

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

MURMAN: Good afternoon. Welcome to the Education Committee. I'm Senator Dave Murman from Glenvil. I represent District 38 and I serve as Chair of the committee. The committee will take up the bills in the order posted. This public hearing today is your opportunity to be part of the legislative process and to express your position on the proposed legislation before us. If you are planning to testify today, please fill out one of the green testifier sheets that are on the table at the back of the room. Be sure to print clearly and fill it out completely. When it's your turn to come forward to testify, give the testifier your sheet to the-- give the testifier sheet to your page-- to the page or to the committee clerk. If you would like to have your position known but not testify, at the front desk there is a yellow sheet next to the green sheets where you can state your name and position for the permanent record. When you come up to testify, please speak clearly into the microphone. Tell us your name and spell your first and last name to ensure we get an accurate record. We will begin each bill hearing today with the introducer's opening statement, followed by the proponents of the bill, then the opponents, and finally by anyone speaking in the neutral capacity. We will finish with a closing statement by the introducer if they wish to give one. We will be using a 3-minute light system for all testifiers. When you begin your testimony, the light on the table will be green. When the yellow light comes on, you have 1 minute remaining and the red light indicates you need to wrap up your final thought and stop. Questions from the committee may follow. Also, committee members may come and go during the hearing. This has nothing to do with the importance of the bills being heard, it is just part of the process as senators may have bills to introduce in other committees. A few final items to facilitate today's hearing. If you have handouts or copies of your testimony, please bring up at least 11 copies and give them to the page. Please silence or turn off your cell phones. Verbal outbursts or applause are not permitted in the hearing room. Such behavior may cause for you to be asked to leave the hearing. Finally, the committee procedures for all committee states that have written position comments on a bill to be included in the record must be submitted by 8 a.m. the day of the hearing. The only acceptable method of submission is via the Legislature's website at nebraskalegislature.gov. You may submit a written letter for the record or testify in the person-- in person at the hearing not both. Written position letters will be included in the official hearing record, but only those testifying in person before the committee will be included on the committee statement. Please note that due to the similar topics addressed-- that-- that's not relevant today, I don't think. When we move to the-- no, that's

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

not relevant either. When it's your turn, you will announce in your opening which bills you are testifying on your positions. Please complete a green testifier sheet for each bill you wish to testify. When all testifiers are done, we will then call the introducing senators to come up for their closing remarks. I will now have the committee members with us today introduce themselves starting on my right.

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

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

ALBRECHT: Hi. Joni Albrecht, District 17, northeast Nebraska.

WALZ: Lynne Walz, Legislative District 15, Dodge County and Valley.

MEYER: Fred Meyer, District 41, central Nebraska.

MURMAN: Also assist-- assisting the committee today, to my right is our legal counsel John Duggar. And to my far right is our committee clerk Shelley Schwarz. And I'll have the pages stand up and introduce themselves and tell us what they're studying.

ISABEL KOLB: I'm Isabel. I'm a political science major at UNL.

SHRIYA RAGHUVANSHI: I'm Shriya and I'm a political science major at UNL.

MURMAN: And thank you very much for helping us out today. With that, we'll begin today's hearing with LB1388. Senator Bostar.

BOSTAR: Well, it's a pleasure to be here with all of you. I think this is my first and only time I'm going to be in the Education Committee this year so thank you for having me. And with that, good afternoon, Chairman Murman and members of the Education Committee. For the record, my name is Eliot Bostar, that's E-l-i-o-t B-o-s-t-a-r. I represent Legislative District 29, here today to present LB1388. Brain drain is a pressing concern that jeopardizes the future of Nebraska. It threatens to diminish our workforce, stifle innovation, and weaken our communities. LB1388 establishes the Excellence in Education Act to combat this growing challenge and present a strategic solution for attracting and retaining Nebraska's finest talents within our borders. On average, over the past 3 years, about 600 Nebraska students per year score at least a 33 on their ACTs, including about 30 who score a perfect 36. Less than half of

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

these students enroll at the University of Nebraska, and only 22% of perfect-score students enroll in the university. LB1388 creates the Excellence in Education Scholarship Fund to provide a match for total cost of attendance scholarships. These scholarships will cover the cost of tuition, fees, room and board, books and supplies, other personal expenses, as well as providing an enrichment stipend. Students will be expected to maintain a 3.5 GPA, or rank in the upper 25% of relevant class in the degree granting college. The matching funds provided in this bill would-- will be required to match privately raised funds by a postsecondary institution to establish an endowed scholarship fund to provide total cost of attendance scholarships. The Excellence in Education Act provides for accountability and transparency by collecting data on award recipients, retention rates, graduation rates, and employment outcomes. We can measure the effectiveness of our efforts and make data-driven decisions to continuously improve educational opportunities to all Nebraskans. LB1388 also establishes a community college equivalent to the Nebraska Promise Program ran by the University of Nebraska. Community Colleges-- Community College Promise removes barriers for low-income Nebraskans interested in gaining new skills or to further their education by attending a community college. The Promise Program provides students with a family income of less than \$65,000 a year, a tuition waiver for up to 2 years at a community college. The student must maintain at least a 2.5 GPA and fulfill the requirements for attendance at a community college. Education plays a pivotal role in shaping the trajectory of individuals and communities by providing matching funds to support total cost of attendance scholarship packages, while also supporting community college tuition waivers for low-income families. This legislation will empower deserving students to pursue higher education without the burden of financial constraints. Through these scholarships, we can ensure that every Nebraskan can fulfill their academic potential and contribute meaningfully to our state's prosperity. Recruiting and retaining Nebraska students to attend Nebraska postsecondary institutions with an effort like the Excellence in Education Act, is just one aspect we should undertake to combat brain drain. I'm excited about the number of other bills we have passed and are working on with business leaders, healthcare systems, childcare stakeholders, and communities across the state to develop a comprehensive strategy that positions our postsecondary systems as the premier destination for Nebraska's youth. By prioritizing-- by prioritizing higher education and creating pathways for us to retain our youth, we can build a stronger, more vibrant state for generations to come. With that, I thank you for your time

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

and attention this afternoon. I encourage the committee to advance LB1388. Be happy to answer any questions you might have.

MURMAN: Thank you. Any questions for Senator Bostar at this time? If not, thank you.

BOSTAR: Thank you.

MURMAN: Proponents for LB1388. Good afternoon.

CHRIS KABOUREK: Good afternoon, Chairman Murman and members of the committee. I am Chris Kabourek, C-h-r-i-s K-a-b-o-u-r-e-k, and I have the honor of serving as the interim president of the University of Nebraska. Thank you for the opportunity to share the university's support of LB1388. We appreciate Senator Bostar's leadership in bringing this bill forward and starting an important conversation about how all of us-- all of us can work together to stop Nebraska's brain drain and keep more of our homegrown, homegrown talent in our state. Seven days ago, we had the honor of standing with Governor Pillen and our Board of Regents in announcing a new university scholarship for Nebraska students who score a perfect 36 on the ACT. Mr. Chairman and Senator Walz, we were so happy to have you there as well, along with Senator Bostar and Senator Ibach. Our new scholarship will cover the total cost of attendance plus stipends. And as I said in our announcement, I'm embarrassed by the statistics that Senator Bostar mentioned. We are losing 80% of those perfect ACT kids to other institutions. I want to see us flip that ratio and get 80% of Nebraska's 5-star students to stay right here in our great state. To do that, we absolutely have to get more competitive on scholarships. Nebraska's best and brightest, brightest have their choice of where to go to school, and we need to send a strong message that we want them here and we are not satisfied to be outcompeted for our own kids. This new president's scholarship is part of our strategy to be competitive. I believe that's what Senator Bostar envisions with the Excellence in Education Act, and I couldn't be more pleased that we are aligned on our goal to keep Nebraska talent in Nebraska. Of course, our vision goes beyond top ACT scorers. One of our immediate priorities is reconnecting with all Nebraska students and their families to let them know there is a place for them at the University of Nebraska. You don't need to score a 36 on the ACT to be the next great cancer doctor, entrepreneur, or farmer. That is why we are renewing our passion for connecting with Nebraskans from St. Paul to Glenvil to Omaha and everywhere in between. Every Nebraska kid is worth our time and effort. I wish I could read to you the emails we got in the past week, but let me tell

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

you one story that I think really emphasizes the impact this is having. A colleague of mine, his wife was driving the kids to school and telling them about the new scholarship program, and if they scored well on the ACT they could get a full ride at the University of Nebraska. Their oldest daughter, who is 13 and had her heart set on going to Notre Dame, declared that now she wants to go to Nebraska. And based on this new information, she even that day checked out a book from the library on how to study for the ACT. Her 10-year-old brother piped in saying school stuff-- that sounds great and maybe I should start doing a little bit better at school. Senators, our kids are listening. When we send the message loud and clear that we want them to stay in Nebraska, they hear us. I'm proud that the steps we're taking together are making a difference for our young people. We look forward to bring a-- being a strong partner with you on this effort and I ask for your support of LB1388 to make an important investment in our kids' dreams. Thank you again for your time and I'd be happy to answer any questions.

MURMAN: Thank you, President Kabourek. Any questions? Senator Linehan.

LINEHAN: Thank you, Chair Murman. What is an all-in scholarship? What is the dollar cost per year?

CHRIS KABOUREK: We estimated it approximately would be about \$30,000 to \$35,000 per year. That would cover tuition and fees, books, living expenses, and a \$5,000 annual stipend to the student.

LINEHAN: And it's living on campus, obviously?

CHRIS KABOUREK: That's for any campus in the University of Nebraska system. Yes.

LINEHAN: OK. Thank you.

MURMAN: Any other questions for President Kabourek? If not, appreciate you testifying.

CHRIS KABOUREK: Thank you.

PAUL TURMAN: Good afternoon, Chairman Murman, members of the Education Committee. My name is Paul Turman, that's P-a-u-l T-u-r-m-a-n. I'm the chancellor of the Nebraska State College System here to speak in support of LB1388. Really appreciate the opportunity for the State College to be incorporated into a comprehensive set of scholarship programs that would have a positive impact on our-- on

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

our students and the, the communities and the regions that we serve. Right now, our board is extremely committed to access and affordability. As you look at our strategic plan, the vast number of performance indicators that we have really drill down into this critical feature of trying to make sure that we have the opportunity to keep our costs as low as possible, make sure that unmet need is where it needs to be as a-- as a system, and that we're producing degrees at a relatively low cost in relation to our peers around the country. The one thing I'd like to emphasize when I look at the total number of students with a 33 or higher on the ACT, and our inclusion in the excellence in education component of this bill, is that last year out of the 407 that had that score in the state of Nebraska, 2 of them came on to the-- 1 of our 3 state colleges. And one of the things I think is really important when you look at what this committee did almost 2 years ago in, in adopting a 70% attainment goal, it's as much about how do we keep as many of our students in the state to not leave, to go on, but it's also ramping up the total number of students who go on to college. So I just want to give you some additional information. When you look at that cohort of between a 24 or a 36 on the ACT, right now, 92% of those students go on to college somewhere. And so when we look at-- ultimately, we have about 374 students who are not going on to college. When you lower that down to a 20 to 24 on the ACT, that college going rate drops down to 82%. And so we have about 400 or 4,736 students in that, 841 are not going on. So it's a 250% increase over the total number of the 24 or 36 on the ACT. I'll go down one little bit further, 17 to a 20 on the ACT, that college going rate drops down to 72%. So you see a total 22% or 20% decline in the overall number based on where you move in those areas. We, as a state, to be able to achieve those long-term goals of getting every citizen the opportunity to have the type of degree that they need to serve the workforce means that we also need to provide funding to the high-end students to keep them in the state, but also those that are in the middle. And that's the the conversations I've been having with the senator is to rather than including the state colleges in the excellence component of this bill, that it would be a better fit for our system, that we might be included in the Promise Program that adds to the community college structure that they have. So I'd ask that you'd have support. And as you have the opportunity to be able to deliberate on this in your committees, the opportunity to consider whether or not where is the right place for the state colleges to be incorporated in these 2 outstanding programs if we're able to put them in place? I'd be happy to answer any questions that the committee might have.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

MURMAN: Thank you. Any questions for Mr. Turman? If not, thank you for testifying.

PAUL TURMAN: Thank you.

COURTNEY WITTSTRUCK: One day I think I'm going to walk in here and the chair is going to be higher, but it never, ever is. I'll have to start bringing my own booster at some point. So hello, Chairman Murman and distinguished members of the Education Committee. My name is Courtney Wittstruck, that's C-o-u-r-t-n-e-y W-i-t-t-s-t-r-u-c-k. I'm a registered lobbyist and the executive director of the Nebraska Community College Association. I'm here today on behalf of the 5 NCCA member community colleges to testify in support of LB1388. Our community colleges support any and all efforts that would enable more Nebraskans to access the life-changing benefits of higher education. The transformative education and training community college students receive prepare them for productive, professional careers and rewarding lives as Nebraska community members and taxpayers. As previously discussed with Senator Bostar and his staff, we do have one suggestion that would provide greater clarification on one element of the bill. To clarify the funding mechanism for the Community College Promise Act, we recommend a small tweak that would include language stating that the Community College Promise Act will not be funded with existing state funds, but rather would be funded by a new and separate appropriation. We appreciate Nebraska's commitment to our community colleges which play a key role in Nebraska-- oh sorry, which play a key role in the skilled workforce that Nebraska so desperately needs. With that, I'll close and I'd be happy to take any questions.

MURMAN: Thank you. Any questions for Ms. Wittstruck? If not, thank you for testifying.

COURTNEY WITTSTRUCK: Thanks, everyone. Have a good afternoon.

JOHN NEAL: Good afternoon, distinguished members of the Education Committee. My name is John Neal, J-o-h-n N-e-a-l. I feel a little bit like the which of these things is not like the others being from K-12, but I'm here to-- representing the Lincoln Board of Education in support of LB1388 because it provides matching funds to endow scholarships to postsecondary institutions in Nebraska for Nebraska resident students scoring 33 or above on the ACT. LB1388 also establishes a tuition waiver program for Nebraska residents-- excuse me, resident students at community colleges if their family's income is less than \$65,000 per the FAFSA. This is a valuable scholarship

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

for college students, but it is also valuable for high school students because it could be used for students while still in high school for dual-credit courses. And let me explain why that's important. Recent research on career and technical education dual-enrollment programs found that students were more likely to graduate high school and more likely to enroll in college than their peers. These positive impacts were particularly strong for student groups that are underrepresented in postsecondary education, including students of color and students from low-income backgrounds. This reinforces more than a decade of research on the power of early college access for all students, but especially for first-generation students. An additional benefit is the impact that early college access can have on enrollment and postgraduation residency. Students who are enrolled in dual-credit opportunities in their local colleges have a natural connection to stay with that institution for their postsecondary work. They have learned the culture of, of the campus, they have built relationships with staff, they understand the process of the institution, and they already have credits on their transcript at that school. This is valuable as 61% of postsecondary graduates are likely to live in the community of the college from which they graduate. For these reasons, we support LB1388.

MURMAN: Thank you. Any questions for Mr. Neal? If not, thank you for testifying. Other proponents for LB1388?

SHERRIE GEIER: Oh, goodness, I need a booster chair. Good afternoon, Chairman Murman and members of the Education Committee. I'm Sherrie, S-h-e-r-r-i-e, Geier, G-e-i-e-r, and I live in the 29th Legislative District. I'm a proponent for this bill and, more specifically, for the provisions that would create the Community College Promise Act. In 2020, the Nebraska Promise Program was announced by former and new president Ted Carter as a way to make NU a destination choice for every student and to contribute to Nebraska's economic competitiveness. 18,000 students have qualified for full tuition assistance at 4 campuses since then. This assistance provides nearly \$25 million to Nebraska students, whose family's annual income is less than \$65,000 a year. Nebraska Promise benefits kick in only after federal aid assistance has been secured. Nebraska Promise is working for Nebraska University students. However, one size does not fit all. Students who either are new to or want to stay closer to home or who are interested in pursuing career programs that community colleges offer should be able to do so with the same family income-based assistance that Nebraska Promise provides to NU students. Community colleges offer an astonishing array of course offerings and move students quickly toward their chosen career

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

fields. They also offer basic prerequisite classes that can be transferred to the University of Nebraska if the student decides to move to a 4-year-degree program. Our two youngest members of our family are 14 and almost 16. Through circumstances not of their making, their lives have been a true challenge. Our son is raising these children alone. My husband and I have supported this family in every way that we can, but our resources are maxed out. We're not going to be able to help this family with higher education. These children are starting to wonder what the future holds for them. At this point, the only promise they have is the Nebraska Promise Program and it's not very likely that these kids will survive and do well on a large campus with large classes. If this body really wants to make a statement to the youth in this-- in this state, that we want them to stay here and want them to pursue higher education, then the offering that is currently available at the University of Nebraska should extend all of the institutions of higher education so that children have a chance to choose what fits best for them. I hope that this hearing starts a conversation that will enable this issue to continue to a positive end before our 14- and 15-year-old grandchildren finish high school and feel that they don't have a lot of hope for the future. Thank you to the committee and to Senator Bostar.

MURMAN: Thank you. Any questions for Ms. Geier? Thank you for testifying.

CARTER THIELE: Hello. Thank you very much, Chairman Murman and members of the Education Committee. My name is Carter Thiele, that's C-a-r-t-e-r T-h-i-e-l-e, and I am the policy and research coordinator for the Lincoln Independent Business Association. I'm here today to express LIBA's support for the Excellence in Education Scholarship Act and the Community College Promise Act. These acts are a significant step forward in enhancing the future of our state. They address the critical issue of the brain drain, ensuring that our brightest students can pursue their education right here at home and, in turn, contribute to our local economy. The Excellence in Education Scholarship Act is an investment that will yield dividends that make Nebraska better. By providing matching funds to support the total cost of attendance scholarship packages, we are not only retaining our top talent but also strengthening our state's economy. Our businesses thrive on a skilled and educated workforce, and this act ensures that we have a steady supply of such talent. The Community College Promise Act is another key piece of this legislation. By providing a 100% tuition waiver for eligible Nebraska students at any community college, we're opening the doors for those who might

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

otherwise be less likely to afford higher education. And the proposed funding for these acts, through redirection of the funds from the Cash Reserve, is the most commonsense approach to accomplish this contribution to the future of Nebraska. Governor Pillen has said it best: It's not the government's job to hoard cash, and it's certainly not productive when we could be using that money to improve our state. The potential return on this investment in the form of a highly educated workforce ready to contribute to our state's economy far outweighs the initial financial commitment. In conclusion, LIBA fully endorses the Excellence in Education Scholarship Act and the Community College Promise Act. These acts will significantly contribute to the growth and prosperity of Nebraska, both now and in the future. Thank you and I would be happy to answer any questions.

MURMAN: Thank you. Any questions from Mr. Thiele? If not, thanks for testifying.

CARTER THIELE: Thank you.

MURMAN: Other proponents for LB1388? Any opponents for LB1388? Any neutral testifiers for LB1388? If not, Senator Bostar, you're welcome to close.

BOSTAR: Thank you, Chairman Murman and members of the Education Committee. I appreciate your time and attention to this. The Governor and the Regents last week announced the-- that the university would be waiving all costs and providing a stipend for those getting a perfect score on the ACT. This legislation would allow us to slowly move that number down, because right now it's at 36, but 35s and 34s, 33s should be incorporated into this. And the idea here is that we would work over time. This is just a match program. Private dollars would have to come in and, and meet the other half of that to create that endowment to, to do that important work and get those, those kids here in Nebraska. And then the other half of this is about taking what the university is already doing with the Promise Program at, at the University of Nebraska and putting it into our community college system. I heard loud and clear from the State College System as well that they want us to take a hard look at having them included, and I think that's a worthy discussion to have. But this as written, the bill would, would take what is happening at the university and put that into the community college as well, and giving these opportunities of an education that where the university may not be the perfect fit but a community college education might be that perfect fit and just eliminating that small barrier that, that

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

can exist to help folks get in there. And with that, I'd be happy to answer any final questions and I really appreciate your time.

MURMAN: Thank you. Any questions for Senator Bostar? Senator Linehan.

LINEHAN: Thank you, Chair Murman. This is a big fiscal note.

BOSTAR: So that's-- it's-- the fiscal note has really been driven by the-- by the excellence in education half, the high-performing ACTs. Because what it's doing is it's putting, like, \$100 million into the fund.

LINEHAN: Uh-huh.

BOSTAR: But it's not necessarily being utilized. Right? So it's, it's a little complicated because in order for any of the state money to go out it has to first be-- half of it has to be raised on the other side privately.

LINEHAN: OK. But-- so what would it cost? Do you have a breakdown-- like, evidently, the university is going to take care of all, all students who get a 36. So they-- they've already eaten that--

BOSTAR: Yes.

LINEHAN: --and they've-- they already take care of the Promise.

BOSTAR: Yes.

LINEHAN: OK. Now we're coming up with programs for the other schools, we're not-- we're not asking them to-- and I know they don't want to, but they're not-- they're not funding any of it. Won't the university come back pretty soon and say, well, we're funding ours, why aren't--

BOSTAR: For the high-achieving students?

LINEHAN: Yeah.

BOSTAR: So as it stands-- I mean, what we-- what we heard with the, the State College System came in, basically said that they recommend being removed from that portion altogether and being put into the, the Promise side of the bill for the lower-income students.

LINEHAN: But were they going-- doesn't the university-- the state does not fund the Promise Act.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

BOSTAR: Correct. That's correct. Yes. And so we would be taking that on, on our own. And, yes, there's a cost on the Promise side for what that is for the community colleges and it's, it's about \$2 million. In order to replicate what the university's doing to provide free tuition for low-income students, it's approximately \$2 million to do that with our community college system.

LINEHAN: So why do we need 80?

BOSTAR: Because that's for the excellence and education side of the bill, which is the ACT piece. There's basically two programs here in this bill.

LINEHAN: OK. But it's an endowment so you don't-- how much-- I'm trying to figure out how much does it cost a year?

BOSTAR: Depends on how much is raised privately as far as what's being covered by the scholarships. And that's why the fiscal note is a little complex, because it's dependent upon what the university raises privately in order for the state to match, because the state is not putting in anything until private dollars are raised.

LINEHAN: But we don't have a number-- like, every, every child with a 33 and above this year goes to the university next year full ride.

BOSTAR: I think that's the total, is this \$100 million--

LINEHAN: OK.

BOSTAR: --would create the endowment to perpetually fund--

LINEHAN: You keep saying the endowment, and I'm-- maybe I'm not answering [SIC] the question right. The endowment, you put money there so it raises funds, right?

BOSTAR: You put money there so you operate off of the interest.

LINEHAN: Right.

BOSTAR: Yes.

LINEHAN: So what is the interest you're thinking this program is going to cost? That's what-- the question I'm not asking.

BOSTAR: I can get that for you exactly.

LINEHAN: OK.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

MURMAN: Any other questions for Mr.-- Senator Bostar?

BOSTAR: My, my guess is probably--

LINEHAN: \$8 million.

BOSTAR: Around there.

LINEHAN: Yeah.

BOSTAR: Which you would have to raise over \$100 million in order to see that level of safe return from an endowment.

LINEHAN: So did you give any consideration just to appropriating \$8 million a year and then 16 and then 24?

BOSTAR: I, I worked with the university on this bill.

LINEHAN: OK.

BOSTAR: Specifically that piece of it, the, the Excellence in Education Act, the create the endowment. The other half for lower-income students for community college, that was separate to that, but I'd be happy to see it happen anyway we can.

LINEHAN: OK.

MURMAN: Any other questions? If not, thank you.

BOSTAR: Thank you very much.

MURMAN: And that'll close the hearing on LB1388. And there's 1 proponent, zero opponent, zero neutral electronically. And we will open the hearing on LB821. Senator Blood. Good afternoon.

BLOOD: Good afternoon.

MURMAN: Go ahead.

