AM2082, each child would be eligible for a varying amount of funding based on the level of intervention they need for support. This amount for each tier of intervention is determined by the current year's statewide average basic funding per student. The parent of a child with special needs may apply for the funding working with the Department, working with the Department of Education. If they're found eligible, the State Treasurer will direct the proper amount of funds to the parent by way of the Equal Opportunity Scholarship. Requirements for participating schools are laid out in detail, ensuring the eligible students are treated fairly, kept safe, and are offered sufficient academic opportunities. This would include the option for private schools. In Nebraska State Constitution, private schools are not funded by the state. However, this scholarship does not fund a school. It sends funds to the parents of eligible students to assist them in sending their child to a school of their choice. LB1251, as written, would take \$5 million from the Nebraska State Lottery Operation Trust Fund and would put it towards a scholarship. I'm currently working on this-- I'm currently working on the details of this in more-- and I won't say in more detail, but the, the minutia of the details of this. There are a few other options for coming up with the \$5 million that would include using the lottery funds directed to the Nebraska Educational Improvement Fund, or possibly excess budgeted TEEOSA funds. You'll hear, you'll hear from testifiers today, both parents and educators who only want what's best for kids. I ask that you listen to them with an open heart and open mind. How can we say no to these who need help the most? These parents are dedicated to their children. While every school is blessed with the opportunity to see students succeed, the unique demands that come with exceptional students can sometimes require a specialized learning environment. These parents have a keen alertness to what it-- what that is and can

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best discern what school can provide the specific education their child needs. And I am excited to hear from a parent advocate from Ohio, Tera Myers, who has seen the great benefit of special needs scholarship programs like this one has had on her son, Samuel. Thank you for the opportunity to begin this conversation as we strive to support our parents and kids. With that, I will answer any questions to the best of my ability, and I appreciate your time and ask for your support of LB15-- LB1258 [SIC--LB1251]. Thank you.

WALZ: Thanks, Senator Hansen. Questions from the committee? I don't see any right now. Are you staying?

B. HANSEN: I am assuming so, yes.

WALZ: All right. Thanks.

B. HANSEN: Thank you.

WALZ: First proponent. Welcome.

JEREMY EKELER: Good afternoon, Chairman Walz and members of the Education Committee. My name is Jeremy Ekeler, J-e-r-e-m-y, Ekeler is spelled E-k-e-l-e-r. I'm with the Nebraska Catholic Conference in support of LB1251. The Nebraska Catholic Conference advocates for the public policy issues of the Catholic Church and advances the gospel of life through engaging, educating, and empowering public officials, the Catholic laity, and the general public. Senator Hansen, thanks again for bringing LB1251 not 58. Did you bring LB1258 as well? OK. And note, and note that public schools serving children with special needs. We want to note that nonpublic schools serving children of special needs has a rich history in Nebraska, and I think sometimes we, we sort of forget what happened prior to 1975. So I'm here just kind of talk history because we did talk about this last week as well. I just want to continue the conversation here. So prior to 1975's federal mandate to educate all children with special needs, Nebraska public schools differed in how they served these children. Some focused on teacher professional development, some focused on only those children they could serve, and many worked with local private schools and institutions as their partners. According to the U.S. Department of Education-- and you know, Senator McKinney, you asked a great question about that. There's a history at that link of, of, of, of special education in America, which would be great too-- only one in five children with special needs was being served by public schools in our country prior to 1975. This history is important to me for a couple of reasons. I was an educator for 18 years. I worked really hard in my Catholic school to invite more children with special needs.

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My wife's an early childhood special educator and I have three children with special needs. So I really-- I'm excited to have this conversation today. And also as a Catholic, it's interesting to me that as early as 1870, Nebraska Catholic schools embraced children of need. Prior to, and even during the time public schools were building their programs, school districts contracted with Catholic schools and other providers to provide the best possible care for children. That continues today. A handful of public school districts still contract with Catholic schools because they're unable to serve some of their children and the services are made more efficient and more, more available in, in the Catholic school. What changed back in 1975 was the way special education is funded. Every federal and state education dollar is now sent to public schools. For instance, the IDEA grant to Nebraska Public Schools for 2021 was \$74.2 million. An additional \$231 million was appropriated from state General Funds to public schools for special education in 2020. So although parents choose to send their children to nonpublic schools, they still pay taxes to fund the education for all children, which is as it should be. Yet nonpublic schools receive zero dollars for their students with special needs. And instead, local public schools are legally obligated to provide equitable services to exceptional students who attend nonpublic schools. This is where it gets a little, a little more complicated. Regarding equitable services, as a former principal of a Catholic school, I loved our relationships with public schools and the public school educators. They loved being in our school. Many requested placement with us. Many sent their children to our school. However, these good folks are stretched beyond reason. As a result, services often aren't getting to kids as they should. That's not the fault of the teacher who's doing everything they can. But bills like LB1251, and earlier we talked about Senator Linehan's LB1212, would help nonpublic schools accept and assist more exceptional students. By extension, these bills would reduce special education caseload of public schools allowing us to help more children. Other states recognize the impact of bills like this, there's 21 similar programs across the country. The earliest one was 1999. The truth is that both public and nonpublic schools struggle to single-handedly meet the needs of every child. Every child learns differently. Not every student finds their fit in our schools, and not every student finds their fit in a public school. But every student deserves to find a fit. It's time to focus on partnerships in which parents have access to options and resources for their child. When that happens, kids win. LB1251 is a bill about providing that access. It's an important step for Nebraska's exceptional students, and I appreciate your openness to having this conversation. I'm here for any questions.

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WALZ: Thank you. Questions from the committee?

JEREMY EKELER: I'm going to run across the hall, there's a bunch going on there too. So thank you, guys.

WALZ: Thank you. Next proponent.

BRIDGET CANNON-HALE: Good afternoon.

WALZ: Good afternoon.

BRIDGET CANNON-HALE: Before I continue, I want to apologize for my casual attire. I was at Creighton University this morning with all our seniors at Creighton Prep doing an activity and I had to come straight here. We're all required to wear our prep gear. So had to come straight there, here, so.

WALZ: You look great.

BRIDGET CANNON-HALE: Good afternoon, Chairman Walz and members of the Education Committee. My name is Bridget Cannon-Hale, B-r-i-d-g-e-t C-a-n-n-o-n hyphen H-a-l-e, and I am the learning specialist at Creighton Preparatory School in Omaha, Nebraska. Creighton Prep is an all-male Jesuit Catholic high school. Prior to my work at Creighton Prep, I worked in public school systems in Michigan, Arizona, and Nebraska. I also served and worked in public schools and I work at Educational Service Unit #3. This is my eighth year at Creighton Prep. Currently, we serve 118 students on accommodation plans, which represents more than 10 percent of our school population. All of these students would be eligible for an IEP or 504 Plan if they were attending public school. Currently, we work to support students in their academics by providing accommodations in the classroom, by providing extended time on tests, distraction-free location to take tests, tests read to those students who need it, copies of teachers' notes, small group and one-on-one academic coaching, and a peer tutoring program, to name a few. We have a positive relationship with Westside Community Schools in which our school resides and are grateful for our partnership. However, there's only so much they can do to assist our students. We navigate most students off IEPs simply because the logistics of having, of having to travel to another school to receive specially designed instruction is not feasible in the middle of a school day. In an ideal scenario, a parent that is seeking a religious education for their child would be able to have that as a viable option if we have the ability to provide more targeted supports. If the money could follow where the student enrolls in school, it would provide us with the opportunity to provide

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specifically designed support and interventions in reading and/or math and serve more students. By being able to provide specially designed instruction and supports for students, we would need to rely less on our local public schools to help fill in the gaps. For example, I recently completed my EdS in school psychology. While I still work in partnership with Westside in the process, I am able to assess and evaluate school students at school, write their reports, and then submit them to Westside for them to sign off on, put in their system, and then they schedule the meeting. This has freed up the current school psychologists in the public school to do the important work that is needed in their own buildings. In summary, this legislation would allow us to better serve the diverse needs of students, provide more specialized instructions and programs, and lessen the strain on our public school partners. I'd be happy to take any questions if anyone has any, has any.

WALZ: Questions from the committee? Senator Linehan.

LINEHAN: Thank you, Chairwoman Walz. Thank you for being here today. Appreciate your testimony. Do you have a program for children, high school students who struggle to read, whether it's dyslexia?

BRIDGET CANNON-HALE: Not a formal program.

LINEHAN: OK.

BRIDGET CANNON-HALE: This would help provide resources where we could actually provide one.

LINEHAN: OK.

BRIDGET CANNON-HALE: Yeah.

LINEHAN: All right. What-- how-- besides, they have to go to Westside or do you--

BRIDGET CANNON-HALE: So typically how it works, for example, if a student had a learning disability and was identified with a learning disability in, in reading fluency, for example, or reading comprehension. And it was determined they needed specially designed instruction, you wanted to be on an IEP. How it works right now, is if they needed that intervention, they would have to-- we'd work with the school. They have to either transport themselves, get on a bus that Westside would provide in the middle of a school day, go over there and get their instruction and then come back to school. Thus missing classes, you know, any other response-- or any other things that they

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would need. And it's really-- it's just a big disruption during the middle of a school day.

LINEHAN: So Westside doesn't offer to have a teach--

BRIDGET CANNON-HALE: They don't-- no, they don't send people.

LINEHAN: Even though you've got 119 students?

BRIDGET CANNON-HALE: Correct.

LINEHAN: OK, thank you very much.

WALZ: Any other questions from the committee? I don't see any. Thanks so much--

BRIDGET CANNON-HALE: Thank you.

WALZ: --for coming today.