BLOOD: All right. So good afternoon, again, to Chairman Murman and members of the Education Committee. My name is Senator Carol Blood, that is spelled C-a-r-o-l B-l-o-o-d, and I represent District 3, which is the western half of Bellevue and eastern Papillion, Nebraska. Thank you for the opportunity to bring forward LB821 supporting military families with special needs children. As you know in every session since being elected, I have shared the challenges many of our military families face that comes with moving on average

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

every 2 to 3 years. This creates disruptions in multiple aspects of their lives. One of the prominent ones being reenrolling their children in a new school system. This is the reason the Nebraska Legislature passed LB115 to help expedite the process in support of our military families. And upon tracking the bill, we found that it created effective and helpful change for our military families. Our body passed LB115 because it can be difficult for children to socially adapt to a new environment with new classmates and teachers. This educational transition is worse for military families with special needs children. Military families are highly mobile and, therefore, more likely to experience recurring educational disruptions and challenges to their children's educational plans. Children with special needs are especially susceptible to these types of disruptions. So it's time for us to build on the success of LB115 to further ease these families' educational transitions as much as possible. My office has been told by parents stationed at Offutt Air Force Base they have had to wait while the child's specialized education plan is approved by a new school district. Meanwhile, crucial time is lost for the child's transition into a new school, and depending on the school district, additional hurdles are created, such as approving past IEPs. LB821, would create a more streamlined educational environment for these military families and mitigate disruption to their child's education. This is the reason this bill is a priority for the Department of Defense Military Families Alliance. Referencing a 2021 study of military parents with children as special needs, 31% of parents of children with special needs went without services for more than 60 days following a change of station, 42% of parents reported their child's individual education plan was not implemented once they arrived in their new school district, and 74% of parents believe they had reason to file a special education complaint but chose not to do so. Clearly, many states are lagging in addressing this concern and raised red flags to our policy for mobile children of special needs. The Department of Education has stated that easing the transition for special needs children was a priority, and issued a letter to state directors of special education in late 2022. This letter stressed special needs children of military families need to have timely and expedited evaluations, and eligibility determinations recommended within 60 days. It was also suggested to streamline comparable services, including during the summer and extended school year services, which is not an available option in some states. LB821, takes some of these recommendations and implements them into Nebraska state statute 79-215, as we had already taken steps legislatively to address many of these concerns. This particular legislation-- this particular legislation streamlines

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

processes to establish comparable special education services and reduces burdens when these families had to be relocated to Nebraska. The legislation improves the transitional process by emphasizing and minimizing delays in enrollment for arriving students with special needs and reducing the burdens in the proceedings that come with transitioning a student into a new school system. This bill does add language to Nebraska state statutes requiring the immediate provision of comparable services when these students transfer to a Nebraska school system. It would also require development implementation of either the existing IEP or IFSP, IFSP within 30-calendar, calendar days of registration in a Nebraska school district, regardless if it is during the summer or another intermediate period. Nebraska would also put in specific procedures for advanced enrollment provisions to identify if a special needs child is transferring with a Section 504 Plan, IEP or IFSP Plan to ensure their educational services are not interrupted when they arrive. This legislation would be-- would at the same time reduce burdens that are key to having a special needs child transition into a Nebraska school system as quickly as possible. This legislation would bring Nebraska in line with other states that have already implemented similar legislation for special needs children transitioning to a new school system, including New Jersey, Virginia, and Maryland. Now I know as a body and, and as a senator, we have strived to make Nebraska a more friendly state for veterans but also active military families alike. Not only for veterans, but also our active duty and military families. LB821 is commonsense legislation that would have a major impact for those deployed military families with children of special needs. It is already a challenging time for a child and their families to transition to a new school. So the least we can do as a state is minimize the hurdles that come with a difficult life event for military families. The onus is on us as a state to make it more welcoming for those who are serving and streamline the process in order for these children to continue the education they need and deserve with minimal disruption to their lives. I encourage the committee to please vote LB821 to the floor and I appreciate your time today.

MURMAN: Thank you. Any questions for Senator Blood at this time? If not, thank you for your testimony or for bringing the bill.

BLOOD: All right. Senator Linehan looks so serious, I was waiting for one from her.

MURMAN: Proponents for LB821?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

EDISON McDONALD: Hello. My name is Edison McDonald, E-d-i-s-o-n M-c-D-o-n-a-l-d. I'm the executive director of the Arc of Nebraska, here to express our support for LB821, which proposes to amend enrollment policies to better support children of military families, particularly those with disabilities. I believe that this bill aligns with our mission and will help to ease the path to education for some students. LB821 adds provisions ensuring that children of military families who require special education services, accommodations under Section 504 of the Rehab Act, or have an Individualized Education Program under the federal Individuals with Disabilities Education Act, or IDEA, are seamlessly admitted to school districts in Nebraska. This proposed legislation recognizes the unique circumstances and challenges faced by military families, and especially those with children with disabilities, and aims to facilitate their transition and integration into the education system. Military families often experience frequent relocations due to deployments or transfers, which can disrupt their children's education and access to specialized services. By easing enrollment policies to encompass children with disabilities for military families, LB821 ensures continuity of care and educational support regardless of geographic moves. This is especially critical for students with disabilities, whose educational needs must be consistently addressed to support their academic and social development. In conclusion, I urge you to support LB821 and recognize the importance of extending enrollment protections to children and families with disabilities. Any questions?

MURMAN: Thank you. Any questions for Mr. McDonald? Senator Linehan.

LINEHAN: Thank you, Chair Murman. What's happening now? They, they come and they have to wait until they get a new IEP and that all takes time so they just sit there with-- they have no services until the new school has time to catch up with IEP.

EDISON McDONALD: Basically.

LINEHAN: So do any schools that you know of accept the IEP they bring with them from another state?

EDISON McDONALD: I'd have to look into that.

LINEHAN: OK. Because it--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

EDISON McDONALD: Yeah. No, it should be for all students that this is just the process. It should be smooth coming into a new school district.

LINEHAN: I guess that's what I don't understand, what is the process? They, they have to take the IEP--

EDISON McDONALD: So, so they have to go back through and go through whatever-- go through Nebraska's process.

LINEHAN: How will that speed things up?

EDISON McDONALD: This would go and make it so that then they would take the previous IEP--

LINEHAN: OK.

EDISON McDONALD: --and say, OK, we're operating with this.

LINEHAN: Until we-- they'd have a chance to redo it. Right? But they can't just--

EDISON McDONALD: Yeah.

LINEHAN: --stop services for 2 or 3 months. I got it. OK. Thank you very much for being here. Appreciate it.

MURMAN: Any other questions for Mr. McDonald? If not, thank you for testifying. Other proponents for LB821? Any opponents for LB821? Any neutral testifiers for LB821? If not, Senator Blood, you're welcome to close.

BLOOD: We're traveling lightly today. I would like to point out in your handout we do have a letter from the 55th Wing Commander stressing the importance of this bill. We do hope that you consider it like we asked for all of our military family bills. When-- one, two, three, four-- four of the senators in this room first came into this building, we were told how important it was for Nebraska to be one of the leaders when it comes to serving our veterans and our military families, because we wanted to be known as being the leader in those areas. And we have done a really good job in Nebraska passing a lot of great bills. But we have a long list of bills that I would love to see get passed yet this year before we all leave. And this is one of them. And so I hope that you do consider helping to get it on onto the floor and that we can hopefully find a vehicle for it and move it forward.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

MURMAN: Thank you. Any questions for Senator Blood?

WALZ: I have a question just real quick.

MURMAN: Yes.

WALZ: I, I honestly was surprised that we didn't implement an IEP from another state or from the-- wherever that child is moving from. I didn't realize that. How many states does that happen with, do you know? Do you have any--

BLOOD: I know that there's a big push to get this legislation done across the United States. And I think I believe I said in my intro, there's been 3 or 4 that have passed it already. So this is an ongoing priority for the DoD for the military families office because it's being experienced in states across the United States.

WALZ: OK. All right. Thank you, Senator Blood.

BLOOD: Um-hum.

MURMAN: Thank you, Senator Walz. Any other questions for Senator Blood? If not, thank you very much.

BLOOD: Thank you for your time.

MURMAN: And for LB821, we had 2 proponents, no opponents, and no neutral testifiers electronically. So that'll close the hearing on, on LB821. Senator Lippincott. Is he here? We will open the hearing on LB1034. Welcome, Senator Lippincott. Just in time. Go ahead.

LIPPINCOTT: Yep. Good afternoon, Chairman Murman and the Education Committee. My name is Loren Lippincott, that's L-o-r-e-n L-i-p-p-i-n-c-o-t-t, and I'm here representing District 34. LB1034 seeks to enshrine in Nebraska law the Supreme Court decision in the case of Kennedy v. Bremerton School District in Washington State. We want to make sure that we have our rights spelled out so this does not happen again or happen in our state. Coach Joseph Kennedy is a Marine veteran and in 2008 he made a promise to God that he would pray and give thanks after each football game that he coached, regardless of the outcome. This commitment to a simple, private act of worship caused him to be stripped of his position as a coach and forced into a lengthy, ongoing legal battle against the school that he faithfully served. He consistently gave thanks in silence, and students slowly started to join him in this practice. And at one game, Coach Kennedy knelt to pray on the football field at a time

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

when he could have talked to friends or call to make a reservation at a restaurant, students from both sides rushed to the field in an act to pray. Coach Kennedy did not force the students to join him. He just simply exercised his First Amendment right to free speech. And he was seen by a parent from the visiting school, that football game, the parent wrote a letter to the editor of the local newspaper saying how encouraged she was to see such good faith being taken by the team members from both sides of the football team. That article then was noticed by an individual, a lawyer from a well-known legal company in America that tries to put down religious freedom. And the school then was actually threatened, and the school then bowed to those outside threats and forced Kennedy to stop. He did not stop. He carried on and they subsequently fired him. We want to protect our teachers and students. Idaho has passed the same bill as a House Bill 182, which became part of their law just last year in 2023. And I did bring copies of that bill for your review. In correspondence with Representative Ehardt, author of the Idaho bill, I was told about a similar event in November of 2020, and I have an article outlining that as well. It's regarding Boise State when they played BYU, and after the game, the Boise State volunteer chaplain knelt to pray and BYU students came and prayed with them. Both teams. A group called for the volunteer chaplain to be removed, and that was back in 2020. So what does the bill say and what does it do? It prohibits a school district or public college administrator from preventing an athletic director from designing-- or designating a time and place for a public silent prayer before and/or after a sporting event that others, including student athletes, may elect to participate in pursuant to their rights afforded under the free exercise clause of the First Amendment of the United States Constitution, Article I-4 of the Nebraska Constitution in protecting student athletes who want to opt out of the athletic director's public silent prayer pursuant to their rights afforded under the free exercise clause of the First Amendment of the United States Constitution, Article I-4 of the Nebraska Constitution. Happy to take any questions, sir.

MURMAN: Thank you. Any questions for Senator Lippincott? Yes, Senator Walz.

WALZ: Thank you, Chairman Murman. Thank you. Can you repeat the opt-out part for me? For the students who wanted to opt out, can you repeat that?

LIPPINCOTT: Um-hum. Well, first off, this is not a, a mandatory thing. This just allows students to participate if they want to. Bottom line is students and also individuals who work for a school

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

district, for instance, the employees, their First Amendment rights do not end when they're-- they come into the school, they're still protected.

WALZ: Right. I was just curious about the opt-out part, actually.

MURMAN: Any other questions for Senator Lippincott? If not, thank you for the--

LIPPINCOTT: Thank you, sir.

MURMAN: --bill. Proponents for LB1034. Good afternoon.

NATE GRASZ: Good afternoon, Chairman Murman and members of the committee. My name is Nate Grasz, N-a-t-e G-r-a-s-z. I'm the policy director for Nebraska Family Alliance, and I'm here to express our organization's support for LB1034 on behalf of the thousands of families across Nebraska that we represent. Religious freedom is a fundamental right and a critical component of any free society. As the U.S. Supreme Court has recognized for almost 50 years, neither students nor teachers shed their constitutional right to freedom of speech or expression at the schoolhouse gate. The Supreme Court recently upheld this fundamental principle in *Kennedy v. Bremerton School District*, and further specified that this principle still applies when school employees are acting in their personal capacities during school-sponsored activities. So why the need for this bill? Flawed interpretations of the First Amendment and a lack of clarity among school districts can lead to the unnecessary and unlawful restriction of the First Amendment rights of public school employees to engage in religious expression. Having clear state statutory provisions that implement First Amendment standards will proactively protect Nebraskans' First Amendment rights and prevent the enforcement of improper policies that violate otherwise constitutionally protected freedoms, thus decreasing and preventing the risk of litigation, viewpoint discrimination, and the stifling of constitutional rights. The bill is clear that none of the protections provided for religious expression limits the authority of a school district to maintain order and discipline on school property in a content neutral and viewpoint neutral manner or to protect the safety and rights of students, employees, and visitors. This is about private religious expression that is noncoercive and protected by the First Amendment. LB1034 provides clarity to Nebraska teachers, staff, and school districts. And that's good public-- that's a good public policy objective because Nebraskans should not have their jobs or their livelihood jeopardized because of peacefully expressed,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

noncoercive and constitutionally protected religious beliefs. For these reasons, we encourage the committee's support for LB1034. Thank you.

MURMAN: Thank you. Any questions for Mr. Grasz? Senator Conrad.

CONRAD: Thank you so much, Chair Murman. Thank you.

NATE GRASZ: Yeah.

CONRAD: Good to see you, Mr. Grasz. I had two questions that I wanted to ask. One is on the, the topic of coercion or potential coercion because, I guess, Senator Lippincott mentioned, as you mentioned in your testimony as well, and a casual read of the relevant case law will tell you that that's a pretty key, key issue in determining whether or not measures like this run afoul of the First Amendment, which I hope that we can all agree that we want to protect and our enduring values. So my question is if you could help the committee walk through, particularly in the context of an elementary school, how is a first grader going to be able to stand up for their own religious beliefs if a person in authority in front of the classroom is espousing something that's different than what their family believes?

NATE GRASZ: Yeah, that's a great question, Senator, thank you. So, yeah, again, I think when we're talking about First Amendment rights and the idea of, of coercion, oftentimes-- even in a bill like this, there's going to be fact-specific inquiries at, at play that, that you would have to work through. That's a, a difficult term to always be able to define. And there's always going to be some of that room for different interpretations. But I think what the bill-- that this bill is getting at is there are some clear standards that are protected both by the constitution and Supreme Court precedent that we want to make sure are not being violated improperly by school districts, such as when a, a teacher-- and the bill is also pretty clear that, you know, it's really getting to the heart of private religious expression so it's not a teacher getting up during-- I think the bill specifically says it's during, you know, noninstructional time. And it's on the same grounds that a teacher or a school district employee could be engaging and have the freedom and right to engage in nonreligious expression or, or practices. So it's really about ensuring equal opportunity and equal access to engage in First Amendment rights as opposed to giving sort of any special privileges or, or protection, so. I think what the bill is doing is helping to provide clarity. But to your question, again, I don't

think that's what this bill is, is doing. You know, allowing an elementary school teacher to, during instructional time, espouse, you know, personal religious belief-- religious views.

CONRAD: OK. I appreciate your response there. But I'll, I'll tell you, as the parent of little ones in elementary school, I, I, I-- I'm not sure that my 7-year-old, who's a bright kid, would distinguish between what his teacher is telling him in the lunchroom versus in the classroom in that instructional versus noninstructional example that you gave. I think it's still a person of authority in an authority position that-- you know, I, I need to think through that a little bit because I think that's where your argument runs into trouble. That it's not coercive, particularly for a young child. I think it's a very different calculation, as you noted, fact specific as the kids get, get older and, of course, get beyond K-12. Of course, is a totally different ballgame. But then I just have, maybe just two more questions. So the other would just be, and I know that the Legislature struggles with this from time to time in trying to figure out, OK, we, we have a fairly-- even though it's a complex area of law, we have a pretty good read from the Supreme Court as to how these issues play out in schools through a recent case and long line of cases. So why if that-- if we agree that's the law of the land as stated by the Supreme Court interpreting the law of the land First Amendment, why, why do we really need to move forward with, with a measure like this?

NATE GRASZ: Yeah. And, again, I, I think it has to do with helping to provide clarity and ensure that, you know, someone who that may have a, a different or wrong interpretation of what is and isn't allowed. By having something in state statute, it helps to remove some of those problems. And I know, Senator Conrad, I mean, we, we might have differences in our interpretation of what is or isn't allowed. But I, I do know that, that you are very passionate about the First Amendment. And when I was looking at this bill, I was reminded, I believe there was an issue that came up just a couple of years ago--

CONRAD: Yes.

NATE GRASZ: --at a school district in Nebraska where a, a, a student group that was led by students wanted to form at a high school, and the school was not allowing them to based on a wrong interpretation of them not being allowed to because it was based on religious beliefs. And so that not only violated the rights of those students, but also of any teachers who would want to help sponsor that student-led group. And you had, correctly, pointed out that that was

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

not something that the school district should have done. So I think it's examples like that are instances where we've seen in other states that if the Legislature can do something to try to be proactive and help provide some clarity, we think that would be a, a good thing.

CONRAD: Yeah. Well, thank you, Mr. Grasz. It was good to work together on that issue. And that's a, a-- just for the committee members that don't know, there was a school district that wasn't allowing a pro-life student club to organize and utilize school facilities as other clubs were allowed to. So when I was the director of the ACLU, we, we stepped in to, to help remedy that. But I, I guess that's my other point for, for you or Senator Lippincott or others want to think about it is I am a passionate protector and defender of the First Amendment and, and always will be. But where I get nervous is when it's applied inconsistently. And so I'm worried about, you know, there's a lot of loud voices in the political realm condemning students who take a knee on the sideline because they want to protest police violence, but they're also asking everybody be able to take a knee for other purposes to express their beliefs or their ideas or their religious faith. So I think the First Amendment is big enough for all of those beliefs, but I, I want to make sure that we're consistent and that we're not engaged in certain viewpoint discrimination. And so if you'd like to respond.

NATE GRASZ: Yeah, I, I certainly appreciate that and we feel the same way. You know, we want the First Amendment right-- the First Amendment rights of all Nebraskans to be protected equally and we think that's what this, this bill is doing to help provide some of that clarity. And, again, the language in the bill, you know, isn't, isn't seeking to really protect anything that isn't already protected under the, the constitution. But by putting some of this language into our own state statutes, it just helps to ensure that people who, who-- public school employees and teachers who have the First Amendment right to free speech and religious expression aren't unnecessarily or unfairly kept out or kept from doing those things in the public school setting when they do have those rights under the constitution. And so that's why we're here to help--

CONRAD: OK.

NATE GRASZ: --support a bill that we see is providing clarity in an area that may be needed and to help proactively prevent improper implementation of school policies that could violate the First Amendment rights of our public school employees.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

CONRAD: OK. Last one. Could you help to perhaps provide an analysis or connect the dots for the committee with how a measure like this may or may not be necessary if the Religious Freedom Act, which is part of the Government Committee package that's moving its way through the Legislature were to be successful? That seems to me to be a, a bigger umbrella than perhaps this measure. This has more specificity to the schoolhouse, but can you maybe just help refresh the committee's recollection or tell us how these might work together or whether or not this is necessary if that measure moves?

NATE GRASZ: Sure. Yeah, I, I appreciate that question. I would like to answer, but I, I would probably want to look at, at--

CONRAD: Follow up with that. OK. Great.

NATE GRASZ: --measure specifically before I--

CONRAD: It's a tough one, but I know you'll follow up.

NATE GRASZ: --provide that, that analysis, but.

CONRAD: OK.

NATE GRASZ: Yeah, we, we would be glad to follow up on that--

CONRAD: OK.

NATE GRASZ: --because that's a, a good question.

CONRAD: Thanks. Thank you. Thank you.

MURMAN: Thank you. Any other questions for Mr. Grasz? If not, thank you for testifying.

NATE GRASZ: All right. Thank you.

MURMAN: Other proponents for LB1034?

MARION MINER: All right. Good afternoon, Chairman Murman and members of the Education Committee. My name is Marion Miner, M-a-r-i-o-n M-i-n-e-r. I'm here on behalf of the Nebraska Catholic Conference-- excuse me, which advocates for the public policy interests of the Catholic Church and advances the gospel of life through engaging, educating, and empowering public officials, Catholic laity, and the general public. And I'm testifying this afternoon on behalf of Tom Venzor, who would normally be here in Education Committee, filling in for him today. The U.S. bishops call religious freedom our first,

most cherished liberty. For Americans, religious freedom is fundamental to the vision of our founding and our constitution. As the U.S. bishops for their state, this is not a Catholic issue. This is not a Jewish issue. This is not an Orthodox, Mormon, or Muslim issue. It is an American issue. The catechism of the Catholic Church further articulates the right to the exercise of freedom, especially in moral and religious matters, is an-- is an unalienable requirement of the dignity of the human person. This right must be recognized and protected by civil authority within the limits of the common good and public order. Religious liberty, then, is also a human issue and is at the core of our human dignity. In recent years, religious liberty has been mistaken as merely freedom to worship. But this is a narrow, mistaken view. Religious liberty must entail the ability to live out one's faith in the day to day of life's activities. A robust concept of religious freedom is the foundation for religious believers' contribution to society in such fields as healthcare, education, and social services, as well as the more fundamental work of evangeliz-- evangelizing through relationships and conversations. The Conference offers its support for LB1034 because it embodies these fundamental ideas about religious liberty for school employees. LB1034 builds on the work of the Kennedy case, which upheld the actions of a high school football coach who would pray briefly and silently before football games. LB1034 recognizes the fundamental importance of treating religious activities like secular activities in order to avoid treating religious activity as second class activity. Consistent with the principles stated above, LB1034 also recognizes these acts of religious freedom must be protected within the limits of the common good and public order, and as such prohibits coercing others into this activity or infringing on their constitutional rights. We encourage the Education Committee to advance the bill to General File. Thank you for your time and consideration.

MURMAN: Thank you. Any questions for Mr. Miner? If not, thank you for testifying.

MARION MINER: Thank you.

MURMAN: Other proponents for LB1034?

CAROLINE EPP: I'm Caroline Epp, C-a-r-o-l-i-n-e E-p-p. I am in favor of LB1034. Religious expression was the most valued right the Founding Fathers fought for. In fact, a requirement of territories becoming states was that religion and morality was to be taught at schools in order for our nation to have a firm foundation upon which we stand. You will still find this in the Nebraska Constitution,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

Article I, Section 4. To enforce the importance of religious expression, let alone the actual teaching of it in schools, I am going to share several quotes from our Founding Fathers who laid the foundation for this great nation. John Adams, signer of the Declaration: Religion and virtue are the only foundations of republicanism and of all free governments. Notice republic, not democracy. We're not a democracy. Samuel Adams, signer of the Declaration: Religion and good morals are the only solid foundations of public liberty and happiness. Patrick Henry, Governor of Virginia: The great pillars of all government and of social life are virtue, morality, and religion. This is the armor, my friend, and this alone that renders us invincible. John Hancock, signer of the Declaration: Sensible of the importance of Christian piety and virtue to the order and happiness of a state, I cannot but earnestly commend to you every measure for their support and encouragement. Abraham Baldwin, signer of the constitution: It should therefore be among the first objects of those who wish well to the national prosperity to encourage and support the principles of religion and morality. I also want to bring out that Thomas Jefferson studied a variety of philosophers and religions of the world, but came to the conclusion that the teaching of Jesus was above all, leading to his writing titled: The Life and Morals of Jesus of Nazareth. In 1895, Congress purchased the original manuscript, publishing it in 1902, and for the next 50 years every senator and representative was given a copy at their swearing-in ceremony. Due to the wisdom of our Founding Fathers, I strongly support religious expression in our schools based on the Bible. Thank you.

MURMAN: Thank you. Any questions for Ms. Epp? If not, thank you for testifying. Other proponents for LB1034? Any opponents for LB1034?

JOSEPHINE LITWINOWICZ: Hello, members of the Education Committee, Chairman Murman and everybody else. First of all, I wanted to say that Thomas Jefferson--

MURMAN: Could you spell your name, please, and state your name? And you are an opponent, correct?

JOSEPHINE LITWINOWICZ: Yeah.

MURMAN: OK. Thank you.

JOSEPHINE LITWINOWICZ: Josephine Litwinowicz, J-o-s-e-p-h-i-n-e L-i-t-w-i-n-o-w-i-c-z. And first of all, I wanted to start out with the fact that Thomas Jefferson, although I can imagine, you know him

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

admiring beyond compare like I do the life of the biblical Jesus. He called religion the most nasty. I forget the words, but he was just totally disgusted with religion, as were other founding-- I think John Adams is one too. And having morality a necessity of, of religion, you know, is not necessary. But anyway, I'm just-- I, I would recommend-- I saw lots of things in here. It's not that I don't disagree that you could, you know-- you know, talk about-- share your beliefs and opinions a lot like, you know-- I'm sorry I didn't prepare. I didn't think I was going to be here. You all lucked out. See the, the thing is that there's just really-- I think the language has, has to be tweaked so much that it's not ambiguous, that's all. And I-- there's several ways that, that it could be construed to be some-- some had to read a couple times on, on the way, like, wow, that could just-- I really can't do it. I guess I'll just start-- just and see. I'll get partway through. For example, section-- it says a school district shall not punish an employee for or prohibit an employee from engaging in private religious expression. OK, first, that'd be nice to be defined because is it-- is it private religious expression or is it private religion? Anyway, otherwise protected by the First Amendment to United States Constitution, absent a showing that an employee has engaged in actual coercion. What is action-- what is absent showing? What does that mean? And there, there are several instances like this. See, I'm already-- but there's, there's that-- there's even more interesting stuff. It's too bad because I would-- I would answer these questions. And so-- and, yeah, that's-- I'm, like, wow. That's all I got to say. Like I said, I don't-- I don't have any problem with, with, you know, exchanging, you know, views and materials and all that and as, as, as long as you're not coercive. But, I mean, it would-- that has to be defined as well. I mean, I-- I'd be glad to, you know, explain some of the things with relating to logic and, and just stuff that is not defined or stuff that's frivolous, like, it makes it-- like, it doesn't need to be there, but by being there, like, at the end, is, like, like, it means something. And this wasn't intentional, I'm sure, it just-- when you look at-- OK-- well, I, I could approach a couple of you. I guess, you're, you're 8 separately. But I--

MURMAN: I'm sorry. You have the red light.

JOSEPHINE LITWINOWICZ: OK. But there's no questions, so I'm going to get going. Have a good one.

MURMAN: Do we have any questions? If not, thank you for testifying. Other opponents for LB1034?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

JOY KATHURIMA: Good afternoon, Chairperson Murman and members of the Education Committee. My name is Joy Kathurima, spelled J-o-y K-a-t-h-u-r-i-m-a, legal and policy counsel at the ACLU of Nebraska, here in opposition of LB1034. LB1034 purports to protect the right of school employees to express and practice their religion. In fact, this legislation would allow school staff to unconstitutionally impose prayer on students or otherwise proselytize to them. This bill was inspired by the Supreme Court's 2022 decision in Kennedy v. Bremerton School District, where the court ruled in favor of a football coach who prayed at the 50-yard line after games. However, while proponents of school-sponsored prayer try to characterize the Kennedy ruling broadly, the court made clear that there are still substantial limitations on school employees' religious exercise while on duty and interacting with students. LB1034 exceeds these limits. In Kennedy, the court upheld the right of a public school employee to engage in a quiet, private, and brief act of prayer that was not endorsed by the school fell outside the employee's official duties and did not involve or coerce students and was not broadcast by a public address system or imposed on a captive audience. All of these elements were critical to the decision, and staff prayer or religious expression that does not share these features is unconstit--unconstitutional as it has been for more than half a century. LB1034 fails to incorporate these limitations and would put school districts in an untenable position. Schools will likely be sued by students and families when staff engage in prayer or other religious expression that does not comport with Kennedy and federal constitutional law or they will be sued by staff asserting a right to engage in these practices under state law. We urge you to oppose this bill because it will undermine students' and families' constitutional rights and lead to costly litigation. Even after the Kennedy decision, public schools still have a duty to equally serve students of all faiths and those of none. Significant constitutional restrictions remain on school employees' ability to impose prayer on students or otherwise promote religion to them. LB1034 falls outside of those limitations. Thank you and I'm happy to answer any questions.

MURMAN: Thank you. Are there any questions? I've got one. How does this bill conflict with the Kennedy decision, specifically?

JOY KATHURIMA: I think some sections of this bill create some ambiguity and don't provide enough context, like if you would look at section-- sorry. [INAUDIBLE]. So if we look at section-- even, like, (3)(a), where this-- where teachers can engage in religious expression and discussion and share religious materials with other

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

employees at the same time in the same manner. Well, teachers are free to do that, you know, maybe in the teacher's lounge or away from students, but not necessarily could they always do that, context would matter. So let's say if a teacher is-- walks into another teacher's classroom, the teachers are talking or the teacher is able to take a phone call, would that be an appropriate time and place for a teacher to be participating in prayer when students are also present in the classroom? I think that this bill is creating kind of a word salad of what the Kennedy case already protects what teachers can do in a limited capacity and there's just some issues with some of the-- it, it blurs some of those lines.

MURMAN: Does it specifically-- I, I didn't see prayer, specifically, referenced in the bill. Maybe I missed it.

JOY KATHURIMA: Well, I mean, whether it's private religious expression-- whether-- I'm, I'm just analogizing saying if a teacher were to be in a classroom or be able to take a phone call in the classroom, a teacher wouldn't be able to participate in prayer. I guess what would religious expression then mean? Is that then defined within the bill? Would that be something that, that Senator Lippincott would want-- would be wanting to have defined?

MURMAN: OK. Any other questions? If not, thank you for your testimony.

JOY KATHURIMA: Thank you.

MURMAN: Other opponents for LB1034?

ABBI SWATSWORTH: Good afternoon, members of the Education Committee. I apologize for being so casual. We-- I had an event here earlier today and matched our participants, so. My name is Abbi Swatsworth, A-b-b-i S-w-a-t-s-w-o-r-t-h. I am the executive director of OutNebraska, a statewide, nonpartisan nonprofit working to celebrate and empower gay and transgender Nebraskans of all ages. We are here today to share our concerns with LB1034. We do take an official position of opposition to the bill. We've heard a lot of people talk about religious freedom and how important that is, and we certainly recognize it as one of our most deeply held American values. And I'm going to go away from this a little bit because we've heard some similar things. We do believe that everyone should be free to practice their faith in whatever church, mosque, temple, sweat lodge, coven gathering, or living room in which they choose. We also recognize the importance of the full First Amendment, which also

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

offers freedom from religion. And we know that atheists and those who are agnostic are valuable members of our society who contribute a great deal to our communities. We actually have many more shared values. I'd like to recognize Senator Lippincott as a man of faith and appreciate his efforts to lead from that space. I know many members of our body want to lead in that way, and I don't think that's a bad thing if we can remember the ideals of plurality. The Founding Fathers were not all of one mind, and the religious communities and faith communities of today do not all speak in one voice on every issue. The decisions about what kind and what depth of religious expression are permitted in what settings is continuing to evolve. And while these First Amendment interpretations continue to be explored, the real lives of students in Nebraska are being impacted. Students are already deeply harmed by teachers and administrators who choose to interpret their faith in ways that harm them. We've heard directly from too many students across the state that their school bullies are not other students, but instead teachers and administrators who refuse on religious grounds to honor their identities. There is a lot of information about why schools should be and need to be inclusive spaces for all students. School staff, like all of us, are protected already. In addition, the Nebraska Constitution gives ample credence to conscience. We continue to insist that religion should not be allowed to cause harm against another human being. Religious freedom should not give staff members in any system the right to refuse to follow federal, state, or local policies. We respectfully urge the committee to resist legislating this issue in Nebraska right away. I know there are similar bills being introduced in a number of states. I do not believe there is an emergency of persecution toward faithful people. I believe we do all care about Nebraska's youth. And I ask you please to remember gay and trans students live in every district of our state and they deserve to grow up and be valued. Thank you. I am willing to answer questions to the best of my ability.

MURMAN: Thank you. Any questions for Ms. Swatsworth? I have one.

ABBI SWATSWORTH: Yeah.

MURMAN: You, you referenced the First Amendment, freedom from religion. I, I inter-- if you read the First Amendment, it's, it's freedom of religion not from religion.

ABBI SWATSWORTH: Well, I'm not a lawyer so I can't give a specific legal perspective. But I will say many times it's been interpreted to mean we do not have a prescribed national religion. There is no test

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

of religion for elected offices. And we have interpreted that amendment through legal means to, to talk about those things. So, you know, I just-- I come today with the knowledge of this kind of legislation being brought in many states and I do respect people of faith but I don't believe Christian people specifically are being persecuted. And I believe this legislation comes from a place that really fears that and is using that fear tactic to drive legislation which can cause harm. So I went a little further, but that was kind of an answer. Thank you for that question, Senator Murman.

MURMAN: Yes, I-- I'm reading it, it prevents the government from prohibiting the free exercise of religion.

ABBI SWATSWORTH: Which also has been interpreted to mean folks who have no religion.

MURMAN: OK. Thank you.

ABBI SWATSWORTH: Yeah, and I think Senator Conrad could probably have great conversations with you.

MURMAN: I'm sure.

ABBI SWATSWORTH: Yeah. Yeah.

MURMAN: Thank you very much.

ABBI SWATSWORTH: You're so welcome. I appreciate--

MURMAN: Any other questions?

ABBI SWATSWORTH: --this opportunity.

MURMAN: Yeah, sure. Any other questions for Ms. Swatsworth?

ABBI SWATSWORTH: Thank you very much--

MURMAN: Thank you.

ABBI SWATSWORTH: --for your time today.

CONRAD: Thank you.

MURMAN: Other opponents for LB1034? Good afternoon.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

MICHAEL DAUGHERTY: Hi, Senator, Senator Murman and Education Committee. It's my first time to actually sit up here in the hot seat,--

CONRAD: Welcome.

MICHAEL DAUGHERTY: --so. My name is Michael Daugherty, it's M-i-c-h-a-e-l D-a-u-g-h-e-r-t-y, and I'm speaking in opposition to LB1034. This bill purports to be about religious expression. If passed, I think this bill would open the door for teachers, coaches, and school counselors to evangelize and indoctrinate and even to pray with students in a school setting supposedly noninstructional. I don't know how that would be controlled. Now, I think most teachers would know better than to discuss their personal religious beliefs with students. Just like most teachers probably wouldn't be discussing their marriage or their health concerns with students. These-- I consider these pretty private matters. I think they'd be pretty private matters. But if this bill was passed, it might embolden a few to overstep that teacher-student relationship. And it's clear from some of the proponent testimony that I've heard that evangelizing would probably likely occur. I suspect that most students would find these advances unwelcome and uncomfortable. In the presence of some religious expression, a student might feel intimidated if they happen to be bordering on a bad grade. They might-- they might feel pressured to go along with the coach's religious discussion in order not to lose some playing time on the field. And I do think this is coercion of a sort, perhaps soft coercion, but coercion nonetheless. I also suspect that most parents would be shocked to learn that their son or their daughters is, is being exposed to religious ideas that these very parents reject, oppose, or disagree with. These parents have chosen to expose their children to other religious ideas or maybe to none at all. And I emphasize that word choice, since the committee is considering some other bills relating to parental choice. Parents, I think, have a right to limit their children's exposure to religious ideas that they might reject. Just like students have a right to be free from bullying. I did notice the First Amendment was referenced twice in this bill. I, I just-- I don't think this applies here. I think we should think about the student. He or she or they, they're a captive student or a captive audience, perhaps sitting in a classroom and to receive instruction and education based on approved curricula or else they're standing before a coach hoping for some insight on how to be a better athlete. And I just don't think that's a good time for a nontangential dialogue about a particular employee's personal faith. OK. I guess I have a red light, so.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

MURMAN: Thank you. Just-- you timed it perfectly. Any questions? If not, thank you for testifying.

MICHAEL DAUGHERTY: Thank you.

MURMAN: Any other opponents for LB1034? Any neutral testifiers for LB1034? If not, while Senator Lippincott is coming up to close, we had 6 proponents, 21 opponents, and 1 neutral in emails. Go ahead.

LIPPINCOTT: This bill is very simple. It just codifies something that the Supreme Court's already ruled. Today, I heard during this conversation back and forth, I believe in the First Amendment, but. And a lot of times what happens is we believe in free speech as long as you agree with me. But that's not what the First Amendment is all about. It's for disagreement. George Washington said something that I think is worth repeating here, and he said this, he says: Truth will ultimately prevail when there are pains taken to bring it to light. Now oftentimes what we see in public forums, education is one, that if you don't agree with me I'm going to shut you down using fear, intimidation, and ridicule. And it seems like people of a religious persuasion, oftentimes they're shut down by using fear, intimidation, and ridicule. And what this bill does very simply is treat them just like you would treat any other organization. That's it. And that's what happened with Coach Kennedy. He didn't coerce anybody. He didn't force anybody. He just did something and other people followed. And this protects him and people like him by the Supreme Court, and this is bringing it home here to Nebraska and it says that you-- your rights are protected. Very simple. This is not complicated. Take questions.

MURMAN: Thank you, Senator Lippincott. Any questions for Senator Lippincott? If not, thank you very much. And that will end the hearing on LB1034. And we will open the hearing on LB964 and welcome Senator Dungan.

DUNGAN: Thank you, Chair Murman. Good afternoon, Chair Murman and the Education Committee members. I'm Senator George Dungan, G-e-o-r-g-e D-u-n-g-a-n. I represent Legislative District 26 in northeast Lincoln. And I'm here today to introduce LB964. LB964 creates the Special Education Teacher Forgivable Loan Program Act. The Special Education Teacher Forgivable Loan Program Act will be administered through the Nebraska Department of Education to assist up to 25 individuals enrolled at state colleges in Nebraska or at the University of Nebraska to become special education teachers by supporting forgivable loans to those individuals who commit to

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

teaching in Nebraska following their certification as a teacher with a special education endorsement. The bill also then amends the Career Scholarship Act to utilize scholarship funds for students studying special ed for University of Nebraska students only. Nebraska, like the rest of the nation, is experiencing shortages in education and educators. The special education sector is experiencing some of the most severe shortages. Arguably, this career is most needed for Nebraska families who require these educators for their loved ones. After reading numerous articles about this, I decided that we needed to address this issue during this legislative session. LB964 is a pilot program that limits the number of forgivable loans to 25 per state institution. Once the individuals offered those receive their degree in special education, they have one year to find employment at an elementary or high school here in Nebraska. They will then have their loans through the Department of Education forgiven over 5 years or the equivalent number of years the loans were taken. We did allow the department to use its judgment when offering deferments. This is in case somebody is severely injured and can no longer work or maybe they have an ailing family member they need to take care of for an extended period of time. Colleagues, I know I'm preaching to the choir here. You were obviously here during the interim and saw a lot of the issues we're currently dealing with with special, special education. I know there are certain areas hit more hard than others, but what we know is there is a big lack of special educators, both in the state of Nebraska and the country as a whole. I personally have worked in the developmental disabilities community or around those folks for quite some time now. I know how important it is to ensure that we have special educators because they serve a unique purpose, a unique purpose that not everybody is necessarily qualified for. So what we need to be doing as a state is finding ways to encourage more people to go into that field. It's not just a money problem, right? It's not just that we need to pay special educators more. It's we need more people going into special education. So when we invest money upstream, it helps us downstream actually create more of these jobs. I know that obviously these teachers are incredibly busy. They work with students for up to 8 hours a day, and not having enough special education teachers can lead to a number of significant issues in our schools. LB964 provides a path for people who want to be teachers to become special education teachers. For a relatively small fiscal impact, we can make a big difference in education. Testifying after me are going to be members of the profession along with schools, and they could probably walk you through the need for LB964 better than I can, but I, I do hope you listen to them as they highlight a lot of the hardships that you already know about from

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

this interim session. I would direct your attention briefly to the fiscal note on this. I think that it's a really small investment for a really big outcome. I think they estimated \$500,000 or less, a big chunk of that is a one-time cost to actually set up the application process. I think they estimated that for the size of this pilot program we're talking about, it's anywhere between about \$150,000 to about \$250,000 per year. So small investment for a really, really large outcome. Happy to answer any questions you might have at this time.

MURMAN: Thank you. I assume you'll be here to close?

DUNGAN: I will be, yes.

MURMAN: OK. Any questions for Senator Dungan at this time? Senator Lipp--

LINEHAN: Linehan.

MURMAN: --Linehan. There you go. I was going to say Lippincott.

LINEHAN: [INAUDIBLE]. Thank you, Chair Murman. I'm confused with the fiscal note too. I'm, I'm doing this more for the record.

DUNGAN: Yes.

LINEHAN: I don't understand why the Fiscal Office has all of a sudden decided that we have to read below, and they're not putting the numbers in the boxes.

DUNGAN: I had the exact same reaction. When I see, see below, I get a little panicked. And then I read it and I see a number and I'm--

LINEHAN: Like, why isn't it-- OK.

DUNGAN: I was more comfortable. Yeah. They did highlight, though, I think, yeah, \$144,000 to \$250,000 is I think the range of the aid they're looking at. And then the additional cost would be potential FTEs for creating the system and then also creating the application. But my understanding is those additional FTEs and the creation of the system are one-time expenses. So I think moving forward that 144 to 250 per year is what the actual aid would be.

LINEHAN: Well, because that's what I'm trying to figure out. I'm reading and it sounds like they think they need to pay somebody \$82,000 a year just to look over this program, which seems-- not-- I

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

mean, that doesn't make sense. You spend \$82,000 to give away \$500,000.

DUNGAN: Yeah. And I-- when I read that, I was also a little bit confused. I will note at the bottom, I think they talk about the need for a developer-- this is from the Fiscal Office-- the need for a developer to make changes to their program appears to be reasonable and a program specialist to run the new program. However, they, I think, disagree that developer would be needed in fiscal year '25-26.

LINEHAN: OK.

DUNGAN: I read that to mean that I think what we're talking about here is a couple of one-time expenses in order to create the system, create the application. I don't think they're looking at hiring ongoing FTEs to monitor the actual system itself. So--

LINEHAN: OK.

DUNGAN: --and, and I could be wrong about that. I'll double check with Fiscal, but--

LINEHAN: All right.

DUNGAN: --I, I would generally concur that I was confused by the writing of that.

LINEHAN: Thank you.

MURMAN: Any other questions? Senator Albrecht.

ALBRECHT: Thank you. Why just UNL and not the state colleges or--

DUNGAN: The state colleges are included. So it's University--

ALBRECHT: It doesn't [INAUDIBLE] UNL.

DUNGAN: I'm sorry. It's the University of Nebraska and state colleges that are included.

ALBRECHT: Well, you said and state.

DUNGAN: So I apologize if I misstated that.

ALBRECHT: And, and it's only for 25 people and that's it?

DUNGAN: Per institution

MEYER: Per institution.

ALBRECHT: Per institution.

DUNGAN: Correct.

ALBRECHT: OK.

DUNGAN: Yep. So we-- we've talked with the universities and state colleges quite a bit in the crafting of this and that number was picked, I think, based on basic enrollment that we're seeing at places like the University of Nebraska for folks who are seeking their certification in special ed. We wanted to keep it limited to see if this program would work and if it does work, given that it's a pilot program, I--

ALBRECHT: That was my other question. So when the money's gone, it's gone and if you have to come back and ask for more, [INAUDIBLE] or teacher.

DUNGAN: Correct. Yeah, and, and one of the other benefits of this program, I'll note too, is one of the requirements to have access to these forgivable loans is you first have to apply for any and all state and federal aid. And so what this does is it back fills the remaining amount. So anybody who's going to be receiving this money has done their due diligence to already seek federal and state aid and anything on the back end that they wouldn't be able to make up this kind of fills that in. That's part of the reason I think the fiscal note is lower than I think some people were concerned about is because these are folks already seeking aid elsewhere.

MURMAN: Any other questions? Senator Conrad.

CONRAD: Thank you so much, Chair. Thank you, Senator. It's good to see you. Welcome back to Education. I think it's a great bill. I think it's a, a great idea. This committee has heard a lot about teacher shortage, and particularly the acute need when it comes to having enough teachers to help kids with special needs. We had some interim studies on that and any and all idea is welcomed to help address this. And I want to ask this question on the record and it's a tough question, but since you're a friend I know that you'll indulge me.

DUNGAN: I'm preparing myself.

CONRAD: And more so for maybe folks that are coming later or for us to think about as we're sorting through all of the bills moving forward. I, I support your measure, and I, I know what you're trying to do here and I think it's good. But as a new member of this committee I've asked on the record and in private conversations multiple times to educational stakeholders to say, what programs do we have on the books? Which ones are working? Which ones are not working? Where are the gaps? I have yet to receive that information from university, teachers, Department of Education, what have you. So it makes it really hard when we get great ideas like this and that other senators bring forward that are really, really trying to solve one of the state's top challenges, which we all want to figure out the best way to get the best bang for our buck to do that. And I just-- I have no understanding of how this fits into what's already on the books and what isn't on the books. I know that's an unfair question because it's a really big question beyond the scope of your bill but I want to just give you a chance to, to know that's an issue that I'm struggling with as a member of the committee, I'd repeat my respectful request to any and all listening to get some clarity in that regard and, and, really appreciate you bringing the bill forward.

DUNGAN: Yeah, and, and I absolutely understand and I think genuinely appreciate that concern. I think that what-- when we start to throw too many solutions at a problem without fully looking at where we are, we end up with this weird mishmash of things. And, and at the end of the day, I think who that harms the most are the people trying to benefit from those programs. Because I remember when I was going through college, trying to figure out all of the potential options available, and instead of having a one-stop shop or an application you can look at, it's really confusing. And the people that that tends to disadvantage the most are the ones who don't have the means or the access to have help in, in figuring out how to do those things. So I completely agree it's a problem. What I think this specifically seeks to do, though, is fill in a gap that exists for this specific issue. And I think that it's not mutually exclusive with also going in and looking at what else exists and figuring out what works and doesn't. We have a very acute problem, and then you already know, I know I don't have to fill that in for you all, but this seeks to address the acute problem very quickly, short term and part of the pilot program nature of this, I think, is to analyze whether this is beneficial or not with a small fiscal note and then we can go from there to determine, do we need to expand this or completely rework the way we're doing aid elsewhere? But I think this

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

provides us a, a possibility of diving into this issue immediately. But I agree, we need to look at the broader spectrum of all of the programs available.

CONRAD: Well, Senator, I think that's a great question and great response-- actually great response because I'm not commenting on my own question, but that's a great response. I, I really, really appreciate it. And I know in addition to being good policy for your district and the state this is a personal issue for you as well. And, and I appreciate the passion you bring it forward with.

DUNGAN: Thank you.

MURMAN: Any other questions for Senator Dungan? If not, thank you for test-- for opening. Proponents for LB964. Good afternoon.

MEGAN PITRAT: Hello. My name is Megan Pitrat, M-e-g-a-n P-i-t-r-a-t. I'm a middle school special education teacher, speaking on behalf of NSEA. I have served students with a wide range of learning needs throughout my 10 years of practice. I graduated from Peru State in 2014 with my Bachelor's of Science in 7-12 special education. I promptly accepted my first teaching position where I serve students in grades K-12 across 3 school buildings. My first teaching experience was daunting, to say the least. Special education teachers must be adept at co-teaching, supporting students' social- emotional and behavioral needs, delivering specialized instruction using a variety of pedagogical practices, facilitating district wide state-- and state assessments, supporting generalists in implementing students' individualized education plans, and managing the endless amounts of paperwork. I dedicated myself to my work and felt satisfied with my practice, except I struggled to reach students with emotional disturbance and oppositional defiant disorder. I cared deeply for my students with exceptional behavioral needs, but my undergraduate work did not give me the expert tools I needed to help them. I attended UNL and in 2019 earned my Master's in Special Education with the Special Education Behavior Interventions and Support Specialist endorsement for grades 7-12. I continued to love my students and teaching, but no matter how hard I worked there were barriers and inequities embedded, embedded within the special education system that became more apparent and problematic. Again, I saw that my toolbox was insufficient. I was accepted into the Carnegie Program on the education doctorate at UNL, where I studied my problem of practice. This May I look forward to defending my dissertation on employing trauma-responsive pedagogical practices with students in rural special education. Every degree I've earned

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

and program I have been a part of has been critical in my development as a teacher, researcher, leader, and innovator within my place in space. But this important work has a huge cost. While I did receive the Susan Thompson Buffett scholarship, an art scholarship, a band scholarship, a scholarship from my high school's foundation for future teachers, Pell Grants, and grants in conjunction with the Teaching Arts and Emerging Media Project at UNL, I had to take out student loans. After years of schooling and deferment, I owe a crushing total of almost \$60,000. My school district has a competitive salary schedule, but like most districts in Nebraska, if you don't progress in your education, you become frozen on the salary schedule after a certain number of years. I've tried to go through the convoluted process of the Public Service Loan Forgiveness Program, but to no avail. I'm frustrated, and I expect I'm not the only one. Since just the beginning of February, almost 50 special education job openings have been posted on the NDE website. I will have a student teacher this spring, and we met over coffee, and she shared that she's the only graduating senior from her college that is solely endorsed in SPED. We are reaching a crisis. There is simply not enough graduates to fill vacant positions, and the veteran teachers who are promised loan forgiveness are ignored and burdened by a huge amount of debt. I truly love my job. It's my passion. Oh, no, red.

MURMAN: Oh, I'll, I'll ask you if, if you could-- if you want to finish up a little bit, go ahead.

MEGAN PITRAT: OK. But we need support. The bill would provide an immense amount of relief to current special education teachers and incentivize new teachers to join this challenging profession. I, I urge you to support LB964.

MURMAN: Thank you. Any questions? If not, I have a just a quick one. It's a little off the subject, but you, you talked about all the paperwork involved. Any ideas on how to reduce the paperwork for special ed? Because I, I do hear special ed, it seems like there's more paperwork there than a lot of places.

MEGAN PITRAT: Yeah, so when I have parents come in to IEP meetings, it's like signing a mortgage almost. So the-- at the bottom, there's pieces where it talks about, do we-- have you been charged for the IEP? Do you understand why you were at this meeting? And you have to checkmark these boxes and sign. And beyond that, we have progress monitoring paperwork. There's the multidisciplinary team paperwork. And I would love to brainstorm with you on how to reduce that. I, I

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

think there's so many different components of what my job is and it-- it's taken me the 10 years of my practice to really feel confident in what I'm doing and, and all of my education. And I'm really excited to have a student teacher this year, and be able to share my knowledge and hopefully support that. But I think the numbers speak for themselves that, that-- there's-- special education has its unique challenges and the paperwork is an important piece of providing an equitable education to students. There's reasons that those laws are in place, but there's got to be a better solution.

MURMAN: Well, thank you for your dedication to special ed. Any other questions?

WALZ: I have a quick question.

MURMAN: Senator Walz.

WALZ: Just kind of off of Chairman Murman's question. How long does it take you to prepare for one student's IEP?

MEGAN PITRAT: That's a good question. I'm-- so my-- what I read is, like, half of what I gave the committee so I'm a little wordy. And I-- it probably takes me about 10 hours just for the documentation. I prepare an agenda that has all of the students' data that I've collected. I try to provide visuals for parents and-- so that they're able to visualize students' progress throughout the year. And it really depends on the students. I've-- I serve a wide range of students. So some have maybe 1 or 2 goals, some might have 8 goals. So it really just depends.

WALZ: Yeah.

MEGAN PITRAT: Yeah.

WALZ: Thank you.

MURMAN: Thank you. Any other questions? If not, thank you for the testimony.

MEGAN PITRAT: Thank you.

MURMAN: Other proponents for LB964? Good afternoon.