T. J. ORR: Hello, Chairwoman Walz and members of the Education Committee. My name is T.J. Orr, T.-J., Orr, O-r-r, and I'm the proud principal of Omaha Roncalli Catholic High School. Roncalli Catholic High School is dedicated to providing all students with an opportunity to receive a Catholic education. Throughout our history, we have done everything we can to make sure we didn't turn away any student we felt we could educate. With our smaller enrollment and class sizes, we tried to make sure no student fell through the cracks. Students were given the personal care and attention to help them become successful during their years at Roncalli Catholic. However, we knew we needed to do more for those who required the most help. In 2012, I had a family come to me and beg me to enroll their dyslexic son. He wasn't, wasn't accepted into other private high schools, and all they wanted was for their son to be able to receive a quality Catholic education. They kept hearing schools tell them that they just didn't have the resources available to help their son. Although not familiar with Roncalli Catholic, they felt it was worth the shot. I remember meeting with the family for the first time and hearing the desperation in their voices. They assured me that their son was a wonderful young man who just needed some extra accommodations. They promised me that he had a great work ethic and they would provide outside tutoring. They were fighting for their son as all they wanted was a Catholic school to give him a chance. To be honest, when I told them that we would enroll him on a trial basis, I truthfully felt we didn't have, have the resources to help him. However, I knew I had a staff that loves all of our students and we would fight as hard as we could. His four

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years were a struggle, but we found a way. The young man went on to college and is doing very well in life. The family was so thankful for the love and dedication Roncalli Catholic gave their, gave their son and they wanted to pay it forward. They didn't want other families to feel the way they did and to feel like their child wasn't smart enough to be able to receive a Catholic education. However, they knew Roncalli Catholic High School needed more if we were going to be able to handle more students like their son. Roncalli Catholic has been so blessed that this family saw the importance of helping students with special learning needs, and they were so excited to let us know that they would donate money to a program called the Benilde for Roncalli Catholic. At the start of the 2016-2017 school year, we worked hard to communicate with families in the area that Roncalli Catholic was going to start the Benilde Program and help students who have an IEP or accommodation plan. For the first time, we were able to provide the resources and assistance needed for students who have learning difficulties. Families no longer had to feel like their child wasn't good enough to receive a Catholic education. We are now in our fifth year with the program, and I have many testimonies from families saying that we were an answer to their prayers. I'm proud to say that much has changed since 2012 for children with special learning needs who want to come to Roncalli Catholic. It is a family's choice to send their child to a private school. However, it is not their choice for their child to have learning difficulties. For a family who wants their child with learning needs-- special learning needs to learn more than just the math, the science, and English, and they want their child to grow in their faith, we need help for programs like the Benilde. Our program is full and the donation dollars are out. However, we have students coming from all over Omaha, the Omaha area, just so their child can receive this wonderful Catholic education. My amazing teacher who is here today, who runs the Benilde Program, is simply the best. However, she can't do it all and has stressed to me the importance of getting more help for the program and our students with educational plans. With the program's success comes more and more students seeking enrollment, and we don't want to turn our backs on them. However, being a small school that gives out financial aid to 94 percent of our families and collecting a realization rate of 61 percent of full tuition, we just don't have the resources to add more help. Please help us support those students who may need extra resources, but deserve the same ability to grow in their faith. Thank you for your time. I'll answer any questions.

WALZ: Thank you. Questions from the committee? I have a-- I just have a couple questions. I'm just curious about the-- like the average, the

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average needs of the students that you're serving right now. Can you just give me an idea?

T. J. ORR: I have some that come in with high needs. I wouldn't say profound needs, but I have dyslexic kids. I have autistic kids. I have kids who-- so the Benilde Program is really geared towards-- Mrs. Critchfield, who'll be up here in a minute and I'm not kidding she is the best, giving them the attention to organize them to, to work with their accommodations and make sure that all teachers are reaching those accommodation plans. So we, we need the resources to help bring in more kids. I don't want to turn away any student who wants to receive our Catholic education.

WALZ: And what, what do you think the capacity would be for you to bring in, like, additional kids? What-- do you have an idea?

T. J. ORR: I'll build on additions. No. As of right now, we, we have room. I would need right now, my Benilde Program is pretty full. Mrs. Critchfield is, is-- made it very clear to me that we're, we're pretty maxed out on, on our space and how, how much she can do. I need, I need bodies. I need resources. I need paras--

WALZ: Yeah.

T. J. ORR: --and the funding. Being a small school like Roncalli, unfortunately we don't collect full tuition so we have to give up some things. And unfortunately, right now it's resources to help those students.

WALZ: OK. And then my last question is, do you think that you would have the capacity at some time to help support kids with medical, medical frag-- medically fragile children?

T. J. ORR: Absolutely. We had to-- right now, we're in the middle of talking with Madonna, a school. Right now, their, their kindergarten through eight are, are moving into grade schools in the archdiocese. They're going to need a high school. Unfortunately, someone like Roncalli, right now that, that deficit of the money that or-- for to fund those kids, we wouldn't-- we don't have right now. We're struggling-- not struggling, we, we got to pay our bills right now. And to bring in those extra, you, you would need another teacher with paras and we just don't have that funding.

WALZ: Yeah. All right. Thank you.

T. J. ORR: Thank you. I appreciate your time.

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WALZ: Any other questions? Thank you for coming today.

T. J. ORR: Thank you.

WALZ: Next proponent.

LEAH CRITCHFIELD: Good afternoon, Chairman Walz and the members of the Education Committee. I am Leah Critchfield, L-e-a-h C-r-i-t-c-h-f-i-e-l-d, and I'm the Benilde director at Roncalli Catholic High School. I'm a special education teacher who taught in the public school system for five years prior to my move to Roncalli. Having been able to experience both systems, I fully understand the vast difference in services that can be offered at both. I also understand how hard it is for Catholic schools to provide more services within the current system, as well as how important our partnerships with the public schools are. Through the Benilde Program, Roncalli has been able to serve students with mild learning differences and the impact it has made is immense. However, we want to be able to serve more students but can't do so due to the lack of resources and are forced to turn down students with more intensive needs because of this. Students may come to Roncalli with an IEP from Omaha Public Schools, but in order to keep those services, they have to be bused to the nearest high school and miss up to two class periods at Roncalli. As you can imagine, it doesn't work. Because of this, I'm put in a position where I have to watch parents make a choice and essentially give up the services or leave the school they feel is best for their child. We want to be able to serve more students, do more, and make a bigger impact on students. You will hear from one today, Gabby, and as you listen to her, please know there are dozens more like her in our school and even more who wish they were. Students are why we do what we do and why we're here today. So unless you have any questions for me, I'm going to hand it over to the most important voice in the room, our student, Gabby Robb.

WALZ: Thank you.

LEAH CRITCHFIELD: Any questions?

WALZ: Any questions? Senator Linehan.

LINEHAN: I think the principal said this, but how many students do you have in this program?

LEAH CRITCHFIELD: I'm up to about 40, so about-- the average is 10 per grade level. I have some that are over and some that are under.

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LINEHAN: And what's your student total high school population?

LEAH CRITCHFIELD: 340? 340.

LINEHAN: So over 10 percent.

LEAH CRITCHFIELD: Yeah, yeah.

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

LEAH CRITCHFIELD: You're welcome.

WALZ: Oh, I have one more question.

LEAH CRITCHFIELD: Yeah.

WALZ: And I think you are really an important person.

LEAH CRITCHFIELD: Oh, thank you. I think you are too.

WALZ: Are you the only teacher, classroom teacher and then you have paras or--

LEAH CRITCHFIELD: Just me.

WALZ: And how many paras?

LEAH CRITCHFIELD: No paras.

WALZ: OK, how does that work?

LEAH CRITCHFIELD: Yeah, so that's--

WALZ: Just being a past teacher--

LEAH CRITCHFIELD: No, so that kind of speaks to the type of student we can take at this moment. So I can't take any student that would need a para or more intensive support than just-- so kind of to sum up the program quick is they see me twice a day, they can see me after school. I run all of their accommodations. I'm doing all the communicating with parents and teachers and all of that stuff, but there's no in-class work being done. We're not doing anything with modifying assignments or anything like that. So that's about the level we can handle right now based on because it's just me. Yeah.

WALZ: Can you, can you explain a little bit more about what you do then in a day?

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LEAH CRITCHFIELD: Yeah, yeah, absolutely.

WALZ: I'm sorry. I'm just curious.

LEAH CRITCHFIELD: So yeah, so I'm the Benilde director and I'm also the learning services coordinator, so I run both. So kids are accepted into the Benilde Program and then I handle them. I also handle any other student in our school that has an accommodation plan. So we have both. So it's probably 60 total have accommodation plans out of 340 and then 40 of the 60 are in my program. So the components of the program are freshmen and sophomores take their semester one religion ahead of time so to lighten their course so they take it in the summer with me. So I get to spend a month with them, we get to know each other. I can let teachers know starting day one what my incoming freshmen need. They have their person. We have a relationship. We're good to go. And then they're only managing four core courses instead of five. Then I teach a specific class daily on any skill strategy that they need to be successful in a core course, whether it's time management, organization, test prep. I'll be honest, we get behind on homework, we're working on homework, and then we're preparing for all tests and quizzes as well. So I kind of gear that class to what they need. Then they see me again for study hall managing work, and then they can see me again after school to just get even more done. And then the communicating with the parents is the other huge piece of the puzzle--

WALZ: Yeah.

LEAH CRITCHFIELD: --because oftentimes those parents are lost. And that's probably their favorite part because now they have their advocate at school that kind of bridges everything and then it honestly relieves all the-- most of the stress at home.

WALZ: So you're not actually teaching the class?

LEAH CRITCHFIELD: Nope.

WALZ: You're just preparing them and getting them ready to go--

LEAH CRITCHFIELD: Yep.

WALZ: --back to class and learn.

LEAH CRITCHFIELD: Yep. So that's why we can't take some of those more intensive kids that need more, more needs than that. They have to be able to just handle that and then so mild learning differences.

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WALZ: OK. All right. Thank you so much.

LEAH CRITCHFIELD: Yeah, thank you.

WALZ: Senator Linehan.

LINEHAN: Thank you, Chairwoman Walz. Thank you again for being here. So I'm going to double down on this because--

LEAH CRITCHFIELD: Yep.

LINEHAN: --having a child who had needs go through high school, you make sure the teachers are going-- the teacher that's new to them knows what the deal is.

LEAH CRITCHFIELD: Yep. Oh, yeah.

LINEHAN: Which makes a huge difference.

LEAH CRITCHFIELD: Huge difference. And our teachers are amazing. It's just unbelievable what they're doing for these kids. So anything that's not happening, I'm making sure it is happening.

LINEHAN: Thank you.

LEAH CRITCHFIELD: Yeah.

WALZ: Good. Thank you.

LEAH CRITCHFIELD: Thank you, everyone.

WALZ: Next proponent. Good afternoon.

GABRIELLE ROBB: Hello, Senators. I'm Gabby Robb, G-a-b-r-i-e-l-l-e R-o-b-b. I love Roncalli and the Benilde Program. My parents and I, we weren't even sure if I was going to go to high school, but then we found out about this program. It's really helped me a lot, and I truly believe that it has changed the course of my life for the better because I might not have been able to go to high school without this.

WALZ: Do you-- can we ask you a couple questions? All right. Questions from the committee? Gabby, thanks for coming today. Can you just kind of tell me about what your day is like, a typical school day for you?