SPENCER HEAD: Good afternoon, Chairperson Murman, members of the Education Committee. My name is Spencer Head, S-p-e-n-c-e-r H-e-a-d. I appear before you as the president of the Omaha Public Schools

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

Board of Education in support of LB964. The special education teacher shortage across the state persists despite the best efforts of us and other districts around us. In order to address this shortage, we believe that there's a need for creative and innovation-- and innovative policies, not only at the individual school district level, but also at the state level in order to help, help recruit more teachers. States facing similar shortages have begun adopting programs such as these tuition waivers for undergraduate students and funding further education programs for current teachers who want to add a special education certification. The goal of LB964 is straightforward. It's to encourage students to study special education at any state college or university by covering in-state tuition costs and ensure that they teach in Nebraska schools after graduation. LB964 accomplishes this goal by creating a loan forgiveness program. Participants will be required to teach in Nebraska schools following graduation and will have up to 20% of the loan amount forgiven for each year they teach. LB964 also amends the-- sorry-- the Nebraska Career Scholarships Act to allow for special education as an eligible program of study under the university provisions of the scholarship, scholarship act. I apologize. Education is already an eligible program of study under the Nebraska State Colleges provisions of the act, which they do utilize for special education programs already. LB964 is the result of extensive collaboration and communication with our education colleagues, our teaching partners, and members of this body for which we are very thankful. We want to especially thank Senator Dungan for bringing this legislation and the committee for their time and attention to this matter, as well as other important teacher recruitment issues. As I close, I also want to take a moment to introduce Ms. Lisa Moody, who is sitting over my shoulder here. She'll introduce herself in a-- in a moment. She is one of our phenomenal educators within the Omaha Public Schools. She's a 2022 Milken Educator of the Year award winner. And she came specifically to share some of her experiences, not only as an educator, but also someone involved in special education specifically. So she'll be testifying right after I do. But with that, I'd love to take any questions from the committee.

MURMAN: Thank you. Any questions for Mr. Head? Senator Wayne.

WAYNE: I just have a quick one. So I understand this is a state program, but I'm, I'm trying to figure out with particularly around OPS so-- I often don't quote the mayor, but the mayor-- or, or give her praises like this-- but the mayor, when, when they thought police-- they were short police, they opened up their contract and

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

they gave significant raises to make sure they maintained their workforce. What is the school district doing to add dollars or ways to make special education teachers more likely to come work for OPS?

SPENCER HEAD: Yeah, absolutely, no, and I appreciate the question and addressing things internally is absolutely the first step that we should take. You know with, with this program specifically, we're at-- you know, we're saying there's a compelling state interest here. You know, obviously there's a shortage in Omaha and Lincoln and Millard and the other districts, but it's statewide. It's not just us. So internally we have addressed salaries. We have the highest starting teacher salaries across the board of any district in the state. And we're going to continue to look at salaries, continue to address starting salaries and, and-- as the-- as the scale goes up. You know, for us just looking at, at, you know, straight budget numbers, we have roughly 9,000 staff, \$1,000 a year raise for our staff members is a \$9 million hit on the budget just for salary before we even start bringing, you know, bringing benefits and everything else into it. And so there's budgetary constraints that we have to live within, obviously, you know, as we, as we address salaries, as we give raises. And so having-- you know, having the state have a little bit of skin in the game, I think would be beneficial not only to OPS, but to all the school districts as a whole.

WAYNE: The last time you were here, I asked you what, what-- how much did you have in cash reserves in all? Just-- I forgot.

SPENCER HEAD: Yeah, it's 20% of our general fund budget, \$727 million, 20% of that's 150, give or take.

WAYNE: OK. Thank you.

SPENCER HEAD: So.

MURMAN: Thank you. Any other questions? Senator Linehan.

LINEHAN: Thank you, Chair Murman. Thank you, Mr. Spencer Head for being here. If I remember from hearing this year, maybe this summer, you have plenty of teachers with special ed endorsements, they're just not willing to teach special ed. Right?

SPENCER HEAD: We have-- and I'll, I'll verify this number for you. I believe just about every teacher that we have that has a special ed endorsement is actually teaching special ed at the moment. I'll, I'll verify that and get it back to you.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

LINEHAN: OK, well, that's different than-- that's different than a testimony, I think, this year or this summer.

SPENCER HEAD: I know we had the hearing over the-- over the summer. I'm trying to rack my brain as to where we were at that point in time, but I'll, I'll verify that and get it back to you, Senator.

LINEHAN: Thank you.

SPENCER HEAD: Yeah, absolutely.

MURMAN: Any other questions?

WAYNE: One more. Sorry.

MURMAN: Senator Wayne.

WAYNE: So in Appropriations-- I sit next to Chairman Clements and he always reminds me that 15 to 17% cash reserves is a good number. Are there discussions about bringing down that cash reserve? I mean, at 20%, that's-- it's on the very high end.

SPENCER HEAD: So we-- we've had-- we've had discussions about utilizing the cash reserve internally. You know, at the-- at the board level as we put our budget together. And with each budget year, we also do tap into that cash reserve. And the cash reserve amount fluctuates, you know, up and down throughout the year. And the, the vast majority, almost half of our funding comes from property taxes, which are collected twice a year through the-- through the county treasurer. And so as such, you know, our cash reserve shrinks as, as we get further away from the date that those payments come to us from the treasurer, and then the treasurer pays us and it goes back up and then it goes back down. So we do utilize the, the cash reserve a lot throughout the year. Which is, you know, another reason why we have to have a healthy amount of money in there so that we can, you know, keep district operations going between when those property tax payments come in. But, yes, to, to answer your question directly, we do utilize it.

MURMAN: Any other questions? If not, thank you for testifying.

SPENCER HEAD: Thank you, Senators.

MURMAN: Other proponents for LB964?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

LISA MOODY: Good afternoon, Chairman-- Chairperson Murman and members of the Education Committee. My name is Lisa Moody, L-i-s-a-M-o-o-d-y, and I teach K-6 special education at Jefferson Elementary for the Omaha Public Schools. I'm excited to be here today to support LB964. LB964 would provide Nebraska college students a forgivable loan. That loan would cover tuition or classes, allowing them to get a special education certification. LB964 is a great idea because it will incentivize people to teach in Nebraska schools. I would have taken advantage of it if it were an option when I attended college. My parents are both educators. I earned my bachelor's degree in speech language pathology in 2009 from UNO. I have a master's degree in special education, a master's in education, and I am certified in early childhood and ESL. The teacher shortage is real. The special education teacher shortage is even worse. Because of the shortage at Jefferson, with the help of many others, I proposed a new hybrid, inclusive education program. This program mainstreams special education students from my alternate curriculum program into the general education setting. Special education students learn social skills in classrooms while also working on academics and life skills. I am proud to say that the program has now expanded to several schools throughout our district. I also piloted a verbal behavior program, teaching colleagues instructional strategies, improved-- that improved communication skills throughout our special education community. However, more must be done and it is critical that we increase the pipeline of special education teachers. I want to leave you with a simple message: passing LB964 would encourage people to serve alongside me in the future. I would welcome them as colleagues serving children that we love. Anything that you can do to encourage students to become teachers, especially special education teachers, will be greatly appreciated. Please vote to advance LB964. I'm happy to answer any questions.

MURMAN: Thank you. Any questions? If not, appreciate the testimony. Other proponents for LB964?

EDISON McDONALD: Hello. My name's Edison McDonald, E-d-i-s-o-n M-c-D-o-n-a-l-d, here on behalf of the Arc of Nebraska advocating for people with intellectual and developmental disabilities. We're here in support of LB964. But I'm going to condense my remarks to save you all time about LB1121, LB1053, and LB986. As we look through these, we very much appreciate that you all are listening and recognize the special education crisis and how it's impacting families. As you look at what to move forward, I hope that you'll consider at least parts of all of these. I think instead I want to talk about some concepts I think you should keep in mind. One, the tools need to prioritize

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

those high-needs subject areas like SPED and STEM. Two, you need to balance urban and rural needs. You know, Omaha makes the news, but that doesn't mean that we're not seeing that same special education crisis throughout small schools throughout the state. Three, looking at through the full term-- through the full cycle of the life of somebody going in a special education. I know that you've been looking at that in particular. Senator Walz has a bill really thinking about how do we get people started nice and early? And then, I think, really thinking about how do we build a long-term plan? I really appreciated Senator Conrad's point earlier of saying, well, how do we deal with all these pieces? I know within the HHS side where more frequently we have two big plans that now are really shaping the future direction of our system: the LB376 study, thanks to the advocacy of Senator Arch and then the Olmstead Plan, thanks to the advocacy of Senator Walz. And really like how those two think through the full concepts of what we're dealing with. And I think that's something that this committee needs to think about is building that kind of long-term plan. With that, any questions?

MURMAN: Any questions for Mr. McDonald? I've got one since you brought up Olmstead--

EDISON McDONALD: Um-hum.

MURMAN: --or disabled people that are-- have extra challenges to being, you know, in the broader community, you know, challenges with you know, one on one care, feeding, toileting, all those kinds of things. How does that fit into the Olmstead plan?

EDISON McDONALD: Specifically in regards to education?

MURMAN: Well, education also, but, you know, also, just in a broader context.

EDISON McDONALD: Yeah. So the Olmstead v. L.C. decision was a Supreme Court decision really looking at how do we bring people fully into the community. And the Governor just signed off on the new Olmstead plan. I'd highly encourage you all to take a look at it. It does have an education section. I don't think it goes quite into the expanse that we need to look at here, but really just making sure that throughout every step of somebody's life, that they have that choice to be in the community. And that can look a whole bunch of different ways, whether that's access to community-based services, access to special education, access to movie theater, church, library, making

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

sure that that full spectrum of life, how we live it, is fully accessible.

MURMAN: Yes. I, I appreciate you saying choice, because that choice of being out in the community excessively does not fit for everyone. Any other questions?

EDISON McDONALD: That's definitely an issue we can talk about other days.

MURMAN: Yeah. Any-- thank you for testifying.

EDISON McDONALD: Thank you.

MURMAN: Any other proponents for LB964? Any opponents for LB964? Any neutral testifiers for LB964. If not, Senator Dungan, you're welcome to come up and close. And while he's coming up, we had 13 proponents and emails, zero opponents and 1 neutral.

DUNGAN: Thank you, Chair Murman and members of the Education Committee. I won't take a ton of time on this. I know you have a lot of bills today, but I do want to touch on just a couple of things that were brought up during the testimony. You know, first of all, I think our first testifier talked about the Public Student Loan Forgiveness program, that PSLF. That is a federal program that is incredibly complicated. And I myself have tried to access that from time to time and work through that process. It's a pain, to put it simply. And so, one of the things that I think this bill does is it tries to localize that. We're not deferring to some federal government plan with regards for that forgiveness. We're letting Nebraska take care of what we have here, and so I, I think that's helpful. Those kind of programs are a lot more accessible and certainly less unwieldy than the Public Student Loan Forgiveness program, so I think that's beneficial. In addition to that, Senator Linehan, to your point about the problem being people teaching in special ed, not just having the certification, that is something that we tried to address in this, by virtue of the fact that in order to access the program, they have to be employed in special education. And so if they are in special ed for those 5 years after, it gets forgiven, but if they decide to leave teaching special ed, they would only have the student loan forgiven proportionate to how much time they teach in the program. So this was a culmination of talking with a number of stakeholders, the Department of Education, a, a number of folks trying to simultaneously encourage people to get into the field, but then say, you got to stay here. And you got to stay here

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

in Nebraska. We don't want you just leaving. Because we can't just invest a bunch of money up front and then let people bail out on the back end and not follow through with their commitment to teach. And so, I think there's an accountability mechanism, mechanism in here that is fair, and that's kind of what we were trying to accomplish with regards to that 5-year program. So hopefully, that helps answer that question. Otherwise, I would just appreciate your support on this bill. And I'm happy to answer any final questions you might have.

MURMAN: Any questions? If not, thank you very much. And I hope you're OK with taking about a 10-minute break right now.

DUNGAN: I'm fine with that.

MURMAN: I hope that works in your schedule. We'll take a quick 10-minute break. We'll be back, quarter till.

[BREAK].

MURMAN: Well, welcome back to the Education Committee, and we'll continue today's hearing with LB1121, Senator Dungan.

DUNGAN: Thank you. Thank you, Chair Murman and fellow members of the Education Committee. I'm Senator George Dungan, G-e-o-r-g-e D-u-n-g-a-n. I represent Legislative District 26, in northeast Lincoln, and today I'm introducing LB1121. LB1121 amends Section 79-8,114 to authorize additional grants of \$1,500 upon a teacher's sixth complete school year, and for one who has signed new contracts to continue teaching full-time in Nebraska under the Nebraska Teacher Recruitment and Retention Act. This additional grant, after the sixth year, is directly aimed at teachers who have signed a contract to teach in Nebraska beyond that initial 5-year commitment. The reason we're looking to extend this by a year is that studies show that most teachers leave the profession in their first 5 years. Once educators make it to year 5 and beyond, they're much more likely to continue teaching. You may have noticed the fiscal note, speaking of fiscal notes, on this, shows a revenue increase of about \$1 million. This grant would come from the \$5 million per year from the Education Futures Fund to the Nebraska Teacher Recruitment and Retention Grant, established by LB705 from last year's session. That would then be taxable income, which is why we see a revenue increase. We have educators and those who represent educators testifying after me. They can get into how high turnover impacts our education system and how this legislation is a step towards continuing to address the problem.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

I want to thank the Education Committee. Last year, you all did a lot of really hard work. That Teacher Retention Act, I think, was really, really important. It's something I've heard people talk about in the community. And so it is something that I think genuinely has had an impact on teacher retention. Our goal here is to take that idea, if we're seeing that it's actually working, and expand it out to make sure that we're rewarding teachers not just for sticking around in the first 5 years, but those who continue to have a commitment to education. I can tell you personally, I have a number of friends who wanted to be teachers their entire life, who went into education, and then quit after about 2 or 3 years. And I know it's for different reasons, and they have their own stories for that. But there's a lot of pressures right now, and I know that whatever we can do to incentivize people sticking around a little bit longer is helpful. Again, I do believe, based on the studies that we've been able to find, if you can get past that fifth year, I think it really does become more of a career and less of a stop along the way. And so this is a small building block in the hopeful foundation of trying to create that retention. And I'm happy to take any questions at this time.

MURMAN: Thank you. Any questions for Senator Dungan? Senator Linehan.

LINEHAN: Thank you, Chair Murman. I-- I'm sorry. I-- last-- there was 2 teacher retention bills, one is 3 years old, one's last year. You're talking about the one we did last year.

DUNGAN: Correct.

LINEHAN: And what does that do now? I thought it was the second, fourth and sixth year.

DUNGAN: This-- so this is after the sixth year. So this, this essentially extends it beyond what was done last year, with an additional grant of \$1,500 after you finish your sixth year.

DUNGAN: If, if you-- if--

LINEHAN: But you just said-- I mean, this-- didn't you just say that if they stay for 5 years, they'll stay in the profession?

DUNGAN: Correct. Yes. Generally speaking, any time after 5 years is when it starts to become a career.

LINEHAN: So does it make sense that-- I was-- I think we should be focused just on that first 5 years.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

DUNGAN: And I, and I think this committee's done a lot of really important work on that. I think that in talking with teachers and educators who have been in the profession for a while-- and I-- I'm not the expert. I'll be honest about that. They've just represented to me that finding some further incentivization to keep people in the profession past those 5 years can be beneficial, too. I think it can be a both approach. I don't think it has to be either/or, because I think we do need to make sure we're getting more people into the profession and focus on those 5 years, but there's plenty of people that I think could also benefit from some incentivization to stick around after that, as well. So, that's kind of what we're trying to get at here.

LINEHAN: But I am right. It's the 2, 4, and 6, then.

DUNGAN: I believe so.

LINEHAN: OK.

DUNGAN: Yes, that is my, my recollection.

LINEHAN: And I, I don't quite understand-- how much would it-- we're just spreading out the \$5 million or we're adding more money to it?

DUNGAN: It would be coming from the \$5 million that's already been allocated.

LINEHAN: OK.

DUNGAN: And so it's not an additional allocation to that. It would-- my understanding and my intention would be to pull from that money that's already been allocated.

LINEHAN: All right. Thank you very much.

MURMAN: Any other questions? I've got one. Further clarification on, on why the fiscal note is positive, I think maybe you kind of answered it there. So the \$5 million is already available and we will use more of it. Is that why there's [INAUDIBLE]?

DUNGAN: So there's not going to-- correct. Well, so there's not going to be an expenditure because that money's already available. So we're not adding additional funds to that. Moreover, you see the increase then, in the revenue because the money that we're giving those individuals is taxable income, so we're going to be getting money on the back end. If we're giving people money, they're going to then

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

utilize that and it would come back in the form of taxes, is what the fiscal note says.

MURMAN: OK. And then, just kind of related to Senator Linehan's question. To me, it seems like we ought to incentivize more to come into teaching or to go into college to learn teaching or on the other end, close to retirement, teach-- incentivize them to stay in teaching, or if there's-- retired, to be able to teach more part-time.

DUNGAN: Well, that sounds like some good support for my last bill, then. That's great. No, I, I think that I-- again, I understand the concern that you're talking about, and I genuinely do think that we also can do 2 things at once. I don't think it has to just be one or the other. I understand we do have to be targeted in our approach. We can't do everything all at once. But based on the folks that I've spoken with and based on the both data driven, I guess, analytics of trying to keep people in professions, but also the anecdotal experiences I've heard from individuals, this would be beneficial. So I think some of the people who are going to come up and testify after me might have a little bit better examples as to why that's going to be beneficial. But I'm happy to, you know, have other conversations with you offline to try to get more of those circumstances, because they really have represented to me that this would be helpful for them in this career.

MURMAN: OK. Thank you. Yeah, we'll listen to testimony. Senator Linehan has another question.

LINEHAN: Thank you, Chairman Murman. There is no way this fiscal note is right. I mean, it's a \$5 million program. That would mean the tax rate would have to be 20%. And we have high taxes, but we don't have a 20% income tax.

DUNGAN: I will be honest with you, Chair Linehan, this fiscal note came before me today. And so, I have not had a chance to go talk with Fiscal about it. I've read through it a number of times, and I've spoken about it. I, I don't disagree with you that it's a little bit different than I think I was originally anticipating. I would be curious to hear a little bit better explanation as to how that number was reached. I'm not saying it's wrong necessarily, but I do think it's, it's going to warrant some follow-up. So I will continue to look into that. And I'll talk to the Fiscal Office and we can touch base about that after I've--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

LINEHAN: Well, it's the Department of Revenue did it. I think they just weren't paying enough attention. OK.

DUNGAN: But you and I have had a number of conversations about those fiscal notes in Revenue already, so.

MURMAN: Thank you. Any other questions? If not, thank you.

DUNGAN: Thank you.

MURMAN: Proponents for LB1121.

JANE ERDENBERGER: Good afternoon, Chairman Murman and members of the Education Committee. My name is Jane Erdenberger. J-a-n-e E-r-d-e-n-b-e-r-g-e-r, and I'm here today on behalf of the Board of Education of the Omaha Public Schools, and in my capacity as chair of our legislative committee. The Omaha Public Schools is Nebraska's largest school district, serving over 52,000 students and their families, and we are one of the largest employers in the state. I'm here today in support of LB1121, which would authorize additional grants under the Nebraska Teacher Recruitment and Retention Act. As this committee is well aware, like many of our fellow school districts, our district is facing a shortage of teachers and other school staff. Our teacher shortage exists despite the fact that the Omaha Public Schools has the highest starting teacher salary of any school in the state. We support policies that would provide additional resources and encouragement to individuals who want to become teachers, as well as to those who are currently teaching. That is why we are here testifying in support of LB1121. LB1121 would authorize an additional grant to teachers completing their sixth year of full-time employment and have signed a new contract over the next 3 school years. We believe this grant would assist and supplement our existing teacher retention program. We appreciate Senator Dungan's efforts in bringing this forward. We urge the Committee to advance LB1121, and I am more than happy to answer any questions you might have.

MURMAN: Thank you. Any questions? If not, thank you for testifying.

JANE ERDENBERGER: If I could follow up on a question you had--

MURMAN: Sure.

JANE ERDENBERGER: --to the senator, with respect to, you know, where should we put our, put our funds. He'sa-- absolutely right. Those first 2 to 3 to 4 years are just awful, and it is so much work. I, I

shared with you before that I had been a, a bond lawyer for 22 years. And somehow, I thought taking an 87% pay cut would result in more free time. I don't know what I was thinking, but it absolutely didn't. There was significantly less time as a teacher, and it's, it's extraordinarily hard. Those of you who have been teachers or have family members who have been teachers, it's just extraordinarily hard. And anything we can do during that first tough chunk of years-- by the time people are retiring, as you know, we have a pretty good retirement plan across the state, actually. But those first chunk of years are the hardest. So to the extent we can help people stay place, that'll make it a lot easier to fill the remaining open spots.

MURMAN: Thank you. Yes--

ALBRECHT: Thank you, Senator Murman.

MURMAN: --Senator Albrecht.

ALBRECHT: Thanks for being here. And, and just in talking about the new teachers-- and you've been a teacher then for how many years did you say?

JANE ERDENBERGER: Well, I was a lawyer for 22, and then I was a high school teacher at Omaha North, the alma mater of Senator Dungan's new wife, as a matter of fact. She was one of my students, believe it or not. And I was up there for 16 years.

ALBRECHT: OK. So when we-- if, if, if and when we do do these type of things, do you think it affects the teachers that have been there for 15-20 years? Do you feel like some that have left-- because I'm sure you've lost a lot of teachers, too. Correct?

JANE ERDENBERGER: Um-hum. My-- yes.

ALBRECHT: So-- and, and I'm sure that they do the exit interviews. But do you think when we, we are trying to help, you know, get teachers committed to going into the profession, how do you think that affects those others that are there in that scene?

JANE ERDENBERGER: That's a very good-- the fact that after 6 years there's no extra benefits, so to speak, basically. The extra benefit is the plan time you get when you don't have to cover for absent teachers. I've not talked to any teachers that aren't, you know, enthusiastically supportive of whatever we can do to get the pipeline going and to get more teachers to stay. Because, as the senator pointed out, after you've been there for that first chunk of time, it

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

starts to be fun. And you've got relationships with these students, and you know your stuff, and so on and so forth. So I-- personally, I have not talked to anybody that begrudges the additional support at the front end.

ALBRECHT: Thank you.

MURMAN: Any other questions? If not, thank you for testifying.

JANE ERDENBERGER: Sure. Thank you very much.

MURMAN: Other proponents for LB1121.

TIM ROYERS: Good afternoon, members of the Education committee. Jenni Benson was going to be here. She had a conflict, so I'm, I'm presenting on her behalf. So for the record, my name is Tim, T-i-m, Royers, R-o-y-e-r-s. I am the president of the Millard Education Association, and I'm speaking in support on behalf of NSEA, the Nebraska Council of School Administrators, the Nebraska Association of School Boards, GNSA, NRCSA, STANCE, Stand for Schools, the Educational Service Units Coordinating Council. It's a lot. OK, I want to thank Senator Dungan for introducing this important piece of legislation. Providing-- and obviously, my remarks are going to deviate a little bit from her written remarks, but the substance is generally the same. These \$1,500 grants for the next 3 school years for teachers who have completed 6 or more years and have committed to return, can be advantageous in addressing the current challenges facing our education system. And candidly, this-- I think this synergizes well with some of the previous work that's already come up in the comments and questioning, including, Senator Linehan, your, your, your work that you spearheaded for the folks in their second, fourth and six years in education. I want to highlight an element of this conversation that I feel has been lost a little bit in the discussion, and that's how educator compensation has effectively actually regressed relative to purchasing power in the last few years. So I started my teaching career in 2007. My starting salary was \$31,475. If you simply adjust that for inflation, the starting pay for this year in my district should have been \$46,435. Instead, in Millard, it was \$41,000, more than \$5,000 behind. And yet, Millard has one of the highest starting pays in the entire state. And what is even more concerning, however, is what has gotten more expensive. So my wife and I are both teachers. My wife's a kindergarten teacher. She is the most amazing person for a number of reasons, including working with 5-year-olds on a daily basis. But we were fortunate, and we were able to buy a house in our first year of teaching, in the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

district. It was a small starter for \$148,000, and we have lived there for 15 years. We just sold it this past summer for double what we paid for. Now, while that's great for me personally, that concerns me for our profession because there is no way that our income, you know, that our early career educators can afford a home in the district now. They're priced out. And that to me is problematic. And that's not a hypothetical. I've talked to a number of people in this situation who have said they can't afford a, a home in the district. I appreciate the comments from the committee regarding where we should target our efforts, you know, first 5 years, late career, mid-career. I'm going to tell you right now, in the last few years, the most recent concern has been our mid-career employees. They are being actively poached by private sector to go work outside of education. And I would love to expand on that more because we have a lot of both anecdote-- anecdotal and quantitative evidence about how mid-career folks, folks beyond the beginning and before the end, are leaving in numbers that we've never seen before. So what I want to close is saying this: These \$1,500 payments are valuable, and they reinforce that a teacher's service is appreciated. And it's not just appreciated by Millard or Bertrand or Gothenburg, or whoever is directly employing you, but that you, the Legislature, that the state senators in this state appreciate their service beyond just their first few years. So please advance this bill. It will be a valuable tool to help us retain teachers. Thank you very much.

MURMAN: Thank you. Any questions for Mr. Royers? If not, thank you for testifying.

TIM ROYERS: Thank you very much.

MURMAN: Other proponents for LB1121? Other-- any opponents for LB1121? Any neutral testifiers for LB1121? If not, Senator Dungan, you're welcome to close. And online, we had 9 proponents, zero opponents, zero neutral.

DUNGAN: Thank you, Chair Murman and members of the committee. I want to thank the individuals who came in here and testified. I think they provide some real-world experience, and, and kind of let you know what teachers are seeing that are boots on the ground. You hear this every day in the Education Committee. I'm, I'm not part of this committee, so this is not new to you, I'm sure. But we do need to fix the problems that we're seeing, with regards to teacher recruitment and retention. And this is intended to be a small part of that solution. I know that the Education Committee is working on a lot of different things. My hope is that we do just continue to focus on

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

people who are in the middle of their career, as well. I think we do have to address people in the late stages of their career who sometimes feel left behind. I think we have to address the upstream problems and try to get people into the field. But if we can potentially walk and chew gum at the same time, I think it's important for us to do all of these things at once if we can find a way to do it. I also want to thank Mr. Royers for testifying on behalf of all of those organizations at once, instead of for taking the rest of the time. I think that makes everybody's day a little bit easier. And I also, Senator Linehan, went and read the fiscal note a couple more times. I, too, am confused, and will continue to try to figure out the answer to that. And we can have a conversation about that later. But with that, I'm happy to answer any additional questions.

MURMAN: Thank you. Any other questions? If not, thank you--

CONRAD: Thank you.

DUNGAN: Thank you.

MURMAN: --for bringing the bill. That will close the hearing for LB1121. And we will open the hearing for LB1053, one of our own, Senator Walz.

WALZ: Good afternoon, Chair Murman and members of the Education Committee. My name is Lynne Walz, L-y-n-n-e, and I represent Legislative District 15. Today I'm introducing LB1053, which was an idea brought to me by N-- by NSEA and-- or as another piece in the puzzle of the teacher workforce shortage in our state. Over the past couple of years, our committee has taken significant steps toward recruiting new teachers in the workforce. These were critically important measures, and I can't emphasize enough how impactful those bills will be to our state's future. However, we won't see the full impact of many of these for a few more years, since they were intended to get more people to attend college to get a teaching degree. So what LB1053 is intended to do is to fill that gap in the meantime, and retain experienced, quality teachers to help prepare the new generation of teachers. This bill is attempting to step in and incentivize teachers eligible for the Rule of 85 to stay a few more years. The Rule of 85 is when a teacher's annuity will not be reduced if the sum of a teacher's age and the years of service total 85. For those who became members of the retirement system, system on or after July 1, 2016 and before July 1, 2018, the member must be at least 55 years old. For those who joined on or after July 1, 2018,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

the member must be at least 60 years old. The system is intended to recognize the years of dedication and service that these teachers have given into-- have given to our students. They are some of the most experienced and well-rounded teachers that our schools have, and many of them are deciding to retire once they reach this age. This, combined with the stress of teaching today, along with fewer young people's interest in teaching, are a few factors that have contributed to the teacher workforce shortage. LB1053 provides, provides a \$2,500 incentive pay to the Rule of 85 qualified teachers once they sign a contract to teach full time in a Nebraska school, up to school year '28-29, a teacher would only be eligible to receive 5 payments. Additionally, we felt it was appropriate to place this under the Nebraska Teacher Recruitment and Retention Act, as it goes hand-in-hand with the intention of the act. The bill also extends the sunset of the act to additional-- to-- of the act, 2 additional years to accommodate the cent-- incentive program. I also passed around an amendment that would include private school teachers in the program, and would stipulate a similar Rule of 85 for them. This suggestion came from the Catholic Conference, and I'm happy to include them. I think this bill is really important because we passed incredible measures to make the teaching profession, profession more attainable and attractive. However, it's going to take a few years for those individuals to get through college and get into a classroom. So until we see the full scope of these programs, this is an important measure to retain our teachers eligible for early retirement. I think it's also important to keep them in schools to pass on the knowledge and experience that only years of service can provide for the next generation of teachers. And with that, I'd be happy to answer any questions.

MURMAN: Thank you. Any questions for Senator Walz? Senator Linehan.

LINEHAN: Thank you, Chairman Murman. Was there any concern that-- so now, if someone retires at 55, they frequently are the pool of people they go to for substitutes. So is there any concern that if we do this, how would it affect the substitute pool?

WALZ: I don't, I don't think it would. I mean, I really don't think it would, because we-- the problem is that we have, you know, I-- maybe somebody will have a, a better number. But let's just say we have 300 teachers that are retiring and we only have 50 coming in. We obviously are going to have to have a substitute pool, but if we don't have the 300 teachers leaving, that kind of helps alleviate that problem.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

LINEHAN: For the people behind you, so let me broaden it. So you retire with, as somebody said, a decent retirement, as they should be. OK. But then you can go back and substitute, and get paid for the substitute teaching. So you're getting your retirement, plus your substituting. So what I'm trying to figure out, how does the \$2,500 stack up against retiring and getting paid to substitute, versus staying for \$2,500? That's the math I would like to understand. Somebody is shaking their head yes behind you, so.

WALZ: OK. OK. All right. Good.

MURMAN: Any other questions? Senator Meyer.

MEYER: Thank you. So they would-- they would go ahead and take their retirement under the Rule of 85s, or they would stay on the present salary schedule they have at, at that--

WALZ: Yes.

MEYER: --point in their career, and just get another \$2,500 on--

WALZ: Yes.

MEYER: --top of that. So they would stay on the salary schedule, not take retirement?

WALZ: Right.

MEYER: OK. Thank you.

WALZ: And it, it is only for 5 years.

MEYER: Yeah. I understand that. Yeah.

WALZ: OK.

MURMAN: Any other questions? If not, thank you.

WALZ: Thank you.

MURMAN: And proponents for LB 1053?

JANE ERDENBERGER: I was having a little PTSD when Mr. Royers mentioned his pay when he was hired at, in 2007. I was hired in 2000, so it was less than \$31,000 when I started teaching. My husband's PTSD, I don't think it's ever gone away. Chairman Murman and members of the Education committee, my name is still Jane Erdenberger,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

J-a-n-e E-r-d-e-n-b-e-r-g-e-r, and I'm here today on behalf of the Board of Education of the Omaha Public Schools and in my capacity as chair of our legislative committee. I'm here today in support of LB1053, which would authorize an extended career retention grant under the Nebraska Teacher Recruitment Retention Act. As this committee is well aware, like many of our fellow school districts, our district is facing a shortage of teachers and other school staff. Our teacher shortage exists despite the fact that the Omaha Public Schools has the highest starting salary of any school district in the state. We support policies that would provide additional resources and encouragement to individuals who want to become teachers, as well as to those who are currently teaching. LB1053 would support current educators by providing an extended career retention grant of \$2,500 if the teacher qualifies for an unreduced retirement annuity benefit and signs a contract to teach as a full-time teacher at a Nebraska school through the school year, '28-29. LB1053 would assist and supplement our existing teacher retention programs, and we would encourage the committee's support of this and other similar bills before the committee this session. Thank you to Senator Walz for her efforts in bringing this legislation forward. And thank you to the commitment of your time to consider this. We urge the committee to advance LB1053, and I'm happy to answer any questions. I can anticipate a response to a question that was already asked if you want me to.

MURMAN: Any other-- any questions for Ms. Erdenberger?

LINEHAN: I think she wants me to ask.

MURMAN: Senator Linehan.

LINEHAN: You want to-- you're-- are you wanting to address my question about--

JANE ERDENBERGER: I think, I think I have the answer. I think-- but I also think you're much better at numbers than I am. I was a social studies teacher, but I'll give it a shot. With respect to teachers-- first of all, not all the teachers that leave, by a long shot, take on sub-- like I didn't substitute after I left, so that's part of it. But the other thing is, is that substitute teachers are subbing for teachers-- we're basically paying double on those days. Because we're still paying the--

LINEHAN: Right.

JANE ERDENBERGER: --teacher that's supposed to be there, and we are now paying the sub that's coming in. Or more likely, the sub that's not coming in and somebody that's getting pulled out of their plan time. Or if you're in elementary school, they'll divide up that teacher's class, maybe, and put them in the other 2 first grade classes, or whatever. So I, I think what ends up happening under this program, is you have somebody that just stays in the saddle that much longer and is less likely to-- we would-- we wouldn't need subs during that period because they've left. If it keeps them in longer, it reduces our need for subs. I think. I don't pretend to be an expert.

LINEHAN: Yes, I, I think that's--

JANE ERDENBERGER: Does that kind of make sense?

LINEHAN: Yes. That makes sense.

JANE ERDENBERGER: OK. Close enough.

LINEHAN: Thank you very much.

JANE ERDENBERGER: My dad, the actuary, would think that was good enough math for the moment. Any other questions?

MURMAN: Any-- any other questions? If not, thank you for your testimony.

JANE ERDENBERGER: Thank you very much.

MURMAN: Other proponents for LB1053.

MATTHEW HEYS: Good afternoon. For the record, my name is Matthew Heys, M-a-t-t-h-e-w H-e-y-s, but that usually means I'm in trouble when I hear Matthew, so let's use Matt. I'm here on behalf of the Nebraska State Education Association, and will be speaking briefly in support of LB1053. By way of introduction, I am 51 and have taught for just over 30 years in Nebraska, all in the Millard Public Schools. I was Nebraska's 2000 Madison Foundation Constitutional Fellow, and was recognized by the Gilder Lehrman Institute in 2017 as Nebraska's History Educator of the year. But today, I also speak to you as the chief negotiator for Millard's teachers, the third largest school district in the state, a role I've had the privilege of holding off and on for the last 15 years. So please know the recognitions I alluded to above are not shared to boast, but rather to race right to the point I want to make today. If I have

accomplished anything in the classroom, it's because I relied so much on the wisdom, the guidance, the, the coaching of veteran colleagues during those first 5 years, that previous people before this microphone have already alluded to. The bill we discuss today, LB1053, provides an elegant, targeted mechanism to retain veteran teacher employees in Nebraska schools, who are already facing unprecedented staffing challenges. The number of unfilled teaching positions rose to 908 in the most recent Department of Education vacancy report. That's an increase of nearly 20% over the prior year. And that number comes to us against a backdrop of 100 fewer systems having reported data, so the actual number is probably a lot larger. I do negotiate contracts. I suspect it's a mantra heard in every bargaining session across the state, from Sarpy County to Seward over the last 2 years. If we want to overcome our staffing hurdle, our recruitment challenge, we need to start by retaining the veteran faculty we already employ. And this bill acknowledges that simple reality. But, but it's more than that. I don't think the bill's description of our current situation as an emergency is an exaggeration. Today, many of the newest, most promising educators in Nebraska missed out on veteran mentoring due to the pandemic, and they were similarly denied authentic, face-to-face student teaching experiences for the same reason. They are amazing. They run circles around many of their more veteran colleagues like me, especially when it comes to technology and student approachability and cutting edge best practices. But they do need mentors. They need supports. They need the supports that I enjoyed when I was in their position. If you told me when I began teaching that it would become an accepted practice by the end of my career to offer new teachers \$1,000 hiring bonus and student loan forgiveness, I would have assumed some sort of coup or revolution had taken place. But here we are, and I'm glad that that has happened. I'm glad we have those discussions. But every year we also need to remember our veteran teachers. Every year that we keep a veteran teacher is another year for these targeted measures to take effect and grow our talent pool in Nebraska. I can see, Senators, you know I have a little bit more, but I, I think the kernel of what I wanted to share with you today has been expressed. And I'm happy to answer any questions you might have.

MURMAN: Thank you. Any questions for Mister Heys? Senator Meyer.

MEYER: Yes. I, I have one question, and I'm not sure-- you sound like you would be the most logical to answer this.

MATTHEW HEYS: I can try.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

MEYER: Sorry, Senator Walz. So how, how would this affect the amount that a teacher would be able to retire from their annuity? Would this-- would these last 5 years of bumps, would it, would it kind of through the whole formula?

MATTHEW HEYS: That's, that's a fascinating question. I, I read the fiscal note.

MEYER: Well, this would be a fiscal note for the district.

MATTHEW HEYS: Well, understandably. Sorry. Are you asking how it would impact-- if I were a CFO, how would it impact?

MEYER: Yeah, the, the pool of retirement money, if all of a sudden, you have the teachers that are retiring all bumped up \$2,500 over the-- what they would be on the regular scale, at retirement at 55.

MATTHEW HEYS: It's my understanding the legislation distributes the funds through a grant that the employee applies for. So--

MEYER: So it wouldn't affect [INAUDIBLE].

MATTHEW HEYS: That, that payment would be rendered exterior to any kind of impact--

MEYER: OK. Thank you.

MEYER: --on the school's budget.

MURMAN: Any other questions? If not, thank you for testifying.

MATTHEW HEYS: Thank you.

MURMAN: Other proponents for LB1053. Any opponents for LB1053? Any neutral testifiers for LB1053? Senator Walz, you're welcome to close. While she's coming up, we have 13 proponents, zero opponents, zero neutral.

WALZ: Thank you, Chairman Murman. I think I, I understand the question that you were trying to ask before, Senator Linehan. What-- how would it benefit a teacher if they were to retire and be able to sub, as opposed to doing this program? And I-- the, the answer is benefits. Because you don't get district insurance if you retire and sub, but you continue to get those benefits if you take this \$2,500.

MURMAN: Any other questions?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

LINEHAN: So you're saying the money-- the money probably is about equal, but you keep the benefits if you teach full-time.

WALZ: Right.

LINEHAN: OK.

WALZ: Yeah. Yeah.

LINEHAN: That makes sense. All right. That's a good answer. Thank you.

WALZ: That's a big benefit. Yeah. So, this was just a, you know, a way to look at how we can retain teachers who have a lot of knowledge, as he said, have been great mentors, just really good teachers in the building to fill that 4-5 year gap while we're waiting for our new students, with all our great scholarship programs, to get through school and in the classroom.

MURMAN: Other questions? If not, thank-- oh. Senator Conrad.

CONRAD: Thank you, Chair Murman. And thank you, Senator Walz, for bringing this forward. I just-- I think it's a great idea. I mean, I think that we have to have an "all of the above" type approach when it comes to addressing our teacher shortage and in reading publications about what our sister states are doing, figuring out ways to retain or incentivize retired teachers or soon to be retired teachers, to get a few more years if their passion is still in the classroom, can really, really go a long way. So I know we've talked about it a lot on Retirement Committee, as well. And there's a measure moving through the Legislature to try and take care of some of the impacts on the retirement system for some of those teachers. But I think this is a piece of the puzzle, too. So I just wanted to connect the dots on that for the committee and put in a plug for-- now I don't have the number in front of me, but I'll get-- I'll recirculate that for everybody. Yeah.

WALZ: Thank you.

MURMAN: Any other questions for Senator Walz? If not, thank you for--

WALZ: Thank you.

MURMAN: --bringing it. And that'll close the hearing on LB1053.

ALBRECHT: Next up, we'll have LB2-- LB1273, Senator Murman.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

MURMAN: Good afternoon, Vice Chair Albrecht and members of the Education Committee. My name is Dave Murman, representing Nebraska's 38th District. Today I'm introducing LB1273, which tries to help our kids in Nebraska have the opportunity to participate in extracurricular activities they currently cannot. Specifically, this bill would allow for a student who lives in one district to participate in a extracurricular activity in a neighboring district if their home district does not offer that activity. This is important, especially for rural schools that simply do not have the opportunity of scale to accommodate activities that other schools can. And I'm going to pass out my opening, also. This idea came to me when a constituent wrote me that her homeschooled daughter wanted to compete in wrestling, but her home district did not offer girls wrestling while the nearby district did. I don't think her home district was purpose-- purposefully excluding girls in this case, but it had more to do with the small size of the school and the limited interest from the students. The school could not financially justify creating a girl's wrestling program. If LB1273 were in effect, that family could find an easily-- easy solution to let the young lady wrestle. Besides athletics, there are also many extracurricular programs that some schools might have while others do not, that offer academic benefits or career skills, such as robotics club, debate club, photography club, or DECA, just to name a few. An extracurricular club could give a student an interest or skill in a subject that their core curriculum might not offer, that could sometimes even open students up to a career pathway. These are great opportunities for students to learn and have fun, and I want to make sure that the district they live in is not the only determining factor of if they can have that opportunity. Thank you, and I'm open for any questions.

ALBRECHT: Thank you, Senator Murman. Any questions from the committee? Senator Sanders.

SANDERS: Thank you. Senator Albrecht. Senator Murman, quick question on transportation. If the child decides to attend another school district, who pays for that transportation?

MURMAN: Well, I, I don't think the bill covers that.

SANDERS: Right.

MURMAN: But I assume, this is a-- addressing homeschoolers. So the homeschooler would be responsible for transportation to the-- whatever district.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

SANDERS: Thank you, Senator Murman. Thank you, Senator Albrecht.

ALBRECHT: Thank you, Senator Sanders. Any other questions? Seeing none, you'll stay to close, of course. Any proponents wishing to speak? First one. Hello.

DAVID LOSTROH: I guess I can still speak to Senator Murman over there, but he's not on the panel, I guess, actively now. Senator Albrecht, Vice Chair, and the Education Committee, my name is David Lostroh, spelled D-a-v-i-d L-o-s-t-r-o-h. I serve as a board member and legislative coordinator for the Nebraska Christian Home Educators Association, the NCHEA, and we are a proponent of LB1273. And it is true that this is for homeschool students: provide for admission and participation in extracurricular activities for exempt school students without charge for part-time enrollment in the school district for some purposes of participation in extracurricular activities in accordance with Section 79-2136, if such student or at least one parent of such student resides in a neighboring school district and the school district where such student or such students' parents reside does not offer the extracurricular activity the student desires to participate in through part-time enrollment. The NCHEA supports homeschool parents selecting these courses and activities from the local public school they believe would be helpful to their children. Homeschool parents should have the ability to make these choices because they pay taxes to the public schools at the same rate as if their children were attending the public schools. And also, the Nebraska Constitution calls for the free instruction in the common schools of the state for all per-- persons between the age of 5 and 21 years. Over the years, the NCHEA has received phone calls from parents who want the kinds of options that would be provided by LB1273. The, the main point of, of this bill I, I see, is that there's limited availability for sports and-- on other interschool activities for home students, depending on where they live. I had students homeschooled. We-- my wife and I homeschooled for 30 years. Unfortunately, there was basketball and other things in this area, in the Lincoln area. Also, Omaha has quite a few homeschool teams, and so it depends on where you live. If you're homeschool out in a, in a area where there's really not many other homeschool families right there, then you really can't participate. So that, that is, I think, the, the driving force here, is to give an opportunity to these kids to be able to participate. So I, I really appreciate Senator Murman bringing the bill forward.

ALBRECHT: OK. That's your-- end of your testimony? Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

DAVID LOSTROH: Yes, yes. I'm done.

ALBRECHT: Any questions from the committee? Seeing none, thanks for being here.

DAVID LOSTROH: OK. Thank you.

ALBRECHT: Next proponent.

LORI STUTZMAN: Good afternoon, Education Committee. My name is Lori Stutzman, L-o-r-i S-t-u-t-z-m-a-n. We are in our eighth year of homeschooling our 3 dol-- daughters in Arnold. My oldest daughter's ninth grade year, we enrolled her part time in Arnold so she could wrestle in the new girls division. According to the NSAA rules on the website, a girl who practices with boys must compete in the boys division. Our daughter practiced with the only other female wrestler, who was a senior. Knowing there were no other girls who plan to wrestle in the Arnold-Callaway, led me to reach out to Stapleton, who had a growing girls wrestling team. The school board and superintendent agreed to allow her part-time enrollment. Last year, she wrestled and qualified for state. She also joined FFA, which Arnold does not offer, and was elected to an officer position for the '23-24 school year. August 1, I received a call from the Stapleton superintendent that my daughters could not attend this year because it was against state statute. Over the next several weeks, I talked to so many people, desperate to find a way to keep them in Stapleton part-time. The only way was a contract between Arnold and Stapleton. Arnold's superintendent indicated that the board would not agree to pay tuition even before going before the school board. Stapleton would not draw up a contract that was likely going to go in the garbage, and we had an attorney willing to draft a contract, as well. But who wants to pay for that if Arnold is going to vote no? I specifically asked Arnold's school board member for the tuition amount to be placed on the meeting agenda, and I was told no. This left us no alternatives. Returning to Arnold isn't an option. There are still no girls wrestling and they don't offer FFA. My oldest daughter fell in love with this. There's also a lot of bullying in the school, which includes teachers being a part of it. And after attending Stapleton, we believe the bullying would be much worse. My other 2 daughters didn't get to start sports or other activities, and my 11th grade daughter had to resign her-- as treasurer of the FFA chapter. This hurt not just her, but her chapter, her advisor and officer team. She wasn't able to get her 100th win this year or qualify for state. Homeschool families should have the opportunity to send their students to another district not provided-- for activities

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

not provide-- provided in their resident district. Relying on schools to do what is best for the students clearly doesn't always happen. Humbly, I ask you to vote this bill out of committee, champion it on the legislative floor to allow my daughter and other homeschool students the opportunity that best fits them on a part-time basis. Homeschool students are not less deserving just because they are homeschooled. Thank you for your time.

ALBRECHT: Thank you for your testimony. Any questions from the committee? Seeing none, thanks for being here.

CONRAD: Thanks for being here.

ALBRECHT: Next proponent.

ALEXSIS STUTZMAN: Hi. My name is Alexis Stutzman, A-l-e-x-s-i-s S-t-u-t-z-m-a-n. I am 15 and in eighth grade. I would like to pursue the ability to do food science by participating in FFA. However, I cannot do that in the school district I live in. This is due to the fact that they do not offer FFA. With that said, if you were to pass LB1273, that would mean I could participate all 4 years I am in high school, which would give me much better chances at FFA degrees I normally could not pursue. Not only could I participate in FFA, but also any other extracurricular activities I choose. It would me-- be in a school that has not bullied me or made me feel like an outsider, but rather, as they started to find out more about who I am, they welcomed me with open arms. Please vote for LB1273 so I and others like me can have the opportunity.

ALBRECHT: That's very good. Thank you for your testimony. Any questions from our committee?

CONRAD: Good job.

ALBRECHT: Very good. Thank you for being here. Any other proponents?

AUBREE STUTZMAN: Hello. My name is Aubree Stutzman, A-u-b-r-e-e S-t-u-t-z-m-a-n. I'm a 16-year-old junior at Triple A home school. I'm here to ask you to vote yes for LB1273. I read this bill the first chance I got. I'm a die-hard wrestler. It's in my blood. I love the feel of a hard-earned sweat in practice and the sense of accomplishment I get when I win. I love losing and the drive to improve it gives me. I love the camaraderie of knowing how hard we work for those 6 minutes in that circle, and we know the hours we put in every day to get better. We have an unspoken understanding that this isn't for everyone, but those who choose it know the power it

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

gives us. I was ecstatic 3 years ago, when the NSAA sanctioned girls wrestling. We immediately started the process of enrolling part-time in Arnold Public Schools. Arnold Sports Co-op still offers girls wrestling, but they have no participants, which, according to a NSAA ruling from the spring of 2021, would mean I have to compete in the boys division, effectively removing me from competition. I am a firm believer that I can do almost anything the boys can. However, I recognize that by this age, our bodies are way different, making it just too dangerous. I am unapologetically a Christian, and my parents also have rules about this that I have to respect. Last school year, I was enrolled part-time in Stapleton Public Schools. They have a growing girls wrestling team. I was able to finish my season with a 41 and 4 record, qualifying for state. Because I compete at a high level with the best in the state, I had good chances of receiving a wrestling scholarship. I have-- that are likely gone because of missing this season. I have loved agriculture since I was a little girl visiting the family farm. I wanted to do FFA for a very long time. Stapleton has an active FFA chapter while Arnold doesn't offer it. I love the chapter and became super involved. I competed in public speaking, agri science and vet science. I narrowly missed qualifying for state in public speaking, and was the only one to place from my team in agri science. In vet science, my team won districts. After encouragement from the other members of the chapter, I ran for and was elected as treasurer for this school year. They gave me a home I never had at Arnold. I will never forget the day that we got the call that because of the way the state statutes are currently written, it is not possible to continue at Stapleton. I won't forget looking my fellow officers in the eye and telling them I couldn't come back. I won't forget how much it felt like I was failing them. All of this because Nebraska Statute 79-136 roughly states that for a part-time student to option into another district, the school district of residence must enter a contractual agreement with the school district the student wishes to attend. This school-- this contract requires a monetary agreement that the school district of residence must pay the school district of attendance, taking the choice out of the parents' and students' hands. This bill will amend that and fix the problem. It would give not just my family, but also many homeschooled students across the state, present and future, the chance to participate in the extracurricular activity that has their heart, regardless of where they live. Thank you for your time. Please vote yes for LB1273.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

ALBRECHT: Well done. Thank you, Aubree. Any questions from the committee? Very good. Thanks for being here. Any other proponents? Got one more.