GABRIELLE ROBB: Well, I start off the morning with Miss Critchfield, which is really nice because, like, we kind of talk about my assignments and we're, like, making sure that I have everything on

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track for the day. Then I go to some classes, then I go to lunch, and then I go back with Miss Critchfield and we also work on my assignments. We talk about, we talk about what's due. We talk about what's missing. Then at the end of the day, I go to-- I have some-- I go to play practice and then I leave.

WALZ: Play practice. What play are you in?

GABRIELLE ROBB: It's called The Alibis.

WALZ: Oh, nice. So do you have to take the bus--

GABRIELLE ROBB: No.

WALZ: --from one school to another? No.

GABRIELLE ROBB: My mommy drives me to school.

WALZ: OK. All right. Well, thank you so much for coming today. Next proponent.

HOLLY HANSEN: Good afternoon, Chairman-- Chairwoman Walz and members of the Education Committee. Hello, my name is Holly Hansen, H-o-l-l-y H-a-n-s-e-n. I live a few miles north of Wahoo in Saunders County. I'm here to ask for your support on LB1251. I have three boys. My son Cole is nine and in the third grade at St. Wenceslaus Elementary School in Wahoo. And then I have twin sons Dylan and Ryan, who are seven and in the first grade at Wahoo Elementary School in Wahoo. Dylan and Ryan both have IEPs for speech. Dylan also receives occupational therapy services. Both boys also receive resource services for reading. My husband's and my desire has always been to send our boys to a parochial school and have them receive a Catholic education. Both of us graduated from a Catholic private school and value the school's excellent academic program with its Catholic face-- faith being of the utmost importance. We also appreciate the smaller school and family-like atmosphere that comes with it and the teachers that strive to develop Christian-caring students along with providing an excellent education. Dylan and Ryan started kindergarten at St. Wenceslaus in Wahoo. Despite already having an IEP in place and resource services in place, it was learned very quickly they were struggling. They struggled being able to keep up with the other children and the pace in the class. The amount of time St. Wenceslaus was able to allocate them with the resource teacher was not enough to help them. The para-educators at St. Wenceslaus split their time between grades in classrooms and couldn't spend enough time with them in class to help them to keep on task. Despite many efforts by St. Wenceslaus and after

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multiple meetings with teachers, the special education director of Wahoo Public Schools, and the St. Wenceslaus principal, we decided it was best to transfer Dylan and Ryan to Wahoo Elementary at semester so they could get the resource help they needed. Dylan and Ryan started their second semester of kindergarten at Wahoo and continue in first grade there now. They continue to receive their IEP services and work on a reading program with the resource teacher who works with kindergarten through second grade. Every child has a right to an education, and the value of public schools is immeasurable, and I will be eternally grateful for the love, care, and support the teachers at Wahoo Elementary have given my voice. They are doing well. However, I should be able to choose the school my children attend. And if my husband and I want to provide a Catholic school environment for my children, they should be able to get that. And they should be able to receive the special education help they need at any school they attend. I shouldn't have to separate my three boys from being able to attend elementary school together because two of them can't receive services they need at one of the schools. Dylan and Ryan absolutely loved religion class when they attended St. Wenceslaus and they miss it. St. Wenceslaus starts 15 minutes before Wahoo, so every day I drop off my son Cole first before the twins-- thank you-- and at least three out of the five days of the week Dylan and Ryan ask when they can go back to St. Wenceslaus again. And it just breaks my heart. Please support LB1251 so families can choose the best environment for our children and so that more private schools have the resources to serve children like mine. Thank you for your time.

WALZ: Thank you so much for coming.

HOLLY HANSEN: Sorry.

WALZ: It's OK. Questions from the committee? I don't have any. Thank you--

HOLLY HANSEN: All right. Thank you.

WALZ: --for coming today and sharing your story.

HOLLY HANSEN: Thank you.

SARA FRITSCH: I need them. Good afternoon. Thank you, Chairwoman Walz and members of the Education Committee for this opportunity to share my story. Quickly, what I'm, what I'm going to be speaking might be a little bit different than the written testimony just for time purposes. Excuse me. My name is Sara Fritsch, S-a-r-a F-r-i-t-s-c-h. I live in Wahoo. I'm here to ask for your support of LB1251. I have five

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children. My fourth child, Cecelia, has Down syndrome or trisomy 21. I didn't know she had Down syndrome until the day she was born February 21, 2013. One of my most vivid memories was like the day after she was born and I was sitting in the NICU room staring out the window and I just started sobbing because it dawned on me from everything I knew at that point Cecelia was not going to be wearing her older sister's hand-me-down school uniform. From all I knew, she wasn't going to be able to go to the same school as her siblings. She wasn't going to be able to go to Catholic school because she has Down syndrome. My family and I moved a couple of times in the last four and a half years. In that time, I contacted four different Catholic schools to inquire about Cecelia being able to attend their schools. The answer was always no, because they did not have the resources or the money to pay for the resources to support Cecelia's education needs. Cecelia requires a one-on-one paraprofessional along with specialties including speech therapy, occupational therapy, and a resource teacher. The denial for Cecelia's parochial school admission has been heartbreaking and disappointing, to say the least. The most frustrating aspect is knowing the funds are available to provide her resources. They are just limited to the public schools only. Having said that, I've been very happy with Wahoo Public. Our public school teachers and staff are full of love and patience and compassion just like Holly said, they're great. But the first and foremost priority for me is my children's religious education. In our Catholic schools, our children learn about God and our faith every day throughout the day. This year Cecelia is in second grade, which is a huge sacramental year. Second graders receive first penance and first communion. This year St. Wenceslaus in Wahoo has been gracious in allowing Cecelia to attend morning mass and religion class every day before going to public school for the remainder majority of the day. I've had several St. Wenceslaus parents tell me how happy they are that Cecelia is there. It's been beneficial for both Cecelia and for all of the St. Wenceslaus students and staff, and it's been enormously rewarding for my family. I'm grateful that Cecelia has been able to have that time, albeit very limited at St. Wenceslaus. However, in order for her to attend St. Wenceslaus for the entire day or even for half of the day, she would require a one-on-one para and other resources as I previously mentioned. Our children should be able to attend the school that we as parents feel is the best fit for them. The funding for special needs should follow the child, rather than the child being limited and having to follow the funding. Thank you so much for your time and consideration.

WALZ: Thank you.

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SARA FRITSCH: Any questions?

WALZ: Questions from the committee? I don't see any.

SARA FRITSCH: I'm ready.

WALZ: You're ready.

SARA FRITSCH: Thank you so much.

WALZ: Thank you so much. Next proponent.

TERA MYERS: My age is showing. Chairman Walz and senators of the Education Committee, or Committee, my name is Tera Myers, T-e-r-a M-y-e-r-s, and I'm here to ask for your support for LB1251. I'm a mom from Ohio, and why am I here in Nebraska? Well, it's because of the students that you just heard about as well as my son. Fourteen years ago, I stood in front of the Ohio Education Committee and asked them to help me help my son, Samuel. We were asked to give our taxpayers a better return on their investment. The investment of a quality, appropriate education for children with special needs. As a mother of a son with special needs, I knew firsthand the challenges of navigating the special education maze in the public school. The conversations were exhausting, nonparent friendly, and not student centered. I strongly believe that whether it is personality, learning style, or accommodations, parents know their students best and are the best suited to make the choice when it comes to education and the program for their children. Our local district informed us that it was inconvenient to provide services for our son. Even when appropriate services were available, the district seemed to operate on a don't ask, don't tell policy. Most parents were left wondering who was available to help them and with what. This was unacceptable to our family. Samuel has multiple disabilities having been born with Down syndrome, and while the diagnosis doesn't define him or his abilities, it did put limitations on his education options. The local district had very low expectations and no motivation for educating Samuel. He was also bullied on several occasions with no positive solutions from the school administration. Samuel needed a way out. And when I found resources that could accommodate him and other students like him, the district reminded me that they controlled all the funds. As a mother, I know my children best, and I knew that my son needed a choice. Our legislators decided to do the right thing by passing a scholarship program like the one you have a chance to pass right here in Nebraska. We had access to those funds to provide resources for a quality education in a safe and secure environment. I was able to partner with our local private school to start a program. My son finally had a

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place to be educated where he could reach his full potential. And like some of the stories that you've heard today, he was able to finally unite with his sisters and receive a quality education. He is now a productive citizen holding two jobs and often advocating on behalf of other students with special needs. Samuel's life was forever changed for the better because of the ability to choose where he went to school and how he was educated. It is my request that you do the same for the families of children with special needs in the state of Nebraska. Your taxpayers deserve a good return on their investment. As you consider this bill, I want you to think about mothers who are facing the situation that I faced many years ago and children like Samuel who will be left behind without it. When we were in the throes of trying to get options available, I often heard that this would ruin education in our state and that couldn't be further from the truth. When we started our program at our local private school, the surrounding districts started working together to collaborate and share ideas and even students. It was one of the greatest joys that I had in the process is knowing that we weren't just helping my son, that we were helping all those other families and those students as well. I was able to encourage those districts and they were able to encourage me. On multiple occasions, I had parents in my office in tears thanking me for helping to make this dream a reality. I have had the pleasure of hearing countless stories of how students now loved learning again because they were being educated in the manner that best suited them. If time would allow us, I could share stories of my students going on to college, careers, the workforce, as well as becoming leaders in their communities. All of this, because choice was given to the students with disabilities was made possible. Nebraska is one of just two states in the country that offers no options for children like Samuel, and I urge you to change things and not leave Nebraska students waiting another generation for options. Not one student should be left behind without the ability to choose an appropriate quality education. One size doesn't fit all, and if this program had even only benefited one student, it would have been worth it, but has instead benefited thousands as well as their families and communities. Parents now collaborate with teachers, schools in sharing resources to maximize the education dollars for their children and schools are seeing parents as equal partners in the educational process and students are succeeding. I know I've run out of time--

WALZ: OK.

TERA MYERS: --so I'll stop if you have any questions, but thank you for hearing my testimony.

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WALZ: Thank you and thank you for traveling this far. We--

TERA MYERS: Thank you.

WALZ: --appreciate that. Senator Linehan.

LINEHAN: Thank you, Chairwoman Walz. Thank you for being here today. Appreciate it very much. When did Ohio develop this program?

TERA MYERS: The special needs scholarship that I worked on, the Jon Peterson was passed in 2011 and it took effect in 2012.

LINEHAN: And how does it work?

TERA MYERS: We-- the dollars follow the student. It's a tiered program, much what like Senator Hansen suggested. It's based upon need. So the category of funding is dependent upon the need of the child and the parents get to choose where the child attends school.

LINEHAN: And then you mentioned something about, and I think I know where you're headed here. When people were given options, then what happened at the public schools?