WILLIAM J. FORBES: My name is William J. Forbes, W-i-l-l-i-a-m J-. F-o-r-b-e-s. And I'm glad to hear that somebody else drove 500 miles or 400 miles to be able to speak to the committee here. So I wanted to say, I, I think it's extremely important, this LB1273. There's a number of reasons why, primarily because what we see-- an increasingly number of priests that are coming into our public schools, and using their podiums for pulpits to evangelize and indoctrinate our kids. And because of that, we have a number of people that are pulling our kids out of public schools. And they don't want our kids to be indoctrinated with religious and theological ideas that are being perpetrated by our government schools, by our public schools. They would rather have their kids at home. And they want our-- their kids to understand a worldview that the government schools don't want them to understand. And so, the only opposition that I can really think of, to this particular bill, would be that we cannot have these freethinking kids come in and influence the kids that are in our public schools. We have to keep our public school kids indoctrinated, and we can't have other thinkers to come in and think differently than our government school kids do. And so we don't want these kids to come in and, and deprogram what we are programming our kids to think. And so I think because of that, this bill is extremely important that we pass it and it goes on to, to committee or it goes on to, to, to discussion. And I would say the very same thing about LB1034, Lippincott. I think that's an extremely important bill, also. Because, you know, I, I think the greatest thing for that bill is to-- is, is to go before the court, and it'll be tweaked in a way that it will become law. So, any questions?

ALBRECHT: Thank you for your testimony. Any questions from the committee? Seeing none, thanks for being here.

CONRAD: Thank you.

ALBRECHT: OK. Any other proponents wishing to speak? Any opponents?

COLBY COASH: Thank you, Senator. Albrecht, members of the Education Committee. My name is Colby Coash. That's C-o-l-b-y C-o-a-s-h. I represent the Nebraska Association of School Boards. My testimony today also represents the testimony of the Rural School-- Rural Community Schools Association and the Council of School

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

Administrators. And we certainly understand what Senator Murman is trying to do with this bill and accomplish. But we do see some challenges with this bill. This bill would allow nonresident private school students or homeschool students to access, to access extracurricular activities if their resident district does not offer them. But a nonresident public school student would not receive that same opportunity, and we don't know if that's fair. It would be a real challenge to explain to a kid who lives in the district, lives across the school, doesn't get a spot on the team, to a nonpublic student who lives outside the district, has no requirement to be-- to take any classes or even be in the school. That disparity is, is, is a real challenge for us. Last year, this committee passed a bill-- or through this committee, the Legislature passed a bill that a resident homeschooled student participating in extracurricular activities shall do at least 5 credits offered by the school in any semester. But this bill doesn't retain that requirement that this committee passed, passed through to the Legislature last year. So it's, it's for those reasons that we would ask the committee to take a second look at this, make sure that there's some, some parody of this. As a possible fix, you might look at, you know, at the beginning of the bill, there's a "shall." You could change that to "may," and that might open up some discretion up on the part of, of districts to work with families like the ones that you heard today. But that'll conclude my testimony. I appreciate your time.

ALBRECHT: OK. Thank you very much for your testimony. Any questions?
Senator Linehan.

LINEHAN: Thank you very much, Mr. Coash, for being here. On your example that a child couldn't opt into-- they could just opt into the school. Couldn't they?

COLBY COASH: A child could, could opt in, but a, a public school student would have to opt in-- opt in.

LINEHAN: Well that's what I'm saying though. If they-- if there was a school down the road that had a program they wanted to--

COLBY COASH: They could opt into that school.

LINEHAN: --they could opt in and the state would pick up the tab.

COLBY COASH: That's right. But under this bill, if you're not enrolled in a public school, you just get to go into the extracurricular activity without having to opt in.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

LINEHAN: Right. I, I get that. Here-- here's what I don't understand, and I don't know if this is a question. I think it's a question. Where were, like, the adults here? Like, you've got a child-- I'd understand if you said no the first time, when they wanted to sign up and go to the school. And you said, no, we're not going to do that, then that seems reasonable. But letting her go for a year, and then the adults can't figure out how to let her finish?

COLBY COASH: Yeah. I would, I would agree with you, Senator. I-- this-- the testimony that you heard is the first time I've heard of that example. So I can't speak to the ins and outs of that particular situation. But I would agree with you. The adults, typically, can get in the room and figure these kinds of things out.

LINEHAN: Yeah. Thank you for being here.

ALBRECHT: Thank you, Senator Linehan. Any other questions? And I'd kind of piggyback off that, because if Senator Murman is basically talking about rural areas where the distance between schools are so massive, you know, it's sad that we have to bring laws. Wouldn't you agree? I mean, even if you had a public school that didn't offer, say, girls wrestling, and one of your students wanted to just go for that particular-- would she have to take 5 credits just to go to a different school, so she could wrestle? If, if her school--

COLBY COASH: Under the current law, yes.

ALBRECHT: --if her public school didn't offer it? So under the current law she would have to--

COLBY COASH: Under the current law, to participate und-- in an extracurricular-- in extracurricular activities, whether it's a sport or FFA, you've got to become an enrolled student of that district, whether it's part-time enrollment under the option program. That gives you the, you know-- if you enroll in a district, even if you don't live there, that gives you the, the-- all of the things that come with that, right, the ability to participate in the extracurricular activities. What this bill says is that you don't have to enroll in the district. You just have to be able to show up. And you know, if, if you have a public school student that wants to go into the neighbor's football team, basketball team, whatever, that student has to enroll. So that's the disparity that this bill brings up, that I wanted to bring to the, to the committee's attention.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

ALBRECHT: Makes sense. Thank you. Any other questions? Seeing none, thanks for coming in. OK. Next opponent. Anyone wishing to speak in neutral? Seeing none, Senator Murman, would you like to close? We have, we have proponents of 34 letters, and opponents at 5, and zero neutral.

MURMAN: Well, first of all, I want to thank the people that came so far to testify. And I know the Stutzmans. This was the first time I'd met them. And I didn't have to ask which of the daughters was a wrestler. We shook hands, and, and I knew which one.

ALBRECHT: She took you down.

MURMAN: But as, as far as some of the questions that Mr. Coash brought up, a public school student could option in to another district if they did want to participate in something that wasn't allowed in there-- or wasn't a, a program that wasn't in their district. So, so that-- you know, I just want to do what's best for our kids and our students. So, I think this is a good bill, that will allow the kids to participate in their dream in a, in a, a neighboring or a nearby district. And you know, the-- OK. I thought about bringing a bill that would allow homeschool students to participate in, in programs in any district. But I do understand there is the risk there, that certain athletic teams could be-- with a good, you know, a good coach or something, that could be piled on to that team. So-- but this, this, you know, with, probably a limited number of homeschoolers and only if that extracurricular activity wasn't in their home district. So I don't think that risk is there. So with that, I'll answer any questions.

ALBRECHT: Thank you. Senator--

MEYER: Just, just one question. So--

ALBRECHT: Senator Meyer.

MEYER: --so this would change the state law to allow that. Would the receiving district then have to sign a waiver?

MURMAN: A waiver to what effect?

MEYER: To allow the, the students in. Or is there-- it's just--

MURMAN: Yeah. I'm not sure about the-- you know, how that would work out, but--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

MEYER: OK.

MURMAN: You know, we can, we can work on the bill, if there's something that we need to tweak on it.

MEYER: It's one of those things that seems pretty simple, but once in a while, the--

LINEHAN: Yeah.

MEYER: --unintended consequence of a law gets in the way. Thank you.

ALBRECHT: Thank you, Sen--

MURMAN: I know for some of the testifiers today, they would really like to go-- have it go into effect for next year. So, you know, we would like to get it done this year.

ALBRECHT: Any other questions from the committee? Seeing none, we'll close LB1273, and move on to LB1398, Senator Murman.

MURMAN: Good afternoon, Vice Chair Albrecht and members of the Education Committee. My name is still Dave Murman, and I still represent the 38th District. Today I'm introducing LB1398, a bill that would aim to give special education students the ability to option enroll in another school district. And I do have a passout of my test-- of my open here. Last year, we put in the work to bump the state aid for SPED reimbursement up to 80%. This was great progress, but the reality is that this still does not give schools much of a financial desire to accept SPED option enrollments. The way this legislation is currently written is not something set in stone, but more so, a topic to start the conversation on how we can make this happen. This concern has become important to me, as I have heard from a constituent who is a teacher at a smaller rural school. That teacher works in a different school district than the one he lives in, and would much prefer to be able to have his special needs child to be able to go to the same school he teaches at, making things like commuting much easier for his family. While the school where he teaches isn't trying to keep that student out with any harmful intentions, without full im-- reimbursement, the funds needed simply are not there. This story isn't unique, but the reality is, not having that extra 20% of funding can be an issue. In a 2023 article by the Omaha World-Herald, it described a mother of a special needs child who struggled with bullying at her current Omaha school, and the other Omaha schools did not have adequate services to allow her to opt into. In the article, she said, I could get a trans-- I

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

couldn't get a transfer into Bellevue. I couldn't get a transfer into Millard or anything. It was just OPS. And I was like, how was my daughter getting so cheated? Who is getting the short end of the stick? The harsh truth is, her daughter. But I know we, as a Legislature, can put in the work to do better for all our kids. Preferably, I would hope we can use the spec-- the Education Future Fund to try and make this happen, or if we can't seem to make that work, we could establish a form of scholarship program in which philanthropies could cover that final 20%, structured similarly to the Opportunity Scholarships program. I'm very open to discussing with everyone what they think the best option is, but no matter how we go about it, I think we can get there and figure this out to live-- to deliver for all of our kids. Thank you, and I'm happy to answer any questions.

ALBRECHT: Thank you, Senator Murman. Any questions of the committee? Seeing none, thank you. First proponent. First proponent for LB1398.

GARY SHADA: Good afternoon. My name is Gary, Shada, G-a-r-y S-h-a-d-a. This is my daughter, Kylee, K-y-l-e-e S-h-a-d-a. And on behalf of my wife Deidre and my daughter Kylee, we would like to thank the Education Committee for considering LB1398, and specifically thank Senators Barry DeKay, Lou Ann Linehan, and Dave Murman, who have all taken time out of their busy schedules to listen to my family's situation. Back in 2015, my family purchased a beautiful acreage that took us 1 mile outside of the Pierce Public School District. This is the district where I teach and my son attends school. However, when we attempted to option enroll our daughter into the district, we were denied because she has an IEP. And at that time, that's all the justification that a district needed for denial. I made numerous phone calls back then, from the Department of Education to my local state senator and other government officials. And with each call, it became more and more obvious that the real reason for my daughter's denial-- not just my daughter's denial, but the denial of other students with IEPs, was money. Despite the efforts of myself and then Senator Kate Sullivan, who introduced a bill pertaining to my family's situation, it was to no avail. Then, back in September of 2023, faculty members in my school district received an email from our superintendent telling everyone that there had been a change regarding option enrollment for kids with IEPs, and that the reimbursement for a school's special education expenses had increased to 80%. In November, I spoke with my superintendent to get the specifics of the new criteria that would be used. He told me that providing the school district hasn't set a cap size for their classes and adding the student does not exceed the

class size and/or that accepting the student does not add extra financial cost to the district, then a student with an IEP can be accepted. If accepting the student would add expense to the district, then they can be denied. Once again, money is a key factor that can allow a dis-- school district to deny a student option enrollment. We, teachers in my district, have been told that the superintendent's job is to operate the school like a business, and that's how many decisions are made in many districts across the state. My daughter is not a manufactured consumer good, and I'm not a salesman. She's a beautiful little girl who happened to be born of Down syndrome, and thus, should be treated as any of you would want your child to be treated. And my wife and I are parents trying to give her the best possible education we can for her. When Governor Jim Pillen ran for office, one of the planks of his campaign platform was education, and that all school age children in Nebraska should have the opportunity to attend whatever school they wanted to, and that money should never be a factor that could hold a student back from their desired school. That's one of the main purposes of LB753 and LB1386. And yet, this is exactly the reason some kids with IEPs can still be denied. I ask you, committee members, how would you feel if your child was viewed as a financial burden? Because when my daughter was denied option enrollment the first time, and knowing that there's a strong likelihood it will happen again, that's exactly how my wife and I feel. We just want what we feel is best for our daughter, and yet we get denied at every turn we take. I thank you for giving us the opportunity to share our story, and to speak on behalf of LB1398.

ALBRECHT: Thank you very much. You did a good job staying with time and telling your story. Do you have any questions from the committee? Senator Conrad.

CONRAD: Thank you so much, Vice Chair. Thank you so much for making the trip to be here. And welcome to you and your family. We're glad that you're at your Nebraska Legislature. But I know the Education Committee tried to take up an issue with a measure that Senator Linehan carried before and that I carried last go-around, to try and end discrimination in terms of option enrollment, and particularly how it's weaponized against families and kids with special needs or with IEPs. And we were hoping that that would help us to, to make some forward progress. But it sounds like, from your family's experience and some other folks that we're hearing from across Nebraska, that we still have some more work to do there. So it's a, a good reminder to be vigilant, even after we pass state laws, that we have to, to work for, enforce them, and, and fill in any gaps. But I know you traveled a great distance, and it's hard to sit in the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

hearing room all day, but you guys did a great job, and appreciate you being here. So, thanks for sharing this.

GARY SHADA: Thank you very much.

ALBRECHT: And no other questions? Seeing none, thanks for making the drive and being here to tell, tell your story.

GARY SHADA: OK. Thank you.

ALBRECHT: Thank you. Any other proponents? Seeing none, any opponents wishing to speak? Anyone in neutral? Seeing none, would you like to come and close, Senator Murman? Oh, we have 1 proponent letter, zero opponents, and zero in neutral.

MURMAN: Well, I think this is another one of those bills that I dare you to be, be an opponent. So.

CONRAD: Yeah.

MURMAN: I think, you know, I-- maybe it needs a little bit of work, but I just want to-- similar to the last bill I brought, just make it possible for people to do what's best for their child or-- and the child to have the best opportunity in our education system.

ALBRECHT: Senator Linehan.

LINEHAN: I don't expect you to have an answer, but I want to say it for the record, because I think the committee needs to find out an answer. How is this not discrimination? When you accept everybody except a child with a disability, how is that not discrimination?

MURMAN: I totally agree. That's why I brought the bill.

CONRAD: Yeah.

MEYER: I, I, I don't, I don't know. I'm not-- excuse me [INAUDIBLE].

ALBRECHT: Senator Meyer, would you like to ask a question?

MEYER: There are some quirks in the option enrollment program that probably needs some fixes, and I'm certainly not an expert on that. But I know that there are some holes in that, and this is one of those, that the program, the program is filling up in the receiving district. They can say no. With or without a good reason, but--

LINEHAN: I mean--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

MEYER: It's, it's, it's a problem.

MURMAN: Yeah, I know we've tried to address that problem in the past, because, you know, there is the risk that students will flock to a certain district for certain reasons, but discrimination shouldn't be an issue in our--

ALBRECHT: No.

MURMAN: --discriminating against people with disabilities shouldn't be an issue in our education system.

ALBRECHT: OK, if that-- no other questions, that will close LB1398. And thank you, Senator Murman. Up next, Senator Linehan.

MURMAN: Did you open-- open the hearing on LB1253, and welcome one of ours again, Senator Linehan.

LINEHAN: Good afternoon, Chairperson Murman and members of the Education Committee. I'm Lou Ann Linehan, L-o-u A-n-n L-i-n-e-h-a-n. I represent Legislative District 39. LB1253 provides a \$1 million research grant for Nebraska-based companies conducting dyslexia research. The company must be researching artificial intelligence based on writing assistance programs for dyslexia. Over the interim, I met with several students who are pioneering dyslexia research tools. These students are behind me and will testify on how their program works, and how further research would benefit the educational community. I'm happy to answer any questions.

MURMAN: Thank you. Any questions for Senator Linehan?

WALZ: I had a question.

MURMAN: Senator Walz.

WALZ: I'm excited about this bill. Thank you for bringing it, Senator Linehan. So-- and they'll probably answer how the program works. OK. Forget it. I'll let you off the hook.

MURMAN: Any other questions? If not, I'm sure you'll be here to close. Proponents for LB1253. Good evening.

BRIDGET PETERKIN: Good evening. Thank you, Chairman Murman and the members of the Education Committee for taking the time to listen to my experience today. My name is Bridget Peterkin, B-r-i-d-g-e-t P-e-t-e-r-k-i-n, and I am a student at the University of

Nebraska-Lincoln and the co-founder of a startup called Dyslexico. I appear before you today in favor of LB1253, representing my startup, Dyslexico. Dyslexia is a condition characterized by differences in orthographic mapping in the brain that result in challenges with spelling, grammar, and language composition. Statistics show that, while bad at spelling, people with dyslexia are brilliant. However, barriers in written communication can stifle this potential, leading to poor academic performance, self-doubt, and twice the likelihood to drop out of high school. It is estimated that 10% of people have dyslexia, meaning that there is statistically a student with dyslexia in almost every single classroom in Nebraska. Growing up in the Nebraska school system with dyslexia, my co-founder Grace Clausen experienced some of these hardships firsthand. She faced doubt and ridicule from teachers and peers because there were no good writing tools that worked for her brain. She had to work harder to navigate writing in a world that was not made for her. When we both got to college at UNL, we both chose to study computer science, and we realized that there was an application of artificial intelligence that could change the game for people with dyslexia. We set out to build Dyslexico, to provide people with dyslexia writing tools to communicate with confidence. The Dyslexia Research Grant Program could help businesses such as mine continue our research to help students with dyslexia in our state communicate and learn in a system that has too long failed to meet their needs. My team of students built an assistive writing platform, with an AI designed for dyslexic error patterns, to catch mistakes that other tools miss and provide a suite of support tools to people with dyslexia. The Dyslexia Research Grant could help businesses like Dyslexico continue to invest more resources into improving this model and actually get it in the hands of students in the state who need it most. This research comes at a critical time. The rise of AI tools like ChatGPT can inhibit the education process by writing for the student, prohibiting them from communicating their own ideas. Nebraska students with dyslexia need tools that empower them with the benefits of AI for dyslexia, while maintaining their ability to learn how to write themselves. In addition to supporting students, we also want to save Nebraska educators' time by automatically analyzing student error patterns. The Dyslexia Research Grant could help companies like us continue our research on writing analytics to automatically identify weak spots from a student's writing data and provide teachers with individualized learning plans, so students can learn from their mistakes and thrive. Thank you for your time. And I welcome the opportunity to address any questions.

MURMAN: Thank you. Any questions? Yes, Senator Albrecht.

ALBRECHT: You have a nice handout. Would you like to explain some of it to us?

BRIDGET PETERKIN: Yeah. Of course. So kind of-- we can go through each of the sections a little bit. The first kind of section is just looking at some facts about dyslexia. So I think there's a lot of misconceptions about kind of how widespread dyslexia is, but then also how brilliant people with dyslexia are. So if you want to kind of take the chance to look through that, you can kind of get a basic understanding of the overview. I kind of went a little bit into about Dyslexico, but we are, once again, a startup based at the University of Nebraska-Lincoln, who's currently had the chance to kind of work as a capstone project through the Raikes School startup studio. So the research to date that we've had the chance to do is again, with that AI application to the problem of writing with dyslexia. So AI is a game-changing solution for the problem of dyslexic writing, because it can actually infer what the writer meant in context, instead of just kind of looking at each individual piece of the writing. Additionally, we want to empower educators with kind of analytics that can save them time and also really surface the resources they need, to be able to provide the best dyslexia, kind of, intervention to students.

ALBRECHT: So, I know when they brought that bill, was it just last year, or 2 years ago, when you brought a dyslexia bill? I can't remember, but, was it-- did you find that it was because they just didn't know how to detect a child with dyslexia?

BRIDGET PETERKIN: Yeah.

ALBRECHT: So what are they doing in the schools today? Do you know?

BRIDGET PETERKIN: Yeah. Thank you for that question. So the previous bill that Senator Linehan brought a few years ago, took some great steps in the fact that it allows schools to be able to provide, kind of dyslexia accommodations, without a formal diagnosis for dyslexia. So dyslexia is a spectrum disorder, meaning that there are some people who kind of are on the entire spectrum of being affected by it. So that was a really great step to allow schools to be able to make steps towards dyslexia care. But kind of what Dyslexico and what this research grant would allow companies like us to continue to explore, is how to get the technology piece there, as well. So right now, even if there's a lot of really dedicated educators, dyslexia is

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

something that is going to affect you your entire life, beyond third grade, when some of that initial bill is targeting. So students who are in high school, students who are in middle school, students who are applying to college, still need writing support tools. And right now, the ones are currently failing to meet their needs. So we want to use the power of emerging technologies to help them, as well as supporting their educators.

ALBRECHT: Thank you for being here. Thanks.

MURMAN: Any other questions? Senator Conrad.

CONRAD: Thank you. Chair Murman. Thank you so much for being here. I've read about your work and, and proud to have the flagship campus at the university in my district. So it's always a pleasure to connect with the, the bright leaders, like yourself, that are doing these exciting and wonderful things. And then I was hoping, could you also tell the committee how brilliant ideas like this work with some of the other tools, if you know? If you don't know, no problem-- with like the, the incubators on campus or the combines, or does Raikes School kind of help you figure out how to get these great ideas to market? And I know you've also been recognized recently, with the Chamber Award, I think, for your, well-deserved innovation. So can you just help the committee understand kind of, once do you come up with this brilliant, great idea, you know, how the University or other stakeholders in Nebraska work with people like you, to, to scale this idea up, and, and kind of how this legislation fits within a piece of that puzzle, if you, if you know.

BRIDGET PETERKIN: Yeah. No. Thank you so much for that question. I start-- want to start by saying that the University community is extremely supportive of entrepreneurial endeavors, so huge props to them for all their support. But we're currently functioning in the Raikes School of Computer Science and Management startup studio incubator, which means through the generous donation of a member of our board, we're able to get a team of students kind of working on this project, for now, our second year. So through all that, and the help with centers like the center for entrepreneurship. We've been able to get this idea from a crazy idea to help people we love, to a product that is kind of in beta testing phase, online. So, through that community, we are able to kind of get started, form our LLC, and began to actually build out our solution. As we look to the future, though, most of my team are graduating seniors. So as we try to get this from kind of a school project to something that can actually have widespread state impact, that's where a grant, like this

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

Dyslexia Research Grant could really help us make that transition, out of, kind of, the academic incubation setting.

CONRAD: That-- that's perfect. Thank you so much. And you're not allowed to leave Nebraska after you graduate. You have to stay right here. OK?

MURMAN: Thank you. Any other questions? If not, thank you very much for your testimony.

BRIDGET PETERKIN: Yes. Thank you for your time.

MURMAN: Other proponents for LB1253? Good evening. Go ahead.

TRISTAN CURD: Sorry. Thank you, Chairman Murman and members of the Education Committee for taking the time to listen to us today. My name is Tristan Curd. That's T-r-i-s-t-a-n C-u-r-d. I am a student at the University of Nebraska-Lincoln and a project manager at Dyslexico. I appear before you today in favor of LB1253, representing the startup, Dyslexico. I want you all to imagine a scenario where you're a student and have to write a paper for class. For me, that process is sitting down, writing an outline, writing my draft, and checking it over once before submitting. I forget about the paper the moment it's submitted. However, someone with dyslexia does all the same steps I do, but they have to go to additional lengths to look it over again and again, get it reviewed by peers, and hope that any lingering errors aren't significant enough to hurt their credibility. This example only captures a fraction of the toll that dyslexia can have on even the most brilliant of people. We believe Nebraskans with dyslexia deserve better, and emerging AI technology can empower them to communicate without these barriers in place. If you look at the last page of your packet that Bridget handed out, there's an example of dyslex-- dyslexic writing. They wrote "if someone is wondering" but intended to say "if someone is wandering" from the context provided. The spellcheck technologies the schools currently provide miss this error, but Dyslexico gets it right through the use of AI. LB1253 would invest more in AI technology that can help dyslexic students where other methods fail. The Nebraska State Code 79-2605 recommends daily targeted intervention based on student needs. This is great in theory, but in practice, teachers are overtaxed and don't have the time to conduct daily assessments and in depth annotations for each dyslexic student's writing. The combination of AI and automated statistics, statistics as seen in Dyslexico could take this analysis off the plate of teachers and let them use the results to perform that targeted intervention based on student needs, as the law

requires. I'd like to direct you all to page 2, under research opportunities. This spring, Dyslexico is working with a researcher at UNL to conduct a design-based study. We then plan to conduct a case study to analyze how to improve our tools and best tailor them to the needs of students and educators. Next year, we want to work with the Department of Education to conduct a large-scale research study in schools across Nebraska. The Dyslexia Grant could help companies like Dyslexico continue to invest in the success of Nebraskans with dyslexia, without passing that cost on to school districts. We believe Dyslexico can change the lives of Nebraskans all over the state. If selected for the grant created by LB1253, we could continue our research to support Nebraskan students with dyslexia to reach their full potential, empower educators to help this population that has long been left behind, and help Nebraskan students with dyslexia communicate with confidence. Thank you all for your time. I'm happy to answer any questions you would have.

MURMAN: Thank you. Any questions? If not, thanks a lot for your testimony. Other proponents for LB1253?