TERA MYERS: You know, it was amazing. I, I honestly-- I'm a proponent of public education, and I was ostracized by my town for opting to take my child to get an actual education that was appropriate for him. The amazing thing was, is that the public school that told me that I couldn't do it without them, that they controlled the funds, they called me and they said, you spent eight years of your life pouring into this option, help us make it better. They offered me a job, which I turned down because I wanted to make sure that this scholarship was seen through. And for the next six years while I worked the scholarship, I collaborated with nine different districts in our county and we shared ideas. We shared resources. If they had a student that needed a smaller, more appropriate learning, they'd call me, I'd see if I could accommodate them. If I had students that parents brought that maybe they needed a culinary arts program and our little tiny school didn't have it, I would refer the school. Our community changed and it was, it was amazing. And my son was able to show them that though they were wrong about him, that there were other options available.

LINEHAN: Thank you very much for being here. Appreciate it.

TERA MYERS: Thank you.

WALZ: Thank you. Any other questions? Senator Murman.

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MURMAN: Thank you, Chair Walz. And thank you for coming so far to testify. I know you've described some of the programs so far. I, I do have a special-needs child also-- well, she's not a child anymore, but went through the public schools and everything. But would you mind telling us a little more about maybe some of the programs that you were able to access or even more encouraged that, you know, were available with the private schools?

TERA MYERS: Absolutely. What I was specifically looking for was children that like my son, Samuel, who had multiple disabilities who needed-- you know, a big thing for me, I was so grateful for the families and the decision makers that got our children out of the basements back in the '70s. But Samuel didn't need to be sitting in a classroom, basically taking up space. He needed a functional learning program with life skills and to help him become a well-rounded individual and, and a participant in his community. But he also needed to learn the basics as well. So we started a functional learning program. It was standards based. We studied all the basics. It was a unit study formulated so that, that we didn't have to jump from math to social studies and learn completely new material throughout the day. We were talking about Juanita and Dan. All day we talked about Juanita and Dan across subject matter. We practiced every aspect of life. My son, and I have to brag on him a little bit, but he can marry-- or he can measure the area of a room for carpet. He can cook. He can clean. He works at a pizza shop. He's also now in the janitorial team back at the school that he graduated from. And he's testified before Congress writing his own speeches. And I was teasing earlier that he could probably run for mayor just on, just on his abilities to communicate with people. The goal was that we could offer an education and meet the needs of each individual student, and we did that. We had several students with autism who overcame their disability and took ownership of their weaknesses and went on to college. I just had a young man call me who became an engineer, and he landed a job at an unbelievable firm. Several other students, a young lady, just went on to cosmetology school. And she's, she's phenomenal. And those, those things would have never happened had they been quartered into a system that, that we were dealing with, the services just weren't appropriate for what they were needing. So we offered a, a, what I considered, a one-of-a-kind program. Nobody else in our county is doing it or in our state for that matter. So really exciting.

MURMAN: And it sounds like parents are typically even more involved than they would be otherwise and feel like they're more a part of educating their child.

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TERA MYERS: Yes, on many occasions I had parents come into my room as I started to share and just break down in tears and thank me for giving their children an option and giving them the desire to learn again. And one-- during one IEP meeting, because we still partnered with the public schools to write the IEPs, the, the representative from the public school came up to me and said, how in the world do you have so much parent participation? And I said, it's required. I said, you know, we collaborate together, and now I help educate the parent on what it means to, to navigate that IEP because so many times that don't ask, don't tell, as a mom, I would go into those meetings and I felt like it was us against them instead of collaborating together. And I, I help provide that for families because I know what that felt like to sit on the other side of the table and the parents became involved and, and active and, and are ever so grateful.

MURMAN: Great. Thank you.

TERA MYERS: Thank you.

WALZ: Other questions? I have one about the tiers. Can you explain a little bit more about what a Tier 1 looks like, what a Tier 2 or--

TERA MYERS: Absolutely.

WALZ: --Tier A, B--

TERA MYERS: I don't remember because I don't have it in front of me, I should have brought with me, but I don't remember the specifics. But like, for example, a speech and language category was our category one. I do remember that and it was a lower-- it did not cover tuition. It covered their services. So the parent, you know, could choose to send their child to private school, but all the services would be provided for speech and language. Category two was specific learning disability. So perhaps students with dyslexia and maybe a math, you know, delay. That was a little bit higher of a tier and that covered any services that were related to the education of the child, including their tuition. Category three, I don't remember exactly what that one was, but it was like a next intensive. Category four was OHI major and traumatic brain injury, and that went up a little bit higher. Category five was multiple disabilities, which was my son. That broke-- I think it left about one-third of the education dollars back at the public school because we collaborated and wrote IEPs together, testing, you know, depending upon that. So they kept the funds. And then category six was autism and that was the highest tier because they needed the, the most resources, you know, because it was across so much of the category. So that, that-- and we worked very

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closely with the Department of Education to establish those tiers. And a lot of parent support, a lot of research into the data of the IEPs. It took one year from the passage of the bill. We took a year and, and worked that-- those numbers out, and it has since, our Department of Ed and our legislature has increased those dollars in the last ten years.

WALZ: All right. Thank you.

TERA MYERS: Thank you so much.

WALZ: Thanks for traveling that far. Thank you for coming.

TERA MYERS: Thank you for having me. It's very near and dear to my heart.

WALZ: Yeah, thanks.

TERA MYERS: Thank you.

WALZ: Next proponent.

JENNIFER DEROCHE: Hi. Good afternoon, Chairwoman Walz and senators of the Education Committee. My name is Jennifer Deroche, J-e-n-n-i-f-e-r D-e-r-o-c-h-e. My family moved to Lincoln just four months ago, and so it's my privilege to already be in front of our new state senators in support of LB1251. It's also my honor to talk about my son, Noah. Noah is a very kind and energetic eight-year-old boy. He holds the door open for people, loves animals and Legos. He loves to learn about space and Abraham Lincoln. I can go on and on about how proud I am of him, as I'm sure we all can about our children and grandchildren. I love my son and I, just like every parent, want to provide the best that I can for him. My husband, Matthew, and I choose a Catholic education for Noah because that is what we want to provide for him. It is the best fit for Noah and for our family. I am not here to pin public school versus private school. Matthew and I both come from different educational backgrounds. We know it's not about the type of school. It's about finding the right fit for each child since they all learn differently. Noah has been receiving services in some form since he was two. When we moved to Nebraska, the transition was extremely difficult for him. He began exhibiting behaviors that we had never seen from him before. Imagine hearing from your eight-year-old child that he wanted to die. We were completely lost. It was terrifying not knowing what he was going through or feeling or how we can help him. His school principal, Sister Janelle, and her wonderful team at North American Martyrs have helped guide us through this transition. It was

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North American Martyrs that first brought to our attention the possibility of autism. They have gone above and beyond to help him function in the classroom. Even with the accommodations and therapy, there is still the need for someone to sit with him every day to help him guide through the transitions. Unfortunately, this is not something the school can afford to provide. Therefore, my husband and I are paying for someone to be with him every day, which can range about \$1,500 to \$1,900 each month. There is uncertainty and fear about what we are going to do when we can't afford to provide this for him any longer. He will struggle without these accommodations and I am terrified that we will be faced with transitioning him again and risking the return of the negative talks and losing the opportunity to be successful in a Catholic environment. We do feel blessed, we are doing-- what we are doing is, is very difficult financially and for many it's an impossibility. As a mother of a special-needs child, a diagnosis of ADHD and autism does not change who Noah is. North American Martyrs is in our corner not only assisting Noah, but my husband and I in walking this path together. Noah is starting to regain his confidence and comfort level. He is finally enjoying school again, and he is where he wants and needs to be. Like any parent, we just want to watch him grow into the person God means for him to be. My husband and I both have learning disabilities, and the understanding now compared to back then is quite different. We have education programs and abilities in place to help students like Noah become successful active children in Christ. And isn't that the goal? Please help to provide opportunities for my son and so many others that want to flourish in the environment that is best for them. Please help him to continue to grow in his education while growing in his faith. Thank you, and I'll answer any questions if you have any.

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

LINEHAN: Did, did you move-- thank you, Chairwoman Walz. And thank you for being here. Did you move here from outside of Nebraska?

JENNIFER DEROCHE: Yes, ma'am. We-- we're actually-- my husband and I are originally from Louisiana, and my husband's job took us to Iowa about five, five years ago. And my job took us here.

LINEHAN: OK. Do they have a program in Louisiana?

JENNIFER DEROCHE: At that time, Noah was going through an IEP for mostly just speech and social interventions because he was three at that moment, so he wasn't necessarily in school. When we moved to

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Iowa, he was under an IEP there as well and going through some additional interventions, resources in there.

LINEHAN: But nobody test-- this is actually related to another bill, but since you're here with personal experience,--

JENNIFER DEROCHE: Sure.

LINEHAN: --nobody tested him for autism until--

JENNIFER DEROCHE: Until we came here. Yes, ma'am. He is currently going through-- my husband and I have him seeing a psychologist. And so we have him-- had him tested through those services.

LINEHAN: Thank you very much for being here. It's important.

JENNIFER DEROCHE: Yes, ma'am.

LINEHAN: Thank you.

WALZ: I have a-- anybody else? Senator Murman.

MURMAN: Thank you. I believe you, you don't sound like you're from Louisiana. But the services that you got in the different states, I guess maybe only Iowa would compare at all, but how do they compare? I'm just curious.

JENNIFER DEROCHE: So in Iowa for his IEP, he would have-- he would get out of the classroom to go into the resource. And that was mostly having the social interactions, being able to participate in a classroom, being able to really communicate with other students. In preschool, we did-- he had a half-day program, so we went in the morning where he could also kind of interact there as well. Unfortunately, after kindergarten, they graduated him out of those services because he met the goal that they set for him, but just not the peer goal. So first grade was, was a challenge, but the teachers there, as well as here, help with accommodations with reducing the workload for him. More IEP-- sorry, an iPad-type spelling test instead of having to write it out. Some math interventions, things like that so that he can function in the classroom. Without those, he typically has pretty strong outburst where he'll have-- the person that sits with him will take him out of the classroom and they'll just kind of walk to where he can calm down to be able to pursue the rest of the day.

MURMAN: Was that, you probably said, but was that a public or a private school in Iowa?

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JENNIFER DEROCHE: Private.

MURMAN: OK, so if there would be a difference, say, for instance, he, he went to a Catholic school in one state and then transferred, do you think it'd be beneficial, you know, depending on their age and everything to go to a Catholic school again in, in whatever state you move to?

JENNIFER DEROCHE: Absolutely. Yes, sir.

MURMAN: Thank you.

JENNIFER DEROCHE: Um-hum.