JANAE HARRIS: Good afternoon. My name is Janae Harris, J-a-n-a-e H-a-r-r-i-s, and I'm a proponent to LB1253, introduced by Senator Linehan and in-- and the Education Committee. I'm a junior at Millard North High School. Beyond my enrollments in the STEM Career Academy, and, and I'm the women's lacrosse team captain, a tutor at Peter Kiewit Middle School and Miss Lincoln's Teen, and I'm most importantly, a dyslexia advocate. In second grade, I was reading to a kindergarten class and continuously got stuck on words. The teacher constantly corrected me and told me I needed to learn how to read before I read to a class again. I was embarrassed, and till this day, it is terrifying to read out, out loud, and continuous-- and I continuously struggle to overcome. This moment will reply in my head forever. I want to do everything in my power to minimize, to minimize the struggles of dyslexia students. This is why I created my community service initiative, Made for More: Overcome and Inspire. In third grade, I was tested and diagnosed with dyslexia and given an IEP. I was fortunate enough to have parents who advocated for me and found tutoring at Boys Town, at Boys Town and-- an opportunity not every child has. Because of my IEP, my school was able to provide resources, resources to me, through AI and special fonts. The font that you see on this paper in front of you is a dyslexia font that helps, that helps ground words and make it easier for me to read. These programs were helpful but still flawed, since they learned, since they learned my incorrect spelling and cannot distinguish between proper grammar usage over time. However, there is many

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

dyslexia students that aren't identified with an IEP and, and the resources for those who often fail are, are-- to correct dyslexia writing errors. I recently par-- participated in a trial program with Dyslexico, which, which solves these problems. Tech-- this technology is game changing. It utilizes the font I previously mentioned, talk to text, and grammar, and grammar tools to as-- to a-- assist with context errors, and it-- for example, it takes into con-- con-- into consideration whether to use bear, b-e-a-r, or bare, b-a-r-e, in an essay. It is my fervent hope that this grant money could be used to get Dyslexico technology into the hands of Nebraska students. Without the ability to read and write, Nebraska youth cannot, cannot pro-- productive-- sorry-- be productive cit-- citizens and reach success. Who, who knows what others could achieve with the help of this grant? Thank you to the Education Committee, and I'm now open to questions.

MURMAN: Thank you. Any questions? If not, appreciate your testimony.

JANAE HARRIS: Thank you.

MURMAN: Other proponents.

COLBY COASH: Thank you, Senator Murman, members of the Education Committee. My name is Colby Coash, C-o-l-b-y C-o-a-s-h. I represent the Nebraska Association of School Boards. My testimony today also reflects the support from the ESU Coordinating Council. We're very appreciative of what this bill is, is trying to accomplish, in addition to, to the 3 that you'll hear tomorrow. As you'll hear more-- you know, reading is a factor in a lot of things. It's a factor in our corrections system, it's a factor in our workforce, and it's certainly a factor in our education system. What, what we're-- in, in your emails, you'll see a letter from one of our past presidents who's very passionate about this issue. And he's really injected some of that passion into our organization. He shares a story about dyslexia affecting his son. He had a, a smart kid. He was, he was smart-- he had dyslexia, but he was, he was too smart to get any special ed services or qualify that. So he did, did poorly on his ACTs, which could have affected him getting into college. Fortunately, they found some support, got him through college, and he's doing, doing very well. But it just shows how dyslexia and, and this disorder can just take you down a path that can be lifelong without some support. And so, it's for that reason that we're hoping that this bill can harness some of the technology that, that is available to us now that may not have been there when his son was in school, and help improve some of the literacy plans, as indicated in the bill, for students. So we're, we're hoping that this bill, these

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

concepts, will be part of, of what the Education, Education Committee will move forward during this session, and really wanted to be in the seat and, and supportive of, of this bill. Thank you.

MURMAN: Thank, thank you. Any questions for Mr. Coash? If, if not, thank you for testifying. Other proponents for LB1253?

PABLO A. RANGEL: Hello. Thank you for your time. My name is Pablo A. Rangel, P-a-b-l-o A. R-a-n-g-e-l, and I'm the assistant director for services for students with disabilities at the University of Nebraska-Lincoln. My testimony today presents information on educational support for students with dyslexia that is relevant to LB1253. I'm acting in my own personal capacity as an expert on this topic and not representing the University of Nebraska system or the University of Nebraska-Lincoln. The services for students with disabilities office is responsible to help the University mitigate institutional risk of discrimination by determining eligibility for reasonable accommodations for students with disabilities to have equal access to classrooms, course materials, and the ability to demonstrate their knowledge of course content. Not all student concerns related to a disability, nevertheless, require specific or official accommodations through our office. Often, a challenge that a student faces can be addressed by accessing and implementing resources available to all students. For example, students that struggle with time management and executive functioning based on a disability are typically referred to the Center for Academic Success and Transition to help them learn and strengthen time management skills. In a similar way, students with dys-- dyslexia would benefit from access to software that would help them to participate in their courses more equally. The dyslexia-- the Dyslexico software does for individuals with dyslexia what prosthetics do for people who are missing a part of their body. It supports independence and autonomy for a person to move forward, where typically, they might retreat and give up. While this tool is designed to help people with dyslexia, it will result in impacting access for all people. As a person with dyslexia, I believe that I would have benefitted from this sort of software in my school experience. And I also believe that K-12-- that if K-12 students in the state of Nebraska with dyslexia have access to programs such as Dyslexico, they may be more prepared for college when that time comes. Thank you.

MURMAN: Thank you. Any questions? If not, thank you for testifying. Other proponents for LB1253? Any opponents for LB1253? Are you an opponent or a proponent?

MEGAN PITRAT: Opponent.

MURMAN: Opponent. OK.

MEGAN PITRAT: Am I good?

MURMAN: Yeah. You're good.

MEGAN PITRAT: OK. Hello. My name is Megan Pitrat. I'm a middle school special education teacher, and I'm testifying on behalf of NSEA. I've served students with a wide range of learning needs throughout my 10 years--

MURMAN: Could you please spell your name?

MEGAN PITRAT: Oh, my gosh, I'm so sorry. M-e-g-a-n P-i-t-r-a-t-- throughout my 10 years of practice. In a rural school district, I work closely with generalist teachers, support specialists, and the school sites. While we continue to use the discrepancy model to determine eligibility of students with learning disabilities, in recent years, our efforts to expand our building's multi-tiered systems of support have also allowed us to respond more efficiently and quickly to students' learning needs. It's important to understand how these systems of determining student eligibility for special education services are currently functioning. All students receive tier 1 universal instruction. This is the core curriculum that students receive from the general education teacher. If the school wide data markers indicate that students are struggling to progress with the general curriculum, they receive more targeted, tier 2 services. And then students begin receiving tier 3 services when it's determined that they're not responding to tier 2 interventions and need more intensified, individualized supports. Throughout the multi-- if this-- yep. Throughout the multi- and then if they don't respond to those individualized supports, they might be referred to be evaluated for a special education evaluation. Throughout the multidisciplinary team evaluation, the evaluator, typically a school psychologist, delivers a variety of assessments to det-- to determine a student's IQ and achievement levels. The Kaufman Test of Education Achievement Assessment that's used in my district determines reading, written language, and achieve-- achievement skills assessed includes silent reading fluency, word recognition fluency, decoding fluency, reading vocabulary, reading comprehension, written expression, and spelling. If there's a discrepancy of 20 or more points between the student's IQ and achievement score in any of these areas, they would be determined eligible to receive special education services in the

eligibility category of learning disability. I do recognize dyslexia is a problematic disorder that students struggle with. According to the National Institute of Health, dyslexia refers to children who have difficulty in mastering the relationships between the spelling patterns of words and their pronunciations. However, as I previously described in detail, we already have systems in place to identify, reach, and support students, who are struggling with learning disabilities in the areas of reading, language and written expression. I find the proposed bill to be an unnecessary redundancy. Gaps in special education funding are persistent, as previous bills have alluded to today, and they leave much of the burden on local school districts. I believe that allocating funds to research something that is already being serviced within the functioning system is redundant, unnecessary, and a waste of precious funds that could instead be used to support teachers and systems that, as always, do the best with what we are given. I ask you to oppose LB1253.

MURMAN: Thank you. Any questions?

WALZ: I have--

MURMAN: Yeah. Go ahead, Senator Walz.

WALZ: Thank you. I'm just having a hard time under-- understanding, I guess, the opposition to using the, the tool that's being proposed.

MEGAN PITRAT: Specifically, in my experience, I've-- again, 10 years. I've seen a lot of different reading intervention curriculum specifically, that are digital-- digitally based, come through. Like, our district will buy them. We-- and we use them and then they, they go through. So, I-- and a lot of times, I look at the validity of those types of interventions, because of student resistance. So, when I, when I look at that-- so first of all, I, I go back to my, my argument of special education funding is an issue. D-- dedicating dollars to something that could be allocated to special education funding would be helpful. But as far as the resistance to it, I-- special education teachers are taught within our programming how to support students. There are already mechanisms in place to catch students that are struggling with the-- with the areas of-- that the DSM refers to children struggling with, with dyslexia, as far as spelling patterns, of words and pronunciation. So that is included within what would be defined as a learning disability for reading. Does that make sense?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

WALZ: I guess-- not really, for me.

MEGAN PITRAT: OK. What can I do to-- how can I clarify?

WALZ: Have you, have you had conversations with Dyslexico? Do you understand their program? I mean, I'm just curious, like, have you, have you had--

MEGAN PITRAT: I have not had conversations--

WALZ: OK.

MEGAN PITRAT: --with them. No. But do I-- would I anticipate utilizing a-- an AI software in my classroom? Probably not. Like, I don't, I don't anticipate that being helpful for me.

WALZ: OK.

MURMAN: OK. I, I have a question. So, so you're looking at this AI tool as being more of a crutch maybe, than

MEGAN PITRAT: Not a crutch. I see AI as a really helpful tool when students are taught how to use it effectively, but-- OK. So when I-- well, they did talk about, like, ChatGPT. Right. I've used it with students to generate ideas when they're writing. So I-- it is a tool that can be used, but it's not going to be what I use exclusively to teach writing. Does that make sense?

WALZ: Um-hum

MEGAN PITRAT: OK.

MURMAN: So the human to human teaching would be more?

MEGAN PITRAT: That's, that's what I lean on, yeah.

MURMAN: OK. OK. Any other questions? Senator Wayne.

WAYNE: I have a question. What-- you said the Kaufman--

MEGAN PITRAT: That's the KTEA. That's just an example of what our school district uses as our assessment--

WAYNE: Right. Do you know--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

MEGAN PITRAT: --to determine achievement. Other school districts use other-- they might use the Kaufman. They might use other assessments to determine students' achievements.

WAYNE: Do you know, is it-- is Kaufman just one version or is there a different iteration?

MEGAN PITRAT: There could be other versions of achievement assessments, but that's the one we use.

WAYNE: So it's--

MEGAN PITRAT: Yes. There are others.

WAYNE: So the, so the-- it's OK. So if there's other-- I'm just trying to understand. If there's others, then that means research is being done on it. Right. And so, we, we shouldn't do more research? I'm con-- I'm confused.

MEGAN PITRAT: So the Kaufman Test of Education Achievement is this-- there's iterations of it, right. So there's--

WAYNE: Right.

MEGAN PITRAT: --and that's done outside of the education system. We buy those assessments. The school psychologist has a little pamphlet. She uses it to score the assessment that students go through.

WAYNE: But this just creates a research grant. We're not, we're not saying you have to use it, if I'm reading this [INAUDIBLE].

MEGAN PITRAT: Correct. But it's a research grant. Funds are being allocated to, allocated to this research.

WAYNE: Right. And you're using a tool-- you're using a current tool that started somewhere with research, too. In fact--

MEGAN PITRAT: What?

WAYNE: --the Kaufman Assessment started with a research grant.

MEGAN PITRAT: OK.

WAYNE: So you're using that current tool that started with the research, and all this is doing is providing a grant to do more research. Why is that negative?

MEGAN PITRAT: I'm saying it wouldn't be helpful to me, personally.

WAYNE: Well, with all due respect, it's not about you, it's about the student.

MEGAN PITRAT: I'm, I'm-- OK. But as a practitioner, I'm determining, based on my experience and my practice, how to deliver special education services to my students.

WAYNE: I understand that. I guess where i'm, where I'm, where I'm confused is if, if, if the current test you're using started in research that was funded--

MEGAN PITRAT: Um-hum.

WAYNE: --then you would have been testifying against the current research that you're using, if it-- if you would have been back when it started. Because this isn't demanding that you use it in your classroom. It's saying we're providing more research into this area.

MEGAN PITRAT: Sure. But, but they're different things.

WAYNE: No, because it starts somewhere, is my point.

MEGAN PITRAT: Sure. Everything starts somewhere.

WAYNE: Well, you just don't like \$1 million going to research for special ed. Is that, is that the position?

MEGAN PITRAT: No. Specifically, to this AI tool. That's, that's my point. Special education research is something that I would advocate for in general, but specifically, for this tool that I find to be not helpful to my spec-- my practice. I can't testify on behalf of every special education teacher. I can only share my experience with you.

WAYNE: I know. I'm trying to figure out the organization's position, and if it's just-- if it's-- and it's not you personally. I know you're here representing an organizat-- I'm just trying to figure out-- if you're-- if, if the objection is to \$1 million going into special education research, and you're saying you'd rather take that million dollars and have it go into special education funding. Right? Is that what-- is that the position I'm trying to--

MEGAN PITRAT: Well, that's the position I, I gave you, yes. But also, I mean, it's not-- so broad as special education research. It's

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

specifically, dyslexia AI tool. It's not special education research grant. It's a very specific type of tool.

WAYNE: Yeah, because I brought bills for, for research for diabetes. It's very specific. I, I didn't see any doctors coming in and saying, I'm against more research in that area using AI. I'm just trying to understand it.

MEGAN PITRAT: Sure. Specifically, for the-- where I found the redundancy with the dyslexia, is that's not an eligibility category in the state of Nebraska. It's not helpful for me, right, to say-- there's some discrepancy there. It-- it's a little bit convoluted.

WAYNE: OK. Thank you.

MURMAN: Any other questions?

MEGAN PITRAT: Can I help you, Senator Walz?

WALZ: I, I just have a-- can I ask one more question?

MURMAN: Sure. Senator Walz.

WALZ: And it's starting to sound like if you have dyslexia, that you have to-- you have to be part of now, the special education program and have an IEP. Is that what you're trying to say?

MEGAN PITRAT: No, not necessarily, based on what I talked about, with multi-tiered systems of support. So that started back in 2004 with RTI. Students can be caught within tier 2, right, if they're struggling.

WALZ: Right. Yes.

MEGAN PITRAT: So not necessarily an IEP, but other interventions within the school.

WALZ: So this could be part of that tier 2 tool or intervention to help kids get out of that.

MEGAN PITRAT: Sure.

WALZ: OK.

MEGAN PITRAT: Yeah.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

WALZ: That's-- it just sounded like we were starting to say that all kids who have dyslexia have to be in a special education class. I didn't think that was the case.

MEGAN PITRAT: No. No.

WALZ: OK. All right.

MEGAN PITRAT: Yeah. Any other--

MURMAN: Any other questions?

MEGAN PITRAT: OK. Thank you.

WALZ: Thank you.

MURMAN: Thank you for testifying. Any other opponents for LB1253? Any neutral testifiers for LB1253? Senator Linehan, you're welcome to close. And while she's coming up, we had 14 proponents, zero opponents, zero neutral.

LINEHAN: First, I want to thank the students from the University. And I want to thank the professor or-- I didn't catch his name. It is hard to hear when you're sitting back there. I really, really do appreciate them being here, and I appreciate all the work they've done on this. I there's-- I'm actually very appreciative of the special ed teacher who was here because here is the issue. We have some people that don't believe in-- there is anything called dyslexia. I mean, they taught at the university for years that there is no such thing. So we have that issue out there. Then you have when we finally get somebody, and this is a real problem, finally get a student whose parents probably have means to go get them tested and get a diagnosis, then they put them in special ed. They don't need special ed. They need a way to figure out how they can learn to read. So this is a nightmare for parents, because if you get him into special ed, then all of a sudden they can't qualify for any advanced classes. And some of these kids are very, very bright and they'll do great in advanced math classes. So still I'm very positive. I, I like the committee's responses. I think these kids are doing great work, and it's a lot better than it was 6 years ago when Patty Pansing Brooks and I started out on this, where nobody believed what we were talking about. So things have gotten better and they'll continue to get better. So thank you very much.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

MURMAN: Any questions for Senator Linehan? If not, thank you. And that'll close the hearing on LB1253. And we will open the hearing on LB986, also Senator Linehan.

LINEHAN: Good afternoon, Chairperson Murman and members of the Education Committee. I'm Lou Ann-- oh, just a second. Could I, before they leave, I especially want to thank that young girl from Millard North because, as you all know, I'm dyslexic. And for her to get up here and read that statement was, yes, she deserves. [APPLAUSE] OK. I'm from Legislative District 39. During the interim, it came to my attention that the Teach in Nebraska Act, so not the one we've been talking about today, but the one we did a couple of years ago, was passed in 2022. I think actually in 2020. Oh, yeah, 2022-- was a success. In its first year of effect, almost 4,000 people applied for this program. 1,100 applicants were chosen to receive a student loan repayment. When I originally introduced this program in 2022, I wanted it to be directed to new teachers. Due to the circumstances of the Legislature and concerns with the cost of the bill, the program was capped at \$5 million. This fall, I received information from the Department of Education that revealed some issues with this program. First, the bill states that an eligible applicant is someone who resides in Nebraska. That's good. Someone who teaches full time in Nebraska at public school or an approved accredit-- private school. That's good. To receive the funds, the Department of Education determines priority based and financial need. This is where it went off the rails because we were not specific enou-- I was not specific enough. This ended up becoming an issue which because the department did what the bill said so they did it on financial need. So what happened is-- I'm just going to skip; it's getting late-- one applicant is making \$156,000 a year so clearly not a new teacher and-- but they had a lot of student loan. So I would like to change this program to a grant program other than loan forgiveness. And I know we can argue about whether we should do grants or loan forgiveness, but I think we should just do grants. LB986 also imposes the following requirements: A qualified applicant must be within their first 5 years of teaching. The applicant must have an income under \$55,000 a year. The applicant making \$156,000 per year is not the person I think we designed the program for. It was to go to new teachers who are barely making a living. So it's popular and went all over the state. But I think we need to redirect it to make sure we're going to-- because the late salaries, part of the problem, we all know this, teacher salaries are stepped up over time and over education. So if you're there, finally you start making a living. But we're not going to keep these young teachers in the buildings if

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

we're not paying them more money. So this is a way to help keep them those first 5 years. Thank you.

MURMAN: Thank you. Any questions? I have one. Is there an issue if they file jointly between husband and wife?

LINEHAN: I'm sorry, what?

MURMAN: Would there be an issue if they file jointly?

LINEHAN: No, I think it's just an-- we-- well, we need to figure that out, but I was told it's just on their teacher salary, so it wouldn't also-- so you have a teacher and then maybe, I don't know, they're a good salesman. They sell cars on the weekends. That income is not. It's just their teacher salary.

MURMAN: OK. And not their spouse's salary either [INAUDIBLE].

LINEHAN: Not their spouse's salary.

MURMAN: OK.

LINEHAN: I was in sales once. That's not a slam. I sold insurance.

MURMAN: Any other questions? If not, thank you. Proponents for LB986. Any proponents for LB986? Opponents for LB986.

TIM ROYERS: Hello again, members of the Education Committee. For the record, my name is Tim, T-i-m, Royers, R-o-y-e-r-s. I'm the president of the Millard Education Association. I'm speaking on behalf of NSEA in opposition to LB986. The Teach in Nebraska Today Act has been a helpful tool in assisting educators across the state in paying off their student loans. This apparently, as you just heard, was not the intention of some of the members of the Legislature in its current scope. And LB986 would now seek to change the act to limit eligibility to just those in the first 5 years and making less than \$55,000. We have multiple concerns with these changes. First, let's, let's presume for the sake of debate that first 5 years is OK. The income cap would actually adversely impact educators working for Omaha Public Schools. If by the '25-26 school year, there will be teachers in their first 5 years in OPS making more than \$55,000. If someone is in their 5th year with a bachelor's degree and no additional grad hours, they'd be making \$55,296. If they have a master's degree and in their first year, they will be making \$56,320. So even if we agreed with the idea that we should cap eligibility to those just within their first 5 years, the income requirement would

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

exclude teachers from a district that we definitely agree we want to do everything we can to attract talent to that district. Also, by the way, this excludes any extra duty pay that they might get. So if I coach debate, for example, which I did for 8 years, that adds several thousand dollars to my teacher salary and could potentially push somebody up above the \$55,000 cap that's within their first 5 years. But that brings me to the primary objection, limiting eligibility to just those within their first 5 years of teaching. This requirement does not align with the actual impacts those student loan payments are having on our educators. When the Biden administration announced that they were updating the Public Service Loan Forgiveness program, by far the people that reached out to us the most about it were people in their 40s and 50s. And I had a very, very, very modest amount of student loan debt myself. It still took me 12 years to pay off my student loan debt. And the fact is, as I alluded to in my earlier testimony, teacher pay has not been keeping up. I'm going to give you another example about mid-career. Right? Let's, let's go back 30 years to the 1994-1995 school year, the max pay in Millard at that time, which required 14 years of experience and 2 master's degrees, was \$42,584. Adjusted for inflation, that should be \$87,667. I'm in my 17th year with 2 master's degree, I make \$72,000. So I'm \$15,000 behind what somebody like me made in 1994 when adjusted for inflation. Now we're going to eventually get to that similar amount of pay, but it's going to take you 25 years of service versus 14. So again, for those folks that still have-- and by the way, we've got folks in their 40s and 50s who are paying \$400, \$500, \$600 a month on student loans. This is not a small amount in their budget that they're paying. So the Teach in Nebraska Act has aided teachers across all ages. We want to keep it that way. But there is one thing that we do like in the bill that we want to highlight. The bill does lift the annual cap for \$5 million to \$10 million. And the current cap, in our opinion, is too low. According to the information that, that we had, 631 applications were turned away this year. So an increase in the cap would be incredibly valuable to ensure that we are assisting all educators that apply. Thank you. And I'm happy to answer any questions.

MURMAN: Any questions for Mr. Royers? Senator--

ALBRECHT: Thank you, Senator Murman. Thank you for your examples.

MURMAN: --Albrecht.

ALBRECHT: So do you think-- so, so I'm understanding OPS pays a lot more--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

TIM ROYERS: Correct.

ALBRECHT: --for a teacher than--

TIM ROYERS: Yes.

ALBRECHT: --those of us in the 3rd Congressional District. Maybe we should have a tiered system. So if you make less-- if you make what you made, like, even if, you know--

TIM ROYERS: Sure.

ALBRECHT: --considerably less than the \$55,000, maybe those are the folks that we should be going after and not--

TIM ROYERS: Well, and I would-- I mean, obviously, you know, our stance is we don't-- we don't want to see this bill implemented. But I wanted to point that out specifically because I think to go back to some of the earlier productive conversations we've had with this committee, avoiding unintended consequences. And so whether that adjustment is made or not, I simply wanted to highlight.

ALBRECHT: So, so how was it made in OPS because they have so many teachers that they would make so much more than any other starting school teacher?

TIM ROYERS: In terms of, like, why their pay is where it is?

ALBRECHT: Yes.

TIM ROYERS: Well, I, I philosophically I support that because I think-- I want to, you know, OPS schools certainly have more challenges than, like, when I was at Millard West. And I think pay should acknowledge that. To your question of how is the-- how is the pay that much more different? You would have to ask the folks at OPS. My understanding is--

ALBRECHT: So at Millard, a starting teacher would make what?

TIM ROYERS: Next year it'll be roughly \$44,000.

ALBRECHT: 44.

TIM ROYERS: And that's much more. We're number 2. So it's OPS, and then us, and then everybody is down kind of just below where we are.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

ALBRECHT: So, so, so if I were to think about this, I would think in fairness, I would do a tiered system and, and I think there's-- that might be something worth looking at.

TIM ROYERS: I, I totally understand where you're coming from. That's what you do with that information what you would like. I simply wanted to bring that to your attention.

ALBRECHT: Thank you. You have brought a lot of good information. Thanks for being here.

MURMAN: Any other questions? If not, thanks for the testimony.

TIM ROYERS: Thank you.

MURMAN: Other opponents for LB986. Any neutral testifiers for LB986? Senator Linehan, you're welcome to close. And while she's coming up, online we had 2 proponents, 2 opponents, 0 neutral.

LINEHAN: Maybe the \$55,000 is too low. I don't know. We can look at that. We can play with it. But the point here, I thought, and we had a lot of discussions about this today, we have to get people into education. And part of the problem is they can say they're starting and this is-- this is a challenge. A starting teacher salary isn't much more than their benefit package. So it costs the school a lot more than their salary to hire that teacher. And you have young people in their 20s, may not be married, may be starting families, they're not going to give up \$20,000 they can make somewhere else because they have a \$40 benefit package-- \$40,000 benefit package. That's what I'm trying to get around here. And I, I find it troubling that the teachers union would come in and not understand we need to help these young teachers or we're not going to have any teachers.

MURMAN: Any questions? Senator Meyer.