WALZ: I have one question.

JENNIFER DEROCHE: Yes, ma'am.

WALZ: Anybody else? The-- so he goes to North American Martyrs every day?

JENNIFER DEROCHE: Yes, ma'am.

WALZ: All day long?

JENNIFER DEROCHE: Um-hum.

WALZ: OK. You said that you are-- you're paying for someone to be with him each day currently.

JENNIFER DEROCHE: Yes, ma'am.

WALZ: Is that somebody that you set out and hired on your own or is that somebody that you contract with the school to do the hiring?

JENNIFER DEROCHE: So it was mentioned from Sister Janelle, the principal, that brought in the, the person that sits with him. And so we had a meeting with her and kind of went through everything. And so it's kind of through the, I guess, through the school.

WALZ: OK.

JENNIFER DEROCHE: Yes, ma'am.

WALZ: All right. I was just curious. Thank you.

JENNIFER DEROCHE: Um-hum.

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WALZ: Thanks so much. Any other questions? I don't see any. Thank you.

JENNIFER DEROCHE: Thank you.

WALZ: Next proponent. Any opponents?

KAMI JESSOP: Good afternoon, Chairperson Walz and members of the Education Committee. My name is Kami Jessop, K-a-m-i J-e-s-s-o-p, and I currently serve as the director of special services for Westside Community Schools in Omaha, and I'm here today on behalf of NASES, which is an affiliate of NCSA. Today, I am also representing ESUCC, STANCE, NSEA, NASB, and NRCSA. And I'm here to advocate for Nebraska students with disabilities. After reviewing LB1251, I and the many educational stakeholders I represent today are left with a number of questions and concerns about the bill, which ultimately leaves the future of students with disabilities uncertain. It's important for me to first share with the committee that under current Nebraska statute, students with disabilities are already entitled to enroll in the school of their choice. In addition, those students who attend a private or a nonpublic school of their choosing are also entitled to receive special education services delivered by trained, certified public school staff. Current federal and state regulation keep students with disabilities tied to their public schools. Public schools who receive funding who are also obligated to ensure that students with disabilities are afforded protections so that they can receive the equitable or free appropriate public education they deserve. As I interpret this bill, LB1251 doesn't ensure any of that. It doesn't require private schools to accept or educate all students. And of greatest concern, it potentially undermines the protections afforded to students with disabilities setting them up to risk receiving less access to high-quality educational services and protections under the law. In addition to the burden it puts on NDE to administer this new program, I'm concerned about the tiered categorization of students listed in the bill. The assumption that the provision of services or costs of educating a student is in any way associated with their disability label is uninformed, inaccurate, and misleading. As public school providers, we serve children in both private and public school settings based on their needs, not their diagnosis or their label. Further, if labels equal cash, I'm concerned that this approach promotes the misidentification or overdiagnosis of students by those outside of schools, as families may feel forced to compete for limited funds. Unlike public schools, which don't deny services to any eligible enrolled child, LB1251 suggests that these participating schools can reject or deny admission to any child or family they're unable to serve appropriately. How will these entities

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make that decision, and how might it negatively impact our learners with disabilities? How will families be assured the civil and educational rights of their children are protected in a setting that isn't required to do so? What will happen to students with disabilities if parents feel pressured to essentially refuse or turn down services in their ready, willing, and able home district to access a participating school who is not required to provide that support? And once students are accepted or if they're accepted, parents may still rely on their child's public school to deliver special education services as required by law. But it seems concerning at best to serve students whose school of choice is under no obligation to partner with the public schools to meet their needs. Even if I assume the participating school will use these scholarship funds to attempt to meet the needs of students with disabilities, the special education teacher shortage, which I know this committee has heard a great deal about, becomes even more of an issue as private and public schools will be forced to compete for personnel as opposed to working together like we do now. How will public and nonpublic schools retain the collaboration that exists today? If this bill is about school choice for students with disabilities, this already exists within Nebraska statute. If this bill is about delivering quality services to students with disabilities who attend a nonpublic school, that too already exists under Nebraska statute and state and federal special education law. I oppose this bill because it leaves me with too many questions and concerns about, about the future for students with disabilities. I strongly encourage you to consider these items mentioned and the other unforeseen negative consequences of LB1251. Thank you, and I would be happy to respond to any questions you may have.

WALZ: Thank you. Questions? Senator Linehan.

LINEHAN: Thank you, Chairwoman Walz. And thank you for being here today. So for the-- I think one of the previous testifiers, which we heard today, mentioned that they have over 100 students at Westside with an IEP or 504 Plan-- not Westside, I'm sorry, at Creighton Prep,--

KAMI JESSOP: Um-hum.

LINEHAN: --which is inside Westside School's district, but Westside doesn't send any teachers there?

KAMI JESSOP: Every year there's an annual consultation process between the public school and the nonpublic school that were required to participate. And it's through that annual dialog that nonpublic and

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public schools determine what services the provision of services look like within each nonpublic school within their boundaries. So currently, Westside Community Schools provides educator-- special education staff within all of our other nonpublic schools. Creighton Prep has elected to not utilize that, that particular service on-site within their program.

LINEHAN: And then you said something about the labels don't equal cash, but aren't-- how do public schools determine what students-- the expense, don't they have to determine the expense for special ed goes into your formula?

KAMI JESSOP: Well, I think it's-- it certainly a needs-based formula, but it's not-- the, the student categorization or the, or the label, the disability label has no impact on that. So in public schools, it's a needs-based. Like we say, for example, that a child has X in such particular special education or educational needs as outlined by their evaluation plan as outlined by their individual education plan and it is no-- in no way tied back to their disability label.

LINEHAN: But your total cost for special ed is very much tied to your state funding, and what you get from reimbursement from the State Department of Ed is not.

KAMI JESSOP: Based holistically on the provision of special education and related services to all the children within the district.

LINEHAN: But if you have ten children that need a para, then the cost for each of those paras would go into that total.

KAMI JESSOP: I, I think from on a comprehensive global scale, yes, all of the needs and the services that we provide--

LINEHAN: Let me ask me it this, let me ask it this way. Is every child with an IEP cost the same at Westside?

KAMI JESSOP: Every child is-- the, the services that are allocated and delivered to every child is based on their needs. And you're, you're correct, I think, in your assumption that educating some children is more expensive, I think is what you're getting at, than other students, yes, but it is not tied to the label that they have on their paperwork.

LINEHAN: OK. And then finally, you think the parents aren't in the best place to make a decision, you think the public school is in a better position to make a decision for their child than the parents?

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KAMI JESSOP: No, that's absolutely not what I'm saying. I'm saying the parents as of today have the ability to choose where their children go to school. They have the option to enroll in both--

LINEHAN: If they can afford it.

KAMI JESSOP: I-- yeah, I guess.

LINEHAN: Yeah. OK, thank you.

WALZ: All right. Senator Murman.

MURMAN: Thank you, Senator Walz-- Chairman Walz. If a child goes to a private school today, the child has an IEP, does any of the funding follow the child to the private school?

KAMI JESSOP: So we-- public schools are obligated to allocate a proportion of their federal dollars based on the number of children that they have who receive their education in a private or a nonpublic school within their district. So essentially the short answer is yes, we are, we are able to access funding based on the number of children that attend a nonpublic school.

MURMAN: So the amount of funding is determined by just dividing the number of students by the total funding or something like that?

KAMI JESSOP: Yes.

MURMAN: It's not based at all on--

KAMI JESSOP: Needs.

MURMAN: --the needs of the student?

KAMI JESSOP: Correct. Yeah. And, and districts then are responsible for covering the excess costs of educating students in those private schools if the federal funding doesn't cover it.

MURMAN: OK. And, and the funding now for an IEP student is not sufficient to cover the costs. Is that correct?

KAMI JESSOP: I guess. Say that again.

MURMAN: The funding that you get for a student that has special needs is not sufficient now to cover the costs of that student.

KAMI JESSOP: In a, in a private school setting?

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MURMAN: In public or private, I guess public because that's-- they're the ones responsible right now.

KAMI JESSOP: Yeah, well, I certainly, I would say that we are always trying to increase funding and access to funding for students with disabilities in either a private or a public school setting. We continue to, to come in front of you and other committees to say that funding for special education services we would argue that we would love to see that increase.

MURMAN: So in other words, it's not adequate to cover the costs right now because you're still, you're advocating for more.

KAMI JESSOP: I think we are delivering the services and we are doing our best to make sure that the kids are getting the services and supports that they need regardless of their educational environments and funding. Reimbursement for special education continues to be at about 50 percent of at the state level. So it's not-- we're not reimbursed-- we are not being reimbursed for all of the services that we are delivering to, to students. Yeah.

MURMAN: So if the student does go to a private school you're not losing funds, you're not losing money on that student is what I'm getting at because the funding--

KAMI JESSOP: I guess I don't see it that way.

MURMAN: --is inadequate anyway.

KAMI JESSOP: Yeah.

MURMAN: OK, thank you.

WALZ: Senator Linehan.

LINEHAN: Thank you, Chairwoman Walz. And thank you again, Miss Jessop, for being here. Westside is not equalized, right? You're equalized through option funding, but you're not an equalized school district as your needs are not greater than your resources.

KAMI JESSOP: I believe that is the case, but I don't want to-- I don't, I don't know enough about that to be able to answer that question today.

LINEHAN: So just for the record here, if you were an equalized, if you're OPS, then your special education costs go into your needs. So

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when you say the state covers 50 percent of the cost, they cover 50 percent of costs for unequalized schools, but it's greater--

KAMI JESSOP: No.

LINEHAN: --it's greater for equalized schools.

KAMI JESSOP: All special education, like special education excess costs are reimbursable at the state level, that 50-- approximately 50 percent, regardless of the-- where-- the size of your district.

LINEHAN: There's a, there's, there's a difference between equalized and nonequalized on that.

KAMI JESSOP: OK.

LINEHAN: Is all.

KAMI JESSOP: Is the point that you're making. Thank you.

LINEHAN: Well, because I don't-- you're here for a whole bunch of schools and they aren't treated all the same.

KAMI JESSOP: I recognize that, but I do know that within the state of Nebraska, our-- the, the reimbursement formula allows us to submit for up to 50 percent regardless of the district that the child is being educated in.

LINEHAN: Right. That's true.

WALZ: OK. Any other questions? I just have a question about the-- you talked about the beginning of the year how you meet with the schools in your district. Can you just talk to me a little bit about what that looks like?

KAMI JESSOP: Sure. So as a, as a part of state and federal regulations, all of the nonpublic and home school representatives, agencies, schools within-- I'll just speak to Westside Community Schools. We convene-- it's actually typically in the spring prior to the coming school year. So we provide public notice so that everyone knows that they're invited. We typically have a really good turnout in Westside Community Schools from our private and nonpublic parochial schools within the district boundaries. And so then we are very transparent in saying these are the services that we want to be able to offer you. This is the cost of the services that we are providing and we kind of say, like, here-- this is the pot of money that we have available to us. How might we best allocate that pot of money to

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afford or to provide for equitable services for all of those students that are nondistrict residents? And then we've been very fortunate in our community to really reach consensus and have a, I think somebody mentioned earlier, to have a really positive relationship with our nonpublic school providers. And so it's through that consensus building, information sharing, decision-making process, I guess, that we decide what services are provided on-site, the, the amount of services that are provided on-site. For example, special education resource, speech and language therapy, those type of things are provided then on-site within the district and every district in the state of Nebraska is required to go through that consultation process.

WALZ: OK. That helps. Senator Linehan.

LINEHAN: Thank you, Chairwoman. Just one more follow-up question. Does the student have to live in the district or just the school, the private school has to be in the district?

KAMI JESSOP: So the responsibilities under federal regs are different based on that very nuance, I suppose. So students that are residents of Westside Community Schools that live in Westside Community School boundaries are entitled to full FAPE, which is essentially anything that would be on their, on their IEP, on their educational service plan. They're entitled to that free appropriate public education. It would look the same whether they're sitting in Westside Community Schools or whether they're sitting in a private or a nonpublic school within our district. Students who are nonresidents of Westside Community Schools or students who live outside the boundaries of Westside Community Schools who elect to attend a private or a parochial school with inside Westside district boundaries can either access their full free appropriate public education from their home district, or they can choose to receive what's called equitable services from Westside Community Schools. And that's what the consultation process decides is what is Westside going to offer as our equitable services? And sometimes they look really close or quite similar to the, the what their home district would be able to provide them as well. Does that answer your question?

LINEHAN: I don't-- no.

KAMI JESSOP: Let's try again.

LINEHAN: If I live-- are my services different if I'm at Christ the King and I don't live in Westside than they are if I live in Westside and I'm at Christ the King? Are the services different?

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KAMI JESSOP: Potentially, they can be. We first identify what you need for services, and then if you are--

LINEHAN: Let's say the services are exactly-- the needs are exactly the same.

KAMI JESSOP: That the, the needs of the child, we identify the needs of the child, and if you live in Westside Community Schools and attend Christ the King, you will receive whatever your IEP team-- so if it's speech, occupational therapy, physical therapy, vision, whatever it might be, you'll receive all of those services delivered to you.

LINEHAN: But what if I don't live in Westside?

KAMI JESSOP: If you don't live there, then our responsibility under federal regulation is to provide you with equitable, we call equitable services, an equitable service plan. And so then again, it goes back to the consultation process where we decide--

LINEHAN: Are they different?

KAMI JESSOP: Yes, potentially. It just depends.

LINEHAN: So do you treat a child that opts in to Westside differently?

KAMI JESSOP: No, no. If you option into Westside Community Schools under the option statute, you're entitled to the free appropriate public education regardless of, of where you-- where your home is. When you become a Westside student, you're entitled to all of the free appropriate public education that Westside offers.

LINEHAN: So the only students that get equitable are the kids that are in a school in your district but don't live in your district.

KAMI JESSOP: Yes.

LINEHAN: OK, thank you.

KAMI JESSOP: Yes, and equitable services are decided upon every single school year, so for this particular year we offer special education resource and speech and language therapy services directly on-site in our nine nonpublic schools.

LINEHAN: OK, well, that-- thank you.

WALZ: Good. Any other questions? Thank you so much. Next opponent.

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CONNIE KNOCHE: Good afternoon, Chairwoman Walz and members of the committee. My name is Connie Knoche, C-o-n-n-i-e K-n-o-c-h-e, and I'm the education policy director at OpenSky Policy Institute and we oppose LB1251 because it would direct state funds to private schools without imposing any accountability or oversight over them to ensure the program is working as intended. In 2017, there were 15 states that offered private school vouchers to students with disabilities and eight awarded state-funded vouchers like that proposed in LB1251, including Florida. A report by Thomas B. Fordham Institute found the vast majority of special education vouchers came with little, little or no oversight. A majority of the voucher students weren't required to demonstrate achievement on state assessments, nor were schools required to maintain academic standards for disabled students. The same has been found in other states according to both the National Council on Disability and the Council of Parent Attorneys and Advocates, a nonprofit dedicated to protecting and enforcing the legal and civil rights of students with disabilities and their families. In Florida and elsewhere, and elsewhere, there is also a lack of transparency in these programs as children who voluntarily move from public to private schools lose rights and protections under the individual with-- Individuals with Disabilities Education Act, which we call IDEA, including discipline procedures and least-restrictive environment requirements, and IDEA Part B, which requires each state to ensure free appropriate public education, which is FAPE, and made available to all eligible children with disabilities. Once IDEA protections are gone, children are no longer entitled to the free appropriate public education. That means that they are not entitled to special education services provided at public expense under public supervision and without charge that meet the standards of the state education agency, including the requirements of IDEA that include an appropriate preschool, elementary school, or secondary school education, and that are provided in conformity with the IEP. Private school students placed by their parents may be entitled to what are called equitable services, which are paid for by public funding, but since that funding is limited, they may receive fewer services than if they attended a public school. Parents who take advantage of these voucher programs aren't reliably told about these changes. According to the U.S. Government Accountability Office, 83 percent of students enrolled in a program designed specifically for students with disabilities were either provided no information about changes to their IDEA rights or were provided inaccurate information. This matters because federal funding isn't available to voucher recipients and so once FAPE is gone parents are responsible for paying any tuition, transportation, or other costs, including special education services in excess of the vouchers. We also have concerns about the

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funding mechanism as LB1251 would prioritize \$5 million of lottery funds to create this new voucher program over most existing uses, including expanded-learning programs, distance education and excellence in teacher cash funds. For these reasons, we oppose LB1251 and would encourage the committee not to advance it. Thank you for your time, and I'm happy to answer any questions.

WALZ: Thank you. Questions from the committee? Senator Murman.

MURMAN: Thank you, Chair Walz. It sounds like from what you say in Florida, the services pretty much fall clear apart when they go out, when special ed students go out of the public schools or the private.

CONNIE KNOCHE: Well, that's what the research is showing.

MURMAN: Do you know if they-- are students allowed to come back into the public schools once they leave?

CONNIE KNOCHE: You're always able to go back to a public school, but you may not be allowed to stay in the private school that you enroll in because of the needs of the students.

MURMAN: If, if the students are allowed to go back to public school, wouldn't the program end quickly? Because if they aren't getting the services in the private school, the students would come right back to public school immediately.

CONNIE KNOCHE: Yeah, that's a parent's choice.

MURMAN: Yes. And I'll, I'll let some others ask first, but I've got some more questions.

CONNIE KNOCHE: OK.

MURMAN: Well, I'll go ahead with my questions, I guess. They--

WALZ: Oh, sorry.

MURMAN: --let's see, the programs you said weren't funded as well when they went into the private schools. So they do lose services if they aren't funded. Do you know if the, the program where the, the students, the special ed students can go into the private schools, is that increasing or the number increasing in Florida or decreasing, staying the same?

CONNIE KNOCHE: I don't know that, but we can get that for you if you'd like.

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MURMAN: Yeah, I'd be interested to know that.

CONNIE KNOCHE: OK.

MURMAN: Thank you.

WALZ: Senator Linehan.

LINEHAN: As long as you're willing to do research. Yes, I--

CONNIE KNOCHE: I'll write this down.

LINEHAN: --think a deep dive on what's going on in Florida would be very helpful.

CONNIE KNOCHE: OK.

LINEHAN: And how many students are switching, going back, and what their scores have done over the last ten years. And I think you'll find in Florida, maybe some schools that are specifically for special ed students.

CONNIE KNOCHE: Private schools?

LINEHAN: Private schools. Yeah.

CONNIE KNOCHE: OK.

LINEHAN: Thank you.

CONNIE KNOCHE: Be happy to do that.

WALZ: Any other questions? I don't see any. Thank you so much. Any other opponents?

DANIEL RUSSELL: Afternoon.

MORFELD: Welcome.

DANIEL RUSSELL: Thank you, Chair Walz and members of the Education Committee. I'm Daniel Russell, D-a-n-i-e-l R-u-s-s-e-l-l. I'm the interim executive director of Stand for Schools, a nonprofit organization dedicated to advancing public education in Nebraska. Our organization is here in opposition to LB1251, which would provide payments for eligible private school students who receive special education services. We oppose LB1251 for three reasons. First, Nebraska Public Schools, as you've already heard, are required to by both federal and state law to provide a free appropriate public

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education to students receiving special ed services. For those parents who wish to place their child in a nonpublic school, the public school system may also be required to provide equitable services in the nonpublic school setting. LB1251 does not and indeed cannot change the federal requirements that public school systems provide support services to private schools who accept students with special needs. Rather, under LB1251, these responsibilities would continue while also diminishing funding for other programs, educational programs specifically paid through the lottery fund. Second, LB1251 is unclear as to what payments made under the Equal Opportunity Scholarship program could be used for and in what amount. Section 2, subsections (9) through (11) outline various tiers into which students would be sorted for the purposes of payment, and Section 3, subsections (a) through (d) outline the various payments that students shall receive based upon their placement in these tiers. These payments are defined as a percentage of the statewide average for basic funding per student in Nebraska. So for in the '21-22 school year statewide per pupil costs per daily membership was \$14,495. As the bill currently reads, recipients of the scholarship are entitled to the full amount based upon their tier and regardless of tuition costs associated with their private school of choice. According to one estimate, the private elementary school average tuition cost is \$3,554 per year, and private high school tuition cost average is \$7,856 per year. As such, it may be the case that students under LB1251 will receive more money than is required for tuition and does not provide any additional guidance for the Department of Education or the Treasurer on how that extra money should be spent. Finally, we oppose LB1251 because it does not impose additional requirements on private schools to serve all students as public schools must. Section 6 of the bill instructs that, quote, The creation of the program does not expand the regulatory authority of the state, its officers, or any school district to impose any additional regulation on a participating school; and, quote, A participating school shall not be required to alter its creed, practices, admissions policy, or curriculum. What this means practically, is that private schools, as is within their right, will maintain the ability to discriminate based on religion, national origin, special education language learners status-- excuse me, special English language learner status, refugee status, sex, gender identity, sexual orientation, or pregnancy, among others. Stand for Schools does not believe that state dollars should be used to support schools that may be closed to some children. For these reasons, we oppose LB1251, and I would be happy to answer any questions.