MEYER: Yes. Thank you. I guess when you're talking about student loans, to just throw an amount out that somebody has to pay per month in their 40s and 50s, there has to be a lot more behind the scenes like they maybe changed majors 3 or 4 times in order to get their teaching certificate, because it just really doesn't make any sense how they can have that kind of debt. Or it's a second career that they did something else first and went back to college. So there's a lot of variables in the amount of student debt and the person-- and the age of a person who's doing that. So I guess I'm-- it's not a question. It's more of a statement than a question, but at least it's on the record.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

LINEHAN: Yeah. I, I-- I've got children with student debt. I know it's hard, but, yeah, you should-- by the time you're in your 50s, you should be putting money in retirement, not paying off student loans. Or paying for your kid's college, I mean.

MURMAN: Other questions? Senator Albrecht.

ALBRECHT: Thank you, Senator Murman. Thank you for being here again with this, trying to figure this bill out. But-- so, so the state is going to pay for teachers' tuition, right, to just try to get them to go to college to become a teacher. Correct?

LINEHAN: We had that bill today. We had a lot of bills about this today.

ALBRECHT: Yeah, yeah. And then what's the cost 4 years to become a teacher? Do you have any idea what their debt service is when they leave?

LINEHAN: Well, I think a lot of it depends on where they go to school.

ALBRECHT: Yeah.

LINEHAN: I mean, it costs more. I think today was pretty startling the difference between state tuition and state college--

ALBRECHT: Right.

LINEHAN: --and university. So I think that all plays a-- I'm going to defer to what Senator Conrad said earlier, because I think-- I don't know if some of the lottery money goes to teachers funding too. We need to sit down before we kick anything out and figure out what we're doing everywhere.

ALBRECHT: Exactly.

LINEHAN: Because you got-- and then we got-- we have to decide what are we really trying to do, and make it specific enough that that's what the Department of Ed actually does.

ALBRECHT: OK. Thank you.

MURMAN: Any other questions? If not, thank you. Oh, Senator Wayne.

WAYNE: Just to be mindful when you do a grant to an individual, they got to pay taxes on that so.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

LINEHAN: On the first one, we-- they might have to pay-- I don't know what we did last year, but on the one we did the year before, they don't have to pay Nebraska income taxes. They do have to pay federal though.

WAYNE: OK. Thank you.

MURMAN: Thank you, Senator Linehan. That will close the hearing on LB986 and we will open the hearing on LB1050, Senator Conrad.

CONRAD: Hello.

MURMAN: Hi.

CONRAD: Chair Murman, members of the committee, my name is Danielle Conrad. It's D-a-n-i-e-l-l-e, Conrad, C-o-n-r-a-d. I'm here today representing proudly north Lincoln's "Fightin'" 46th Legislative District, and I'm here to introduce LB1050. So LB1050 would require the Nebraska Department of Education to provide for menstrual products and dispensers at middle schools and high schools beginning in the 2025-2026 school year. This bill was brought to me by an incredibly talented student at Lincoln East High School. Her name is Cassidy Bell. You'll have a chance to hear from her in just a moment. And she's here today to tell her story and to lift up a whole host of qualitative and quantitative research that she has poured into this effort. So before I get into the technical aspects of it, I just-- I want to lift a couple of things up. I think this measure is really important to bring forward to raise awareness, to reduce stigma and to increase equity. And people might say, oh, wow, is the Nebraska Legislature ready to take up equity issues surrounding menstrual supplies? And I contend that we are. And here's why. You might remember that our friend, Senator McKinney, brought forward a bill a few years ago to remove sales taxes on menstrual supplies. Senator Linehan, Senator Albrecht as members of the Revenue Committee, helped vote that out and make that a reality in state law. Our friend Senator Patty Pansing Brooks did a great job advocating to remove barriers and costs for incarcerated women and girls in our state's jails and prisons and youth detention facilities when they were facing barriers to accessing menstrual supplies while they were in state custody. So Nebraska has made progress on these issues in recent years. Our sister states have made progress on these issues in recent years. And I think the time is right to address this from the Education Committee's perspective as well. The other reason why I wanted to bring this bill forward is because I volunteer at a really cool organization in my district called the Center for People in

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

Need, and they help thousands of families across Nebraska who, with job training, with education, with English language learning services, and with the provision of basic needs. And I'm sure you might be familiar with some of these events where they have, like, back to school drives, or they have holiday drives where they provide a few extra things for families that are struggling that might not be picked up in other programs. And I can tell you that volunteering there on the back to school drive, there's like really cool backpacks and all these fun school supplies and other things that kids need to go back to school. And where most of the families start, where the energy originally is, is to hygiene products, is to deodorant and shampoo and conditioner and menstrual supplies. And that really jumped out at me. And I started talking to some of the families that I was in service to at the Center for People in Need and said like, oh, I thought maybe you'd start over at the fun purses or over at the backpacks. And they said, no, this is an issue for us and our family. We literally struggle to provide for being able to buy menstrual products. And it goes, of course, to our dignity and our humanity. And it sometimes keeps our kids from being able to participate at school. And so all of these different experiences really spoke to me when I had the pleasure of crossing paths with Cassidy Bell and other young feminist leaders in Lincoln who had been working on this issue at their school and then were, were not content to just leave it at the doors of Lincoln East, where they had remarkable success. But they organized and they advocated and they took it citywide at LPS to make sure that they got \$100,000 appropriation from the Lincoln Board of Education to provide free menstrual supplies for everybody in Lincoln Public Schools, which is pretty awesome. Another successful model we have in regards to this issue emanates from the University of Nebraska, wherein students organized there many years ago and they've run similar successful product campaigns in, in our university system across the state for many years. So I'm going to leave it there. I thought we would probably be starting this bill at 10:00 at night. So it's good that it's only 6:00, but I still promise to be judicious with your time. And I know there's a lot of energy and excitement around the bill, and we tried our best to direct that to online comments because we know we had a full agenda today. But I will stay here for close, and I'm excited for you to hear the women and girls behind me.

MURMAN: Thank you. Any questions for Senator Conrad? If not, thank you for opening. Proponents for LB1050. Good evening.

CASSIDY BELL: Good evening. Senator Murman, members of the Education Committee, my name is Cassidy Bell, spelled C-a-s-s-i-d-y B-e-l-l,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

testifying today in support of LB1050. I want to tell you a story about a girl. She's just started middle school and she is super nervous about her first history test. She stayed up late studying, and she's pretty sure she's going to crush it. Then, just as her history teacher is passing on the test, she feels a telltale wetness in her underwear. In her dead, quiet classroom, she can't pull out a crinkly pad. She can't sit there free bleeding until the end of the class. So she pulls her sweatshirt over the seat of her pants, walks stiffly to the front of the room, and asks to use the restroom. But once she's there, she's stuck. If she brought her phone, she could text one of her friends begging for a tampon. And if they see her text and if they can get out of class and if they have a tampon, then she'll be OK. But if not, what does she do? She could try walking down the hall and then down the stairs and then down the hall again to the nurse's office. But by that time, she's going to have to go home because her pants are ruined. So goodbye, history test. That girl was me. And that girl was just about every woman in this room. That girl is a lot of girls in Nebraska right now. Because once female students hit puberty, we're given this insurmountable task of being our own nurses and our own janitors. And because we don't talk about it, we girls never say to each other, maybe it doesn't have to be like this. LB1050 would solve that problem. Before I started advocating for menstrual equity, there was nothing I would rather talk about less than periods, particularly my own. I was taught that it's not decent, it's not appropriate, and that made it embarrassing. But when women don't talk about their needs, we can't meet them. In my sophomore year, I finally learned the term to describe what I was feeling at school, period poverty. Period poverty is a lack of access to menstrual products, and every girl who goes to a school where period products are not readily accessible is experiencing period poverty. That's most girls in Nebraska. It pulls us out of class. It fills us with anxiety and embarrassment and intense feelings of isolation for a whole week, every month. I started advocating for menstrual equity by supplying free menstrual products at my high school, and then I lobbied the LPS School Board and now I'm here. And at every step, I thought I'd be done when I accomplished my goal. But whenever I think of stopping, I recall an interaction I had when I was fundraising for those very first menstrual products we supplied at East outside my local grocery store. I met a graduate of the very first class of East High, and she said, we did a project just like that back when I was in high school. And back then everyone's face turned red when you said the word tampon. And I get so frustrated thinking about how little progress we've made since then. I'm here to tell you that there is no one type of equity in education. Equity is

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

not just free lunches or school programs. Equity is not just acknowledging financial barriers to education, but also the barriers that our bodies create. It's treating girls' bodies as female [INAUDIBLE] Educators and administrators in every school need to hear that for one week every month, half the student body is charting courses from their class to the nearest pad, tampon, or private restroom. And that doesn't have to be the case. I'd be happy to answer any questions.

MURMAN: Thank you. Any questions? If not, thanks for the testimony.

CASSIDY BELL: Thank you.

MURMAN: Other proponents for LB1050.

MINDY DILLER: Good evening. I apologize for my attire. I'm a middle school teacher, and I had to represent my Chiefs today and talk a little smack to my 49er kids. So my name is Mindy Diller, M-i-n-d-y D-i-l-l-e-r. And I am here to testify in support of LB1050 on behalf of the Nebraska State Education Association. Having a period is not a luxury. As a middle school educator at a public school in Lincoln, I know how imperative having feminine hygiene products available can be. In the United States, 1 in 4 students who menstruate experienced period poverty in 2021. Without period products, students are more likely to miss school. By providing tampons and pads, schools can help reduce absenteeism, ensuring that students do not miss out on valuable education. Again, having a period is not a luxury. Access to menstrual hygiene products is crucial for maintaining good personal hygiene and health. In Nebraska, 15% of female students in public schools grades 7 to 12 attend Title I eligible schools. A friend of mine who teaches in a Title I elementary school in Lincoln told me that one of her fifth graders didn't have any period products available at home. She came to school upset because she had started her period, and mom couldn't afford to buy any pads. Her classroom teacher gave her the pad she had in her own purse, and then worked out with their health office to get her some more. Ultimately, the teacher bought what she needed because the health office didn't have enough to get her through her cycle. This is not uncommon. Again, having a period is not a luxury. Just this past week, I had 2 separate middle school students ask me where they could get period products. Thankfully, my building and my building staff are able to help menstruating students. This is not the case in every public school in Nebraska. Again, having a period is not a luxury. Access to menstrual hygiene products is a basic necessity. Schools often provide other essential items like toilet paper and soap in

restrooms, and tampons and pads should be considered as part of these basic amenities. By making tampons and pads readily available, schools contribute to normalizing menstruation. This helps break down stigma and shame associated with periods, fostering a more open and supportive atmosphere for students. I have hosted several feminine hygiene product drives of my own. These events have been overwhelmingly participated in by the community. People in Nebraska care about their menstruating citizens and want to help. Again, having a period is not a luxury. I urge you to support LB1050 for students who menstruate. Having access to necessary products allows them to focus on their studies without the distraction and discomfort associated with inadequate menstrual hygiene. The menstruating school-age citizens of Nebraska depend on it.

MURMAN: Thank you. Any questions? If not, thank you for testifying.

MINDY DILLER: Thank you.

MURMAN: Other proponents for LB1050.

ARCHITA RAJ: Good evening, members of the Education Committee. My name is Archita Raj, Archita, A-r-c-h-i-t-a, Raj, R-a-j, and I am a student from Elkhorn South High School and one of the leaders of the Student Advocates for Gender Equality. I support LB1050 because as a student, I know just how needed these resources are. The Student Advocates for Gender Equality was started when the other founders and I saw a free period product initiative at another school, Lincoln East, and we all instantly realized how much of an impact having free products at school would have. It helps to address the hidden issue of period poverty and reduces the stigma around it. We began our initiative by running product drives with Access Period to help students in lower income schools obtain necessary products. Originally, we were hesitant to try and obtain free products for our own school since we live in a higher income area, and we assumed most people probably didn't struggle to afford products. However, we realized that this thinking overlooked many students in our district. Despite the higher average income of families in Elkhorn Public Schools, there are still numerous students who do not have the luxury of affording products, causing them to feel even more isolated because of the situation. Having products in restrooms would help ensure these students get access to the products they need without the burden of having to provide their own necessities. More importantly, the principle of having easily accessible products in restrooms benefits all students, no matter their income level. Even if a student at our school doesn't struggle to afford products, we

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

all understand the feeling of panic when we forget a tampon and how distracting that can be to our learning. Numerous times have I felt the anxiety of rummaging through my backpack and stuffing a tampon up my sleeve, because I'm ashamed someone might find out that I started my period. It sounds trivial, but those who menstruate understand just how much of a relief it would be to to be-- to simply be able to go to the restroom, get a product, and come back, to not have to think about it, to not have to try and calculate when the best time to leave would be, to have to explain to the teacher why it is an emergency, or to find the least noticeable way to get a product from a friend. I hope you all will help support students everywhere by supporting LB1050. And I thank you all for your time here today. It was an honor to have the opportunity to speak to all of you, and I'm glad to answer any questions you may have.

MURMAN: Thank you. Any questions? Thanks for testifying. Other proponents for LB1050.

LISA ALBERS: Members of the Education Committee, thank you for allowing me to speak today. My name is Lisa Albers, L-i-s-a A-l-b-e-r-s. I'm a member of the Grand Island Public Schools Board of Education, and I am testifying for them today and the district itself. And I'm also testifying for NASB. I am a proponent of LB1050, and I want to thank Senator Conrad for bringing this and for putting some funding behind it. Period poverty is a true crisis in our country. It impacts students and their attendance at both rural and urban schools in Nebraska. The free and reduced lunch rate at Grand Island Public Schools exceeds 67%. These are families that live every day with food insecurity. Buying period products is not a priority when food, rent, and gas need to be purchased. The overall narrative needs to change. Paper towels and toilet paper are provided and expected in bathrooms. Why not provide period products? Why are tampons and pads not grouped in the category of necessary bathroom supplies? As adults, if we can begin to discuss menstruation without the unintentional discomfort that sometimes arises, it will allow for younger generations to engage in dialogue about this natural process. When a student starts their period unexpectedly, they should not have-- and they should have access to the supplies they need in the bathroom. They should not have to run around the school chasing down a tampon or pad while missing class. Currently, Grand Island Senior High is conducting a pilot project of offering free period products in the bathrooms at the high school. It has been well received by the students. Grand Island Public Schools are not abusing access to these products, just as students aren't stealing paper towels and toilet paper from the bathrooms. Honestly, we want students to take the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

products they need to be comfortable at work, at home, overnight, and over the weekend. Offering the products at a high school isn't enough. Products need to be available at middle schools and elementary schools. We have 8-year-olds starting their periods at Grand Island Public Schools. Providing period products is another way to keep students in school. Lack of period products creates an attendance issue. Students do miss school if they don't have proper supplies while they have their period. Period poverty is an impediment to school attendance for 1 out of 4 students. Students are concerned about leaking and bleeding through their clothes and the social shame that is associated with this bodily function. This is about families living in poverty that have to make choices between food, rent, gas and period products. Many of you were involved in the passage of legislation that discontinued the taxes on period products, and also the legislation that allowed free period products to female inmates at the women's penitentiary. Please take it one step further to include public schools. I would like to invite you to Grand Island Senior High to see the new machines that were installed to supply free tampons and pads. Also I'd like to invite you to visit with the Superintendent Student Advisory Group. This is a group of students that has assist-- assisted in taking up the cause of providing period products at Grand Island Public Schools. It is my hope that this bill will come out of committee with funding for these supplies. Thank you for your time, consideration and service. And may I answer any questions because I can talk about this all day?

MURMAN: Thank you. Any questions? If not, thanks for the testimony. Other proponents.

AMANDA ROE: Hello. I think I can safely say good evening to the members of the Education Committee. I appreciate you guys hanging in there. My name is Dr. Amanda Roe, A-m-a-n-d-a R-o-e, and by day, I'm an associate professor of biology at a small college in Omaha where me and my partner, Dr. Molly Mahoney, were able to get free menstruation products on our campus for our college students, where there is also a need. However, I am not here in that capacity today. Today, I'm here to talk to you as the parent of a menstruating middle school child, a student, that the passage of this bill would greatly benefit. My daughter started her period at 10 years old. She was in 5th grade. Luckily for us, it was during the pandemic. They were home from school. It gave us the chance to go over the options for period products, to talk about what was happening and to really get into that new pattern without the normal pressures that there would be if she was dealing it-- dealing with it in the school environment. My daughter is currently an 8th grader and has been menstruating her

entire middle school career. In the last 4 years, her periods have become heavier, they've become more painful, and they've become incredibly difficult for us to track. Even with the foundation she started from in a period positive home that is fortunate enough to be able to afford the products that she needs, she is constantly concerned about starting her period and bleeding through her pants at school. The extra pads that she takes to school with her are often doled out to her friends in need. And while menstruation is a normal biological process, it can be an inconsistent and difficult to predict, particularly for our middle and high school students, which means that she doesn't always know when it's time to get new products to take into school. And actually, just last week, one of her best friends bled through her pants and had to go home for the rest of the day. Logistically, having pads and tampons in school bathrooms means that my daughter can spend more time learning and being in the classroom. At her school, they have 4 minutes to get between classes. That's barely enough time to make it to a classroom on another floor, let alone walk to the office, get a pad from the nurse, which may or may not be the appropriate size for a child, go to the bathroom and then make it to class. It's also barely enough time to go to her locker and grab a pad. They're not allowed to carry any sort of backpack or extra bag, so they can't always carry products with them. Dignitywise, having pads and tampons in bathrooms mean my-- means my daughter isn't singling herself out by walking to the office and having to explain what's happening. Accidents can be avoided or dealt with quickly and quietly. The stigma of periods is real, and it is felt especial-- especially strongly in middle and high school, where social interactions and peer groups are integral to development and decision making. Being singled out and potentially ostracized for a normal body function can be devastating at that age. LB1050 would help keep students in the classroom. It would keep them learning, lower their stress, maintain their dignity, and show everyone who uses that bathroom that menstruating is a normal body process. I want my daughter and all menstruating children to be focused on learning while at school, not worrying about period products. This bill would help achieve that and I urge you to support it. Thank you.

MURMAN: Thank you. Any questions? If not, thanks for your testimony. Other proponents.

JOHN NEAL: Good evening. My name is John Neal, J-o-h-n N-e-a-l, and I represent Lincoln Public Schools here in support of LB1050. We're in support of LB1050 for many reasons that have already been expressed today. So I'm not going to try to repeat the incredibly powerful testimony that's already been shared. I would like to share a couple

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

of pieces of information that were important to our district, and I'd like to pass that along. LPS had offered free menstrual products to its students and have for some time. But understanding the importance of the location and the availability of those free products was a process we've just gone through recently, only through the work of the students that you've heard here today, Cassidy Bell and other students at East High and other advocates across our district who help us understand that free is not the same as available and available is one of the most important parts of what LB1050 can do for districts across the state. So that's why we're supportive of it. But I really wanted the opportunity to come and testify to say something else. We're very proud of Cassidy Bell, the other students here testifying tonight, because what they are showing and demonstrating is that they are living out one of the missions that we have for our students, which is that they're going to be civic life ready at the time of graduation. The students that you see coming before you from Lincoln also came to our board meeting, also spoke with our board members, spoke with our administration. They helped us improve our process. They had personal experiences where they needed help. This would help them, but they mostly did it to help others. That kind of experience is what we look for in helping our students learn to be civic life ready, not to be able to carry the message of the district, not to be able to advocate for a bill that's important to LPS, but to advocate a bill that's important to others. And for that, I'd like to say we're very proud of them for their work and their courage. And we support LB1050 coming out of committee and making it to the floor on General File. I'll be happy to try to answer any questions.

MURMAN: Thank you. Any questions? If not, thank you for the testimony. Other proponents for LB1050.

SCOUT RICHTERS: Good evening. Scout Richters, S-c-o-u-t R-i-c-h-t-e-r-s, here on behalf of the ACLU of Nebraska in support of LB1050. LB1050 is in line with previous efforts that ACLU Nebraska has supported that Senator Conrad has mentioned that all support the goal of, of menstrual equity. As you've heard from other testifiers, menstrual equity is a serious issue for marginalized populations. People living in poverty are most affected by lack of access to menchal-- menstrual products. These individuals often cannot afford sufficient menstrual products and disproportly-- disproportionately suffer the medical and psychological impact of reusing products, using products for longer than indicated, or not using any products at all. The bottom line is that no student in Nebraska should have to miss school simply because they cannot afford menstrual products.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

Access to menstrual products is essential to an individual's ability to maintain bodily autonomy. Without consistent access to sufficient menstrual products, students who menstruate may ultimately lack the ability to partic-- participate fully at school or in extracurricular activities, as you've heard from other testifiers. So for these reasons, we thank Senator Conrad for introducing this legislation and the other testifiers and offer our full support.

MURMAN: Thank you. Any questions? If not, thanks for the testimony.

SCOUT RICHTERS: Thank you.

MURMAN: Other proponents for LB1050.

SPIKE EICKHOLT: Good evening, Chair Murman and members of the committee. My name is Spike Eickholt, S-p-i-k-e, last name is spelled E-i-c-k-h-o-l-t. I'm appearing on behalf of Voices for Children as their registered lobbyist. Our policy coordinator, Katie Nungesser, was going to testify, but she had to leave early. I'm not going to try to mansplain menstrual products to you and to the committee, but I did want to be on the record [LAUGHTER] we do want to be on the record supporting this effort because it is an important bill. And we thank Senator Conrad for introducing it. You've got Ms. Nungesser's testimony. I'll answer any questions if anyone has any.

MURMAN: Any questions?

SPIKE EICKHOLT: But I thank you for your time.

MURMAN: If not, thank you very much. Any other proponents for LB1050?

ALYSSA CAPEK: Good evening, members of the Education Committee. My name is Alyssa Capek, A-l-y-s-s-a C-a-p-e-k. I am 14 years old and in the 8th grade at Crete Middle School. I'm here today to speak in support of LB1050. Being a pre-teen or teenager in middle school is tough. In addition to a more difficult class schedule, you're trying to find your social circle and figure out where you fit in. Those issues alone can be stressful and cause anxiety, but also kids' hormones are changing-- sorry if I'm nervous. I've never done this before. But also kids' hormones are changing and girls have to start wondering when they'll start their period. For young girls, menstruation can begin at random times when they aren't prepared. Being caught in a situation where you don't have products with or available to you can be traumatic and embarrassing. I support this bill because I've personally been in a situation where I unexpectedly got my period and bled through my jeans while I was at school in

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

class. I had no "menstruational" products with me, nor were there any available in the bathroom. I was 11 years old. I was scared and embarrassed, and this situation resulted in my mother having to drive 40 minutes from work to pick me up, take me home so I could change and clean my clothes. I know that some schools may have dispensers in the restrooms that allow you to buy the needed products, but many girls my age don't have the money to buy those menstrea-- menstrual products, and very few students carry money with them at school. We're also not allowed to carry our backpacks to or in between classes, and we don't want to risk getting in trouble by stopping at our lockers while using a bathroom pass. This bill would ensure that the needed products are available for girls-- to girls for free, and would give a sense of relief for any girl who would be caught in an unexpected situation. Trying to go through the rest of the school day after bleeding through your clothes makes it difficult, if not impossible, to concentrate in class. Add to that the worry you'd have about being laughed at or bullied. For these reasons, I ask you to please consider advancing and passing LB1050.

MURMAN: Thank you. Any questions? If not, thanks for the testimony. Other proponents for LB1050. Any other proponents for LB1050? Any opponents for LB1050? Any neutral testifiers for LB1050? Senator Conrad, you're welcome to close. And while she's coming up, we had 72 proponents, 4 opponents and 1 neutral in emails.

CONRAD: OK. Thank you so much, Chair Murman. Thank you, members of the committee, for your kind attention and consideration of this matter. I want to give a shout-out to the young women who had the courage to come forward today and share their stories and, to let you know what you already know to be true is that they speak, of course, not on-- not only on their own behalf, but on behalf of the over 80,000 young women that attend public schools all across Nebraska, as reflected in your fiscal note. And some of you may know this about me, some may not. But I got a spark to be involved in public life when Helen Boosalis and Kay Orr were running for Governor in that historic gubernatorial race. And it was life changing for me. And I know for a lot of other women in politics across the state as well, that that experience really, really shaped them. So because of that formative experience that I've had, I've always felt a special kinship, an obligation perhaps, to make sure to reach back and to try and be a good mentor and a good friend and a good leader to other women, aspiring women leaders in Nebraska, like Cassidy and the young women that you heard, here today. So they have been working so hard, they have been working so diligently to talk to so many people, including their peers. And the culmination of that hard work and a

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 12, 2024

wonderful interim study that also had really broad, diverse support from rural senators, from senators across the political spectrum, have helped us get to this moment, which is a key piece in the process. So I'm excited to work with them and other stakeholders to move this forward and happy to answer any questions.

MURMAN: Thank you. Any questions for Senator Conrad? Senator Walz.

WALZ: I have a quick-- is Cassidy in your district?

CONRAD: Unfortunately, no.

WALZ: You're lucky. [LAUGHTER]

CONRAD: Good point. Good point. Good point.

MURMAN: Any other questions?

CONRAD: Thank you.

MURMAN: If not, thank you for bringing this bill. And that'll close the hearing on LB1050 and close our hearing for today. Thank everyone for sticking with us.