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

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LINEHAN: Thank you, Chairwoman Walz. And thank you for being here today. Do you have any idea of how many of our public schools have a program for students who are dyslexic?

DANIEL RUSSELL: I don't, but I will look into that and follow up to you.

LINEHAN: Specifically for dyslexic students.

DANIEL RUSSELL: For dyslexic students.

LINEHAN: OK.

DANIEL RUSSELL: Happy to look into that.

WALZ: Any other questions? I see none. Thank you.

DANIEL RUSSELL: Thank you.

WALZ: Any other opponents? Good afternoon.

ROB SCHUPBACH: Good afternoon, my name is Rob Schupbach. I live at 2304 South 24th Street in Lincoln. I'm appearing today not as an opponent of education, but as an opponent of the way this bill proposes to fund, to fund the education needs that it proposes to meet.

WALZ: Can you spell your name, please?

ROB SCHUPBACH: I beg your pardon?

WALZ: Can you spell your name?

ROB SCHUPBACH: I can't hear you.

WALZ: Can you spell your first and last name?

ROB SCHUPBACH: Oh, Schupbach, S-c-h-u-p-b-a-c-h. I beg your pardon. As I understand this bill, it would preempt the constitutional amendment that was put forth by LR209CA by taking \$5 million off the top of the state lottery proceeds before the proceeds are paid out. I provided you with a copy of the Section 24-- or Article III, Section 24 of the state constitution. I realize the afternoon's going-- getting on, so I'll read as, as quickly as possible. If you go to Section (3), The Legislature may establish a lottery to be operated and regulated by the state of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and

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maintaining the lottery and for the following purposes, as directed by the Legislature with a colon at the end of it. There are five purposes. Those five purposes are the only things that the lottery money can be used for. Number (i), The first \$500,000 of the payment of the prizes in operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund. Number (ii), Forty-four and one-half percent of the money remaining after the payment of the prizes and operating expenses and the initial transfer to, to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska Environmental Trust to be used as provided in the Nebraska Environmental Trust Act. That means if the Nebraska Environmental Trust Act controls the way that the Environmental Trust compounds its 44 percent. Number (iii), Forty-four and one-half percent of the money remaining after the payment of the prizes in operating expenses in the initial transfer of the Compulsive Gamblers Assistance Fund shall be used for education as the Legislature may direct;-- the Legislature has the power in, in this act-- in this clause to fund what they're asking for out of the education fund. It doesn't have to go-- it can't-- first of all, it can't go ahead of, ahead of the appropriations, but it has the power to fund, according to this, money for education. The 44.5 percent this year is about \$20 million, so it's got some money that it could do something. Number (v) [SIC], and I'll, I'll just read it, it's very redundant, Ten percent of the money remaining after the payment of prizes and operating expenses it shall be used for the, for the State Fair. And number (v), One percent of the, of the money remaining after payment of the prizes and operating expenses should be transferred to the Compulsive Gamblers Assistance Fund. Those are the only five things that the money can be used for. You can't pass a statute that preempts this constitutional amendment because state statutes don't preempt constitutional amendments. You have the power to provide some financial relief for the needs of these people have talked about by using the clause "shall be used for education as the Legislature may direct." You can direct some of that \$40 million-- or that-- of their \$20 million to, to the needs that these people are talking about. There are other educational needs that, that money is going for now, and I'm not trying to step on anybody's toes. I'm saying, I'm saying, you've got a, you've got a pile that you could redirect, you could redivide. You could meet, you might not be able to meet \$5 million of what they're-- which is what they're asking for, because that would be 25 percent of their whole allocation or the whole proceeds. But you could give them something. Any questions?

WALZ: Questions from the committee? I don't see any.

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ROB SCHUPBACH: Thank you for your time.

WALZ: Thank you. Any other opponents? Anybody who would like to speak in the neutral capacity? Senator Hansen, you are welcome to close. We had three letters or position comments for, for hearing record. One was a proponent, Nicole Fox from the Platte Institute; and Mark Brohman, representing Wachiska Audubon Society; and Mary Bahney, the Nebraska Chapter Association for Social Workers [SIC]. And those two were opposed.

B. HANSEN: Thank you. First, I want to say I appreciate all the testifiers that came today to share their stories personally, because sometimes it's a little tough to get up here and discuss some of these issues because it does have to do with their children. And I want to say a special thank you to, to Mrs. Tera Myers for coming out from Ohio to explain how programs such as this has-- have done very well in the state of Ohio and in opposition to maybe one of the things that was said about that there's no requirement for them to collaborate. They have shown that when given the opportunity, they will. And that's exactly what happened in Ohio. They collaborated not just for financial purposes, but for actually for the children. And I have, and I have a, a great feeling that the same thing will happen in the state of Nebraska, if given the opportunity. The problem is we just don't give them the opportunity. So one of the common themes you heard was that parents know what's best for their child's education when given the chance. And I firmly believe that. Some parents do know what's best for their children, but aren't given the opportunity to due to financial purposes. One of the goals of this bill was to make sure we can give those families who have children with special needs the opportunity to attend a school that they felt was better for them without increasing taxpayer money and not taking any money from TEEOSA. And I think we've accomplished that with, with this bill. Again, there are some, some sections that might need some work and I'm willing to kind of work with other people and individuals and collaborate to make this a better bill if we need to. One of the disappointing things I didn't hear from was anyone from the NCSA, STANCE, NSEA, about how best to make this a better bill. I would think that maybe they would contact me and maybe give me their thoughts. Tell me their concerns. I didn't get any of that. The NSAB [SIC] did contact me when I first dropped the bill to tell me their concerns initially, so I appreciate them for coming and contacting with me. I know you don't like a bill and you hate it, and you may not want to say anything, but still, I think it's nice to contact the person who introduces it and say, look, this is why we hate it. Maybe you can make it better. Maybe they still won't like it, maybe they come out in

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opposition. I think us as senators always appreciate that when we hear from others no matter what kind of bill we're going to drop. One of the things that OpenSky said that there will be no oversight of private schools. I just handed out a-- the amended version that we're planning on dropping with this bill that would replace the bill that just addresses a few things. One of, one of the things that we are addressing is what the definition of eligible student. This will require them to at least attend one course in the preceding semester to be eligible for this. One of the things we did, we also amended Section 2 and 3. It changes the definition of what a tier is. The tiers now signify the level of intervention of support needed for an eligible student, the amount of funding a parent receives is based on what the support the child requires, and what tier level intervention they fall under. We want to make sure as to further clarify that we do not want to label a student. It's more defining the condition. So according to one of the opposition testimonies, is that we-- they feel like we are labeling them and their disability for cash purposes. It's a little disheartening to hear that. Thinking I write a bill that labels kids just so we can get more money. I don't think that way. I think first of what the best needs of the children are. We do this on all things. Senator Day is in HHS with me. We deal with this all the time. I mean, we provide funding for students in a myriad of beneficial ways, whether it's food stamps, whether it's Medicaid. But for some reason, we ignore that in education. At least, I feel like we do. Maybe we don't, but we kind of ignore that maybe there are better ways to help a child thrive in society. Maybe do better when they get out of school to get a job. And sometimes that requires private education, and sometimes that requires helping the parent get that child to private education. We do that in a lot of other institutions in our government, but for some reason we don't do it here. So it's not about labeling students, it's just about providing the resources necessary to best serve them. It's not about cash or disability equals cash argument. It's disappointing to hear that, first of all. One of the things Mr. Russell said from Stand for Schools is the statewide average for a student-- if I'm misspeaking, I apologize-- the average for a private school is \$7,000. And then he was concerned that if we end up giving a certain amount of funding for a parent with a child with special needs that we might be giving them too much. But I think the numbers he was using was the statewide average and the state-- if we compare the statewide average of a Tier A or B or C student compared to an average child without a disability would be fundamentally different. It'd be a lot higher than \$7,000 a year. Ask anybody in public school, they know that. And private schools can discriminate. OK. There's a section in the bill because we want to address that too. Section 5: To ensure students are treated fairly and

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kept safe, school shall: Comply with health and safety laws and codes, hold valid occupancy permits, conduct criminal background checks on employees, exclude from employment people not permitted by state law to work in a school, exclude from employment people who pose a threat to the safety of students. And (2) a school shall, unless they're a part of special accommodations, require students to take national tests and give results to parents anyway. I think that was some form of making sure that we are not discriminating and not making sure that we are not doing what's necessary to protect the children. And public schools do provide free services, and he was right on that. I had an argument for that, but I forgot about it already, so I apologize about that. I just wanna make sure also with this bill that we are not disparaging public education. I grew up in public education, my mom was a secretary in a public school in Schuyler, Nebraska for 32 years. My dad was a janitor in there-- in the school system before he passed away from cancer. I grew up in the school system. All the teachers were like my parents. They were the ones who said, I needed healthy outlets. And so that's why I chose to run for Senate, which I don't know, I hope that was a good decision because I was kind of a rambunctious child. So I want to make sure we're not disparaging public education, the teachers or the services they provide, they provide invaluable services to the state of Nebraska. I also think private education does as well. And so what you heard from Mrs. Myers, when I wrap up here, is that this can work. We can collaborate together, both private and public, to provide a better service and opportunity for the children of Nebraska. So with that, I'll take any questions. Thank you very much.

WALZ: Questions from the committee? Senator Murman.

MURMAN: Thank you. This amendment, I haven't had time to look at it, I guess, but, but it says that a special ed student must attend-- well, any student, I guess, must attend a public school for one semester to determine the needs.

B. HANSEN: Yes, that was part of the eligibility standards, at least one course the preceding semester.

MURMAN: OK. I understand the logic behind that, but you know, some special ed students can be very fragile and if they're required to even attend for one semester it could be very detrimental to them. But, but I do understand why, why you have that. Thank you.

B. HANSEN: OK.

WALZ: I guess I can-- Oh, Senator Linehan.

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LINEHAN: Thank you, Chairwoman Walz. There's a reason you did that, so you pushed back on the argument, they're already there. This doesn't change anything, it just pays for the kids that are already there?

B. HANSEN: In a way. Yeah.

LINEHAN: Yeah. OK, that makes sense. Thank you.

WALZ: You-- any other questions? You mentioned you changed the tiers. Did you say that?

B. HANSEN: Not so much the tiers, but what the definition of a tier is.

WALZ: OK.

B. HANSEN: Yeah.

WALZ: So you change it to from what definition to another to--

B. HANSEN: Sure. OK.

WALZ: I mean, I'm, I'm--

B. HANSEN: No, you're fine. I just got to make sure I get it right in my head here. Oh, and I had it in here, too. I wanted to give you the specifics.

WALZ: So you've taken out the, the diagnosis and the IEP and several designated conditions, and you exchanged it with--

B. HANSEN: Oh, geez.

WALZ: You can tell me later too.

B. HANSEN: Can I? Is that OK?

WALZ: Sure.

B. HANSEN: I want to make sure I tell you the right thing.

WALZ: Yeah, no, that's fine.

B. HANSEN: I have it in my notes, but don't have it in front of me. Sorry.

WALZ: That's all right. Senator Day.

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DAY: Oh. Yeah, I would like to see the, the definition of the tiers as well so I don't know if you want to send that to me.

B. HANSEN: I got the definition of the tiers on page 2.

DAY: Page 2.

B. HANSEN: I just don't-- I, I want to give you the specific terminology we changed from the amended version to the previous version. It wasn't I don't think changing the def-- the definition of the tier per se, like what it-- what conditions it falls under, it's more--

DAY: But you're not-- you don't have like a, you know, top tier that's just labeled as autism?

B. HANSEN: Yes, that is on page 2, it says Tier A, Tier B, Tier C, and Tier D, and it defines which one-- and, and what, what kind of categories fall under which ones.

DAY: Oh, I see.

B. HANSEN: Yeah.

DAY: OK. Thank you.

B. HANSEN: Um-hum.

WALZ: Any other questions? I don't see any. Thank you so much.

B. HANSEN: Thank you very much. Appreciate it.

WALZ: And that ends our hearing on LB1251, and it opens our hearing on LB912. We could take a five-minute break.

[BREAK]

WALZ: All right. Welcome, Senator Morfeld.

MORFELD: Chairwoman Walz, members of the Education Committee, for the record, my name is Adam Morfeld. That's A-d-a-m M-o-r-f as in Frank -e-l-d, representing the Fighting 46th Legislative District, here today to introduce LB912, my second to the last bill ever to introduce. A bill that would add mental health first aid training for school personnel to programs covered in part by lottery funds administered by the Department of Education. The purpose of the program is to train teachers and other school personnel in the mental

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health first aid. The program would be managed by the Department of Education and provide evidence-based training that includes knowledge of how to recognize the signs and symptoms of mental illness and substance abuse use disorders-- disorders including opiates and alcohol, information on local resources and services to share with students and others who may be experiencing a mental health or substance use challenge, techniques to safely de-escalate crisis situations, how to refer a student early on to prevent escalation and worsening of symptoms, and finally reduce the stigma of mental illness and substance use and encourage students to seek help. I worked with a group of students in Lincoln who are concerned about school safety and mental health issues. This bill came about in part because of those discussions from an interim study hearing that I introduced to study the entire issue of school safety. In fact, one of those students has testified several times in support of this bill in the past. As many of you know, this is probably the third time I've introduced this bill, so third time is hopefully a charm. Many students suffer from depression and mental illness. We do not do a good job of identifying and helping those students in a timely manner in many instances. I urge your support of LB912, and I'd be happy to answer any questions. And I would just note that this is the same bill I introduced last year and the year before.

WALZ: Thank you, Senator Morfeld. Questions from the committee? I see none.

MORFELD: Bill number four today.

WALZ: Proponents.

KRAIG LOFQUIST: Senator Walz, Senator Morfeld, Senator Day, I know that you've been engaged in the subject of mental health in your time here and many members of the Education Committee. My name is Kraig Lofquist, K-r-a-i-g L-o-f-q-u-i-s-t. I'm the executive director of the Educational Service Unit Coordinating Council. So I work with Nebraska's 17 ESUs. I'm testifying today in support of LB912 for Nebraska's ESUs and also on behalf of the NSEA. Thank you for accepting my testimony. At this time, I think it's common knowledge that there is a need for mental health training. In fact, Jean Twenge, a researcher who focused on mental health issues and author of the book *iGen*, which is short for *iGeneration: Why Today's Super-Connected Kids Are Growing Up Less Rebellious, More Tolerant, Less Happy and Completely Unprepared for Adulthood and What That Means for the Rest of Us* writes it, meaning mental health isn't just a wave, it's a tsunami. And this was written prior to the pandemic. It's probably worth noting or reiterating publicly that the current crisis isn't

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just affecting our children. So we support LB912, and as you know, educational service units were created to coordinate professional development and leverage resources. With the adequate resources, our regional approach can provide the training defined in LB912. Like one of the past testifiers here on another bill, I just wanted to, to say finally, I do want to broach the current status of the lottery funds because they are not limitless. Funds are currently being used for identified, critical programs, so moving forward must be done with that in mind. And that's my testimony. If you have questions, I'll be happy to try to answer them.

LINEHAN: Oh, thank you. Are there any questions from the committee? I have one. OK, so on page 2 of the bill, "Recognize the signs and symptoms of mental illness, including such psychiatric conditions as schizophrenia, bipolar disorder, major clinical depression, and anxiety disorders." So my conflict in my head with this is we just had a hearing about not labeling kids. Now you're going to train people to recognize very serious mental illness?

KRAIG LOFQUIST: I think those are just the symptoms. First of all, I'm not a licensed mental health practitioner and I'm not a psychologist, but we do employ those people that have that level, level of expertise. So they know the symptoms, think that they're not going to be diagnosing anyone, but they're going to be teaching educators what to look for. Oftentimes, we see--

LINEHAN: Then what happens?

KRAIG LOFQUIST: --oftentimes, we see things that educators were not trained to, to understand what, what a-- an outburst might mean. And so this would, this would benefit them with this type of training, that it's more than just somebody having it that day.

LINEHAN: I'm not against the training at all. I'm not against the training, but I'm concerned about-- schizophrenia and bipolar are very, very serious mental illnesses that doctors miss, like, trained physicians and people who are specialists miss. So it worries me that we would, like, even-- and I'm asking the same question. I'm sorry. How do you think this would work? Like--

KRAIG LOFQUIST: Well, I appreciate your concerns, and it might not be perfect the way it's written. We could work with Senator Morfeld to, to iron out some of the issues or the concerns that you have.

LINEHAN: If the teacher recognizes it and then what?

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KRAIG LOFQUIST: Well, we have especially at the regional level and what's happening now more and more with schools because of the issues with mental health are employing licensed mental health practitioners, so they would understand that maybe there is more to it and be a conduit to professionals in the community that could do a--

LINEHAN: So nobody in the school would be diagnosing people. They would be--

KRAIG LOFQUIST: No, no.

LINEHAN: --call the parents first.

KRAIG LOFQUIST: Yep, always involve the parents.

LINEHAN: OK.

KRAIG LOFQUIST: We, we never move forward without the approval.

LINEHAN: All right. Any other questions from the committee? Seeing none, thank you very much for being here.

KRAIG LOFQUIST: Thank you.

LINEHAN: Next proponent. Are there any opponents? Anyone wanting to testify in the neutral position? Senator Morfeld, would you like to close?

MORFELD: Thank you, Senator Linehan. Yeah, and I think that, you know, one of the reasons why this doesn't address what happens after these students are identified is I was trying to find a targeted way to just at least identify students that are having mental health issues. I found very quickly that the broader issue of providing the services necessary to those students was immense. And I think that that's an issue that we need to address. But I wanted to do something that I thought was tangible that we could move forward in a quick way. So I just wanted to acknowledge that is an issue and is a problem.

LINEHAN: No, I, I get that. Are there questions from the audience-- or audience-- it's not my turn, actually. Are there questions from the committee? Brain's not getting to-- you and I had this discussion, I think, last year. It's just my-- it was my understanding, and I'm not a doctor either, but my understanding of schizophrenia and bipolar, and I know there's exceptions to every rule, but generally don't appear before late teens, early 20s. So having that, it, it concerns me even if, I guess, those two concerns. Depression, anxiety, all of those don't just-- I agree with you 100 percent,--

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MORFELD: Yeah.

LINEHAN: --it's those two that I'm--

MORFELD: Yeah, and I'm not opposed to taking that out. I mean, it is-- it's training that is nationally approved and credited. So if we use that training, that's the training that would be used. But--

LINEHAN: OK.

MORFELD: Yeah.

LINEHAN: Well, I-- OK.

MORFELD: Yeah.

LINEHAN: Any other questions? Yes.

MURMAN: Thank you. I had kind of a similar program last year that was actually funded through the lottery. I don't see any funding for this program, specific funding. Is this funding just come from the Department of Education's existing budget? Is that how it's funded?

MORFELD: Yeah, that's odd that there's no fiscal note. I mean, there's a fiscal note, but, yeah, that's a good catch. It's supposed to come from the lottery funds. We'll have to address that with the committee counsel.

LINEHAN: Don't-- I'm sorry.

MORFELD: Nope.

LINEHAN: Further questions?

MURMAN: Yeah, I, I noticed it mentioned lottery funds, but I didn't see any specific funding from this.

MORFELD: Yeah, it'll be important to fix that.

LINEHAN: I think the reason is it's capped and then they have to pick from different things. It's so much to do, I think, but you can check it out.

MORFELD: OK, yeah, we'll check that out. Thanks for bringing that up, Senator Murman.

LINEHAN: Senator Pansing Brooks,--

PANSING BROOKS: Thank you.

LINEHAN: --do you have a question?

PANSING BROOKS: I do. I just had a quick question. Is this bill going to be prioritized? Have you-- is there somebody that's prioritizing this bill I was wondering?

MORFELD: No.

PANSING BROOKS: OK, I just thought I'd heard. No.

MORFELD: Nope.

PANSING BROOKS: Anyway, thank you for bringing this.

MORFELD: Yeah. Hoping to find a home for it, though.

PANSING BROOKS: Yeah, a home for it.

LINEHAN: Well, that's what I was wondering. We still have bill to kick out of here don't we?

MORFELD: Um-hum.

LINEHAN: Priority bill.

PANSING BROOKS: Yeah, OK, that's what I was wondering. OK.

LINEHAN: Yeah.

MORFELD: Yeah.

PANSING BROOKS: OK.

LINEHAN: OK.

PANSING BROOKS: Thank you, Senator Morfeld.

LINEHAN: Any other questions from the committee? Seeing none, thank you very much.

MORFELD: Thank you.

LINEHAN: So how do we go into Exec without the Chair?

NICOLE BARRETT: She wanted me to, to-- we want to end this hearing.

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PANSING BROOKS: She's right over-- we need to end the hearing.

NICOLE BARRETT: Do you want to end the hearing?

LINEHAN: Oh, I'm sorry. Yes, I'll end the hearing. Where's my-- she handed it to me. I have letters for the record here, just a second. We had six proponents, no opponents, and no neutral on LB912. And with that, I close the hearing on LB912.